

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 25 August 2016
Time: 1:30pm
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly

Mary Birch
Committee Advisor

19 August 2016

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Terms of Reference:

- To carry out leadership functions including advocacy and facilitation on behalf of the community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council.
- To make those decisions which are required by legislation to be made by resolution of the local authority.
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to staff or other Committees.
- To receive the Council Risk Register and legal issues reports.
- To receive reports from the Audit & Risk Committee.
- To develop and approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- To approve the Hamilton Plan and to retain overview of it through setting direction on key strategic projects and receiving regular reports on its overall achievement
- Make decisions in respect of District Plan matters.
- The authority to agree to settle and submit draft consent orders to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Plan Variation or Notice of Requirement to designate land or for a heritage order, or a resource consent application.
- The authority to reject a private plan change request.

Financial:

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council's borrowing programme and treasury management strategy.
- To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

Procedural Matters:

- Delegation of all Committee powers.
- Adoption of Standing Orders.
- Confirmation of all Standing and Special Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive, setting of the Chief Executive's performance targets and review of the Chief Executive's Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations.

Prayers will be led by members of the Waikato Meditation Society

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1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

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

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of Her Worship the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Democracy Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Democracy by telephoning 07 838 6825.

Committee: Council

Date: 25 August 2016

Report Name: Chairperson's Report - Event
Sponsorship Subcommittee
Terms of Reference

Report Status	<i>Open</i>
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1. Purpose of the Report

- To change the terms of reference of the Event Sponsorship Sub-Committee.

3. Recommendation

- That the report be received
- That the Event Sponsorship Subcommittee's Terms of Reference are changed to read:

Quorum: Any three members

4. Attachments

- There are no attachments for this report.

6. Background

- The Terms of Reference of the Event Sponsorship Subcommittee require that a quorum of the meeting is three members, one of which is the external appointee.
- The Event Sponsorship Subcommittee consists of five members, one external appointee and four elected members. It is chaired by the Deputy Mayor.
- The Event Sponsorship Sub-Committee has been unable to meet because it cannot form a quorum due to the unavailability of the external appointee. That situation is very likely to continue. Decisions need to be made on applications for sponsorship as soon as possible so that applicants can confirm preparations for their events.
- For practical reasons, I propose a change to the terms of reference to remove the requirement of the external appointee to be present for a quorum. This will enable the Subcommittee to meet and complete their work. The new Council can decide on any future terms of reference after the October election.

Her Worship the Mayor Hardaker

Chairperson

Committee: Council

Date: 25 August 2016

Report Name: River Plan - Ferrybank
Development Plan - Adoption

Author: Jacob Quinn

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton Plan, River Plan, Central City Transformation Plan, 10-Year Plan</i>
Financial status	<i>There is budget allocated.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To adopt the Ferrybank Development Plan.

3. Executive Summary

4. The Ferrybank Development Plan was identified in the Hamilton City River Plan as a priority project.
5. Council approved a Design Brief on 30 July 2015 for the delivery of the Ferrybank Development Plan.
6. Following a competitive process Council awarded the Ferrybank Development Plan contract to a consortium led by Wraight Athfield Landscapes and Architecture (WALA).
7. The Ferrybank Development Plan document, produced by WALA, is attached to this report.

Recommendations from Management

- a) That the report be received.
- b) That Council adopt the Ferrybank Development Plan as presented in attachment 1.
- c) That staff commence the planning processes associated with enabling the implementation of the Ferrybank Development Plan, including District Plan and relevant Reserve Act Management Plan reviews.
- d) That staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan).
- e) That staff report back to Council with a Stage 1 detailed implementation plan, before 31 December 2016, which includes a progress update on the planning matters outlined in points C and D of this resolution.

- f) That WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

8. Attachments

9. Attachment 1 - Proposed Ferrybank Development Plan - August 2016 (*Under Separate Cover*)

10. Key Issues

11. Background
12. The Ferrybank Development Plan was identified in the Hamilton City River Plan as a priority project.
13. Council approved a Design Brief on 30 July 2015 ([agenda/minutes](#)) for the delivery of the Ferrybank Development Plan.
14. Following approval of the Design Brief, a Tender Evaluation Panel (the Panel) was convened to review Expressions of Interest received from nine individual respondents and consortiums.
15. Three consortiums were short listed by the Panel and a public exhibition and feedback process took place in late 2015.
16. At Council's 16 February 2015 meeting ([agenda/minutes](#)), following a recommendation from the Panel, Council awarded the Ferrybank Development Plan contract to a consortium led by WALA.
17. WALA were tasked with developing their concept plan into a detailed development master plan (the Ferrybank Development Plan), in consultation with Council staff, key stakeholders and in line with the Design Brief.
18. The Panel had an ongoing role meeting on two separate occasions to assess WALA's progress against the Design Brief and offer feedback. The Panel endorses the Ferrybank Development Plan document produced by WALA.
19. WALA were set a deadline of August 2016 to produce the Ferrybank Development Plan document. The document is attached to this report as attachment 1.
20. The WALA team has done an outstanding job at responding to the brief set by Council and has delivered a high quality product for Hamilton.
21. Central city connections
22. The Ferrybank Development Plan is connected to a number of other key projects and themes for Hamilton and should not be seen in isolation of the projects that Council is working on to activate the central city. These projects include the Central City Transformation Plan, the Victoria on the River development, the potential initiation of the Hamilton Properties Council Controlled Organisation, the Developer Contributions Policy and the development of a city economic strategy.
23. Please note
24. To enable implementation of the Ferrybank Development Plan, changes to Council plans and documents will be required (see page 55 of the Ferrybank Development Plan). These include

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the District Plan, the Riverside Reserves Management Plan, and in some cases land status changes to Reserve lands to permit commercial development opportunities to occur. Resolving these matters will be the subject of future Council reports and decisions. However work towards them can commence immediately following the adoption of the Ferrybank Development Plan.

25. Consultation

26. Throughout 2016 the WALA met with Waikato Tainui and a Ferrybank and Roose Commerce Park Stakeholder Group consisting of: Hamilton Rowing Club, Waikato Rowing Club, Hamilton City Hawks Club, Waikato Sports Fishing Club, and the Waikato Dragon Boating & Waka Ama Association.

27. WALA also met the following organisations during the creation of the plan:

- Te Ha O Te Whenua O Kirikiriroa Trust
- Waikato Regional Council
- The Celebrating Age Centre user groups
- Heritage New Zealand
- Members of Hamilton City Council’s Urban Design Advisory Panel
- Property Council Waikato Branch
- Momentum Waikato
- Te Awa River Ride
- Hamilton and Waikato Tourism
- Creative Waikato
- Waikato Museum
- Hamilton City Council staff

28. Financial and Resourcing Implications

29. At Council’s 16 February 2015 meeting, Council awarded the Ferrybank Development Plan contract to WALA at a value of \$150,000 (excluding GST).

30. The Ferrybank Development Plan project has been delivered within an overall \$200,000 budget approved by the River Plan Project Governance Group.

31. The Ferrybank Development Plan budget comes from 10 Year Plan funding for the River Plan, which consists of \$250,000 in 2015/16 and \$500,000 in each subsequent year of the 10 Year Plan.

32. The implementation and partnership approach and initial rough order cost estimates, broken down by stages, are presented on page 61 of the Ferrybank Development Plan.

33. The future financial commitment of Council to implementing the Ferrybank Development Plan will be the subject of future Council reports and decisions.

Signatory

Authoriser	Richard Briggs, Chief Executive
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Committee: Council

Date: 25 August 2016

Report Name: Civil Defence Contract Approval

Author: Blair Bowcott

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton City Civil Defence and Emergency Management</i>
Financial status	<i>There is budget allocated as a function of the Risk and Emergency Management Unit and City Safe but there is a budget shortfall with the recommended proposal.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To obtain Council approval to enter a contract for Waikato Regional Council (WRC) to provide the Civil Defence and Emergency Management (CDEM) activity on behalf of Hamilton City Council (HCC) for a period of 6 years 9 months (to 30 June 2023).

3. Executive Summary

- As reported to the CDEM Subcommittee on [17 March 2016](#), the Waikato CDEM Group (GEMO) has been engaged to provide oversight and direction of the HCC CDEM activity between December 2015 and June 2016 (extended until 30 September 2016).
- During this time, a review of the activity and an evaluation of different service delivery options were completed, with a particular focus on a suitable model for delivery of HCC's CDEM activity over the long term.
- The preferred option identified by the review was to enter into a service level agreement with Waikato GEMO to provide and manage the CDEM service on behalf of HCC.
- This option was approved by the CEDM Subcommittee at their meeting on [28 June 2016](#); with a resolution for the Chief Executive to negotiate an appropriate contract with WRC to deliver a shared service arrangement, and that the details of the final contract be reported to Council for approval.
- The benefits of entering into a shared service arrangement are:
 - Access to and colocation with operationally skilled staff.
 - The ability for HCC to maintain capability over the long-term.
 - Shared facilities and other resources.
 - Purchasing efficiencies.
 - The ability to raise HCC's level of capability in the shortest timeframe.

- Having the HCC Emergency Operations Centre (EOC) housed with the Waikato GEMO EOC in the new Genesis Building, currently under construction in the CBD, which is an Importance Level (IL) 4 building required for Emergency Management facilities.
9. HCC's Emergency Operations Center (EOC) and City Safe team will also be collocated with the GEMO which provides additional efficiencies.
 10. The details of the contract have now been finalised.
 11. Approval of Council is sought because the contract value exceeds the CEO delegated financial authority and the current budget allocated for Civil Defence and Emergency Management.

Recommendations from Management

- a) The report be received;
- b) That Council approves a service level agreement with Waikato Regional Council to deliver Hamilton City Council's Civil Defence Emergency Management Activity for a term of 6 years 9 months with a total approved contact sum of \$2,800,000 at an average \$415,000 per annum (including a contingency of 2.5% to reflect actual employee related costs once recruited).
- c) That the CEO be delegated to finalise the terms and execute the contract with WRC.
- d) That the annual cost of the service level agreement be funded from the existing budget for Civil Defence and Emergency Management, lease of existing City Safe accommodation, and an adjustment to the year end projected result (compared to budget) to be identified through the Risks and Opportunities Report.

12. Attachments

13. There are no attachments for this report.

14. Key Issues

15. Background - Service Delivery Review
16. In January 2016, HCC approached the Waikato GEMO requesting an independent review of Council's on-going capability to deliver on its CDEM obligations.
17. This request was borne in part to address the Local Government Act 2002 requirement to delivery cost effective public services to households and businesses, and coincided with the departure of Council's Risk and Emergency Manager.
18. Since the departure of the Risk and Emergency Manager in January 2016, there has only been 1 full time HCC CDEM staff member in the role of Emergency Management Advisor which is considerably less than is required to delivery adequately on levels of service.
19. The Waikato CDEM Group Controller was asked to assume the daily management of the HCC CDEM activity (including the management of the Emergency Management Advisor) for an interim period of six months, during which time the GEMO would carry out a review of the current service delivery model.

20. At the end of this period, GEMO was asked to present a recommendation for the most cost-effective method of delivery of local CDEM services for consideration by HCC.
21. Cost-effectiveness in the context of a service delivery review is defined as delivering on council’s agreed levels of service in a way that is best value for its customers. This is not the same thing as ‘least cost’ and also includes looking at benefits such as efficiency gains, improvements in services, and/or improving relationships with other local authorities or groups.
22. Key Findings of the Review
23. The review identified a number of positive aspects about what the HCC CDEM programme has achieved over time. It also identified a number of gaps that need to be addressed to bring the HCC CDEM activity in line with best practice and lower Council’s risk in the event of a civil defence event.
24. Three options for the on-going delivery of CDEM were considered:
- Maintain the status quo (of 2.5 FTE staff);
 - Increase in-house staff capacity to deliver on the levels of service required for the CDEM activity as identified by the review;
 - Enter into a shared service arrangement with Waikato CDEM Group (GEMO) through WRC to deliver CDEM on behalf of HCC at the levels of service identified by the review.
25. The cost effectiveness of each of these options was presented to the CDEM subcommittee, and is summarised below.

	Option 1: Status Quo	Option 2: Enhanced In-house	Option 3: Shared Service
Ability to meet legislative requirements	Possible long-term (with risk)	Yes	Yes
Cost	Low	High	High – Medium
Time to achieve improvements in service delivery	Long-term	Medium-term	Medium-term
Risk	High	Medium	Low
On-going sustainability	Low	Medium	High
Efficiency (sharing of knowledge, collaboration, economies of scale)	Low	Medium	High
Preferred Option	3	2	1

26. Based on the above analysis, Option 1 is not reasonably practicable as it will not allow HCC to meet its legislative requirements. This option was not recommended by staff.
27. Between Option 2 and Option 3, Option 3 was identified as preferred as it will meet legislative requirements in the shortest timeframe, and is lower cost. This was approved by the CDEM Sub Committee at their meeting on 28 June 2016.
28. The resolutions from the meeting were that:
- a) *the report be received;*
 - b) *Council approves a shared service arrangement with Waikato Regional Council (WRC) for delivery of Hamilton City Council’s (HCC) Civil Defence and Emergency Management (CDEM) activity;*
 - c) *Council approves the Chief Executive to negotiate an appropriate contract with Waikato Regional Council (WRC) to deliver a shared service arrangement; and*

d) Council notes that the details of the final contract will be reported to the 28 July Council Meeting for approval. (Note: Coming to August meeting due to the timing of negotiations).

29. The preferred option requires HCC to enter into a contract with WRC to provide and manage a local CDEM team tasked with the development, delivery and sustainment of the City's CDEM programme.
30. Combining local operationally skilled staff with more strategically skilled GEMO staff will allow HCC to have direct access to a far broader range of CDEM professionals to address its needs. In addition, the external partners that Council is required to engage with during emergencies are already engaged with the GEMO at a regional command level (e.g. police, fire, DHB, ambulance). Tapping into these existing relationships will greatly enhance the overall effectiveness of the CDEM response during an emergency.
31. From an infrastructure perspective, sharing facilities and other resources also demonstrates a more sensible approach to ensuring the required minimum response capability necessary to support a civil defence emergency.
32. This option allows HCC to achieve its legislative obligations and agreed levels of service in the shortest time possible, therefore limiting Council's risk in the event of a civil defence emergency. It also allows for collaboration and sharing of knowledge across a group of specialist civil defence staff.
33. Contract Details
34. Within the Waikato region, Waikato District Council has successfully adopted a local CDEM delivery model provided by the Waikato GEMO through a service level agreement.
35. This arrangement has proved very effective, and HCC has used this as the basis for preparing council's shared service agreement. The draft contract has also been subject to legal review to reflect HCC specific requirements.
36. Key elements of the HCC contract are:
 - a 6 year 9 month contract term with a target start date of 1 October 2016 (with a clause to renegotiate a new contract 12 months out from the end date). This term has been set to allow GEMO to commence as soon as possible in the provision of services, and align the finish date with the GEMO lease of the Genesis Building,
 - regular reviews of both parties' obligations under the contract,
 - colocation of the team in the Deloitte Building in Hamilton East for the first 12 months, followed by a move to the Genesis Energy Building upon its completion in mid-2017,
 - the transfer of existing HCC CDEM staff to WRC, and
 - an annual fee that includes staffing, accommodation and vehicle costs.
37. The contract has front loaded staff resourcing in order to address HCC gaps in the current capability, and to address risk and assessed gaps in HCC preparedness.
38. The contract provides for the transfer of the current HCC CDEM coordinator into one of the newly created coordinator roles. The conditions of transfer ensure that the current HCC staff member will be employed by the WRC with terms and conditions of employment no less favourable than the existing conditions of employment with HCC.
39. Accommodation
40. Through contract negotiations, the future location of the GEMO has been discussed with a plan to move into the Genesis Energy Building (currently under construction). This will be an IL 4 building which means it will be designed to withstand a significant earthquake event. Emergency facilities are typically designated IL 4 as they need to be able to operate immediately after emergency events occur.

41. The current HCC EOC (located in the municipal building) is likely to be under current building code standards. This means it will be unlikely to be able to operate following a seismic event.
42. Maintaining the location of the City's EOC in the CBD (close to council) is also important, and the Genesis Building enables this to occur. If the CBD is compromised in an event and the Genesis Building is unavailable, alternative EOC accommodation is with Waikato GEMO at Mystery Creek.
43. The Genesis Building is likely to be completed and ready for occupation in August 2017.
44. In addition to the GEMO relocating to the Genesis building, HCC's City Safe Unit has decided to relocate from their current location in the Transport Centre to the Genesis building once it is complete.
45. The co-location of City Safe with HCC's EOC provides additional efficiencies as they deliver real time intelligence that will enable situational awareness post an event for both GEMO and Hamilton City Council.
46. The cost of the lease has been negotiated to take account of this co-location. The existing City Safe accommodation within the Transport Centre will be leased to an external party, and Council is currently in negotiations to finalise this arrangement.

47. Financial and Resourcing Implications

48. Summary of costs

The total cost of the contract over 6 years 9 months is \$2,800,000. This includes a contingency of 2.5% to reflect actual employee related costs once staff are recruited. This is an annual average contract cost of \$415,000.

49. CDEM Budget

50. In the 2016/17 financial year the budget for the HCC CDEM activity is approximately \$265,000. This allows for 2 FTE Emergency Management Advisors, a 0.5 FTE management position and associated EOC operational costs.
51. This leaves a budget shortfall of \$150,000 when compared to the annual average contract cost. A portion of this shortfall (approx. \$25,000) will be funded by a sub-lease of the existing City Safe accommodation that is currently being negotiated. The remainder will be funded from a variance in the year end projected result (compared to budget) reported through Risks and Opportunities.
52. Rationale for Investment
53. Hamilton is New Zealand's 4th largest City and requires a high level of capability to respond to a civil defence emergency at the highest level.
54. The review of HCC's CDEM activity identified a number of gaps in the City's current ability to deliver the level of service required.
55. Investing in the shared service arrangement with the EOC also located in the same facility as the Waikato GEMO means addressing the gaps identified in the shortest possible timeframe. If Council does not invest at the recommended level, HCC may be unable to reach the level of capability the City should have.
56. This creates a risk that HCC would be unable to respond appropriately, and meet its obligations both legislatively and to the community, in a Civil Defence event and recovery activity.
57. In addition, the Waikato Group CDEM Plan 2016 is in the process of being finalised. This Plan sets higher expectations in terms of CDEM capability, and a requirement to resource and have skilled staff to manage the CDEM activity.

58. HCC needs a skilled team to deliver on all aspects of CDEM including readiness to respond, education and planning, as well as being able to meet increasing expectations. Utilising the skills of the Waikato GEMO through a shared service arrangement will enable HCC to deliver on these requirements.

59. Risk

60. HCC is obligated by S.64 of the CDEM Act 2002 to “...plan and provide for civil defence emergency management within its district.” Any contract entered into to change the method of service delivery does not release HCC of its obligation and accountability for the implementation and integration of civil defence.

61. Entering into a shared service arrangement is low risk for HCC as the Waikato GEMO is an existing and high-performing civil defence team who has the resources to deliver the service required.

62. There is a risk around internal staff accountability and the responsibilities undertaken by the CDEM Group. The contract has identified clear accountability and monitoring frameworks to mitigate this risk.

Signatory

Authoriser	Blair Bowcott, Executive Director Special Projects
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Committee: Council

Date: 25 August 2016

Report Name: Easement for Pedestrian
Underpass - Hamilton Gardens

Author: Ken Cunningham

Report Status	<i>Open</i>
Strategy, Policy or Plan context	Access Hamilton, Hamilton Biking Plan
Financial status	<i>There is no specific budget allocated Construction costs will be met by applicant while operational costs will be met by Council from within existing budgets.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To seek Council resolution to an easement to the New Zealand Transport Agency on behalf of Her Majesty The Queen for a proposed pedestrian underpass between Sillary St and Hamilton Gardens.

3. Executive Summary

- The New Zealand Transport Agency (NZTA), on behalf of Her Majesty The Queen (HMTQ), has requested an easement for use of part of Hamilton Gardens for a pedestrian underpass that will link Hamilton Gardens (a recreation reserve in terms of the Reserves Act 1977) with Sillary St.
- All construction costs of the pedestrian underpass and any structure maintenance will be the responsibility of NZTA, while any routine maintenance will be the responsibility of Council.
- The pedestrian underpass will provide the walking public with an alternative and safer access to Hamilton Gardens. It will also provide a key linkage for people biking through the area to destinations such as the University, Hamilton East and the hospital.
- Easements can be granted for use of reserve land for any public work under section 48 of the Reserves Act 1977.

Recommendations from Management

- a) That the report be received.
- b) That a pedestrian underpass easement be granted to Her Majesty The Queen for the area of Hamilton Gardens shown on Attachment 1 (approximately 120m² and conditional on survey) subject to:
 - (i) The Department of Conservation (or delegate), approval for the pedestrian easement being granted.
 - (ii) All construction costs of the pedestrian underpass being the responsibility of the New Zealand Transport Agency.
- c) That the Chief Executive be delegated authority to sign all documentation relating to the easement agreement.

8. Attachments

- 9. Attachment 1 - Plan indicating location of pedestrian underpass

10. Background

- 11. NZTA has been discussing with staff of Hamilton Gardens and City Transportation Unit a proposed pedestrian underpass it wishes to construct between Sillary Street and Hamilton Gardens. Refer Attachment 1 for proposed location.
- 12. Indications provided by NZTA show that the pedestrian underpass will require use of approximately 120m² of Hamilton Gardens, a recreation reserve in terms of the Reserves Act 1977.
- 13. NZTA has advised it wishes to commence construction of the pedestrian underpass in late 2016 / early 2017.
- 14. The pedestrian underpass will provide people with safe and easy access to and from Hamilton Gardens when walking. At 4m wide, it has also been designed to provide safe access for people on bikes to cross under Cobham Drive and to gain safe access through to destinations such as the University and hospital. This is a key connection to the primary route identified in the Hamilton Biking Plan.

15. The picture below is an artist's impression of the Sillary St entrance to the underpass.



16. Legislative requirements or legal issues

17. In terms of Section 48 of the Reserves Act 1977 (RA):
- i. Easements can be granted under section 48 (1) for use of reserve land for any public purpose.
 - ii. The approval of Council and the Department of Conservation, (or delegate), is required for easements on reserve land.
 - iii. Public consultation is not required if use of the reserve is not likely to be materially altered or permanently damaged and the rights of the public in respect of the reserve are not likely to be permanently affected (section 48(3))
18. While part of the pedestrian underpass is, in part, under Cobham Dr, Council's approval for this section is not required as Cobham Dr is vested in the NZTA as road (State Highway) on behalf of The Crown.
19. An easement agreement will be prepared that will include the responsibilities of Council and NZTA for the easement area.

20. Strategic alignment

21. After public consultation, the Hamilton Gardens Operative Management Plan 2014 (HGOMP) that was prepared to meet the requirements of the Reserves Act 1977, was adopted by Council at its meeting on 27 March 2014.
- a) The pedestrian underpass is referenced in the HGOMP as follows:
 - i. One of the strategic goals for Hamilton Gardens is to deliver increased value and enjoyment to the local community, which includes the objective of maintaining and enhancing access to the Gardens (page 6, C.3).
 - ii. Shown on a location map (page 19, Figure 4).

- iii. "An underpass has been proposed by NZTA below Cobham Drive, just west of Gate 2, but while the plan exists no timeframe for its construction has been identified" (page 27).
 - iv. The security of park assets and people is discussed relating to the proposed pedestrian underpass (page 36, 5.6) due to the possibly of more night time activity. The use of the Crime Prevention through Environmental Design methodology (e.g. lighting) will assist in making the surrounding area safe for nighttime pedestrians.
- b) The proposed pedestrian underpass will provide a safe alternative public access to and from Hamilton Gardens to and from Sillary St for pedestrians, disabled people and people on bikes. The underpass will avoid the necessity of people crossing a State Highway (Cobham Dr) when walking to Hamilton Gardens, or biking to and from key locations such as Hamilton East, the hospital and the University.

22. Consultation

- 23. Public consultation is not required as the proposed pedestrian underpass has been referenced in the HGOMP, which was publicly consulted on prior to being adopted by Council in 2014.

24. Treaty requirements/implications

- 25. There are no particular HCC treaty requirements regarding the underpass. Local iwi were consulted on the HGOMP, which referenced the pedestrian underpass, prior to Council adoption in March 2014.
- 26. NZTA may have treaty matters to deal with should it ever wish to transfer the land to another organisation in the future.

27. Implementation issues

- 28. All consents relating to construction of the underpass will be the responsibility of NZTA.

29. Financial and Resourcing Implications

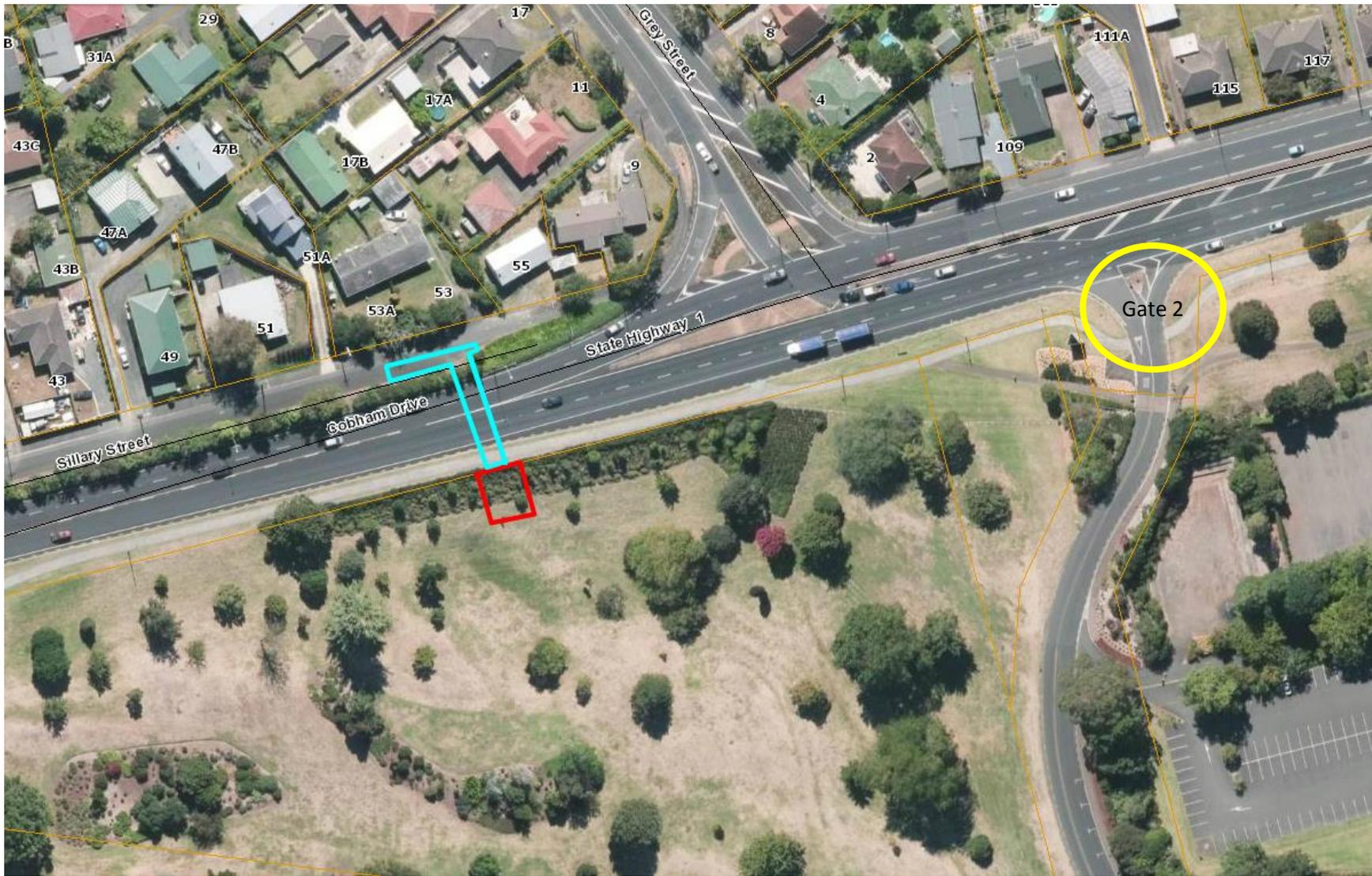
- 30. The cost of constructing the proposed pedestrian underpass and any structural maintenance of it will be the responsibility of NZTA.
- 31. The cost of routine maintenance will be the responsibility of Council, which will be met from existing budgets.

32. Risk

- 33. There is no risk in granting an easement for a pedestrian underpass from Sillary St to Hamilton Gardens.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Committee: Council

Date: 25 August 2016

Report Name: Road Stopping - Jebson Place
& Parts of Old Farm Road

Author: Ken Cunningham

Report Status	<i>Open</i>
Strategy, Policy or Plan context	Urban Growth
Financial status	<i>There is no budget allocated All costs (staff time excluded) will be met by the applicant.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To obtain Council resolution for:
 - The road stopping of Jebson Place and two areas of Old Farm Road.
 - For the three areas of land to be sold to Housing New Zealand Corporation (HNZC).

3. Executive Summary

4. HNZC has requested the road stopping of Jebson Place and two areas of Old Farm Road.
5. HNZC have agreed to purchase the stopped road land and incorporate it into its proposed subdivision, which will include a new road to be vested in Council.
6. Costs associated with the road stopping and sale and purchase of the land will be met by HNZC.
7. The road stopping can be completed using the provisions of either the Public Works Act 1981 or the Local Government Act 1974.

Recommendations from Management

- a) That the report be received.
- b) That all of Jebson Place and two areas of Old Farm Road, as identified in attachment 1, (total area approximately 2330m², subject to survey) be stopped and sold to Housing New Zealand Corporation subject to:
 - i. A certificate of title being issued for the three road stopped areas.
 - ii. The purchase price being agreed to.
 - iii. Costs associated with the road stopping and sale and purchase of the land being met by Housing New Zealand Corporation.

- c) The Chief Executive be delegated authority to:
- (i) Sign all documentation relating to the road stopping process.
 - (ii) Negotiate the sale and purchase of the stopped road land, subject to the value being supported by a current market valuation, being no more than two months old, obtained by Council from an independent registered valuer.
 - (iii) Sign all documentation relating to the sale and purchase of the land.

8. Attachments

- 9. Attachment 1 - Aerial map indicating location of proposed stopped road areas.
- 10. Attachment 2 - Housing New Zealand Corporation proposed Road Stopping plan
- 11. Attachment 3 - Housing New Zealand Corporation Concept Development Plan

12. Key Issues

13. Background
- a) HNZN has requested the road stopping of Jebson Place and two areas of Old Farm Road as shown in attachments 1 and 2 and for the land to be sold to the corporation to amalgamate into its proposed residential subdivision.
 - b) All land adjoining the proposed stopping areas (refer attachment 1) is owned by HNZN.
 - c) The area of road proposed to be stopped totals approximately 2330m², which HNZN wish to purchase and incorporate into its proposed subdivision. It includes a new public road to be vested in Council. Attachment 3 shows the HNZN concept plan for the proposed subdivision.
 - d) HNZN has indicated that it intends to submit its application for subdivision and land use consents in September 2016.
 - e) The proposed HNZN subdivision will enable better use of the road land, create residential lots for state owned houses and some lots put to the market for sale.
 - f) At the time of writing this report the final configuration of the land and house numbers has yet to be decided.
14. Strategic alignment
- The proposed road stopping and incorporation of the land into the adjoining HNZN property will enable HNZN to provide an improved urban response for this area of Hamilton East.
 - The redevelopment aligns with outcomes set out in the draft Hamilton East Neighbourhood Plan.
15. Legislative requirements or legal issues
- a) It is anticipated that the road stopping will be completed in terms of the Public Works Act 1981 (PWA).
 - b) The PWA process involves:
 - i. Council approval for the road stopping.
 - ii. Adequate road access to adjoining land is maintained.
 - iii. Consent from adjoining land owners (where deemed appropriate) is obtained for the proposed road stopping.
 - iv. A survey plan, approved by Land Information NZ, is obtained for the stopped road areas and a Certificate of Title issued.
 - c) If the road stopping is unable to be completed using the PWA process, the Local Government Act 1974 (LGA) process.

- d) The LGA process is the same as the PWA except that instead of obtaining the consent of the adjoining land owners (where applicable), the proposed road stopping is advertised twice in local newspapers. This allows for any member of the public to respond to the road stopping intentions.
- e) Any response received is reported to Council prior to being referred to the Environment Court for determination. If an objection is upheld then the road stopping process is not able to be completed.

16. Valuation

- In terms of Council’s Property Sale and Disposal policy, the valuation advice obtained for the sale value of the stopped road land, will be no more than two months old and will form the basis of the sale and purchase negotiations.

17. Consultation

- Consultation is required with adjoining property owners, in terms of the PWA road stopping process, and the general public in terms of LGA road stopping process.

18. Treaty requirements/implications

- There is no particular treaty requirement as the land is not residual Crown land in terms of the Waikato Raupatu Claims Settlement Act 1995. The road was vested in Council in 1962.

19. Financial and Resourcing Implications

- 20. All costs (excluding staff time) associated with the road stopping and sale and purchase are to be met by HNZN.

21. Risk

- 22. There is no risk in stopping the areas of road requested by HNZN as a new road will be constructed to provide access to the lots to be created by way of subdivision. Also the new roading layout provides for an improved urban outcome.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
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original scale (mm)
 0 10 20 30 40 50 60 70

NOTES:
 do not scale from drawings, all data to be verified on site prior to commencement of work.
 prepared:
 project consultant list:

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 125 Broadmead, 2nd Floor, Auckland, New Zealand
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Housing New Zealand
 Housing New Zealand Corporation

JEBSON PLACE - HAMILTON

CONCEPT DEVELOPMENT LAYOUT

CONCEPT DESIGN
 design: SHL scale: 1:300 @ A1
 drawn: TP scale: 1:1000 @ A3
 sheet: A01-16
 date printed: 19/07/16

Committee: Council

Date: 25 August 2016

Report Name: Growth Report

Author: Kelvyn Eglinton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton Urban Growth Strategy Proposed District Plan Growth Funding Policy 2015-2025 Long Term Plan 30 Year Infrastructure Strategy</i>
Financial status	<i>There are no financial matters directly addressed in this report</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To provide information about the current status of Hamilton's residential development capacity.

3. Executive Summary

4. Demand for new residential dwellings (greenfield and infill) in Hamilton until 2025 is 9,574 dwellings, or 1,064 per year, made up of new greenfield and infill dwellings.
5. The demand for greenfield dwellings until 2025 is projected to be 5,742 dwellings or 638 dwellings per year.
6. A stock-take shows that in greenfield locations there is development capacity now to provide for 5 years of dwelling demand and that the 10-year plan has budgeted infrastructure plans in place to provide for a further 7 years.
7. Applying the draft National Policy Statement on Urban Development requirements to provide a 20% excess of capacity over projected demand (to Hamilton only), there is development capacity now to provide for 4 years of dwelling demand in greenfield locations.
8. This report takes a conservative view on infill and our 50% growth target, and finds there is capacity to provide for 16 years of infill in parallel with the greenfields capacity.
9. To maintain this level of development capacity in advance of future high demand cycles, investment decisions will be required in the development of the 2018-2028 10 Year Plan.
10. The Government Infrastructure Fund presents an opportunity to begin structuring a draft proposal based on advancing the Peacocks growth cell.

Recommendations from Management

- a) That the report be received.
- b) That Council endorses the commencement of a draft proposal to the Government \$1Billion infrastructure fund based on advancing the Peacockes growth cell and related infrastructure requirements.

11. Attachments

12. Attachment 1 - Land Availability
13. Attachment 2 - Infill Dwellings Demand and Supply Analysis
14. Attachment 3 - Analysis of Dwellings
15. Attachment 4 - Infrastructure Analysis by Cell over 10 years - updated to July 2016
16. Attachment 5 - Growth Hierachy
17. Attachment 6 - Top 10 Developments
18. Attachment 7 - Hamilton Urban Zone map
19. Attachment 8 - Simplified Development Process
20. Attachment 9 - Growth and Investment Data Attachment

21. Background

22. The following resolution was made at the Council meeting on 30 June 2016:
"Staff bring a full report on section availability, infrastructure availability, growth pressures and infrastructure planning to the August 2016 Council meeting."
23. In responding to this resolution, this report addresses the following issues:
 - Are there enough greenfield sections on the market to meet the estimated dwelling demand today and until 2025?
 - Is Council, or has Council, contributed to a perceived shortage of greenfield sections on the market through the level of infrastructure investment?
24. Throughout this report in the context of residential growth we refer to key terms that are defined as follows:
 - Dwelling – any building that is principally used for residential purposes. It can range from a single, stand-alone detached house on its own section, to a duplex (two attached dwellings), to an apartment (a building comprising three or more dwellings).
 - Subdivision – the term used to describe how land is broken down in to smaller, tradeable areas of land with its own legal description. In Hamilton, a subdivision usually creates sections whereby single detached houses can be built, but some subdivisions enable multiple dwellings on different section titles (e.g., retirement villages or apartments).
 - Greenfield development – any dwelling in a separately identified, structure planned growth cell identified in the District Plan – i.e. Rototuna, Ruakura, Peacocke and Rotokauri growth cells.

- Infill development – any dwelling that is constructed anywhere else in the city, other than in the above four greenfield areas – i.e. the existing built-up areas of the city.
- Developer ready land – land where Council has completed its obligations (zoning and servicing with strategic infrastructure in the near vicinity) and that is able to be consented for subdivision development. This means that developers (once they have obtained the necessary subdivision consent) can proceed to develop and subdivide their land by connecting to Council’s infrastructure and installing their internal subdivision infrastructure.
- Development Capacity – the number of dwellings that can be constructed on developer ready land.
- Strategic Infrastructure – infrastructure that Council normally provide including (but not limited to) treatment plants, reservoirs, waste water interceptors, water bulk mains, major arterials etc. (noting that developers sometimes can contribute directly to the cost of some components and is the infrastructure used in Developer Contributions calculations). *Refer Attachment 5.* Examples include Ring Road, Pukete Bridge, water bulkmains, wastewater interceptors.
- Hamilton Urban Area – is the area defined by Statistics New Zealand for the purposes of the draft National Policy Statement on Urban Development Capacity and is an areas that takes in the Hamilton City Council boundary and the land surrounding the City within parts of the Waipa District and Waikato District Council boundaries. *Refer attachment 7*

25. Council’s role in supply

26. The supply of sections to the market to enable dwellings to be built is a combination of public and private sector activities.
27. Council’s role to enable the creation of developer ready land includes:
 - Land use planning and zoning land.
 - Providing strategic infrastructure for new greenfield cells and infill areas.
28. At this point, land is ready for development. Once land reaches this state, the other Council functions in enabling urban development are;
 - Processing and consenting subdivisions which ultimately leads to the creation of new sections where dwellings can be built.
 - Issuing building consents to approve new dwellings to be built (greenfield and infill)
29. The private sector’s role is:
 - Develop and submit subdivision plans for resource consent approval.
 - Install the infrastructure within the subdivision.
 - Title and sell sections.
 - Build dwellings and sell them.
30. *Attachment 8* illustrates in a simplified way how the urban development process functions, with indicative Council and developer responsibilities, and also includes detailed information on land subdivision processes. This process is not a quick or simple process.

31. New dwelling demand

Key Points:

There is projected demand for 1,064 new dwellings per year until 2025 with 638 of these required in greenfield areas.

32. There are a number of factors driving housing demand in Hamilton, including, but not limited to:
- Overall projected population growth, which is driven by natural growth and migration from other parts of New Zealand and internationally
 - Changes in housing preference.
 - Changes in household formation rates eg projected numbers of people per dwelling.
 - Overall economic conditions, including employment and interest rates.
33. While all of the above impact demand, the primary driver is population growth.
34. In determining the demand for new dwellings in Hamilton for the 2015-2015 10 Year Plan period staff have analysed population forecasts and other data. Council is aware that population forecasts have been updated since the 10 Year Plan was developed and for 2016 onwards, we have used Statistics New Zealand's medium growth series (which is aligned to the forecasts government is using).
35. Statistics New Zealand's most recent estimate of Hamilton's population (at June 2015) is 156,800. Their projections for Hamilton's population (medium growth series) beginning June 2016 are shown in the table below:

Table 1 Hamilton population (Statistics NZ population forecasts)

Year	Population
2016	158,360
2021	169,980
2026	180,280
2031	190,280
2036	199,840
2041	209,180
2046	218,480

36. Based on the population projections and other analysis, the projected demand for new dwellings for the nine remaining years of the 10 Year Plan (until 2025) is 9,574 dwellings, or 1,064 dwellings per year (Table 2). This is a combination of greenfield and infill new dwellings.
37. This report is focused on greenfield development therefore deducting the infill demand estimates;
- Building consents data shows that historical Hamilton meets approximately 47% of the annual housing market demand through infill development (*see attachment 2*).
 - Taking a conservative approach because of possible fluctuations in this demand number, we have assumed a demand of 40% infill each year until 2025 (meaning 60% of the demand for new dwellings will be in greenfield areas).

- To calculate the demand for new greenfield dwellings, the infill demand is deducted from the overall estimated demand:

1,064 – 426 (40%) = 638 meaning the estimated demand for new dwellings in greenfield areas to 2025 is 638 dwellings per year.

38. Table 2 summarises the estimated combined dwelling demand to 2025.

Table 2

Dwelling growth to 2025	Measure	Unit
Current dwelling numbers in city	58,645	Dwellings
Forecast dwelling required to 2025	68,219	Dwellings
City capacity required by 2025	9,574	Dwellings
	1,064	Avg dwellings / year
Greenfield portion	638	Avg dwellings / year
Infill portion (approx 40%)	426	Avg dwellings / year

39. Draft National Policy Statement on Urban Development Capacity

Key points:

- The Hamilton Urban Area must have a sufficient supply of development capacity to meet the demand in the short (1-3 years), medium (10 years) and long term (30 years)**
- For the short to medium term 10 year period this means that the Hamilton Urban Area must have development capacity of 20% over the Statistics NZ medium projections to take account of the likelihood of higher than anticipated growth and that not all capacity will be developed in to sections**
- When applying the 20% to Hamilton only, this equates to 11,638 dwellings over the remaining 9 years of the 2015-25 10-Year Plan or 1,293 dwellings per year.**

40. The recently released draft NPS on Urban Development states that the Hamilton Urban Area (as a high growth zone) must provide for 20% additional development capacity over the current demand estimates. *Attachment 7* contains a map indicating the extent of the Hamilton Urban Area.
41. Applying this draft government policy position to Hamilton only and to the demand estimates above:
- This means the 1,064 new dwellings required in the city increases by another 229 to 1,293 dwellings per year (11,638 new dwellings to 2025)
 - Based on the estimates above, this lifts the greenfield dwellings by another 149 to 787 dwellings per year.
 - Therefore Hamilton’s estimated demand band for new dwellings in the greenfield areas is between 638 and 787 dwellings per year.
42. Council policy is to ensure enough land is zoned and strategic infrastructure installed to enable developers to release at the upper level of the band. Our absolute minimum to ensure Council fulfills its role, is to enable 638 new sections to come to the market each year to support the number of new dwellings required until such time as the draft NPS is confirmed.

43. Supply - Council's role

Key points:

- 1. Council is investing sufficiently in zoning and strategic infrastructure to enable developer ready land to be brought to the market in the short and medium term to meet the growth requirements for new dwellings.**
- 2. Council investment to date means right now there is 5 years of development capacity in greenfield areas (if the NPS requirements are applied, there is 4 years development capacity).**
- 3. Council has approved budget investments in the 2015-25 10-Year Plan to add a further 7 years of developer ready land in greenfield areas by 2025.**
- 4. In addition, there is also 16 years of developer ready land in infill areas (supported by the capital investments approved in the 2015-25 10-Year Plan)**

44. A stock-take of Hamilton's greenfield land shows that Council has "developer ready" land right now for 3,433 dwellings.
45. The stock-take and the map in *Attachment 1* to this report shows:
 - Land that is developer ready now (green); and
 - Land that will be developer ready in the next 2-3 years (strategic infrastructure required and has been approved in the budget)(orange); and
 - Land to be developer ready by the conclusion of the 10-Year Plan (strategic infrastructure required and has been approved in the budget) (red).
46. Within the green section of the map (developer ready now) this comprises:
 - Developer ready land where although the Council has installed the strategic infrastructure, the developer has not applied for resource consent to subdivide; and
 - Developer ready land where the developer holds an approved subdivision consent – construction of new sections is therefore up to the developer to progress.
 - It excludes land which has already been titled as we assume these are either in the market or in progress to market.
47. Based on the demand for 638 new greenfield dwellings per year, Hamilton has today over 5 years supply of new dwellings growth (without the 20% additional capacity required under the NPS). If the NPS requirements are applied, this reduces to 4 years supply. In summary:
 - Developer ready land has capacity now to provide for 3,433 greenfield dwellings;
 - Of that 3,433, subdivision consent has been approved for 1,149 potential dwellings (meaning work can or is under way to subdivide the land), this equates to just under 2 years supply of developer ready land with approved subdivision consent;
 - That in years 2 to 3 of the 10-Year Plan, Council has approved budget to implement strategic infrastructure to provide development capacity for an extra 605 additional dwellings; and
 - That throughout the remaining 7 years of the 10-Year Plan there is budget approved to provide development capacity for a further 4,204 greenfield dwellings.

Table 3 – Greenfield stock-take summary

# New dwellings in greenfield areas	Developer ready now	Consented	Years 2 to 3	Years 4 to 10	
Peacocke	202	202		418	
Rotokauri			136	1,541	
Rototuna	2,653	889	363	1,130	
Ruakura	578	58	106	1,115	Greenfield Grand total
Developer Ready Total	3,433	1,149	605	4,204	8,242

- 48. By 2025 there will be developer ready land able to provide a total of 8,242 new greenfields dwellings. Based on the population estimates, 9,574 new dwellings are required by 2025, of which 5,742 of these will be provided in greenfield areas with the remainder in infill.
- 49. Future Council investments, to be considered as part of the next LTP, will provide additional growth capacity.
- 50. Note, in Table 3 above, the number of dwellings in Rotokauri is dependent on identifying stormwater solutions through the Integrated Catchment Management Plan that are affordable to deliver.

51. Supply – Developer’s role

Key Points:

- 1. Council is providing sufficient development capacity**
- 2. There are many reasons why there is difference between development capacity (number of dwellings) and dwellings available for purchase.**

- 52. Looking forward and analysing the development capacity of 3,433 dwellings, developers have only advanced 1,149 potential dwellings to subdivision consent. A subdivision consent can be held for eight years.
- 53. There is also a difference between the number of dwellings that could be consented (assessed through subdivision consent) and the number of building consents actually granted (i.e. when construction of dwellings can commence). Whilst there is sufficient greenfield developer capacity, there is a lag through the process to the construction of houses. Council has no direct control over when developers apply for subdivision consentor when titles are released to market.
- 54. Staff have had many discussions with developers of greenfield land to ascertain why more sections are not on the market when Council has put in the strategic infrastructure. The reasons given are:
 - Developers have their own marketing strategies about release of sections to build on and this may be for pricing reasons and may be for the managed release of a larger development (for example all sections sold in stage one before stage two is released).
 - Their bank’s requirements for their debt profile (restricts their access to finance).
 - Risk profile. Each developer has a different risk tolerance and ability to carry risk.

- Constraints in accessing skilled labour - nationwide skills shortage in the construction sector and this does impact on the volume of construction that can be undertaken at any one time.
 - Shortage in accessing construction materials – nationwide issue.
 - The move to house and land packages as provided for by builders who buy sections in bulk reducing the section sales to individual buyers.
55. Council has limited tools at its disposal to influence when titles are released to the market by developers or influencing the number of applications made for building consents and when they are made. The subdivision process for land development is summarised in Attachment 7.
56. Creating competition in the market by opening up growth cells in different parts of the city is an option. However this creates large challenges for Council to meet its financial strategy and crucially does not address the constraints to dwelling supply as listed in paragraph 53.
57. Rating is one possible tool and was looked at by the Productivity Commission’s inquiry Land for Housing (<http://www.productivity.govt.nz/inquiry-content/2060?stage=4>).
58. In regard to rating, the Productivity Commission found that where land is scarce, the incentives to hold can be strong. It also found that a council’s approach to rating can influence an incentive at the margin, but a Council’s best response to generate more housing supply is to designate additional land for development and service that land with infrastructure, and facilitate greater intensity of development within existing boundaries.
59. *Attachment 6* shows the top ten developers and their consented section totals and those that have progressed to titled sections, showing 40% either in development or not started.
60. Within the publicly excluded agenda there are maps by growth cell which shows land ownership and land that is developer ready now and that which will be developer ready by the end of the 10-Year Plan.
61. As illustrated in *Attachment 3*, Hamilton’s competitive advantage in house price remains favourable relative to Auckland, and Tauranga and New Zealand.

62. Infrastructure planning approach

Key Points:

1. Council has invested in its city wide infrastructure (treatment plants, reservoirs, Ring Road etc) to support all growth including infill.
2. Council has invested in the priority growth cells (Rototuna, Peacockes Stage 1, Rotokauri Stage 1 Industrial) taking a just in time investment approach to make efficient use of previous infrastructure investments.
3. Council has invested in land use (zoning) and infrastructure planning for the next priority growth cells (Rotokauri Stage 1 residential, Peacockes Stage 2) and worked with developers wishing to develop in advance of Councils infrastructure timing.
4. Council has successfully worked with developers in the out of sequence growth cells of Te Rapa north and Ruakura and provided upsize funding.
5. Significant lead infrastructure funding decisions are required for Rotokauri stage 1 and Peacockes Stage 2 in the 2018-28 10-year Plan.

- 63. In preparation for 10 year plans and annual plans, Council reviews its infrastructure investment planning in response to growth and other assumptions. Once example of changes following review is the 2016/17 Annual Plan, Council approved advancing several infrastructure projects that had been planned for later in 2015-2025 10 Year Plan.
- 64. As an input to developing the 2015/25 10-Year Plan Council received a report that included a table showing an “Infrastructure Analysis by cell over 10 years.” This has been updated and included as *Attachment 4*. In summary:
 - The Council has not underinvested in strategic infrastructure required to enable developer ready land to be brought to market.
 - Council has always taken a just-in-time approach to providing infrastructure to achieve developer ready land and to ensure Council is not financially exposed. This approach means not putting in infrastructure way ahead of when it is needed and instead aligning timing with the programmes of active developers in programmed cells. This approach has served the city well to date as evidenced by the supply of developer ready residential land outlined in the paragraphs above.
 - Council also adopted an enabler approach for growth cells where developers wanted to proceed out of sequence and this has worked well since 2012/13 for Te Rapa North and Ruakura in particular. This approach means working with the developer on the required planning framework and to expect that the developer will take a greater role in funding infrastructure that, under normal circumstances, Council might fund.

65. New infrastructure financing opportunities

Key Points:

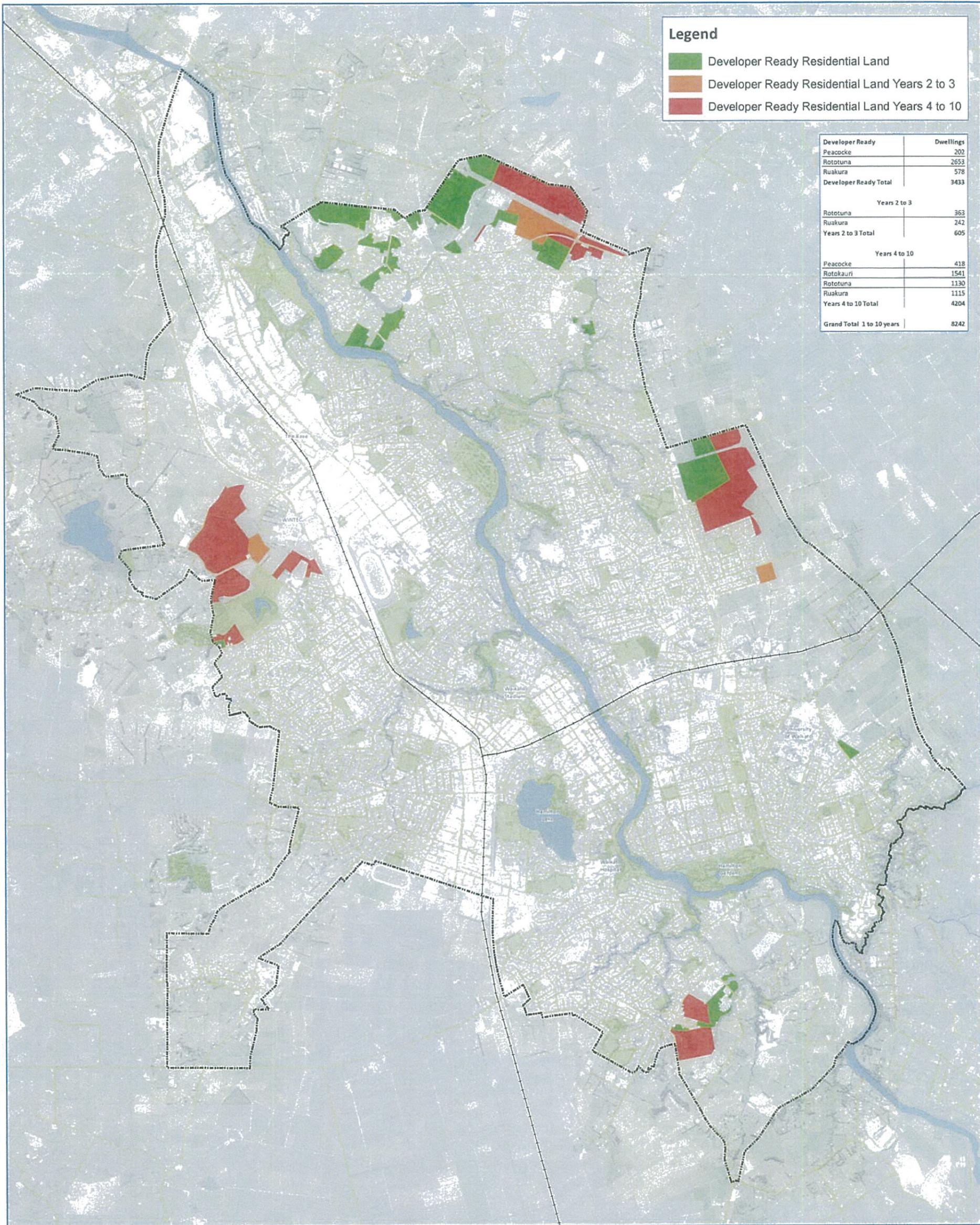
- 1. Council is eligible to apply to the new \$1 billion infrastructure fund provided by Government**
- 2. There is opportunity to advance strategic infrastructure needed to open or advance new Greenfield growth cells**

- 66. On 3 July 2016 the Government announced a new \$1 billion infrastructure fund for local government. The fund will be available to areas that are classified as “high-growth” under the draft National Policy Statement on Urban Development Capacity which includes Hamilton.
- 67. Full details about the criteria and how this fund will operate have not yet been confirmed by the government officials. The outcome sought by the government via the fund is to increase the pace at which house supply might be made available and to increase the yield than is otherwise planned.
- 68. The fund is a one-off contestable fund for interim funding to bring forward the roading, water and other strategic infrastructure required for new housing.
- 69. The fund will directly finance or own the infrastructure until Councils receive revenue from the new dwellings, when people start paying rates. The fund will be tightly targeted at core bulk infrastructure supporting additional new housing.
- 70. It is anticipated that high growth Councils will be invited to put forward expressions of interest in December 2016 and specific proposals for funding which will be prioritized based on criteria in February 2017.
- 71. Staff are preparing a draft proposal for Peacockes, which is the growth cell most likely to provide the best opportunity to unlock housing development that meets the draft criteria.

72. A high level assessment of our growth cells against the criteria as outlined in Attachment 9 is the basis for this proposal. In addition this aligns with recent Council decisions related to investment into an over bridge project for the Wairere Road, Cobham Drive intersection.

Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
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Legend

- Developer Ready Residential Land
- Developer Ready Residential Land Years 2 to 3
- Developer Ready Residential Land Years 4 to 10

Developer Ready	Dwellings
Peacocke	202
Rototuna	2653
Ruakura	578
Developer Ready Total	3433
Years 2 to 3	
Rototuna	363
Ruakura	242
Years 2 to 3 Total	605
Years 4 to 10	
Peacocke	418
Rotokauri	1541
Rototuna	1130
Ruakura	1115
Years 4 to 10 Total	4204
Grand Total 1 to 10 years	8242

INFILL DWELLINGS DEMAND AND SUPPLY ANALYSIS

1. Infill Demand

The Hamilton Urban Growth Strategy (HUGS) sets a target that 50% of growth will occur in the infill area. Infill development represents an average of 47% of total growth in the city over the last 11 years.

Table 1

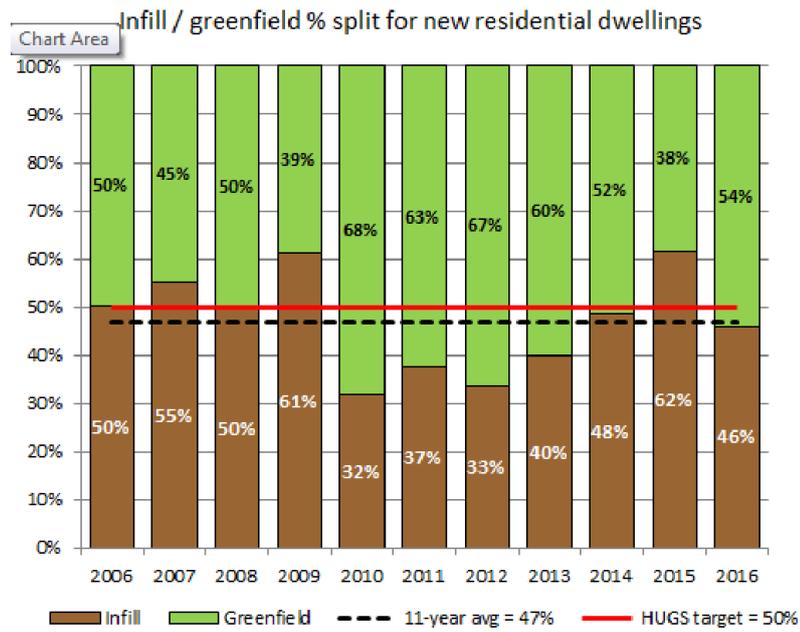
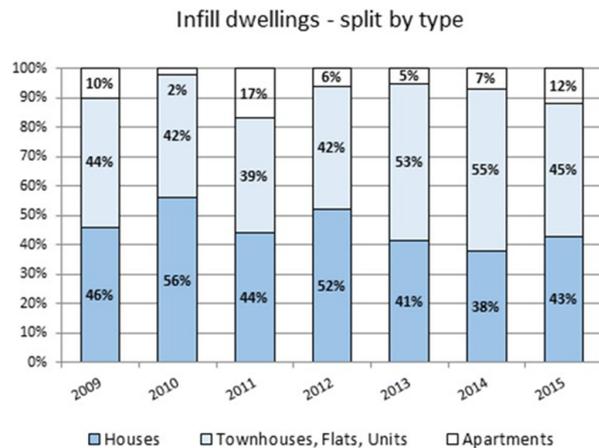


Table 2 illustrates historical demand by dwelling type in the infill area. It shows a relatively consistent mix of houses, townhouses/flats/units, and apartments, with some annual variation.

Table 2



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2. Infill Supply Capacity

The Hamilton Urban Growth Strategy (HUGS) aims that 50% of growth occurs within existing built areas of the city (infill). The Regional Policy Statement sets this as a target for the City. The proposed Hamilton District Plan provides the regulatory framework consistent with the RPS and provides for infill and intensification options.

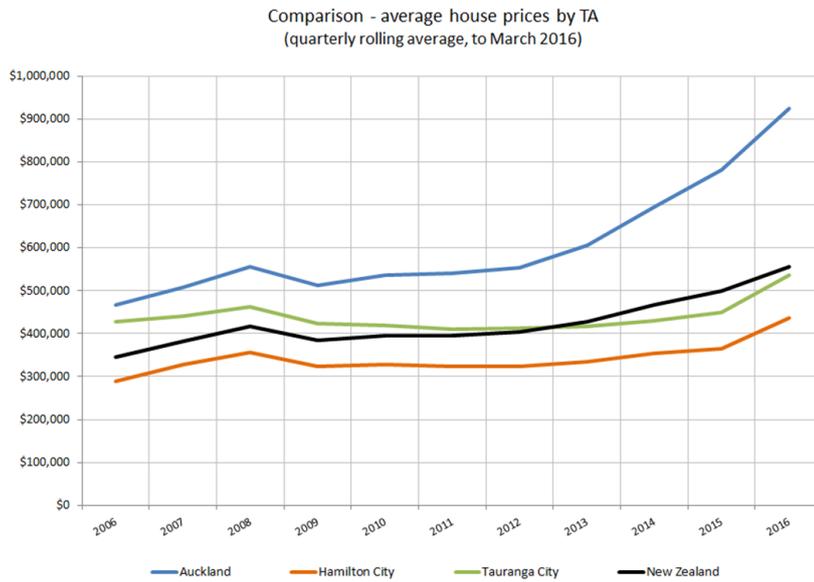
Existing infill capacity has been estimated at 13,000 dwellings, which includes 6,000 in the central city. The provision of up to 13,000 new infill dwellings is dependent on the delivery of the capital expenditure programme outlined in the 2015-25 Long Term Plan into strategic infrastructure (treatment plants, reservoirs, wastewater storage capacity increases, water bulk mains etc) and achieving district plan density aspirations.

There currently exists 16 years of developer ready land in the infill area (new dwellings) based on these figures and the demand forecasts outlined in the report. For conservatism, the numbers above exclude the estimated capacity of 6,000 dwellings in the CBD recognising that although the capacity is provided for, significant residential development is not expected there in the short term until financial drivers and market drivers change for developers. The proportion of infill used to achieve growth in this model is lower (40%) than that targeted for within our HUGS strategy (50%).

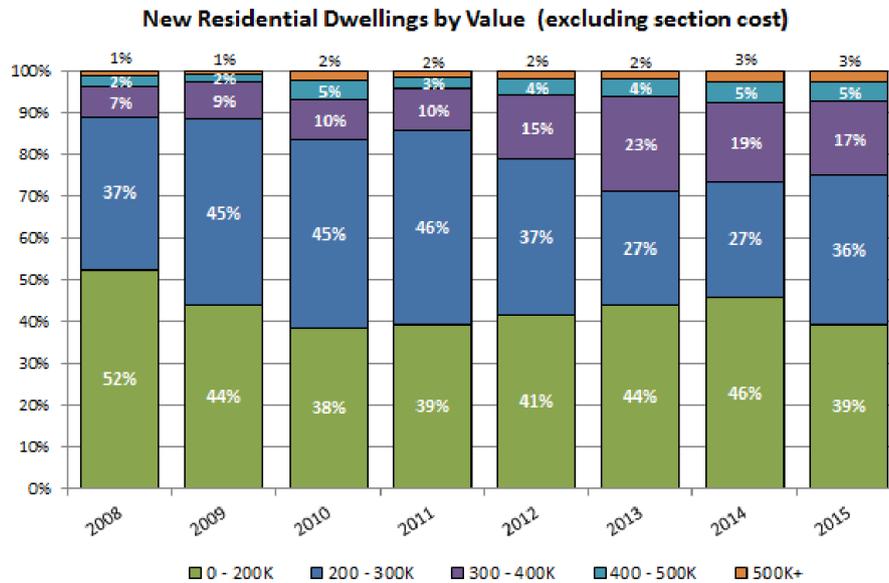
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Analysis of Dwellings

A. Dwelling price comparison



B. Trend showing new dwellings of higher value being constructed



Long run dwelling consents

Hamilton new dwelling consents (1991 - 2016)
12-month rolling average



2. The following is the “Infrastructure Analysis by Cell over 10 Years” table included in the November 2014 report to Council to set the growth context for the 2015-25 10-Year Plan. The table has been updated to reflect the actual 10-Year Plan and the 2016/17 annual Plan decisions.

Cell	Current State 2014	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Citywide and Infill	<p>The water treatment and wastewater treatment plants have been upgraded as the city grows generally on a just in time basis.</p> <p>Planned investments in the strategic water, wastewater and treatment plants are required to service intensification areas, as well as Greenfield areas.</p> <p>HCC has made significant investment in the strategic transport network. E.g. Wairere Drive extensions/four laning. These investments have created a network that is in relatively good shape to cater for growth for the next 10 years. It is anticipated that there will be a level of service reduction without continued investment in transport.</p> <p>The 2015-25 LTP will have a focus on investment in 3 waters infrastructure rather than transport.</p>	<p>Stormwater:</p> <ul style="list-style-type: none"> Stormwater asset improvements that cater for infill. Integrated catchment management plans. <p>Wastewater</p> <ul style="list-style-type: none"> Treatment plant upgrades to provide capacity for growth. Bulk wet weather storage to manage flows to treatment plant during wet weather events. Bulk main network improvements. <p>Water supply:</p> <ul style="list-style-type: none"> Treatment plant upgrade to provide capacity for growth. Reservoir improvements and operational changes to manage water demand. <p>Transport:</p> <ul style="list-style-type: none"> Cross city connector intersection improvement at Heaphy/Grey. Te Aroha/Gray intersection upgrade. Northern River crossing designation. 	<p>Solid waste:</p> <ul style="list-style-type: none"> Reconfigure refuse transfer station. <p>Stormwater:</p> <ul style="list-style-type: none"> Stormwater network improvements for intensification. Strategic stormwater network projects. <p>Wastewater:</p> <ul style="list-style-type: none"> Wastewater network improvements to cater for intensification. <p>Water supply:</p> <ul style="list-style-type: none"> Water network improvements to cater for intensification. Reservoir seismic upgrades. <p>Transport:</p> <ul style="list-style-type: none"> Replacement of lighting LEDS. New street lights and footpaths. Speed management program. Gateway facilities. Public transport priorities. Strategic cycle network. Suburban precinct upgrades. New bridge infrastructure – HPMVs. City directional signage. Upgrade road network – safety. Rotokauri rail/public transport interchange. <p>Community:</p> <ul style="list-style-type: none"> Natural environments programme. Extension of Chartwell Library. Land purchase future reserves.
Cell	Current state 2016/17	Changes to Funded Infrastructure	Projects not included in 10-Year Plan

Citywide and Infill	City wide project progressing as planned	Stormwater : Increased budget for integrated catchment management plans to reflect modified program to complete greenfield ICMs for Rototuna, Rotokauri, and Peacocks by 17/18	No Change to current list
Cell	Current State	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Rototuna	<p>Council has made significant investment in this Growth Cell over a long period of time.</p> <p>Rototuna is still the priority growth cell for residential development and whilst most of the strategic elements are in place there will be the need to invest in remaining elements to complete growth cell.</p>	<p>Stormwater:</p> <ul style="list-style-type: none"> Upsizing contribution for stormwater infrastructure. <p>Wastewater:</p> <ul style="list-style-type: none"> Upsizing contribution for wastewater infrastructure. <p>Water supply:</p> <ul style="list-style-type: none"> Rototuna reservoir and associated bulk mains (services both citywide and Rototuna growth). Upsizing contribution water infrastructure. <p>Transport:</p> <ul style="list-style-type: none"> Extending Resolution Drive to connect to the Waikato expressway providing a regional link to the city. Completing Borman Road minor arterial to ensure network operates efficiently whilst unlocking land development. Designating the Northern river crossing securing future strategic transport provisions. Gordonton Road intersection improvements at Puketaha and Thomas Road. Upsizing contribution for collector roads. <p>Community:</p> <ul style="list-style-type: none"> Rototuna sports park development. 	<p>Transport:</p> <ul style="list-style-type: none"> Upgrading of existing rural roads especially those on the periphery of the growth cell such as River Road, Kay Road, Gordonton and Horsham Downs Road. <p>Community</p> <ul style="list-style-type: none"> Rototuna library. Rototuna pool. Te Manatu Park Development. Rototuna West Sports Park. Mangaiti Sports Park. Land purchase future reserves.
Cell	Current State 2016/17	Changes to Funded Infrastructure	Projects not included in 10-Year Plan

Rototuna	Urban development continuing unimpeded	<p>Water supply:</p> <ul style="list-style-type: none"> Increased funding to complete Rototuna reservoir and associated bulk mains (services both citywide and Rototuna growth). Program accelerated to have reservoir operational June 2017 <p>Transport:</p> <ul style="list-style-type: none"> Transport program modified to suit Rototuna town centre LDP and development program. North city Road pushed back one year 	No Change to current list
Cell	Current State	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Rotokauri	<p>- Infrastructure investment in Rotokauri has focussed on the strategic elements to support industrial development only.</p> <p>- Infrastructure to support Residential development was not funded in the 2012-22 10-Year Plan.</p> <p>- There are transport and water services that are able to support residential development but there is the need to extend the strategic wastewater and develop a stormwater solution to support urban growth east of Te Rapa Bypass.</p> <p>- An integrated catchment management plan is being progressed in partnership with the development community to confirm and determine the best practicable network configuration to support growth in Rotokauri.</p> <p>- Pressure from the development community and the potential for sub-optimal wastewater solutions has led to the recommendation to progress Council wastewater investment in the area.</p> <p>- Significant investment in transport, wastewater and stormwater is required to develop the stage 1 residential area.</p>	<p>Stormwater:</p> <ul style="list-style-type: none"> Upsize contribution for strategic stormwater floodways and stormwater infrastructure. <p>Wastewater:</p> <ul style="list-style-type: none"> Extending Rotokauri interceptor through growth cell to provide network for residential development. Upsize contribution for wastewater infrastructure. <p>Water supply:</p> <ul style="list-style-type: none"> Upsize contribution for water infrastructure. <p>Transport:</p> <ul style="list-style-type: none"> Land procurement for strategic transport network and upsize contribution for arterial construction. Upsize contribution for collector roads. <p>Funding provisions with the exception of the Rotokauri interceptor are proposed to start in year 7 of the 10-Year Plan.</p> <p>Program supports the operative district plan stage 1 boundary and not the proposed district plan boundary (as this is subject to appeal).</p>	<p>Transport:</p> <ul style="list-style-type: none"> Upgrading of existing rural roads especially those on the periphery of the growth cell such as Brymer Road , Rotokauri Road, Exelby Road and Lee Road. <p>Community:</p> <ul style="list-style-type: none"> Land purchase future reserves. Rotokauri sports park development.
Cell	Current State 2016/17	Changes to Funded Infrastructure	Projects not included in 10-Year Plan

Rotokauri	<p>ICMP progressing and planned to be completed Nov 2016</p> <p>Small elements of Land development occurring with interim measures being utilised for wastewater and stormwater.</p> <p>HCC investing as necessary for upsizing infrastructure</p> <p>Current water supply will be impacted by increased development requiring additional HCC investment</p> <p>PDA will be required</p>	<p>Advanced the Rotokauri interceptor to be in and operational by end of year 3 (17/18)</p> <p>Funding has been advanced from later years 7-10 to years 2-4 to assist with local land development in vicinity of Te Wetini Drive/Rotokauri Road for:</p> <ul style="list-style-type: none"> Land for arterial roading and stormwater Designation of floodway corridor Wastewater pump station and rising main to service part of stage 1 catchment Strategic water from Pukete reservoir connected to growth cell 	<p>No Change to current list</p> <p>Stormwater assumption in 10 Year Plan to fit Financial strategy was that HCC would provide upside only- Preliminary ICMP work confirms stormwater is significant issue and additional funding will be required in order for HCC to provide lead infrastructure.</p>
Cell	Current State	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Peacockes	<p>Infrastructure for Peacockes stage 1 residential development is supported in the current 2012-22 10-Year Plan.</p> <p>Peacockes Stage 2 is not supported in the current 2012-22 10-Year Plan.</p> <p>The 2015-25 10-Year Plan continues to support residential development within stage 1 and has provisions to facilitate head works to support stage 2 development.</p> <p>Peacockes is critical for the City to accommodate growth over the longer term however requires large amounts of investment to get strategic services to the edge of the Cell.</p> <p>The most significant of these services is the extension of the Far Eastern Wastewater Interceptor through the Ruakura growth cell, installation of the Southern Wastewater Interceptor into the Peacockes growth cell, and transport investment in the form of a bridge extending Wairere Drive across the Waikato River.</p> <p>These strategic investments partially fall within the 2015-25 10-Year Plan but a significant portion is in years 11-30.</p>	<p>Stage 1</p> <p>Stormwater:</p> <ul style="list-style-type: none"> Upsizing contribution of stormwater infrastructure. <p>Wastewater:</p> <ul style="list-style-type: none"> Pump stations and associated rising mains. Upsize contribution of wastewater infrastructure. <p>Water supply:</p> <ul style="list-style-type: none"> Upsize contribution of water supply infrastructure. <p>Transport:</p> <ul style="list-style-type: none"> Designation leadworks such as environmental studies and mitigation offsetting, land procurement, archaeological investigation. Dixon Ohaupo roundabout and arterial upsizing. Collector road upsizing contribution. <p>Stage 2</p> <ul style="list-style-type: none"> Designation leadworks such as environmental studies and mitigation offsetting, land procurement, archaeological investigation 	<p>There are no unfunded projects for Peacockes stage 1.</p> <p>Timing for stage 2 development is in years 11-30</p> <p>Community:</p> <ul style="list-style-type: none"> Land purchase future reserves.
Cell	Current State 2016/17	Changes to Key Funded Infrastructure	Projects not included in 10-Year Plan

Peacokes	<p>Stage 1:</p> <ul style="list-style-type: none"> Consented lots have reached 500 and triggered need to introduce a roundabout and changes at Dixon/Ohaupo intersection Dixon/Ohaupo Intersection planned to be operational in year 5 to release remaining 350 lots <p>Stage 2:</p> <ul style="list-style-type: none"> Designation for Southern Links is completed Land procurement for designation is progressing on reactive basis Wastewater Master plan will confirm wastewater solution for Peacokes including options like storage and pumping to far eastern interceptor 	No Change to current state	No Change to current state
Cell	Current State	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Ruakura	<p>The recent Board of Inquiry decision has zoned parts of the Ruakura growth cell for development which includes residential development in the north and industrial and an inland port in the south. These elements are being considered and processed for inclusion in the proposed district plan.</p> <p>HCC is not actively facilitating urban development in Ruakura growth cell and has the expectation that the development community will provide the necessary infrastructure.</p> <p>However to get the best outcomes for strategic infrastructure, HCC will have to liaise and reach agreements with developers to ensure provisions are provided.</p> <p>In 2019/20 NZTA is anticipating to have completed the Waikato Expressway and this includes the Ruakura interchange connecting to Ruakura and Silverdale roads near the university.</p>	<p>Wastewater:</p> <ul style="list-style-type: none"> The Far Eastern Interceptor needs to progress through the Ruakura growth cell and be extended to support urban development in the Peacokes growth area. <p>Water supply:</p> <ul style="list-style-type: none"> Upsize contribution for water supply infrastructure. Just outside the 10 year plan a 24ML reservoir is proposed within Ruakura to support Ruakura and citywide growth. <p>Transport:</p> <ul style="list-style-type: none"> Upgrading Ruakura Road to support a new Waikato Expressway connection and industrial growth in Ruakura. 	<p>HCC is not actively facilitating urban development in Ruakura growth cell and has the expectation that the development community will provide the necessary infrastructure.</p> <p>Transport:</p> <ul style="list-style-type: none"> Upsizing contributions to transport provisions to achieve strategic urban outcomes.
Cell	Current State 2016/17	Changes to Key Funded Infrastructure	Projects not included in 10-Year Plan

Ruakura	<p>Chedworth PL have been progressing residential land development including the construction of part of the Waikato expressway connection.</p> <p>CPL have agreement with NZTA for Expressway connection to be built by CPL up to Spine Road intersection by a specified date.</p> <p>TGH have lodged and consented their first stage of the inland port</p> <p>TGH have agreement with NZTA for Expressway connection to be built by NZTA by 2019/20.</p> <p>HCC is progressing the closure of Ruakura Road to allow the inland port to develop PDA in progress</p>	<p>HCC is in negotiation with RDL and TGH to complete a PDA</p> <p>Wastewater:</p> <ul style="list-style-type: none"> HCC has brought forward upside funding TGH and CPL will contribute costs to service their land use <p>Water supply:</p> <ul style="list-style-type: none"> HCC has bought forward the Ruakura reservoir and bulk mains pushing back the Hillcrest reservoir TGH and CPL will install trunk mains with HCC funding upsizing <p>Transport:</p> <ul style="list-style-type: none"> TGH and CPL will provide transport provisions HCC has purchased 2 sections on Powell's Road to facilitate the future reserve and spine road corridor 	<p>Change to current state where HCC is now actively funding development in Ruakura in partnership with TGH and CPL</p>
.Cell	Current State	Proposed Key Funded Infrastructure in 10-Year Plan	Projects not included in 10-Year Plan
Temple View	<p>Temple View area is part of the future urban development area for the city.</p> <p>HCC has agreed to scope the requirements for a structure plan for this future growth area.</p> <p>The existing residential area is supported with limited water supply and wastewater provisions and connects to the city via a rural transport arterial.</p> <p>Strategic infrastructure is not currently capable of supporting urban expansion into this future urban growth area.</p>	<p>There are no funding provisions in the proposed 2015-25 10-Year Plan for infrastructure to support urban development beyond the existing residential zoned area.</p>	

e Rapa North	<p>Te Rapa North is zoned industrial and has specific provisions in the operative district plan on the rate of development and the location this can occur.</p> <p>Council expectations are that the current land owners will fund the necessary infrastructure to support industrial development.</p> <p>However to get the outcomes for strategic infrastructure, HCC will have to liaise and reach agreements with developers to ensure provisions are provided.</p>	There are no funding provisions in the proposed 2015-25 10-Year Plan to support industrial development in Te Rapa North.	Upsizing contributions for stormwater, wastewater, water supply and transport to ensure network provision meets HCC urban standards.
Cell	Current State 2016/17	Changes to Key Funded Infrastructure	Projects not included in 10-Year Plan
Temple View	<p>No Change to current state</p> <p>HCC is progressing a gap analysis exercise to determine scope for structure plan development</p>	No Change to current state	No Change to current state
Te Rapa North	First Stages Te Rapa North open.	HCC is contributing in an upsizing agreement for water supply to service to Perry development.	No Change to current state

↘ Strategic Infrastructure

What it means

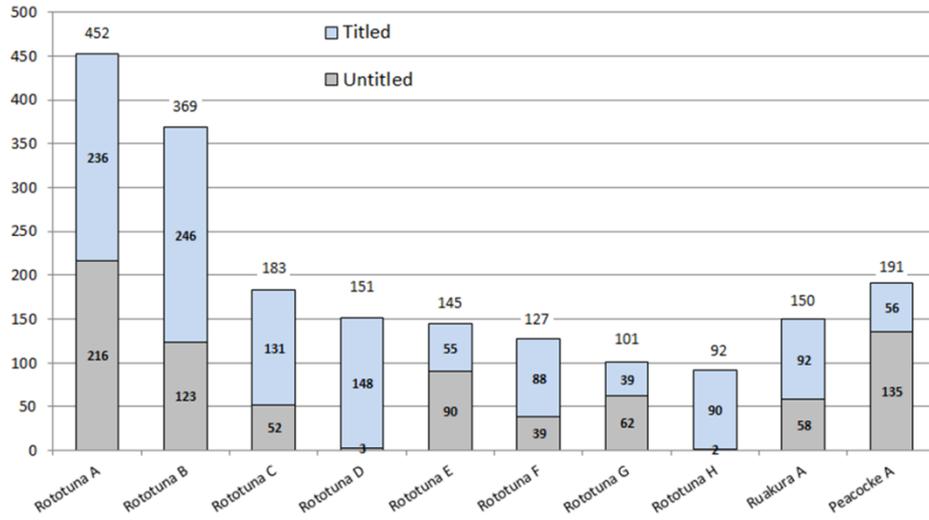
Wastewater, Storm Water, Water	
Plant	Reservoirs, Treatment Plants
Bulk	City-wide e.g. WW Interceptors, Ring Mains
Trunk	Services multiple areas
Local	Services individual properties

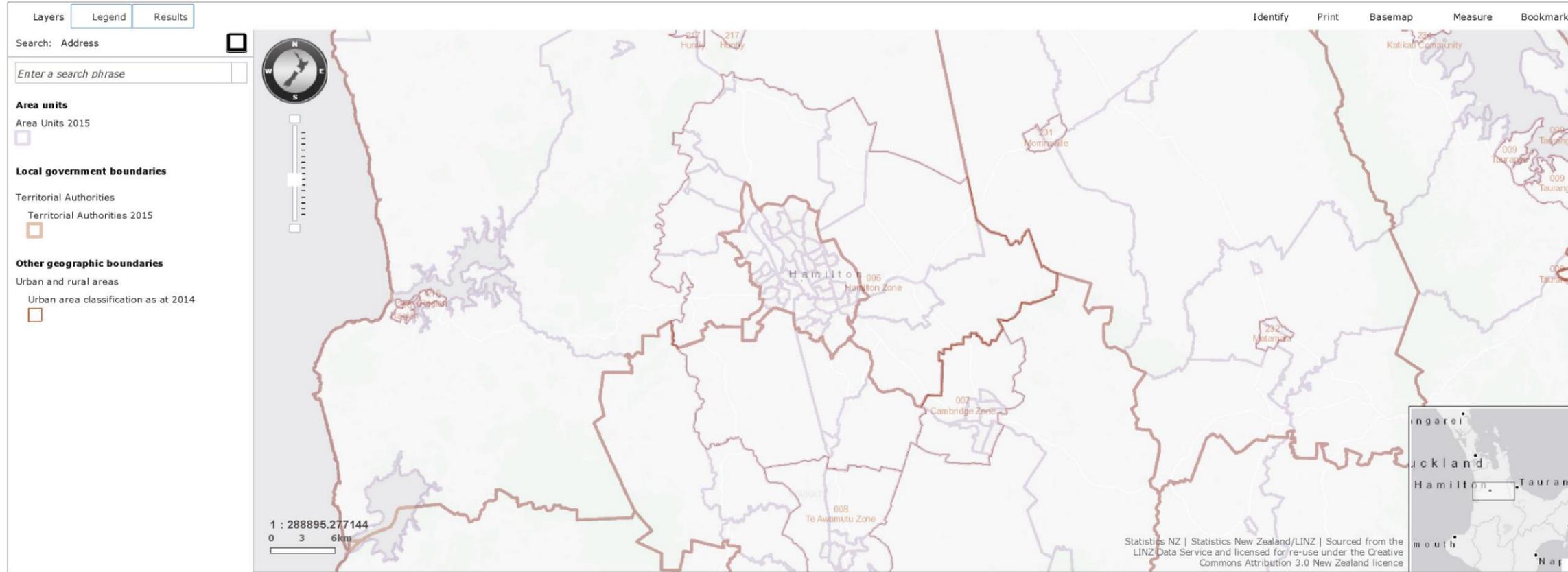


Roothing	
Major Arterial	Major roads e.g. Ring Road
Minor Arterial	e.g. Borman Road
Collector	e.g. Moonlight Drive
Local	Low volume/high access roads



10 largest developments - sections titled since subdivision

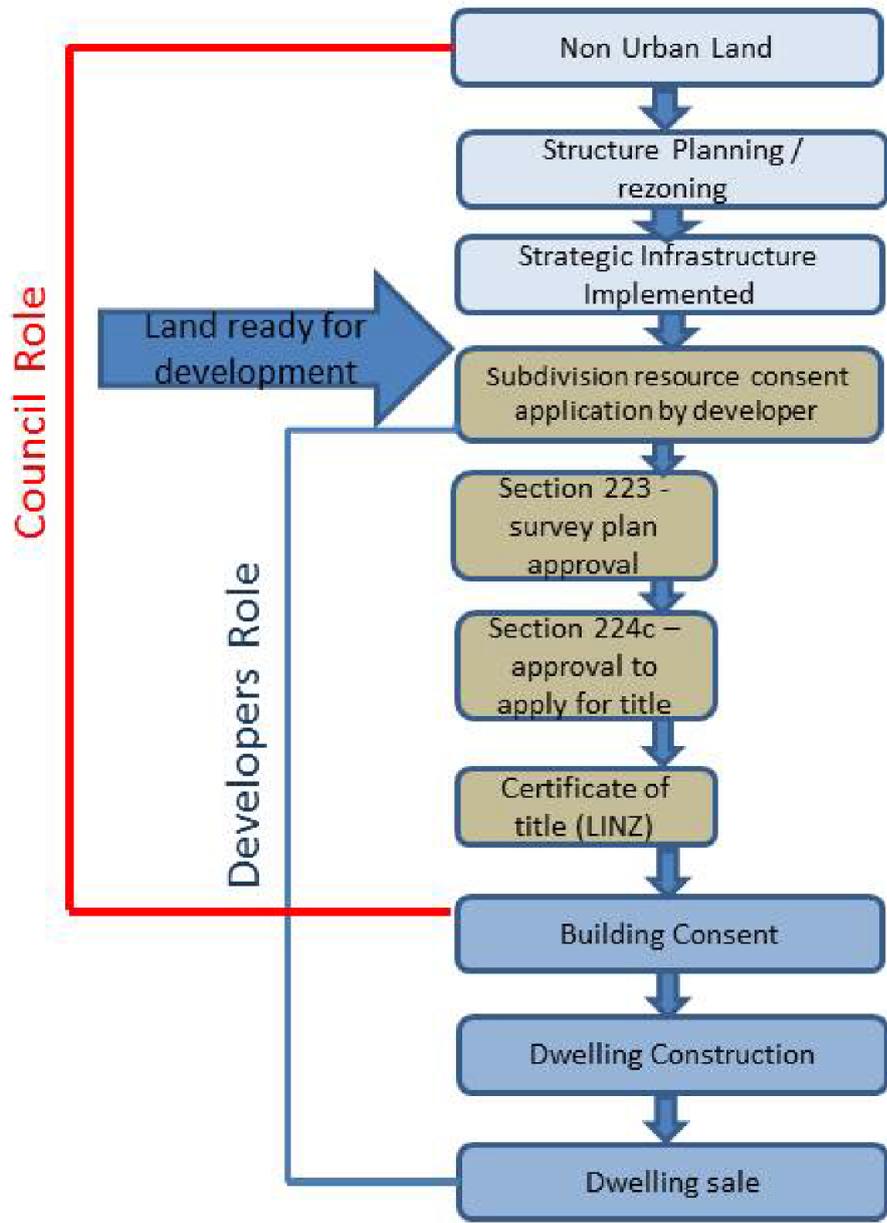




Item 10

Attachment 7

Simplified Urban Development Process



Infrastructure Projects- Hamilton City Council

Short Term Returns (1-2 years)

Growth Area	Infrastructure Description	Cost (\$M)	Approximate yield	Investment Delivery Timetable	Yield Timetable
Rototuna	Borman Road Extension including wastewater, water supply and stormwater	\$20-25	500	2 years	10 years
	Water Trunk Service- Kay Road, Wastewater under WeX and stormwater	\$12-15	1100	2 years	10 years
Ruakura	Transpower undergrounding	\$14-16	550	2 years	5 years
	Wastewater Strategic network	\$15-20	1750	2 years	10 years
	Spine Road/Fifth Avenue extension, Strategic Wastewater and trunk Water supply	\$30-40	1750	4 years	10 years

Medium Term Returns (2-6 years)

Growth Area	Infrastructure Description	Cost (\$M)	Approximate yield	Investment Delivery Timetable	Yield Timetable
Peacockes	Stage 1 - Dixon/Ohaupo Road Intersection	\$8-10	450	2 years	5 years
	Stage 2 - Strategic Wastewater	\$35-40	1000	3 years	10 years
	Stage 2 - Cobham/Wairere Bridge, Waikato river Bridge, Peacockes Arterial and Stormwater, Strategic Wastewater and Water supply	\$200-220	5000	5 years	20 years
	Stage 2 - Cobham/Wairere Bridge, Waikato river Bridge, All southern links Arterials and Stormwater, Strategic Wastewater and Water supply for whole growth cell	\$290-310	8000	10 years	20 years
Rotokauri	Stage 1 - Stormwater floodway	\$75-95	2950	4 years	15 years
	Stage 1 - Stormwater floodway, Transport network, wastewater and water supply	\$210-230	2950	6 years	10 years

Committee: Council

Date: 25 August 2016

Report Name: City News

Author: Sean Hickey

Status	<i>Open</i>
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The Report will be circulated under separate cover prior to the 25 August 2016 Council Meeting.

Committee: Council **Date:** 25 August 2016
Report Name: Recommendations to Council - Finance Committee Meeting **Author:** Mary Birch
 18 August 2016

Status	<i>Open</i>
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Councillor Pascoe, the Chair of the Finance Committee, will present the recommendations of the Committee Meeting held on 18 August 2016. The 18 August 2016 Finance Committee Agenda is available via the following link:

<http://www.hamilton.govt.nz/AgendasAndMinutes/Finance%20Committee%20Agenda%20-%20Open%20-%2018%20August%202016.pdf>

Proposed Easements over Recreation Reserve

That:

- a) Council grant an easement pursuant to section 48(1)(f) of the Reserves Act 1977 in favour of the owner of 34 and 34A Morris Road, for the purposes of vehicle access, over that part of the land classified as Recreation Reserve and legally described as Lot 85 DPS 7196 (part of Jansen Park) subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation;
 - (ii) Council meeting all costs of the preparation and registration of the easement against appropriate certificates of title, and the reasonable legal costs (including survey) and all other costs agreed to within the easement instrument.
- b) Council grant an easement pursuant to section 48(1)(d) of the Reserves Act 1977 in favour of WEL Networks Ltd, for the right to convey electricity in, through and below that part of the land vested in Council as Recreation Reserve and legally described as Lot 1 DP 9845 ("Embassy Park"), subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation.
- c) the Chief Executive be delegated the power to negotiate the terms of the easement with Dennis Wheatley, and WEL Networks Ltd; and to sign all documents and do all things necessary to enable the easement to be granted and registered.

1. Attachments

There are no attachments for this report.

Committee: Council **Date:** 25 August 2016
Report Name: Recommendations to Council - Council Controlled Organisations (CCO) Subcommittee Meeting - 9 August 2016 **Author:** Emily Acraman

Status	<i>Open</i>
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Councillor Mallett, Chair of the Council Controlled Organisations (CCO) Subcommittee, will present the recommendation from the Subcommittee Meeting held on 9 August 2016 concerning:

- 1. Waikato Innovation Park Ltd – Directors remuneration to be considered at 22 September 2016 AGM.**

The 9 August 2016 Council Controlled Organisations (CCO) Subcommittee Agenda is available via the Councillors FTP site or at <http://www.hamilton.govt.nz/AgendasAndMinutes/20160809>. (Refer to Item 4 on the agenda).

Recommendation

That:

- a) the Report be received, and
- b) the Directors' fee increase of \$22,500 (from \$137,500 to \$160,00 in total, outlined in Attachment 1) be approved at the Waikato Innovation Park Ltd AGM on 22 September 2016 effective from 1 October 2016.

1. Attachments

2. Attachment 1 - WIPL - Proposed Director Fees 2016 (for CCO subcommittee 2016-08-09)

Signatory

Authoriser	Blair Bowcott, Executive Director Special Projects
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Waikato Innovation Park Ltd (WIPL)

Current and Proposed Director Fees 2016

1. Changes Proposed to Directors Fees

- 1) Chairperson Fee from \$37,500 to \$40,000 p.a.
- 2) Directors Fee from \$25,000 to \$27,500 p.a.
- 3) Standing Committee Chairperson Fee an additional \$2,500 p.a. (NEW)
- 4) Standing Committee Members Fee an additional \$1,250 p.a. (NEW)
- 5) Subsidiary Board Members Fee an additional \$1,250 p.a. (NEW)

NOTE: WIPL Board Members who sit on NZ Food Innovation (Waikato) Ltd (NZFIWL) subsidiary board receive no other board fees, apart from \$1,250 noted above. Only the Chair of WIPL sits on the board of NZFIWL. The CEO of WIPL also sits on the board of NZFIWL but receives no additional fees for this.

2. Summary of Directors Fees

Role	Held By	Current Fee	Additional Duties	Proposed Fees			Change
				Base	Additional Duties Fee	Total Fees	
Chair	Earl Rattray	37,500	Director of NZFIWL Ex-officio of all sub-committees	40,000	1,250	41,250	3,750
Director	Tony Steel	25,000	Chair ARFC Member DD	27,500	2,500	30,000	5,000
Director	Helen Cross	25,000	Chair REM Member DD Member AFRC	27,500	2,500	30,000	5,000
Director	Martin Udale	25,000	Chair DD Member AFRC	27,500	2,500	30,000	5,000
Director	Andy West	25,000	Member REM Member DD	27,500	1,250	28,750	3,750
Total Fees		137,500		150,000	10,000	160,000	22,500
					% Change		16.4%

Glossary		
	NZFIWL	NZ Food Innovation (Waikato) Ltd
	ARFC	Audit, Risk and Finance Committee
	DD	Capital Due Diligence Committee – supports current equity raising process
	REM	Remuneration and Appointments Committee – regular performance monitoring CEO and Senior Management

Committee: Council

Date: 25 August 2016

Report Name: Council - Open Minutes - 7, 14
and 28 July 2016

Author: Emily Acraman

Status	<i>Open</i>
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Recommendation

That the Council confirm and adopt as a true and correct record:

- a) the Open Minutes of the Council Meeting held on 7 July 2016;
- b) the Open Minutes of the Council Meeting held on 14 July 2016; and
- c) the Open Minutes of the Council Meeting held on 28 July 2016.

1. Attachments

2. Attachment 1 - Council - Open Minutes - 7 July 2016
3. Attachment 2 - Council - Open Minutes - 14 July 2016
4. Attachment 3 - Council - Open Minutes - 28 July 2016

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 7 July 2016 at 9.30am.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Gallagher Cr K Green Cr A King Cr D Macpherson Cr G Mallett Cr A O’Leary Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Sean Hickey – General Manager Strategy & Communications Sean Murray - Executive Director H3 & Events Julie Clausen – Programme Manager- Strategy
Committee Advisors	Mrs MM Birch and Mr B Stringer

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Yeung)

That the apologies from:

- a) Councillor Forsyth; and
- b) Councillor Gallagher (for lateness),

be received and accepted.

2. Confirmation of Agenda

The Chair outlined that the purpose of the Meeting was to hear from submitters following the consultation on the future of Founders Theatre; as outlined in the Hearing Schedule distributed to Elected Members.

Resolved: (Her Worship the Mayor Hardaker/Cr Wilson)
The Council to confirm the Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No Public Forum was required.

5. Founders Theatre Hearings Report

The Chair noted that:

- the speaking order of submitters may change to reflect their attendance; and
- a copy of the Founders Theatre consultation document had been circulated to Members to provide context to the submissions presented.

The General Manager Strategy & Communications introduced the report and highlighted the following:

- Staff had updated the submissions analysis (page 71 of the *Founders Submissions Report*), a copy of which was tabled, to correct some errors.
- Copies of the submissions were available online on the Council website.

Councillor Gallagher arrived during the introduction to Item 5 (9:35am).

The following people spoke to, and responded to questions on, their submissions:

- **Sarah Nathan, representing Creative Waikato (Submission 2076)**

An overview of the consultation process undertaken by Creative Waikato was provided; Miss Nathan noted there was no single solution that worked for all stakeholders. Key findings were:

- i. Build New Option

- Creative Waikato's recommendation, based on the focus groups feedback, was to build a new, future-proofed theatre. It would need to be a multi-purpose venue; to cater for both classical and performing arts. Links to the inner city, hospitality and parking would be important.
- A venue sitting about 1200 people would be appropriate for a city of Hamilton's size. It was acknowledged that that the annual secondary school kapa haka

competition would require a larger venue.

- Questions on how a new theatre would be funded were not covered in the focus group sessions. Miss Nathan believed it would be worth exploring funding opportunities from neighbouring authorities.

ii. General theatre and classical musical needs

A new theatre should address the different requirements of classical and amplified music. Issues in relation to Founders Theatre, such as acoustic quality, performers' facilities and fire exits, were noted; a similar build to Founders would not be suitable. Various options were discussed.

iii. Interim solutions

A number of suggestions were canvassed including lending equipment from Founders Theatre to other venues and offering more affordable rates for use of Claudelands.

iv. Future use of Founders Theatre

There was support for continued 'grassroots community' use of Founders Theatre, even if a new theatre was built.

- **Sally Rosenberg, representing Hamilton Civic Choir**

The Civic Choir's preference was for a new build; the acoustics in Founders was not suitable for choir performances and the Gallagher Concert Chamber at Waikato University was too small. Miss Rosenberg believed a new venue would provide a creative centre for Hamilton and acknowledged that it could be a long journey to achieve this.

- **Leonard Gardner, Chair of Momentum Waikato**

Mr Gardner spoke in relation to Momentum Waikato's desire to build an iconic theatre in Hamilton; the costs of which would be contributed to by community donors in addition to a \$30 million capped amount from the Council.

Process

Momentum Waikato would lead the process of connecting and aligning such donors and overseeing the process away from a political environment. This would include:

- the establishment of an appointments panel, which would include a Council representative; and
- such panel appointing a panel of experts to assess, amongst other things, the best location and requirements for the new theatre.

It was envisaged that the project could be completed within a 3 to 5 year timeframe.

The Meeting adjourned from 10:35am to 10:50am

Councillor Wilson returned to the Meeting during the presentation of the next submitter (10:53am).

- **Paul Burrows, representing the Stroke Foundation**

A new build was supported, though a fully accessible, refurbished Founders Theatre would be acceptable.

- **Susan Trodden, representing Orchestras Central**

Ms Trodden expressed support for the Momentum Waikato proposal, and believed a new building needed to be the home for more than a single creative organisation or group.

- **Hannah McWhannell, Haylee Oettli, Jody Reece and Tara Carmichael, representing Hillcrest High School**

The pupils spoke in support of a new build theatre to address the issues with the current Founders Theatre. It would be preferable to have the new venue located centrally. The students acknowledged that while a refurbished Founders Theatre would be cheaper, a new build would be of greater benefit in the long term.

They believed Founders could still be used for community events such as prizegivings.

- **Ron Braithwaite**, spoke in support of a new build to reflect Hamilton's growth, with a proscenium arch to be included. The structure and location of the Founders Theatre were not suitable for the typical audience; parking was a particular concern.

- **Professor Alister Jones, David Craig and Dame Malvina Major, representing the University of Waikato**

The University's proposal for a new theatre to be constructed adjacent to the Gallagher Performance Arts Centre was presented. The benefits of location, facilities, parking and public transport links were outlined. Other key points highlighted were:

- i. The University would contribute \$5 million, together with the initial land required. The proposed venue would seat 1500 people.
- ii. It was expected that this new venue would be able to cater for community-based groups. The commercial model for such use would need to be considered.
- iii. The University was not looking to expand the current concert chamber located on campus; it was an appropriate size for its intended use.
- iv. It would need to be decided whether the completed theatre became a University facility or a 'city asset' as part of funding discussions.

- **Jason Wade, representing Clarence Street Theatre**

Mr Wade expressed the need for a premium events performance facility to be located in the city to ensure its greatest use. He noted that:

- i. The Claudelands Events Centre was not an appropriate venue for musical theatre.
- ii. A new build would need to host 1000 to 1200 people; there were smaller venues already established in Hamilton. There was sufficient public carparks for a central city-located theatre.
- iii. Clarence Street Theatre's request for the interim use of equipment at Founders Theatre had been declined, which was disappointing.

- **Geoff Kreegher**, stated his concerns with the estimated costs for a refurbished Founders Theatre or new build, believing both would involve additional expenses not covered in the consultation document. Mr Kreegher suggested the Council should either gift Founders Theatre to the arts sector, crowd-fund its refurbishment or demolish it.

- **Roger Loveless**, spoke in support of the heritage of Founders Theatre. Mr Loveless acknowledged it was not perfect, but was accessible and he would prefer that it would be refurbished if safe and financially viable.

The Meeting adjourned from 12:15pm to 1:00pm

Councillor Wilson retired from the Meeting at 12:15pm.

Councillor Gallagher returned to the Meeting after the adjournment at 1:03pm.

- **Sam Edwards** supported the building of a new performance arts theatre to operate alongside a refurbished Founders Theatre and Claudelands Events Centre.
- **John Barwick** had reconsidered his written submission and supported a new build theatre, which would incorporate all required facilities. The site of Founders Theatre could be used for alternative purposes.
- **Robert Davidson** supported the building of a new pentagonal theatre, which would include a mini opera house and be able to serve multicultural events.
- **Tui Allen** supported the construction of a theatre over the Waikato River, with pedestrian access to and from the central city.
- **David Whyte** believed that Founders Theatre should be demolished and, if required, revisit the need for a purpose-built theatre in 5 to 10 years' time. Auckland was close enough for locals to attend big events. Mr Whyte acknowledged there was a risk of losing talented young people should there be an absence of a principal theatrical venue.
- **John Cameron** supported a new build in the location of the existing Founders Theatre, the cost of which should be borne by the ratepayers. In response to concerns on parking, Mr Cameron believed that concert goers should look to alternative transport options other than using their car to attend events at the theatre.
- **Philip Curnow** stated that the consultation document provided options without adequate supporting data. Mr Curnow noted he had not read the previous engineering reports that had been presented to Council. He supported an independent process to progress any theatre development, as proposed by Momentum Waikato.
- **Stephen Bennett** spoke in support of making the principal theatre venue fully accessible to blind people, including as performers.
- **Roger Stratford** expressed concerns with Founders Theatre from an audience perspective to support his submission that a new theatre is built. If appropriately located, it could also serve as an alternative civil defence centre. Mr Stratford did not believe Council would be required to fund all costs associated with the new build.
- **Judy McDonald** circulated a summary of her verbal submission to Elected Members present, supporting the return of Founders Theatre to green belt use. A new theatre should be built at the north end of Victoria Street.
- **Antanas Procuta** identified his architectural credentials and claimed that the best option was to refurbish Founders Theatre and consider building a new world-class facility later. If a new build was selected, locating it in the central city would make sense.

- **Kevin Dornauf** believed Founders Theatre had been neglected, and remained viable if refurbished. A larger venue could be investigated later. There should be a proper maintenance budget for all community facilities, including theatres. Mr Dornauf supported the use of existing targeted rates for that purpose.
- **David Mannering** circulated a drawing to identify a possible design for a new theatre built on the Founders Theatre site. Mr Mannering agreed that the balance of funding required, in addition to the Council contribution of \$30 million, could be obtained through regional ratepayers and philanthropic sources.
- **Paul Knox** suggested that the public had not been provided with all material information, which was required to make an informed decision.

Councillor Mallett retired from the Meeting at 2:30pm

The Meeting adjourned from 2:30pm to 3:30pm.

- **Gay Fraundorfer** spoke in support of building two theatres – a smaller venue for choirs and orchestras, and a larger building for ballet and musicals – within the same complex.

Councillor King returned to the Meeting after the adjournment during the next speaker's presentation (3:35pm).

- **Cecile McShane** spoke in support of a refurbished Founders Theatre, acknowledging that there were issues with the current building.
- **Bruce Cresswell** supported a new theatre being built in the Entertainment sector of the city, such sector identified in the Central City Transformation Plan; Victoria on the River could be a possible site. Mr Cresswell advocated the use of technology in the new theatre.
- **Matt Stark** supported building a new theatre in the central city with the focus being on the value it would bring to the city, rather than the construction costs. Mr Stark agreed with Momentum Waikato's proposal to remove the process from the Council in order to give confidence to private sector investors.

The Director H3 & Events ('the H3 Director') then responded to questions that had been raised by submitters in the Meeting:

- **Founders Theatre Piano**
There were two pianos, both of which were stored securely. They would be used at alternative venues when possible until they were relocated to a new base.
- **Founders Theatre Equipment**
Some older equipment had been provided to the Meteor and Clarence Street Theatres following the closure of Founders Theatre. Other technical equipment from Founders was still being used by the Council across other venues, including Claudelands Events Centre, or was rented by the Council.

Action: Staff would re-assess the availability of any equipment located at Founders Theatre for use at other theatre venues during the closure of Founders.

- **Hotere Mural**
There was discussion on finding an alternative venue for the Ralph Hotere mural located at Founders Theatre for public viewing.

Resolved: (Her Worship the Mayors Hardaker/Gallagher)

That the Director H3 & Events and Museum Director work together to see if they can relocate the Ralph Hotere mural, at the Founders Theatre, to a place with public access.

Action: The H3 Director would report back to the Council as to suitable storage options, should an alternative venue for the mural not be found.

- **Seismic Reports – Founders Theatre**
The primary areas of concern were the stagehouse and roof, which impacts the front-of-house strength requirements though these were less of a concern. The staff report to be presented to Council at its Meeting on 28 July 2016 would address these issues.
- **Other Matters**
 - i. The phrase 'like for like' was never used in the consultation document or process by the Council when describing a rebuild of Founders Theatre.
 - ii. Community access to the Claudelands Events Centre was being assessed on a case-by-case basis.
 - iii. Staff were always available at Claudelands to assist visitors with any access requirements. Additional retractable steps would be installed at this site in the future.
 - iv. Staff had received positive feedback from the New Zealand Symphony Orchestra ('NZSO') in relation to its recent performance at Claudelands, though it was appreciated the venue was not up to the standard required for such orchestral work.

Council Members then continued to hear from, and ask questions of, submitters:

- **Katherine O'Regan** expressed disappointment that there was no reference to the history of Founders Theatre in the consultation undertaken. Miss O'Regan was supportive of:
 - i. a new theatre, provided the original purpose of Founders was retained; and
 - ii. neighbouring authorities being approached to provide funding for a new build.
- **Margaret Evans and Mavora Hamilton, representing the TOTI Charitable Trust ('the TOTI Trust')**
The TOTI Trust representatives believed that people wanted Founders Theatre to be refurbished and a new theatre constructed on the riverbank. The following points were discussed:
 - i. The final decision on this matter should be made by the new Council after the October elections to allow for a wider discussion.
 - ii. The TOTI Trust did not support the proposal from the University of Waikato; a city event centre was required.
 - iii. There was a future life for the existing Founders Theatre. It was suggested that a community-based group undertake a review on its continued use, such review to be undertaken on a pro bono basis.
 - iv. The Council needs to review the costs to hire Claudelands or Founders in an assessment as to whether they satisfy their respective purposes.

- v. Any decision on Founders Theatre needed to align with the Council plans.
- vi. More detail on Momentum Waikato's proposal was required; concern was mentioned as to philanthropic capture of the project. Alternative funding models were discussed. Strong Council support was required in any event.

The Chairperson advised the Council members present as to the process when the Meeting would reconvene on 8 July 2016.

The Meeting adjourned at 4:35pm

The Council Meeting reconvened in the Council Chamber, Municipal Building, Garden Place, Hamilton on Friday 8 July 2016 at 10:00am.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr K Green Cr A King Cr G Mallett Cr A O’Leary Cr R Pascoe Cr L Tooman Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Sean Murray - Executive Director H3 & Events Julie Clausen – Programme Manager- Strategy
Committee Advisors	Mrs MM Birch and Mr B Stringer

Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Yeung)

That the apologies from Councillors Forsyth, Gallagher, Wilson and Macpherson be received and accepted.

Item 5 continued – Founders Theatre Hearings Report

Council Members continued to hear from, and ask questions of, submitters:

- **Noel Gregory** supported the refurbishment of Founders Theatre, believing its location and size was appropriate; contributory funding should be sought from other authorities in the region. Mr Gregory believed a review was required as to why the theatre had not been adequately maintained over the years.
- **Adrian Pickering** queried why an option to refurbish Founders Theatre and build a new theatre was not provided as part of consultation. The following points were made:
 - i. Founders remained a suitable venue for community-based events; Mr Pickering disputed claims that the theatre was structurally unsound. He referred to the engineering report undertaken by Mr Gordon Hughes in 2007, which he believed could be reviewed and revised to confirm that the theatre still met minimum earthquake strengthening requirements.
 - ii. No single theatre would be acceptable for all requirements, particularly in relation to acoustics.

In response to questions, the H3 Director:

- i. signalled that while the 2007 report noted in Mr Pickering’s submission could be reviewed, the recent report undertaken by Dunning Thornton Consultants was more detailed and applied the updated Building Code requirements.
- ii. noted that the flying equipment in the theatre would need to be replaced regardless

of the seismic report findings; and

- iii. with the current seismic strength rating, Founders could continue to operate for the next five years, though there would still need to be a plan to upgrade the building.

The Chief Executive confirmed there was no reason to doubt the Dunning Thornton report findings and, he believed, that there would be no value in reviewing that report.

- **Skye Sloper** stated that the costs to refurbish Founders Theatre could end up being the same as a new build given the seismic strength issues. The focus should be on the vision of what a new theatre would offer Hamilton, rather than the cost. Miss Sloper suggested that funding could come from different sources, not just the ratepayer.
- **Sarah Thomson** argued that Hamilton required a theatre to call its own and supported the new build option for a 'state of the art' facility. Miss Thomson believed refurbishment costs always exceed initial estimates and there was more value in creating something new than working with an older model. The creative arts were a critical component of any growing city. Grassroot community organisations could utilise other venues across the city should the new venue not be appropriate.
- **Peter Wallis, Chief Executive of Chamber Music New Zealand**, spoke to his visual presentation shown to Elected Members present in support for a new venue. He highlighted the following points:
 - i. Founders Theatre had inadequate acoustics, as concluded by an independent survey.
 - ii. There was merit to connect the new theatre to the central business district. Mr Wallis believed Founders was not located close enough to the hospitality venues; the proposal from the University of Waikato encountered similar difficulties.
 - iii. There was currently no good symphonic venue in Waikato-Bay of Plenty; the first venue to offer a suitable standard will benefit from increased bookings. An example of the new symphony hall in Birmingham, United Kingdom, was noted.
 - iv. Ratepayers contributed to activities and structures that they may not use; it was equitable for them to pay an amount towards a new venue.
 - v. Utilising Founders Theatre for community-based groups was appropriate provided a new theatre was also available.

Following the conclusion of the submissions, the following motion was presented:

Motion: (Crs King/Mallett)

That:

- a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and
- b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:
 - i. with the fly tower; and
 - ii. with no fly tower.

In response to questions on the Motion (Crs King/Mallett), the H3 Director stated that:

- If Council wanted Founders Theatre to remain open in some form in the future, a further assessment would need to be completed as to what work would need to be completed to achieve this;
- Staff would check whether Founders could be re-opened without the fly tower. Further modifications to Founders (for example, replacement of the fire curtain) may trigger other Building Code compliance issues, which would incur substantial costs;
- A second assessment report would take at least a further two months to complete at an estimated \$48,000 cost. Staff could not guarantee the availability of Dunning Thornton prior to the 28 July 2016 Council meeting.

The H3 Director also clarified the difference between undertaking a peer review of Dunning Thornton's report as compared to commissioning a separate assessment report.

The Motion was then put.

Motion: (Crs King/Mallett)

That:

- a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and
- b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:
 - i. with the fly tower; and
 - ii. with no fly tower.

Those for the Motion: Councillor King

Those against the Motion: Her Worship the Mayor Hardaker,
Councillors Green, Pascoe, Chesterman,
Yeung, Mallett, Tooman and O'Leary

The Motion was declared lost.

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

That the report be received.

Councillor O'Leary retired from the Meeting at 12:00pm.

The Chairperson summarised those matters which staff were requested to include in their report to Council on 28 July 2016:

- Status of Founders Theatre and extent it could be re-opened, and associated costs;
- Submitters' selection on 'refurbishment' and 'rebuild' options to be clarified, and the submission numbers for each option corrected to reflect the hearings; and
- Previous external reports that have been presented to Council on Founders Theatre to be attached.

The Meeting was declared closed at 12:02pm

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 14 July 2016 at 10.00am.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Gallagher
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In attendance	Richard Briggs – Chief Executive
	Blair Bowcott – Executive Director Special Projects
	Chris Allen – General Manager City Infrastructure
	Kelvyn Eglinton – General Manager City Growth
	Andrew Parsons – City Development Manager
	Luke O’Dwyer – Economic Growth & City Planning Unit Manager

Peter Winder – Director, McGredy Winder
 Mike Stanton – Director, Cranleigh

Committee Advisors	Mrs MM Birch and Mr B Stringer
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1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Tooman)

That the apologies from Councillors Forsyth, Green and O’Leary be received and accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Wilson)

The Council to confirm the Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

There was no Public Forum.

5. Waikato Sub-Regional Waters CCO Proposed Record of Agreement

The Executive Director Special Projects ('Executive Director') provided a summary of the history to the report presented to Council in relation to:

- the future delivery of water services in the Waikato; and
- a draft Record of Agreement between Hamilton City Council, Waipa District Council and Waikato District Council ('the three Councils'), as recommended by the Waters Governance Group ('WGG').

Supported by Mr Peter Winder, Director of McGredy Winder, and Mr Mike Stanton, Director of Cranleigh, the Executive Director highlighted and responded to questions on the following points:

- **WGG Governance**

- i. At its Meeting on 29 October 2015, the Council resolved to support the establishment of the WGG to address the issues identified in the attachment to the *Waikato Sub-Regional Waters Study – Next Steps* report.
- ii. Her Worship the Mayor, and Councillors Mallet and Gallagher were the Council's representatives on the WGG.
- iii. The Terms of Reference for the WGG did not include discussion nor consultation on a council-controlled organisation ('CCO'), which was outside the ambit of the staff report.
- iv. There were differences of opinion across the delegations from each of the three Councils represented on the WGG. The draft Record of Agreement reflected the majority view of the Councils' representatives.
- v. Should the Council wish to change parts of the Record of Agreement, there was a risk of delays to the process and achieving the business case objectives previously agreed by the Council. This could also result in the other Councils requesting that other elements of the Record of Agreement be revisited.

- **Waters CCO**

- i. It was clarified that the three Councils had agreed, in principle, to form and own a CCO to manage water and wastewater services subject to undertaking public consultation.
- ii. Council could, at the relevant time, decide to include alternative models of ownership and management of water resources in the public consultation documents.
- iii. It was not proposed that any Elected Member from the three Councils would sit on the CCO Board, which was consistent with the Council's policy on appointment of

remunerated directors of CCOs. A competency-based approach would be used for Board appointments.

- **Record of Agreement**

- i. Reference to 'communities' in the Record of Agreement reflected that there were public health benefits to communities through the operation of a CCO.
- ii. While the Record of Agreement was not intended to be legally binding, staff acknowledged that clarity of terms used would be critical in any formal agreement concluded by the three Councils.
- iii. Reference to 'sub-region' referred to the combined boundaries of the three Councils.
- iv. With reference to paragraph 46(c), the process to deal with assets owned by the CCO, should a shareholder exit the proposed CCO, was complex. Arrangements, including an appropriate valuation method, would need to be agreed as part of any exit plan.
- v. There were a number of factors to be considered in the price harmonisation process contemplated.
- vi. The forecasted debt to equity ratio in paragraph 14 took account of all three Councils' respective Long-Term Plans. Different funding models of similar CCOs in other countries were discussed.
- vii. The intention was that the proposed CCO would eventually have a direct relationship with each recipient of the services it would provide; it was acknowledged that initially the relationship could be between the CCO and each of the three Councils. Hamilton residents would be able to contact an Elected Member to raise any concerns in relation to the CCO.
- viii. The proposed CCO would not be set up to make a profit; the operations of the CCO would be interdependent with environmental and social issues.
- ix. As a majority shareholder at the Shareholders Forum, the Council would need to agree to the principles set out in Table 1 of pages 12 to 13 of the Agenda in order for these to be binding on the proposed CCO.

- **Water Meters and Charging**

- i. The detail as to tariffs payable by customers of the proposed CCO, including how a 'fixed rate charge' will be calculated, had yet to be worked through. It was likely that a flat charge, rating system or user-pays charge were the principal fee options.
- ii. Reference to 'Implementing water metering' in the table on page 13 of the Agenda was a record that this would be an issue to be considered. As a significant matter, it would require 75% of the shareholders at the Shareholders Forum to agree on that principle.
- iii. Caution should be applied in using current commercial water rates for estimating residential consumption charges; staff advised that approximately 30 to 35% of a rates bill would be for water use.
- iv. Residential customers that are subject to a rural restricted supply had a water meter; other residential properties were not currently metered. An annual minimum fee of \$430 (including GST) applied to those customers that had meters.
- v. Staff confirmed that privatisation of provision of water for residential consumption was not permitted under current legislations.

The Meeting adjourned from 11:45am to 12:30pm

The following motion was presented:

Motion: (Crs Mallett/Pascoe)

That:

- a) the report be received.
- b) Council adopt the attached Record of Agreement and supporting documentation relating to the potential formation of a water and wastewater CCO for Hamilton City and Waipa and Waikato District Councils.

The following Amendment was put:

Amendment: (Crs Macpherson/Gallagher)

That:

- a) the report be received.
- b) the incoming Council be presented with:
 - i. the attached Record of Agreement and supporting documentation relating to the potential formation of a water and wastewater CCO for Hamilton City and Waipa and Waikato District Councils; and
 - ii. information supporting the 'enhanced shared service' water and wastewater management model, where elected members of the three Councils retain direct control of these services.

Those for the Amendment: Councillors Gallagher, Wilson and Macpherson

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors King, Pascoe, Chesterman, Yeung, Mallett and Tooman

The Amendment was declared lost.

A further Amendment was then put:

Amendment: (Crs King/Wilson)

That:

- a) the report be received.
- b) the Decision-Making framework for “implementing water metering” in the Record of Agreement (paragraph 19, table 1) be amended so that the table shows “implementing water metering” be a decision of the Individual Shareholder affected, based on the recommendation of the CCO Board/Management.
- c) Council adopt the attached Record of Agreement and supporting documentation (subject to the amendment in b)) relating to the potential formation of a water and wastewater CCO for Hamilton City and Waipa and Waikato District Councils.
- d) the Waters Governance Group be reconvened to discuss the amendment to the Record of Agreement sought by Hamilton City Council.

Those for the Amendment: Councillors King, Gallagher, Wilson and Macpherson

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors Pascoe, Chesterman, Yeung, Mallett and Tooman

The Amendment (Crs King/Wilson) was declared lost. The Motion was then put.

Resolved: (Crs Mallett/Pascoe)

That:

- a) the report be received.
- b) Council adopt the attached Record of Agreement and supporting documentation relating to the potential formation of a water and wastewater CCO for Hamilton City and Waipa and Waikato District Councils.

Those for the Motion: Her Worship the Mayor Hardaker, Councillors Pascoe, Chesterman, Yeung, Mallett and Tooman

Those against the Motion: Councillors King, Gallagher, Wilson and Macpherson

Action: Staff were requested to advise as to when Hamilton residents could initiate a referendum under the Citizens Initiated Referendum Policy for this matter, in order for the referendum result to be presented prior to, or at the same time as, the incoming Council making its decision on a proposed CCO.

6. Proposed National Policy Statement on Urban Development Capacity

The following additional changes to the draft submission, a version of which had been circulated to Elected Members, were noted:

- Substitute “incentivise” with “promote” in paragraph 3.2, under the second bullet point (*Action*); and
- Delete “so that some of this value uplift can be accessed” in the first bullet point (*Why is it important?*) under paragraph 3.3.

Some consequential changes to the language in the Executive Summary were required as a result of the above changes.

Resolved: (Crs Chesterman/Tooman)

That

- a) the report be received.
- b) Hamilton City Council’s Draft 5 submission (#468) to the Ministry for the Environment’s consultation document ‘Proposed National Policy Statement on Urban Development Capacity’ be considered and approved, subject to the changes discussed by Council.
- c) the approved submission #468 be sent to the Ministry for the Environment by 15 July 2016 to meet the submission closing date.
- d) subsequent to Council’s approval, the submission be uploaded to Council’s website.
- e) local Members of Parliament be advised of, and encouraged to support, Council’s approved submission.

The Meeting was declared closed at 1:30pm.

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 28 July 2016 at 1:30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In attendance	Richard Briggs – Chief Executive
	Lance Vervoort – General Manager Community
	Chris Allen – General Manager City Infrastructure
	David Bryant – General Manager Corporate
	Sean Murray – Director of H3 & Events
	Sean Hickey – General Manager Strategy & Communications
	Blair Bowcott – Executive Director Special Projects
	Kelvyn Eglinton – General Manager City Growth
	Julie Clausen – Programme Manager – Strategy
	Andrew Parsons – City Development Manager
	Ken Cunningham – Strategic Land Manager
	Mark Brougham – Programme Manager – Analysis & Research

Committee Advisors	Mrs MM Birch and Mr B Stringer
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1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Yeung)

That the apologies from Councillor Macpherson (lateness) be received and accepted.

2. Confirmation of Agenda

The Chairperson noted the following:

- The attachments for Item 8, together with a memorandum from the General Manager Strategy & Communications with further proposed amendments to the draft submission, had been circulated to Elected Members; and
- That it was proposed Items 10 (in the Open Agenda) and C4 (in the Public Excluded Agenda) be discussed at the Council Briefing on 16 August prior to presentation to Council at its Meeting on 25 August 2016; and
- Attachment 2 for Item C3 (in the Public Excluded Agenda) had been circulated to Elected Members.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

The Council confirms the Agenda, with the noted changes.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

There was no Public Forum.

5. Founders Theatre - Engagement Feedback and Recommended Option

Councillor Macpherson arrived (1:36pm) during the introduction of Item 5.

The Director of H3 & Events ('the H3 Director') provided an overview of:

- the significant input received from the community during the consultation process; and
- the options presented for Council's consideration.

The H3 Director, supported by the Programme Manager – Strategy, responded to questions on the following points:

- **New Build Option**

- i. As highlighted in the Hearings, every user had specific requirements. A multi-purpose facility would therefore be a realistic option.

- ii. A prudent estimate for the life of a new theatre was 50 years.
- iii. Community groups would be expected to be able to use the new venue, subject to satisfying standard requirements as to use of the property and equipment.
- **Interim Use of Founders Theatre**
 - i. Staff would need to further assess the estimated costs required to ensure Founders Theatre was compliant with Building Code requirements; a detailed report would be presented to the September 2016 Council meeting if required. Such report would need to be updated following the presentation of Momentum Waikato's plan in 2017, should the Council support its proposal.
- **Consultation**
 - i. A special consultative procedure ('SCP') under the Council's Significance & Engagement Policy and the Local Government Act would be triggered if the Council resolved to:
 - build a new theatre;
 - demolish Founders Theatre;
 - or refurbish Founders Theatre with the intention of changing its purpose.A SCP could also be required if the Refurbish Option (as detailed in the staff report) was selected by Council, given the financial impact of such a decision.
 - ii. Any refurbishment of Founders Theatre would need to take account of its existing heritage qualities.
- **Momentum's Proposal** (Attachment 6 of the staff report)
 - i. Momentum Waikato's proposal contemplated that Council would allocate \$100,000 towards the development of the Concept Design; Momentum Waikato contributing the same amount.
 - ii. Should Council support the proposal, it was expected that a detailed business plan would be presented to the incoming Council.
 - iii. A representative from Council management was expected to be on the panel established by Momentum; such panel would report back to Council on its recommendations. This would include a preferred site for the new theatre.
- **Financial Information**
 - i. Staff considered that the operating expenditure outlined in paragraphs 88 and 89 of the report reflected conservative estimates; operating income was assessed based on commercial and community events. Those revenue figures could alter depending on the decision made as to the future use of the existing Founders Theatre.
 - ii. The estimated \$50 million capital cost for a new theatre (paragraph 88 in the report) would result in a fully functioning theatre.
 - iii. The difference between the operating income expected for a refurbished Founders Theatre compared to a new build was explained.
 - iv. The impact of the options on the Council's financial strategy was examined; the incoming Council would need to decide whether to increase rates to maintain the debt to revenue target or extend that target to a later date.
 - v. Staff considered that the decision to invest in either a new build or refurbishment needed to focus on the community, not a commercial return.

Staff would review what discussions were required with neighbouring authorities in terms of

funding contributions after the Council decided on which option was to be implemented.

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)

That:

- a) the report be received.
- b) Council supports building a new performing arts theatre in Hamilton and commits in principle, a maximum of \$30million plus GST contribution towards the new build. This sum includes any funding sourced from other Waikato Councils or government sources and funds.
- c) Council accepts the proposal by Momentum Waikato and the process proposed in their memo dated 16 July 2016 (attachment 6 of the report).
- d) The Chief Executive is delegated authority to prepare a Heads of Agreement between Momentum Waikato and Hamilton City Council for delivery of the new performing arts theatre and report back to Council on 27 February 2017 with that Agreement and the Concept Design recommendation for Council approval.
- e) The Council approves \$100,000 contribution towards the cost of the Concept Design.
- f) Council notes that a Special Consultative Procedure may be required before Council can resolve final approval for the Heads of Agreement. The Chief Executive is to provide appropriate advice at the 27 February 2017 meeting.
- g) Staff are to investigate the following options for Founders Theatre, including any capital costs required and annual operating costs, and report back to the Council on 29 September 2016:
 - i. Re-opening Founders in the interim period, including demand for the different use options;
 - ii. Retaining Founders in the long term, including demand for use options;
 - iii. To demolish Founders.

The Meeting adjourned from 3:35pm to 3:50pm.

6. Ring Road – Cobham Drive Connection

The General Manager City Infrastructure ('GM Infrastructure') and City Development Manager highlighted, and responded to questions on, the following matters:

- **Options**

- i. The indicative plan on the Wairere Drive/Cobham Drive Grade Separated Intersection (page 176 of the Agenda) was consistent with the Southern Links designation. This reflected a preferred long-term view of the intersection. A detailed design plan, including scope for a four-lane road connected to Cambridge Road, would be presented back to the Council for approval.
- ii. Staff had reconsidered their previous recommended option on this matter following further assessment of the financial implications of that option and taking account of growth increasing at higher than expected levels.
- iii. An explanation was provided as to why the roundabout envisaged in the staff's earlier recommended option would need to be removed as part of the growth development of

Peacockes 2.

- **Bridges**

The recommended option contemplated the construction of an overbridge at Cobham Drive, which would include pedestrian and cycling facilities (as per the indicative plan on page 177 of the Agenda). This was instead of the earlier proposal of a roundabout and separate pedestrian/cycle bridge at the intersection in question.

- **New Zealand Transport Agency**

- i. Preliminary discussions with NZTA were positive; the recommended package would still need to be presented to them for consideration.
- ii. Additional information on NZTA's £1 billion fund for road infrastructure projects would be presented to Elected Members at the Council Briefing and Council Meeting in August 2016

Resolved: (Crs Macpherson/Wilson)

That:

- a) the report be received.
- b) Council confirm a grade-separated Wairere Drive/ Cobham Drive intersection, consistent with the Southern Links designation, as its preferred intersection form;
- c) staff undertake initial planning, investigation and concept design work for the grade separated intersection in preparation for the 2018-28 10 Year Plan and any potential application to the Government's \$1 billion fund to fast-track infrastructure development;
- d) staff engage with the New Zealand Transport Agency and progress a subsidy application based on b) and c) above.

Councillor Wilson left the Meeting (4:35pm) at the conclusion of Item 6, and took part in the voting.

7. **Drainage Reserve - Part Sale/Purchase**

The GM Infrastructure and Strategic Land Manager explained the valuation of the drainage reserve area identified on Attachment 1 of the staff report, which was based on the amalgamation of that land into the adjoining land. Staff were satisfied as to the basis of that valuation.

Motion: (Crs Chesterman/Forsyth)

That:

- a) the report be received.
- b) Council grants approval for the revocation of the reserve status of approximately 405m² of land, shown as Lot 1 on Attachment 2, in terms of Section 24 of the Reserves Act 1977 subject to:
 - i. any objection(s) being received from the public consultation process being reported to Council for determination.
 - ii. the Department of Conservation's approval being obtained.
- c) Council grants approval for the sale of approximately 405m², shown as Lot 1 on Attachment 2, to 3 Sealegs Ltd for \$40,000 (plus GST, if any) subject to:
 - (i) A survey plan being approved by Land Information New Zealand for the area being purchased.
- d) all costs associated with the revocation and sale and purchase processes are to be the responsibility of 3 Sealegs Ltd.
- e) the Chief Executive be delegated authority to:
 - i. Execute all documentation relating to the revocation of the reserve status.
 - ii. Execute all documentation relating to the sale and purchase of the land.

Amendment: (Crs Macpherson/Gallagher)

That:

- a) the report be received.
- b) an independent peer review of the valuation supplied by staff, be sought by staff and brought back to the next Council meeting on 25 August 2016.

Those for the Amendment: Councillors Gallagher, Yeung, O'Leary and Macpherson

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors King, Green, Forsyth, Pascoe, Chesterman, Mallett and Tooman

The Amendment was declared lost. The Motion was then put.

Resolved: (Crs Chesterman/Forsyth)

That:

- a) the report be received.
- b) Council grants approval for the revocation of the reserve status of approximately 405m² of land, shown as Lot 1 on Attachment 2, in terms of Section 24 of the Reserves Act 1977 subject to:
 - i. Any objection(s) being received from the public consultation process being reported to Council for determination.
 - ii. The Department of Conservation's approval being obtained.
- c) Council grants approval for the sale of approximately 405m² shown as Lot 1 on Attachment 2 to 3 Sealegs Ltd for \$40,000 (plus GST, if any) subject to:
 - i. A survey plan being approved by Land Information New Zealand for the area being purchased.
- d) all costs associated with the revocation and sale and purchase processes are to be the responsibility of 3 Sealegs Ltd.
- e) the Chief Executive be delegated authority to:
 - i. Execute all documentation relating to the revocation of the reserve status.
 - ii. Execute all documentation relating to the sale and purchase of the land.

Councillors Gallagher and Macpherson dissenting.

8. Consideration and Approval of HCC's Draft 2 Submission to the Local Government Act 2002 Amendment Bill (No 2)

Councillor Wilson returned to the Meeting (5:05pm) during discussion on Item 8.

The General Manager Strategy & Communications ('GM Strategy') introduced the report and his associated Memo circulated to Elected Members on 27 July 2016. He noted that:

- the first bullet points, in red, under the heading *Recommendations* for paragraphs 1 and 2 on the first page of the Memo required to be changed to read:

That Council supports the Development Contributions Working Group working with the Government to refine aspects of the Bill relating to development contributions.

- in relation to paragraph 2.5 of the draft submission, SOLGM now supported Option A, which was a change from its previous position.

The following changes to the draft submission were to be made at the request of Elected Members:

- i. Paragraph 3.1.1 – "...with the local authorities **and communities** impacted by the investigation."
- ii. Paragraph 3.2.2 – "...a poll is mandatory except for CCOs ~~and~~ **or** where the Reorganisation Plan...."

In response to questions, the GM Strategy supported by the Programme Manager – Strategy, noted the following:

- **PWC Tax Opinion**

PWC would present directly to the Select Committee.

- **10 Year Service Delivery Plan**

An explanation of the options under paragraph 2.5 of the draft submission was provided. The key issue was whether Council had an intent that communities were consulted on the Service Delivery Plan, as detailed in the Bill.

- **Aggregation of neighbouring land**

The Local Government Commission would continue to adjudicate on any disputed potential aggregation or transfer of land from one local authority to another.

- **Presentation of submission in person**

Staff would clarify that the Council wished to be heard in relation to its submission.

Elected Members expressed concern as to the format and language used in the Council's submissions.

Councillor Green retired from the Meeting (5:20pm) during discussion on Item 8, and did not take part in the voting.

Resolved: (Crs Macpherson/Mallett)

That Council supports the position in paragraph 2.5.2 of the draft submission.

Resolved: (Crs Macpherson/Pascoe)

1. That the text in section 2.3 ('**Development Contributions**') and 2.3.1 on page 3 of the **Draft 2 Submission** (Attachment 1 of the staff report) be replaced with the following:

Recommendations

- That Council supports the development contributions working group working with the Government to refine aspects of the Bill relating to development contributions.
- That local authorities should retain the ultimate decision-making authority over the content of their own policy and the manner in which a future CCO is able to amend it.
- That HCC supports investigation into CCOs developing their own policies to recover costs with approval by appropriate local authorities.
- That Department of Internal Affairs guidance material be published early (ahead of the Bill's enactment).
- That the Bill should recognise the limits of practicality for councils when setting its requirements, given the anticipated increase in complexity of DC Policies due to integration with CCOs, which will put further strain on resourcing policy development and its administration.

2. That the text in Appendix 1 of the **Draft 2 Submission** (Attachment 1 of the staff report) for 'HCC's Position/Recommendations' on page 8 under the heading 'Development Contributions s63' be replaced with the following:

Recommendations

- That Council supports the development contributions working group working with the Government to refine aspects of the Bill relating to development contributions.
- That local authorities should retain the ultimate decision-making authority over the content of their own policy and the manner in which a future CCO is able to amend it.
- That HCC supports investigation into CCOs developing their own policies to recover costs with approval by appropriate local authorities.
- That Department of Internal Affairs guidance material be published early (ahead of the Bill's enactment).
- That the Bill should recognise the limits of practicality for councils when setting its requirements, given the anticipated increase in complexity of DC Policies due to integration with CCOs, which will put further strain on resourcing policy development and its administration.

Explanation/Comment

- HCC foresees that there will be challenges in balancing the policy consistency and certainty needed by a new CCO, given the range of existing policy and funding frameworks, including variations in DC methodologies, which currently exists between stakeholder councils.
- New or amended DC Policies will need to strike a balance between the variations in existing policy and smooth the integration between the multiple DC policies affected by the CCO empowerment proposed.
- Clear provision must also be made for the resolution of disputes which may arise between substantive CCOs and stakeholder councils concerning the required (or agreed) amendments to DC policies and, given that stakeholder councils will be responsible for the application or administration of the policy.

3. That a plain English short summary of Council's submissions on this Bill is made available to the public, Councillors and the Select Committee.

Resolved: (Crs Macpherson/Pascoe)

That:

- a) the report be received.
- b) HCC's Draft 2 submission to the Local Government Act 2002 Amendment Bill (No 2) be considered and approved as amended by the Council.
- c) the approved submission be sent to the Local Government and Environment Committee prior to the 8 August 2016 submission closing date.
- d) subsequent to Council's approval, the submission be uploaded to HCC's website.
- e) local Members of Parliament be advised of and encouraged to support Council's approved submission.
- f) the attached submission from PWC (made on behalf of HCC, Waikato District Council and Waipa District Council) be approved.

9. Waikato Plan Update

The Executive Director Special Projects ('the Executive Director') responded to questions on the following points:

- **Cost**

\$1.2 million had been budgeted across the regional authorities for the completion of the Waikato Plan, including public consultation.

- **Regional Plans and Strategies**

i. Clarification was provided on the difference between FutureProof, a subregional growth strategy, and Waikato Plan, which focussed on the betterment of the community across Waikato.

ii. The Chief Executive agreed to make enquiries as to which group or person had taken responsibility to ensure there was alignment across key regional plans that had been, or were being, developed.

- **Waikato Story**

There was a lack of understanding on the current status of the Waikato Story and its alignment to the Waikato Plan. Staff were requested to bring a draft of the Waikato Story to Elected Members for comment and input.

- **Council Feedback**

i. Previous feedback from the Council had been provided to the Joint Committee overseeing the Waikato Plan; a number of points from which had been captured.

ii. A highly customised and refined summary would be used as part of the engagement with key stakeholders.

- **Timeframes**

A revised draft of the Waikato Plan is expected to be ready for the Council Briefing in September 2016.

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

That:

- a) the report be received.
- b) staff are to present drafts of the Waikato Plan and the Waikato Story at the Council Briefing in September 2016, together with details as to timeframes and costs of the respective projects.

10. Growth in Hamilton

To be presented at the Council Briefing on 16 August 2016, as agreed by the Council.

11. Recommendations to Council - Strategy and Policy Committee Meeting - 19 July 2016

Resolved: (Crs O'Leary/Wilson)

1. Hamilton Central City Safety Plan Annual Report

That:

- a) the Hamilton Central City Safety Plan be changed to annual reporting in line with other Council Plans.
- b) the following new action is included in the status report on the actions in the Hamilton Central City Safety Plan:
 - (i) City Safe and Central Library to work together to ensure library staff have strategies and training appropriate for dealing effectively with incidences of anti-social behavior.
- c) Council note that staff will work with HCBA to understand the concerns behind the response to question 12, page 91 of the Committee's Agenda (*Hamilton City Council responds appropriately to safety concerns*).

Resolved: (Crs O'Leary/Wilson)

2. Governance Policies Review - Citizens Initiated Referenda Policy

That the Citizens Initiated Referenda Policy be retained.

Resolved: (Crs O'Leary/Yeung)

3. Trade Waste and Wastewater Bylaw 2016 Deliberation and Adoption Report

That Council:

- a) determine that the Hamilton Trade Waste and Wastewater Bylaw 2016 does not give rise to implications under the New Zealand Bill of Rights 1990.
- b) accept the recommended changes to the Hamilton Trade Waste and Wastewater Bylaw 2016 as shown in Attachment 3 to the Committee Report.
- c) adopt the Hamilton Trade Waste and Wastewater Bylaw as at 15 August 2016.
- d) note that the Plain English Guide will be placed on the Council website, in an easy-to-find location, by 15 August 2016.

Resolved: (Crs O'Leary/Forsyth)

4. Sustainability Principles

- a) That Council adopt the Sustainability Principles as follows:
- 1) Council anticipates and acts to prevent or mitigate environmental degradation where there are threats of serious or irreversible damage.
 - 2) Council includes environmental, economic, social, and cultural considerations in its decision-making criteria.
 - 3) Council is an integral part of regional efforts to restore and protect the water quality of waterways.
 - 4) Council is an integral part of regional efforts to restore and protect biodiversity in Hamilton City.
 - 5) Council works with central government to deliver on national greenhouse gas emission reduction targets and supports resilience to climate change in our communities.
 - 6) Council promotes walking, cycling, public transport and other low carbon transport options.
 - 7) Council works to improve the resource efficiency and health of homes, businesses and infrastructure in our city.
 - 8) Council supports the use of renewable energy and uptake of electric vehicles.
 - 9) Council ensures that it understands, prepares for and responds to the impacts of climate change.
 - 10) Council works with its communities to minimise the production of waste and maximise opportunities to recycle.
 - 11) Council uses its position as a city leader to educate and influence the wider Hamilton community to embrace sustainability.
- b) That the Sustainable Hamilton Strategy is retired.

Councillor Mallett dissenting

It was noted that the Sustainability Advisory Panel's function, under its Terms of Reference, has been completed.

Motion: (Crs O'Leary/Her Worship the Mayor Hardaker)

5. That the Active Hamilton Strategy be deleted.

Amendment: (Crs Mapherson/Forsyth)

5. That the Active Hamilton Strategy be referred to the incoming Council.

Those for the Amendment: Councillors Gallagher, Wilson, Forsyth, Pascoe, Chesterman, Tooman and Macpherson

Those against the Amendment: Councillors King, Yeung, Hardaker, Mallett and O'Leary

The Amendment was declared carried and put as the Substantive Motion.

Resolved: (Crs Macpherson/Forsyth)

5. That the Active Hamilton Strategy be referred to the incoming Council.

Councillor Mallett dissenting.

12. Council - Open Minutes - 30 June 2016

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

That Council confirm and adopt as a true and correct record the Open Minutes of the Council Meeting held on 30 June 2016.

13. Resolution to Exclude the Public

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

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. Recommendations to Council - Council Controlled Organisations (CCO) Subcommittee Meeting - 6 July 2016) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

- C2. Waterworld Contract Matter Update
- C3. Ruakura Private Developer Agreements
- C4. Growth in Hamilton - Under Separate Cover
- C5. Council - Public Excluded Minutes - 30 June 2016
- C6. CE Review - Verbal Report

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 maintain legal professional privilege	Section 7 (2) (g)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

Councillor Wilson retired from the Meeting (6:15pm) at the conclusion of Item 13.

The Meeting adjourned from 6:15pm to 6:45pm.

The Meeting went into a Public Excluded session from 6:45pm until 8:10pm.

The Meeting was declared closed at 8:10pm.

Resolution to Exclude the Public

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. Growth in Hamilton - Public Excluded) Good reason to withhold) information exists under	Section 48(1)(a)
C2. Council - Public Excluded Minutes - 28 July 2016) Section 7 Local Government) Official Information and) Meetings Act 1987)	

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 protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	For the reasons noted in the 28 July 2016 Agenda.	Section 7 (2) (j)