

## Notice of Meeting:

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

**Date:** Wednesday 30 November 2016  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

---

# Council OPEN AGENDA

---

## Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr P Yeung

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

---

Lee-Ann Jordan  
Governance Manager

**24 November 2016**

Telephone: 07 838 6439  
Lee-Ann.Jordan@hcc.govt.nz  
www.hamilton.govt.nz

## **Purpose:**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference:**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - a) The power to make a rate.
  - b) The power to make a bylaw.
  - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
  - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
  - e) The power to appoint a Chief Executive.
  - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.

### **Oversight of Policies:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>1</b>	<b>Apologies</b>	<b>5</b>
<b>2</b>	<b>Confirmation of Agenda</b>	<b>5</b>
<b>3</b>	<b>Declarations of Interest</b>	<b>5</b>
<b>4</b>	<b>Public Forum</b>	<b>5</b>
<b>5</b>	<b>Chair's Report</b>	<b>6</b>
<b>6</b>	<b>Council Open Minutes 9 November 2016</b>	<b>9</b>
<b>7</b>	<b>2017 Schedule of Meetings</b>	<b>51</b>
<b>8</b>	<b>Beale Cottage Historic Reserve Management Plan Review</b>	<b>57</b>
<b>9</b>	<b>Hamilton Lake Domain Draft Management Plan - Referral of Submissions to Regulatory Hearings Committee</b>	<b>80</b>
<b>10</b>	<b>Rototuna Indoor Recreation Centre</b>	<b>83</b>
<b>11</b>	<b>Land Exchange - 9 Grey St</b>	<b>94</b>
<b>12</b>	<b>Development Contributions Funding Model, Assessment Tool and Growth Model</b>	<b>99</b>
<b>13</b>	<b>Domain Endowment Lease - Freeholding - 225 Dey Street</b>	<b>103</b>

**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 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 Governance 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 Governance by telephoning 07 838 6439.

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Chair's Report

**Author:** Mayor Andrew King

<b>Status</b>	<i>Open</i>
---------------	-------------

1. Through my Chair's report, I am bringing forward two items for the information and/or consideration of Council.
2. The first Item is a proposal to establish a business improvement project to evaluate options to streamline the regulatory functions of Hamilton City Council for consideration and approval by Council.
3. The purpose of the project is to evaluate options to streamline regulatory functions and processes related to existing plans and policies aligned to city growth to:
  - ensure all regulatory functions and processes contribute explicitly to the outcomes they are designed to enable and support; and
  - ensure these functions and processes are simple to understand and easy to use from a customer perspective and give certainty.
4. The purpose of the project is **not** to review regulatory policy or plans previously approved by Council or legislative processes.
5. The second item is for information and relates to public art projects.
6. **Regulatory Effectiveness and Efficiency Project**
7. **Background**
8. The onset of the requirements of the National Policy Statement for Urban Development, the application to Government for the Housing Infrastructure Fund, and Hamilton's consistent rate of growth have placed subsequent demands on our regulatory services.
9. The Regulatory Effectiveness and Efficiency Project will seek to monitor and determine the extent to which the rules and methods across our regulatory functions are efficiently and effectively enabling the relevant objectives and policies. The evaluation will seek to identify rules, definitions and methods that are creating inefficiencies, processing delays, and additional processing costs, without explicitly advancing those objectives and policies. The evaluation will also determine whether these rules, definitions and methods can be amended, replaced or removed to improve efficiency and effectiveness of Hamilton City Council's interactions with its customers and deliver better outcomes for the city.
10. The evaluation will **not** be a review of regulatory policy or objectives approved by previous Council administrations or legislative process. The evaluation focus will be on ensuring the tools Council uses to deliver existing policies and plans are effective, as simple as possible, and achieve the impact that Council and the community expect.

11. **Project Scope and Focus**

12. It is important that the project scope is externally focused. To this end a project coordinator will be appointed to ensure the project takes a “customer point of view” assessment of our customer facing services to determine if those processes are accessible, understandable, and create or hinder ease of use by customers.

13. The Project Coordinator’s role will be to appoint and work alongside an external taskforce to assist in the development of:

- terms of reference for the project
- required external skills sets
- project stages and timeframes to the deliver project scope, and
- an analysis and review of assessment findings with supporting recommendations to Council.

14. The evaluation is to be informed by monitoring and analysis of data collected by Hamilton City Council’s consenting team, supplemented by engagement and review processes undertaken with relevant stakeholders in the development and planning community to gain input and feedback, for example: the Commercial Developers Forum, Residential Developers Forum, Property Council of NZ Waikato Branch, and Chamber of Commerce, amongst others.

15. **Public Art Projects**

16. TOTI

17. The Council received a proposal from TOTI Charitable Trust in 2013 for a commemorative public artwork depicting Dame Hilda Ross. The proposed location for the artwork, on the corner of Ward Street and Worley Place near Starbucks, was approved by the Council in September 2013. The Council also approved three concept designs from artists Terry Stringer, Gary Schofield and Brigitte Wuest. The project was put on hold while TOTI focused on the Sapper Moore-Jones statue in Victoria Street and their assistance with the Waikato Combined Equestrian Group’s Warhorse artwork in Memorial Park.

18. A detailed design of their preferred artwork concept and a maintenance schedule will need to be provided to the Council for consideration before the Dame Hilda Ross artwork can be formally approved. TOTI have also requested that we rename Ward Street in honour of Dame Hilda Ross. The renaming will be from Victoria Street to the Mall and will brought to Council, to initiate consultation, once the art work is commissioned.

19. MESH interest in VOTR site for Public Artwork

20. MESH Sculpture Hamilton have approached Council about a possible public artwork at the Victoria On The River public space. In accordance with our public art process, MESH would like to secure the site. MESH will present an artist brief to Council in early 2017. Securing the site means MESH have an exclusive arrangement with us that gives them certainty so they can continue to plan the artwork and fundraise.

21. Victoria on the River is being transformed form an erosion-prone inner city carpark into a prime public open space, connecting the Waikato River and CBD. A public artwork in the VOTR site could add great value to this new public space.

**22. Recommendations**

That:

- a) the report be received; and
- b) in respect of the Regulatory Effectiveness and Efficiency Project, Council authorises staff to develop a project plan with external expert input for approval by Council by February 2017,

**14. Attachments**

- 15. There are no attachments for this report.

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Council Open Minutes 9  
November 2016

**Author:** Emily Acraman

<b>Status</b>	<i>Open</i>
---------------	-------------

## 1. Recommendation

That the Council confirm and adopt as a true and correct record the Open Minutes of the Council Meeting held on 9 November 2016.

## 2. Attachments

3. Attachment 1 - Council - Open Minutes - 9 November 2016

Council 9 NOVEMBER 2016 - OPEN




---

## Inaugural Council

### OPEN MINUTES

---

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 9 November 2016 at 1:00pm.

#### PRESENT

Chairperson  
Members

Mayor A King  
Cr M Bunting  
Cr J Casson  
Cr M Gallagher  
Cr S Henry  
Cr D Macpherson  
Cr G Mallett  
Cr A O'Leary  
Cr R Pascoe  
Cr P Southgate  
Cr G Taylor  
Cr L Tooman  
Cr P Yeung

In Attendance

Richard Briggs – Chief Executive  
Sean Murray – Executive Director H3 & Events  
Kelvyn Eglinton – General Manager City Growth  
David Bryant – General Manager Corporate  
Blair Boycott – Executive Director Special Projects  
Lance Vervoort – General Manager Community  
Sean Hickey – General Manager Strategy & Communication  
Chris Allen – General Manager City Infrastructure

Governance Advisors

Lee-Ann Jordan, Becca Brooke, Emily Acraman

---

#### Swearing in Ceremony

The Official Party and Elected Members entered the meeting.

A Whakatau (welcome and blessing) was given by Hamilton City Council Kaumatua Tame Pokaia.

COUNCIL 9 NOVEMBER 2016 -OPEN

Page 1 of 6

Council 9 NOVEMBER 2016 - OPEN

- **Introduction – Chief Executive**

The Chief Executive welcomed everyone to the meeting, acknowledging in particular, family and friends of the Mayor and Councillors, and the former Mayors and Freedom of the City holders who were present.

- **Swearing in of Mayor Andrew King**

Mayor Andrew King read and signed the Statutory Declaration required by the Local Government Act 2002, which was witnessed by the Chief Executive.

Former Mayor Julie Hardaker performed the ceremonial passing over of the Mayoral Chains.

Following his declaration, Mayor Andrew King addressed the meeting.

- **Swearing in of Councillors**

Councillors Gallagher, Bunting, Casson, Henry, Macpherson, Mallett, O’Leary, Pascoe, Southgate, Taylor, Tooman, and Yeung read and signed their Statutory Declarations, required by the Local Government Act 202, which were witnessed by Mayor Andrew King. Following their declarations, each Councillor had an opportunity to address the meeting.

The Official Party, Elected Members and all in attendance stood to sing the National Anthem.

A prayer to close the ceremonial part of the meeting was led by Bishop Helen-Ann Hartley.

**The meeting adjourned at 1.52pm for afternoon tea.**

**The meeting reconvened at 3.00pm in the Council Chamber.**

A Blessing was given by Hamilton City Council Kaumatua Tame Pokaia.

Mayor Andrew King welcomed everyone to the Meeting.

1. **Apologies**

There were no apologies

2. **Confirmation of Agenda**

**Resolved: (Crs Mallett/Tooman)**

That the agenda be confirmed, noting that a public forum is now required.

3. **Declarations of Interest**

There were no declarations of Interest.

Council 9 NOVEMBER 2016 - OPEN

**4. Public Forum**

**Ms Deborah Fisher**

Ms Fisher spoke to Item 7 – (Governance Structure for the 2016-2019 Triennium), in particular her concerns with the Co-Governance Forum between Waikato-Tainui and Hamilton City Council. Ms Fisher expressed the view that the positioning of the Co-Governance Forum at the top of the governance structure diagram conferred a preferential status on Waikato-Tainui and Tainui Group Holdings (TGH) that was not fair or appropriate. She stated that Waikato-Tainui did not represent all Maaori in the community and TGH was a commercial entity. Ms Fisher thought the inclusion of the Co-Governance Forum in the proposed governance structure would mean the interests of Waikato-Tainui and TGH would be favoured over and above the interests of other Maaori and community groups.

In response to Ms Fisher's concerns, the Chief Executive explained the establishment and purpose of the Joint Management Agreement between Waikato Tainui and Hamilton City Council, and the Co-Governance Forum. He also clarified that there were a number of ways in which Hamilton City Council engaged with iwi and hapu, and other Maaori and community groups within the city and region.

**5. Explanation of Statutory Matters Affecting Elected Members**

The report was taken as read.

**Resolved:** (Crs Bunting/O'Leary)

That the report be received.

**6. Mayor's Report - Committee Structure and Appointments for 2016-19**

Mayor King spoke to the report, noting the 2016-2019 Governance Structure was intended to be a more inclusive and transparent structure. He also indicated his intention to review the Governance Structure mid-triennium.

Mayor King appointed Cr Martin Gallagher as the Deputy Mayor, acknowledging his vast experience as an Elected Member.

Staff and Mayor King responded to questions from Elected Members concerning:

- **Discontinuation of Advisory Groups**

Concern was raised about the removal of Advisory Groups in the new structure as these Groups were seen as a valuable resource for community involvement in the previous triennium. It was explained that the new whole of Council committees had broader responsibilities to consider and determine matters within their terms of reference. In addition Task Force Groups would be set up by the appropriate committee when necessary to address particular matters and that they could include expert and external members. Mayor King had spoken personally to the Chairs of the previous Advisory Groups and noted they understood the decision to discontinue the groups and indicated their willingness to be in Task Force Groups if needed.

- **Recommendations to Council**

In response to questions about the ability of committees to determine matters and/or refer matters to other committees, it was noted that a principle of the new structure was to encourage a more inclusive approach to decision making through committees of the whole. Another principle was that, wherever possible, decisions would be made once not twice. This meant that the committees had broader delegations to consider and determine matters within their terms of reference that were not reserved for Council. The committees also had the ability to refer matters to other committees or Council if appropriate.

**Resolved: (Mayor King/Cr Casson)**

That Council:

- a) receive the report;
- b) approve the Mayor's committee structure and appointments as attached to this report; and
- c) agree that the first Council meeting take place at 9:30am, 30 November 2016 in the Council Chamber.

Council 9 NOVEMBER 2016 - OPEN

**7. Governance Structure for the 2016-2019 Triennium**

The report was taken as read. The following points were raised by Elected Members:

- **Policies and Plans Review**  
Clarification was provided on the minor consequential changes required to governance policies and plans to ensure their alignment with the new Governance Structure. There were two policies which only required amended references to the names of committees. A number of other policies and plans would be reviewed by staff to ascertain the minor changes to names, reporting lines and references required to align to the new governance structure. Policies and plans that needed to be reviewed in more detail would come to the appropriate committee as a separate report.
- **Potential Overlap of Committee Responsibilities**  
In response to a query regarding how matters that might align with more than one committee's terms of reference would be dealt with, it was noted that each committee would have an approved work programme. In addition the committee Chairs would meet regularly and would discuss any matters that overlapped committees. Occasionally some matters would need to be referred between committees or to Council for resolution.
- **Exclusion of Public Art Panel**  
Some concerns were raised around the discontinuation of the Advisory Groups and in particular, the Public Art Panel. It was suggested that the involvement of all Elected Members in decisions about public art proposals, especially what constitutes good art, would create unnecessary barriers for philanthropic trusts such as MESH. The generous donations of art made to the community had been a direct result of the processes put in place over the last triennium and the good work of the Public Art Panel. Mayor King had advised that he had spoken to the Chairs of MESH Sculpture Hamilton and Theatre of the Impossible Charitable Trust (TOTI) about discontinuing the Public Art Panel and his view was that it would not be the Elected Member's role to comment on the quality of the art proposed, but it would be their role to ensure public art proposals were safe for the public, cost-effective for the ratepayer, and not obscene.

*\*\*\* Item 7 (Governance Structure for the 2016-2019 Triennium – Attachment 1) would be available as Appendix 1 of Council minutes of 9 November 2016.*

**Resolved:** (Crs O'Leary/Tooman)

That Council:

- a) receive the report;
- b) approve the Governance Structure 2016-2019 attached to the staff report; and
- c) approve the updating of Council policies and plans with minor reference and name changes required to reflect the approved Governance Structure by February 2017.

**8. Revised 2016/2017 Remuneration - Elected Members**

The report was taken as read.

**Resolved:** (Crs O'Leary/Yeung)

That Council;

- a) receive the report;
- b) approve that the following amended remuneration for positions with additional responsibilities be submitted to the Remuneration Authority for their approval:
  - Deputy Mayor = base Councillor Salary of \$70,441 + 30% = \$91,573
  - Committee Chairs (x4) = base Councillor Salary of \$70,441 + 20% = \$84,529
  - Deputy Committee Chairs (x4) = base Councillor Salary of \$70,441 + 10% = \$77,485
- c) note that this would leave approximately \$35,222 unallocated that can be used during the 2016/17 financial year to remunerate additional responsibilities, subject to obtaining the Authority's prior approval.

**The Meeting closed at 4.00pm.**

Appendix 1



# Governance Structure

**Terms of Reference and Delegations for Council,  
and Committees of Council**

**2016-19 Triennium**

**Adopted by Council on**

**9 November 2016**

# Table of Contents

**Introduction..... 3**

Governance Structure ..... 3

The Role of the Mayor ..... 4

Ambiguity and Conflict ..... 4

**Council and Committees ..... 5**

Our Council and Committee Structure (Diagram) ..... 6

Council..... 7

Common Delegations..... 9

Finance Committee ..... 11

Growth and Infrastructure Committee ..... 13

Community and Services Committee ..... 15

Audit and Risk Committee ..... 18

CEO Review Committee ..... 21

Regulatory and Hearings Committee ..... 22

District Licensing Committee ..... 24

Independent Hearings Commissioners’ Panel ..... 26

**Appointments..... 28**

Council Organisations and Council Controlled Organisations ..... 29

Joint Organisations and Advisory Groups ..... 31

*Schedule of Amendments to Governance Structure ..... 34*

*Appendix A: Template for Establishing a Task Force ..... 35*

## Introduction

### Governance Structure

This document sets out the Governance Structure by which Hamilton City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible
2. The business of Council is transacted transparently and inclusively, whenever possible
3. Committees are Whole of Council (there are no sub-committees)
4. Decisions are made once, not twice
5. Committees are strategically aligned to Council's priorities
6. Delegations to Committees and the Chief Executive are optimised
7. All meetings of Council and its Committees observe family-friendly hours
8. The expectation of full attendance by Elected Members at Council, Finance, Growth and Infrastructure, and Community and Services Committee meetings
9. Task force groups or hearings panels are established as needed to address special or particular issues; these will report directly to Council or the relevant Committee

The Governance Structure for Hamilton City Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Committees, including:

- **Common delegations**

There are a number of common delegations from Council to the following committees of the whole: Finance Committee, Growth and Infrastructure Committee, and Community and Services Committee. These common delegations are set out on page 9 and should be read in conjunction with the Terms of Reference for those committees.

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page 12.

The Governance Structure may also be reviewed and amended as necessary throughout the triennium.

## **The Role of the Mayor**

Section 41A of the Local Government Act 2009 confers a number of powers and responsibilities to the Mayor. The Mayor may:

- Define and promote a vision for the advancement of Hamilton and the people of Hamilton, and to provide leadership to achieve that vision
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council
- Ensure effective engagement between the Council and the people of Hamilton
- Appoint the Deputy Mayor
- Establish committees of the governing body (Council) and appoint the chairperson for each of those committees

## **Ambiguity and Conflict**

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

In the event of uncertainty or dispute as to which Committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

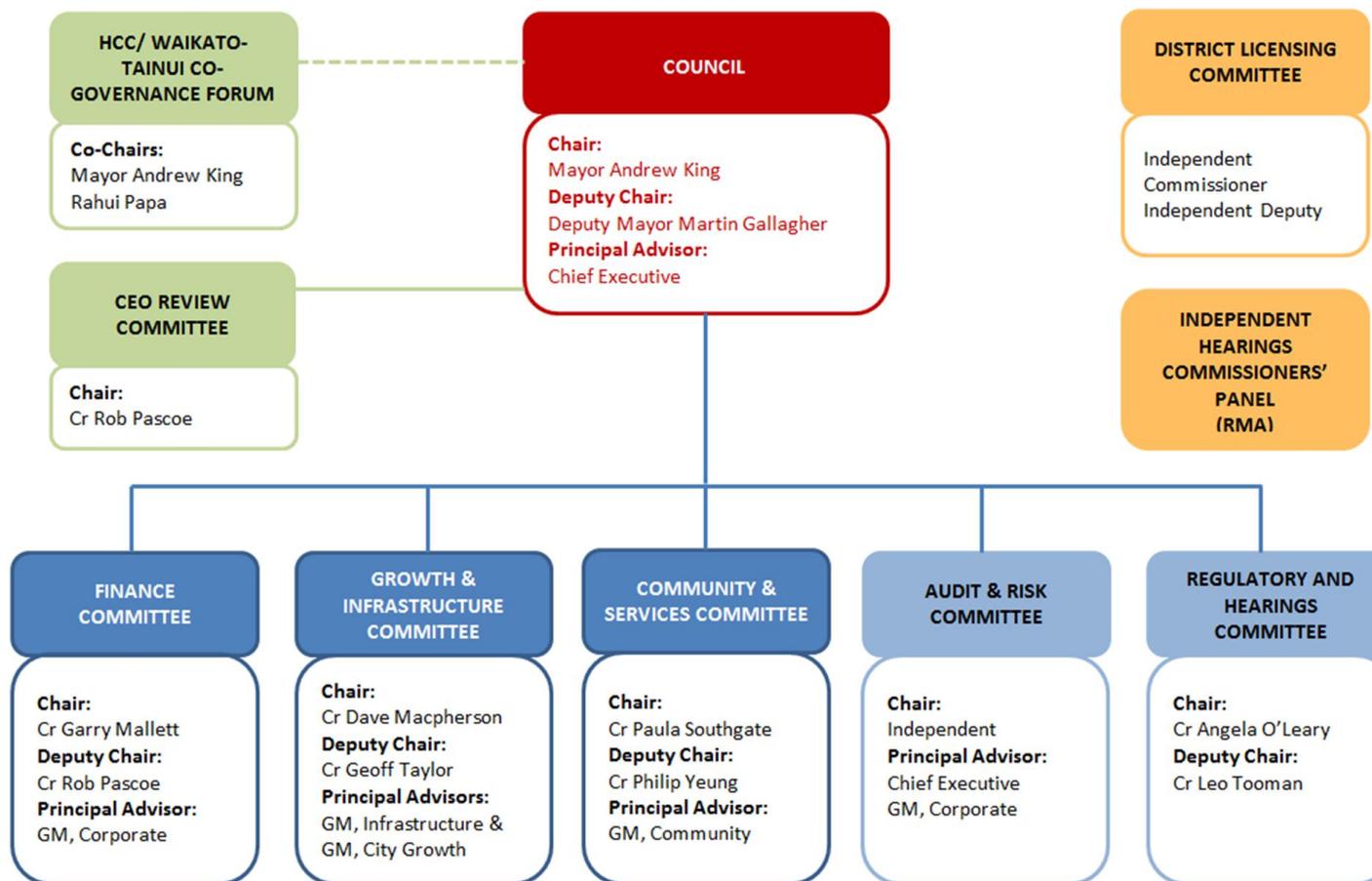
## **Interpretation**

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.



# Council and Committees of Council

### Committee Structure and Appointments – 2016-2019



## Council

<b>Chairperson:</b>	Mayor Andrew King
<b>Deputy Chairperson:</b>	Deputy Mayor Martin Gallagher
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Monthly – or as required
<b>Quorum:</b>	A majority of members (including vacancies)

---

### Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

### Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - a) The power to make a rate.
  - b) The power to make a bylaw.
  - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
  - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
  - e) The power to appoint a Chief Executive.
  - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.

- m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
  - e) Approval of the Triennial Agreement.
  - f) Approval of the local governance statement required under the Local Government Act 2002.
  - g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
  - h) Approval of any changes to the nature and delegations of the Committees.

**Oversight of Policies:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

## Common Delegations

The following delegations from Council are common to the Finance Committee, Growth and Infrastructure Committee, and Community and Services Committee, within their respective areas of responsibility.

### General Principle

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

These Committees will:

### Strategy, plans and policy

3. Develop and agree strategy, plans and policy for the purposes of consultation/engagement
4. Recommend to Council strategy, plans and policy for adoption
5. Monitor and review strategy, plans and policy

### Bylaws

6. Develop and agree the statement of proposal for new or amended bylaws for consultation
7. Recommend to Council new or amended bylaws for adoption

### Consultation and engagement

8. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders
9. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy
10. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide

### Submissions and legislation

11. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters

**Projects and programmes**

12. Monitor and oversee strategic projects and programmes
13. Monitor Council's Asset Management Plans
14. Approve an increase in the budget level for a strategic project or programme provided that the overall budget for the relevant activity area is met, i.e. savings are found within the same activity area resulting in a financially neutral impact (where this is not the case the Committee must recommend to the Finance Committee that additional funding is approved (outside the Annual Plan or Long Term Plan process))

**Contracts**

15. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
  - a. Do not require the approval of Council
  - b. Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation

**Other**

16. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the Committee for decision making
17. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers
18. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council
19. Establish Task Force groups or hearings panels and approve their terms of reference<sup>1</sup>

---

<sup>1</sup> A template for establishing a Task Force Group or Hearings Panel is attached as Appendix A.

## Finance Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Garry Mallett
<b>Deputy Chairperson:</b>	Cr Rob Pascoe
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly
<b>Quorum:</b>	A majority of members (including vacancies)

---

### **Purpose:**

The Finance Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Long Term Plan and Annual Plan.
2. Determining financial matters within its delegations and Terms of Reference and making recommendations to Council on financial matters outside its authority.
3. Guiding and monitoring Council's interests in its Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

*In addition to the common delegations on page 9, the Finance Committee is delegated the following Terms of Reference and powers:*

### **Terms of Reference:**

1. To monitor Council's financial strategy, and performance against that strategy.
2. To approve deferred capital expenditure.
3. To develop and monitor policy related to the following matters:
  - a) financial management;
  - b) revenue generation;
  - c) procurement and tendering; and
  - d) the appointment and remuneration of directors of CCOs and COs.
4. To monitor the probity of processes relating to policies developed by the Finance Committee.
5. To provide clear direction to Council's CCOs and COs on Council's expectations, including feedback on draft statements of intent.
6. To receive six-monthly reports of Council's CCOs and COs, including on board performance.

7. To undertake any reviews of CCOs and agree CCO-proposed changes to their governance arrangements, except where reserved for Council's approval by Council.
8. To monitor Council's investments in the Municipal Endowment Fund and the Domain Endowment Fund.

**The Committee is delegated the following powers to act:**

- Approval of:
  - Appointments to, and removals from, CCO and CO boards; and
  - A mandate on Council's position in respect of remuneration proposals for CCO and CO board members to be presented at Annual General Meetings.
- Approval of letters of expectation for each CCO and CO.
- Approval of statements of intent for each CCO and CO.
- Approval of proposed major transactions of CCOs and COs.
- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO or CO.
- Approval of Private Development Agreements recommended by the Growth and Infrastructure Committee.
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund or the Domain Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Oversight of Policies:**

- *Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy*
- *Freeholding of Council Endowment Land Policy*
- *Funding Needs Analysis Policy*
- *Investment and Liability Management Policy*
- *Municipal Endowment Fund Investment Policy*
- *Rates Remissions and Postponements Policy*
- *Rating Policy*
- *Revenue and Financing Policy*

## Growth and Infrastructure Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Dave Macpherson
<b>Deputy Chairperson:</b>	Cr Geoff Taylor
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly
<b>Quorum:</b>	A majority of members (including vacancies)

---

### Purpose

The Growth and Infrastructure Committee is responsible for:

1. Guiding sustainable physical development and growth of Hamilton to meet current and future needs, through oversight of land-use planning, and aligned provision of fit-for-purpose network infrastructure.
2. Governance of efficient, safe and sustainable roading and transport, three waters, and waste management that enables Hamilton's economy and adds to the liveability of the city.
3. Governance of Hamilton's economic agenda and investment development opportunities consistent with Council's vision for the city.

*In addition to the common delegations on page 9, the Growth and Infrastructure Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To monitor and provide advice on the development and implementation of urban growth and development strategies, land use, and spatial plans in line with national policy requirements.
2. To provide direction on strategic priorities for core city infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
3. To provide direction and monitor Council's approach to development contributions.
4. To assess proposals for Private Developer Agreements and, if appropriate, to recommend such agreements to the Finance Committee for approval.
5. To provide advice on the development and implementation of the 30 Year Infrastructure Plan.
6. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for spatial planning, joint infrastructure and shared services (for example, Future Proof, Regional Transport Committee).
7. To consider the impacts of land use and urban development on the environment.

8. To enhance Hamilton's economic position by promoting Hamilton as a business-friendly and business-enabled city and providing advice on strategic initiatives, plans, projects and potential major developments relating to economic and business development.
9. To provide clear direction on Council's strategic priorities to organisations and groups for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.

**The Committee is delegated the following powers to act:**

- Approval of purchase or disposal of land for network infrastructure, or parks and reserves for works and other purposes within this Committee's area of responsibility that exceeds the Chief Executive's delegation.
- Approval of Private Developer Agreements within the budget approved under the Long Term Plan.
- Approval of any proposal to stop any road, including hearing and considering any written objections on such matters.
- Approval of funding for Business Improvement District(s) and Hamilton and Waikato Tourism.

**The Committee is delegated the following recommendatory powers:**

- Adoption of the 30 Year Infrastructure Plan to Council.
- Approval of additional borrowing to Finance Committee.
- Approval of Private Developer Agreements for unfunded growth projects to Finance Committee.
- Approval of city boundary changes to Council.
- The Committee may make recommendations to Council and other Committees

**Oversight of Policies**

- *Business Improvement District (BID) Policy*
- *Connections and Charging Policy for Three Waters Policy*
- *Development Contributions Policy*
- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Growth Funding Policy*
- *Hamilton Gateways Policy*
- *Sale and Disposal of Council Land Policy*
- *Speed Management Policy*
- *Streetscape Beautification and Verge Maintenance Policy*

## Community and Services Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Paula Southgate
<b>Deputy Chairperson:</b>	Cr Philip Yeung
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly
<b>Quorum:</b>	A majority of members (including vacancies)

---

### Purpose

The Community and Services Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and its communities.
2. Governance of recreational, event, and community facilities and amenities.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. Funding to benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

*In addition to the common delegations on page 9, the Community and Services Committee is delegated the following Terms of Reference and powers:*

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.
4. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.

5. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a. implementation of Government requirements;
  - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
9. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
10. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
11. To make decisions on event sponsorship applications in accordance with the Event Sponsorship Policy and within the approved budget, and monitor any grants made to external organisations under that policy.
12. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities and amenity.
13. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan.

**The Committee is delegated the following powers to act:**

- Approval of Reserve Management Plans.
- Performing the Council's functions, powers and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act and the Reserves Act.
- Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval or otherwise of event sponsorship applications in compliance with the Event Sponsorship Policy and approved budget.
- Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
- Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Oversight of Policies:**

- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Disability Policy*
- *Dog Control Policy*
- *Event Sponsorship Policy*
- *External Funding Applications Policy*
- *Hamilton City Smoke-Free Environment Policy*
- *International Relations Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Provisional Local Alcohol Policy*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Public Places Policy (cross-over with Finance Committee)*
- *TAB Board Venue Policy*

## Audit and Risk Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	External appointee – Paul Connell
<b>Membership:</b>	External appointee – Tony Steel Mayor Andrew King Chairperson of the Finance Committee – Cr Garry Mallett Chairperson of the Growth and Infrastructure Committee – Cr Dave Macpherson Chairperson of the Community and Services Committee – Cr Paula Southgate Deputy Chairperson of the Finance Committee – Cr Rob Pascoe
<b>Meeting frequency:</b>	As required – no less than four times a year
<b>Quorum:</b>	Four members (including one external appointee)

---

### Purpose:

The Audit and Risk Committee is responsible for:

1. Providing objective advice and recommendations to the governing body on the adequacy and functioning of the Council's risk management, control and governance frameworks and processes.
2. Ensuring Council fulfils its legal responsibilities.
3. Monitoring the Council's external and internal audit process.
4. Ensuring the independence and effectiveness of Council's Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies to prevent and prohibit unethical, questionable or illegal activities.
6. Providing a communication link between management, internal auditors/external auditors and Council.
7. Supporting measures to improve management performance and internal controls.

<b>The Committee is delegated the following Terms of Reference and powers:</b>
--

### Terms of Reference:

#### *External Audit*

1. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
2. Recommend to Council the terms and arrangements for the external audit programme.

18

---

3. Review the effectiveness of the Annual Plan audit and 10 Year Plan audit.
4. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

*Internal Audit*

5. In conjunction with the Chief Executive, agree the scope of the annual internal audit work programme.
6. Monitor the delivery of the internal audit work programme.
7. Assess whether Internal Audit's recommendations have been properly implemented by management.
8. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

*Other Matters*

9. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks.
10. Review the effectiveness of the systems for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines, including on health and safety.
11. Engage with internal and external auditors on any specific one-off audit assignments.
12. Conduct and monitor special investigations in accordance with Council policy and approved budget, including engaging expert assistance, on matters within its Terms of Reference.

**The Committee is delegated the following recommendatory powers:**

- The Committee has no decision-making powers.
- The Committee may make recommendations to the Council and/or the Chief Executive, as appropriate.

**Special Notes:**

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- Council appoints the external members of the committee; the terms of the appointment to be recorded in a contract. External member contracts are to be reviewed and assessed six (6) months after each triennial election.

- The Chief Executive and Internal Auditor are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.

**Oversight of Policies:**

- *Risk Management Policy*

## CEO Review Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Rob Pascoe
<b>Membership:</b>	Mayor Andrew King Deputy Mayor Martin Gallagher Chairperson of the Finance Committee – Cr Garry Mallett Chairperson of the Growth and Infrastructure Committee – Cr Dave Macpherson Chairperson of the Community and Services Committee – Cr Paula Southgate
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Four members

---

### **Purpose and Terms of Reference:**

To review the Chief Executive's performance and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

### **The Committee is delegated the following recommendatory powers:**

- The Committee has no decision-making powers.
- The Committee must make recommendations to Council on all matters relating to the employment of the Chief Executive, including performance measures and remuneration.

### **Special Notes:**

- The Committee may request expert advice through the Governance Manager when necessary.

## Regulatory and Hearings Committee

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Cr Angela O'Leary
<b>Deputy Chairperson:</b>	Cr Leo Tooman
<b>Membership:</b>	The Mayor and all Councillors (The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson)
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Three members

---

### Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate Task Force groups on matters referred by other Committees.

<b>The Committee is delegated the following Terms of Reference and powers:</b>
--

### Terms of Reference:

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
  - objections under the Dog Control Act 1996;
  - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
  - proposals for temporary closure of any road.
4. Consider and determine changes to the registers and parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
5. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.
7. To convene Task Force groups and carry out the terms of reference approved and referred by Council or other Committees.

**The Committee is delegated the following powers to act:**

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

**Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

## District Licensing Committee

**Reports to:** The Council

**Chairperson:** External appointee – Sara Brown

**Membership (external appointees):**

Patsi Davies

John Gower

Brett McEwan

Jennie McFarlane (Alternate Commissioner)

Tegan McIntyre (Alternate Commissioner)

**Meeting frequency:** As required

**Quorum:** Three members (with the exception of uncontested applications which can be considered by the Chairperson acting alone).

**Purpose**

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012 ('the Act')

**Terms of Reference:**

1. To consider and determine applications for licences and manager's certificates
2. To consider and determine applications for renewal of licences and manager's certificates
3. To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with certain requirements
4. To consider and determine applications for the variation, suspension, or cancellation of special licences
5. To consider and determine applications for the variation of licences (other than special licences)
6. With the leave of the chairperson of the Alcohol Regulatory and Licensing Authority ('the licensing authority'), to refer applications to the licensing authority
7. To conduct inquiries and to make reports as may be required of it by the licensing authority
8. Other functions conferred on the District Licensing Committee by the Act or other legislation

**The Committee is delegated the following powers to act:**

- To make decisions on applications and renewals for licences and manager's certificates in accordance with its terms of reference, the Act and other relevant legislation

**The Committee is delegated the following delegatory powers:**

- This Committee may make recommendations to Council

**Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary
- The licensing authority is the overarching national body set up to ensure that the Act is fairly applied

## Independent Hearings Commissioners' Panel

**Reports to:** Council

**Chairperson:** As appropriate

**Membership - with three sitting at any one time (including the Chairperson):**

William Wasley  
 Simon Berry  
 Murray Kivell  
 Rebecca Macky  
 Russell De Luca  
 Richard Knott  
 Alan Withy  
 Alan Bickers  
 Mark Farnsworth  
 Loretta Lovell  
 Ann Hamilton  
 Any Hamilton City Councillor who is a Ministry for the Environment  
 accredited RMA Commissioner

**Meeting frequency:** As required

---

**Purpose:**

To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

<p><b>The Panel is delegated the following Terms of Reference and powers:</b></p>
---

**Terms of Reference:**

1. The power to hear and decide any of the following RMA matters:
  - a. application for a resource consent or change to conditions of resource consent;
  - b. notice of objection; or
  - c. notice of requirement to designate land and alter a designation; for a heritage order and alteration to a heritage order.
2. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the General Manager City Growth until the date the final decision is delivered by the hearings commissioner(s).
3. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

**Special Notes:**

- The General Manager City Growth is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.
- The Commissioners' decisions are reported to Council for information and District Plan effectiveness monitoring.



# Appointments

## Council Organisations and Council Controlled Organisations

---

### Hamilton Properties Ltd

**Reports to:** Finance Committee  
**Membership:** Chief Executive Officer

### Local Authority Shared Services (LASS)

**Reports to:** Finance Committee  
**Membership:** Chief Executive Officer

### New Zealand Local Government Funding Agency (LGFA) Ltd

**Reports to:** Finance Committee  
**Membership:** General Manager Corporate

### New Zealand Local Government Insurance Corporation Ltd

**Reports to:** Finance Committee  
**Membership:** No council Representation

### Rototuna Indoor Recreation Centre Trust

**Reports to:** Community and Services Committee  
**Membership:** Council may elect two representatives  
Margaret Forsyth  
Lance Vervoort, General Manager Community

### Vibrant Hamilton Trust Inc

**Reports to:** Finance Committee  
**Membership:** Thomas Gibbons (Chair)  
Mayor Andrew King  
Lynette Flowers  
Malcolm Brooker  
(Vacancy – to be appointed at a future meeting of Council )

**Waikato Innovation Park Ltd & Innovation Waikato Ltd**

**Reports to:** Finance Committee

**Membership:** No Council representation

**Waikato Regional Airport Ltd**

**Reports to:** Finance Committee

**Membership:** No Council Representation

## Joint Organisations and Advisory Groups

---

### Waikato-Tainui and Hamilton City Council Joint Management Agreement Governance Group

**Reports to:** Council

**Membership:** Mayor Andrew King  
Deputy Mayor Martin Gallagher  
Chair of Finance Committee – Cr Garry Mallett  
Chair of Community and Services Committee – Cr Paula Southgate  
Cr James Casson

### Hamilton Public Transport Joint Committee

**Reports to:** Growth and Infrastructure Committee

**Membership:** Chair of Growth and Infrastructure Committee – Cr Dave Macpherson  
Cr Leo Tooman

### Waikato Regional Transport Committee

**Reports to:** Growth and Infrastructure Committee

**Membership:** Chair of Growth and Infrastructure Committee – Cr Dave Macpherson  
Mayor Andrew King (first alternate)  
Cr Leo Tooman (second alternate)

### Waikato Region Civil Defence Emergency Management Group (Joint Committee)

**Reports to:** Community and Services Committee

**Membership:** Cr Leo Tooman  
Cr James Casson (alternate)

**Waikato Regional Council - Middle Waikato Sub-Committee  
(Project Watershed)**

**Reports to:** Growth and Infrastructure Committee  
**Membership:** Cr Paula Southgate  
General Manager City Infrastructure (or nominee)

**Waikato Plan Joint Committee**

**Reports to:** Council  
**Membership:** Mayor Andrew King  
Deputy Mayor Martin Gallagher

**Joint Hamilton Sub-Regional Growth Strategy Implementation Committee  
(Future Proof)**

**Reports to:** Council  
**Membership:** Mayor Andrew King  
Chair of Growth and Infrastructure Committee – Cr Dave Macpherson

**Waikato Water Study Governance Group**

**Reports to:** Finance Committee  
**Membership:** Mayor Andrew King  
Chair of Finance Committee – Cr Garry Mallett  
Chair of Growth and Infrastructure Committee – Cr Dave Macpherson

**Lake Rotokauri Advisory Committee**

**Reports to:** Community and Services Committee  
**Membership:** Chair of Community and Services Committee – Cr Paula Southgate

**People's Project**

**Reports to:** Community and Services Committee  
**Membership:** Cr Angela O'Leary

**Single-year Community Grants Allocation Committee**

**Reports to:** Community and Services Committee

**Membership:** Chair of Community and Services Committee – Cr Paula Southgate  
Deputy Chair of Community and Services Committee – Cr Philip Yeung

**Multi-year Community Grants Allocation Committee**

**Reports to:** Community and Services Committee

**Membership:** Chair of Community and Services Committee – Cr Paula Southgate  
Deputy Chair of Community and Services Committee – Cr Philip Yeung

**University of Waikato Animal Ethics Committee**

The Terms of Reference and Membership of this Committee can be found here:

[http://www.waikato.ac.nz/\\_data/assets/pdf\\_file/0006/128454/CommitteeDirectory.pdf](http://www.waikato.ac.nz/_data/assets/pdf_file/0006/128454/CommitteeDirectory.pdf)

**Reports to:** Community and Services Committee

**Membership:** Cr Mark Bunting

**Sports Ambassador**

**Reports to:** Community and Services

**Membership:** Cr Rob Pascoe

**Traffic Institute of New Zealand (Trafinz)**

**Reports to:** Growth and Infrastructure Committee

**Membership:** Cr Leo Tooman

**Creative Communities Scheme Assessment Committee**

**Reports to:** Community and Services Committee

**Membership:** Cr Siggie Henry  
Cr Angela O'Leary

**Schedule of Amendments to HCC Governance Structure 2016/19**

Date	Section	Amendment/Addition/Deletion	Authorisation

**Appendix A – Template for Establishing a Task Force group or Hearings Panel**

Task Force Group/Hearings Panel – *Insert Name*

<b>Chairperson:</b>	
<b>Elected Members:</b>	
<b>External Members:</b>	
<b>Support Staff<sup>1</sup>:</b>	
<b>Date Established<sup>2</sup>:</b>	
<b>Reporting Back Date:</b>	
<b>Appointing Committee<sup>3</sup>:</b>	
<b>Purpose<sup>4</sup>:</b>	
<b>Terms of Reference<sup>5</sup>:</b>	

Notes:

1. Support staff to include the General Manager (or Chief Executive) supporting the Task Force group/Hearings Panel.
2. Refer to the Council or Committee meeting date that established the Task Force group/Hearings Panel.
3. Identify the Committee (or Council) that established the Task Force group/Hearings Panel.
4. The Council/Committee resolution that established the Task Force group/Hearings Panel.
5. Detail the powers, duties and functions of the Task Force group/Hearings Panel. This is not to include any decision-making powers.

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** 2017 Schedule of Meetings

**Author:** Lee-Ann Jordan

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Local Government Official Information and Meetings Act 1987</i>
<b>Financial status</b>	<i>Administrative</i>
<b>Assessment of significance</b>	<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/is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. To seek approval of the proposed schedule of meetings of Council and Committees for 2017.

## 3. Executive Summary

4. It is good practice for Council to adopt a schedule of meetings for the following calendar year so that the business of the Council can be conducted in an orderly and transparent manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987.
5. The proposed 2017 Council and Committee Meetings Schedule (Attachment 1) reflects the committee structure approved by Council at the Inaugural Council Meeting on 9 November 2016.

## 6. Recommendations from Management

That:

- a) the report be received; and
- b) the proposed 2017 Schedule of Meetings attached to this report as Attachment 1 be approved.

## 7. Attachments

8. Attachment 1 - Proposed HCC Schedule of Meetings - 2017

## 9. Background

10. The proposed 2017 HCC schedule of meetings sets out the meeting dates and times for the 2017 calendar year for Council and committees of Council in line with the approved Governance Structure for the 2016-2018 triennium.
11. The proposed schedule accommodates the various meeting cycles of Council and committees of Council and still provides an appropriate balance of meeting frequency and flexibility to program additional work required by the Council around the development and adoption of the Annual Plan.
12. The following considerations informed the development of the proposed 2017 schedule of meetings:
  - A family friendly approach to meeting start times and provision for set breaks in the governance schedule to enable Elected Members and staff to plan constituency activities, or other work or personal commitments;
  - Council meetings to be held monthly, commencing at 9.30am;
  - Committee meetings to be held on a six weekly cycle, commencing at 9.30am and are concentrated on Tuesdays and Thursdays;
  - Audit and Risk Committee meetings to be held quarterly;
  - Hearings and Regulatory Committee meetings to be held as business requires;
  - DLC Committee meetings to be held as business requires;
  - HCC/Waikato-Tainui Co-Governance Forum meetings to continue to be held quarterly, meeting dates/times to be determined in partnership with Waikato-Tainui
  - CEO Review Committee meetings as business requires; and
  - Mondays and Fridays to be kept clear of governance business to provide Councillors with the opportunity to carry out constituency work.





	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
MON					1		MON						MON
TUE					2		TUES		1 G & I				TUES
WED		1	1		3		WED		2		1		WED
THUR		2	2		4 Council	1 Council	THUR		3		2		THUR
FRI		3	3		5	2	FRI		4		3	1 DLC	FRI
SAT		4 XXXXXXXXXXXXXXX	4 XXXXXXXXXXXXXXX	1 XXXXXXXXXXXXXXX	6 XXXXXXXXXXXXXXX	3 XXXXXXXXXXXXXXX	SAT	1 XXXXXXXXXXXXXXX	5 XXXXXXXXXXXXXXX	2 XXXXXXXXXXXXXXX	4 XXXXXXXXXXXXXXX	2 XXXXXXXXXXXXXXX	SAT
SUN	1 - New Years Day	5 XXXXXXXXXXXXXXX	5 XXXXXXXXXXXXXXX	2 XXXXXXXXXXXXXXX	7 XXXXXXXXXXXXXXX	4 XXXXXXXXXXXXXXX	SUN	2 XXXXXXXXXXXXXXX	6 XXXXXXXXXXXXXXX	3 XXXXXXXXXXXXXXX	1 XXXXXXXXXXXXXXX	5 XXXXXXXXXXXXXXX	3 XXXXXXXXXXXXXXX
MON	2	6 Waitangi Day	6	3	8	5 Queen's B day	MON	3	7	4	2	6	4
TUES	3	7	7 Extra CI - AP	4 Comm	9 G & I	6	TUES	4 Finance	8 Comm	5 A & R	3	7 Finance	5 G & I
WED	4	8	8	5	10	7	WED	5	9	6	4	8	6
THUR	5	9 Council	9 Council	6 Council	11	8	THUR	6	10	7	5	9	7 Comm
FRI	6	10 Cit	10 Cit	7 Cit	12 Cit	9	FRI	7	11 DLC	8	6	10 DLC	8 DLC/ Civic Awards
SAT	7 XXXXXXXXXXXXXXX	11 XXXXXXXXXXXXXXX	11 XXXXXXXXXXXXXXX	8 XXXXXXXXXXXXXXX	13 XXXXXXXXXXXXXXX	10 XXXXXXXXXXXXXXX	SAT	8 XXXXXXXXXXXXXXX	12 XXXXXXXXXXXXXXX	9 XXXXXXXXXXXXXXX	7 XXXXXXXXXXXXXXX	11 XXXXXXXXXXXXXXX	9 XXXXXXXXXXXXXXX
SUN	8 XXXXXXXXXXXXXXX	12 XXXXXXXXXXXXXXX	12 XXXXXXXXXXXXXXX	9 XXXXXXXXXXXXXXX	14 XXXXXXXXXXXXXXX	11 XXXXXXXXXXXXXXX	SUN	9 XXXXXXXXXXXXXXX	13 XXXXXXXXXXXXXXX	10 XXXXXXXXXXXXXXX	8 XXXXXXXXXXXXXXX	12 XXXXXXXXXXXXXXX	10 XXXXXXXXXXXXXXX
MON	9	13	13	10	15	12	MON	10	14	11	9	13	11
TUES	10	14 G & I	14 A & R	11 Finance	16 Comm	13 A & R	TUES	11	15 Finance	12 G & I	10	14	12 Finance
WED	11	15 DLC	15	12	17	14	WED	12	16	13	11	15	13 A & R
THUR	12	16	16	13	18 Extra CI - AP	15	THUR	13	17	14	12	16 Council	14 Council
FRI	13	17	17 DLC	14 Good Friday	19 DLC	16	FRI	14	18	15 DLC	13 DLC	17	15 Cit
SAT	14 XXXXXXXXXXXXXXX	18 XXXXXXXXXXXXXXX	18 XXXXXXXXXXXXXXX	15 XXXXXXXXXXXXXXX	20 XXXXXXXXXXXXXXX	17 XXXXXXXXXXXXXXX	SAT	15 XXXXXXXXXXXXXXX	19 XXXXXXXXXXXXXXX	16 XXXXXXXXXXXXXXX	14 XXXXXXXXXXXXXXX	18 XXXXXXXXXXXXXXX	16 XXXXXXXXXXXXXXX
SUN	15 XXXXXXXXXXXXXXX	19 XXXXXXXXXXXXXXX	19 XXXXXXXXXXXXXXX	16 XXXXXXXXXXXXXXX	21 XXXXXXXXXXXXXXX	18 XXXXXXXXXXXXXXX	SUN	16 XXXXXXXXXXXXXXX	20 XXXXXXXXXXXXXXX	17 XXXXXXXXXXXXXXX	15 XXXXXXXXXXXXXXX	19 XXXXXXXXXXXXXXX	17 XXXXXXXXXXXXXXX
MON	16	20	20	17 Easter Monday	22	19	MON	17	21	18	16	20	18
TUES	17	21 Comm	21	18	23 Finance	20 G & I	TUES	18	22	19 Comm	17	21	19
WED	18	22 Waikato DHB	22 Waikato DHB	19	24 Waikato DHB	21	WED	19	23 Waikato DHB	20	18	22 Waikato DHB	20
THUR	19	23	23	20	25	22	THUR	20	24 Council	21 Council	19 Council	23	21
FRI	20	24	24	21	26	23 Cit	FRI	21 DLC	25 Cit	22 Cit	20 Cit	24 Cit	22
SAT	21 XXXXXXXXXXXXXXX	25 XXXXXXXXXXXXXXX	25 XXXXXXXXXXXXXXX	22 XXXXXXXXXXXXXXX	27 XXXXXXXXXXXXXXX	24 XXXXXXXXXXXXXXX	SAT	22 XXXXXXXXXXXXXXX	26 XXXXXXXXXXXXXXX	23 XXXXXXXXXXXXXXX	21 XXXXXXXXXXXXXXX	25 XXXXXXXXXXXXXXX	23 XXXXXXXXXXXXXXX
SUN	22 XXXXXXXXXXXXXXX	26 XXXXXXXXXXXXXXX	26 XXXXXXXXXXXXXXX	23 XXXXXXXXXXXXXXX	28 XXXXXXXXXXXXXXX	25 XXXXXXXXXXXXXXX	SUN	23 XXXXXXXXXXXXXXX	27 XXXXXXXXXXXXXXX	24 XXXXXXXXXXXXXXX	22 XXXXXXXXXXXXXXX	26 XXXXXXXXXXXXXXX	24 XXXXXXXXXXXXXXX
MON	23	27	27	24	29	26	MON	24	28	25	23 Labour Day	27	25 Christmas Day
TUES	24	28 Finance	28 G & I	25 ANZAC Day	30	27 Comm	TUES	25	29 A & R w/shop	26 Finance	24 G & I	28	26 Boxing Day
WED	25		29	26 Waikato DHB	31	28 Waikato DHB	WED	26 Waikato DHB	30	27 Waikato DHB	25 Waikato DHB	29	27
THUR	26		30	27		29 Council (ok AP)	THUR	27 Council	31	28	26	30	28
FRI	27		31	28 DLC		30 DLC	FRI	28 Cit		29	27		29
SAT	28 XXXXXXXXXXXXXXX			29 XXXXXXXXXXXXXXX			SAT	29 XXXXXXXXXXXXXXX	30 XXXXXXXXXXXXXXX	28 XXXXXXXXXXXXXXX			30 XXXXXXXXXXXXXXX
SUN	29 XXXXXXXXXXXXXXX			30 XXXXXXXXXXXXXXX			SUN	30 XXXXXXXXXXXXXXX		29 XXXXXXXXXXXXXXX			31 XXXXXXXXXXXXXXX
MON	30 Auckland Ann						MON	31			30		
TUE	31						TUES			31 Comm			

Council
Growth and Infrastructure
Community and Services
Finance
Audit and Risk
DLC
Extraordinary Council - draft Annual Plan

Waikato DHB Board Meetings
Citizenship ceremonies

N.B. A & R workshop 29 August 2017 is to review the Audit NZ opinion on the 2016/17 End of Year financials

Public Holidays
School Holidays
19 December - 3 February 2017
14 April - 30 April 2017
8 July - 23 July 2017
1 October - 15 October 2017
c 18 December - January 2018



**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Beale Cottage Historic Reserve  
Management Plan Review

**Author:** Nick Johnston

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Plan, Hamilton Heritage Plan</i>
<b>Financial status</b>	<i>\$12,000 – staff time for a non-comprehensive review of the Management Plan. No additional budget is required for the review.</i>
<b>Assessment of significance</b>	<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 seek approval of the proposed Beale Cottage Historic Reserve Management Plan.

## 3. Recommendations from Management

That:

- a) the report be received; and
- b) Council approves the Beale Cottage Historic Reserve Management Plan.

## 4. Attachments

5. Attachment 1 - Draft Beale Cottage Historic Reserve Management Plan 2016

## 6. Management Plan Review

### 7. Background

8. The Beale Cottage Historic Reserve Management Plan was developed in 2006 in accordance with Section 41 of the Reserves Act 1977, with the intention of providing for and ensuring the use, enjoyment, maintenance, protection and preservation of Beale Cottage. Under Section 41, the Council is required to keep management plans under continuous review so they are adapted to changing circumstances and increased knowledge.
9. A Beale Cottage Working Group was established at the 22 March 2016 Strategy and Policy Committee meeting ([Agenda](#) / [Minutes](#)) to undertake a preliminary assessment of the Beale Cottage Historic Reserve Management Plan. The Working Group consisted of Cr. Andrew King (Working Group Chairperson, former Deputy Chairperson Strategy & Policy Committee), Cr. Martin Gallagher, Cherie Meecham (Waikato Museum Director) and Jamie Sirl (Acting Team Leader Planning & Assets, Parks & Open Spaces Unit).

**Item 8**

- 10. The following recommendations from the Working Group were reported back at the 19 July 2016 Strategy and Policy Committee meeting ([Agenda](#) / [Minutes](#)):
  - The Council preserves the use of the building as a residential property
  - The Council facilitates greater access to the cottage
  - The Council replaces modern fixtures in the cottage interior with items that enhance the heritage value and experience.
- 11. The Strategy and Policy Committee resolved to undertake a non-comprehensive review of the Management Plan at the 19 July 2016 meeting. Under the Reserves Act, formal public consultation is not required for a non-comprehensive review.
- 12. Draft Management Plan
- 13. The draft Beale Cottage Historic Reserve Management Plan (Attachment 1) was developed in accordance with the recommendations of the Working Group. Key changes from the 2006 Management Plan include:
  - Updated legislation section
  - Updated strategic framework section, aligned with the vision and objectives of the Hamilton Plan, the Hamilton Heritage Plan 2016 and the Hamilton East Neighbourhood Plan 2016
  - Removal of obsolete objectives and 2005-2015 action plan
  - Re-ordered content – vision and objectives at the beginning of document and reference material at the end.

**14. Financial and Resourcing Implications**

- 15. Staff will review work programmes to identify objectives that can be delivered within existing budgets in the 2017-18 financial year. Any additional investment in Beale Cottage will need to be considered through the 2018-2028 10 Year Plan process.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
------------	---



# Beale Cottage Historic Reserve Management Plan

November 2016



## Contents

<b>1</b>	<b>Introduction</b>	<b>4</b>
1.1	Beale Cottage Historic Reserve	4
1.2	Purpose of Management Plan	5
<b>2</b>	<b>Vision</b>	<b>6</b>
<b>3</b>	<b>Objectives</b>	<b>7</b>
<b>4</b>	<b>Legislation</b>	<b>8</b>
4.1	Local Government Act 2002	8
4.2	Reserves Act 1977	8
4.3	Heritage New Zealand Pouhere Taonga Act 2014	9
4.4	Resource Management Act 1991	9
4.5	Building Act 2004	11
4.6	Health and Safety at Work Act 2015	11
<b>5</b>	<b>Strategic Framework</b>	<b>12</b>
5.1	Hamilton Plan 2014	12
5.2	Hamilton Heritage Plan 2016	12
5.3	Hamilton East Neighbourhood Plan 2016	13
5.4	Hamilton City Council Partly Operative District Plan 2016	13
<b>6</b>	<b>Background History of Beale Cottage</b>	<b>14</b>
6.1	History	14
6.2	Date of construction and changes	15
6.3	Occupiers	15
6.4	Garden and Site	16
<b>7</b>	<b>Conservation and Maintenance</b>	<b>18</b>
7.1	Conservation and Maintenance Plans	18
7.2	Archaeological Report and Survey	18
7.3	Historic Garden Survey and Garden Place	19
7.4	Further work	19
<b>8</b>	<b>Heritage Value</b>	<b>20</b>

*Cover image: 1893 calendar and news clippings on former registry room wall, Beale Cottage, 2016.*

## 1.0 Introduction

This Management Plan for Beale Cottage Historic Reserve has been prepared to comply with the requirements of the Reserves Act and other statutory requirements. This document includes the Council's vision and objectives for Beale Cottage, as well as the legislative and strategic framework that must be considered for all capital works projects and the on-going maintenance of the reserve.



*Beale Cottage, 2010*

### 1.1 Beale Cottage Historic Reserve

The Beale Cottage Historic Reserve includes the cottage, the garden and site. These three elements and the histories of the people associated with the cottage form this historic place at 11 Beale Street, Hamilton East.

As Dr Beale's home, surgery and registry office, Beale Cottage is a rare and significant survivor of mid-nineteenth century Hamilton architecture, and one of the earliest European historical places in Hamilton East. It also has rarity value as a surviving nineteenth century Waikato cottage, associated as both a home and a place of work. The site, building and garden are all considered to be of historic merit being classified by the New Zealand Historic Places Trust in 1985 and the cottage is registered in the Hamilton City District Plan. The three elements are integral parts of the historical context of the cottage.

Beale Cottage (also known as Cheshunt Cottage) in Hamilton East is presumed to have been erected in the early 1870s for Dr Bernard Charles Beale. However the exact date is difficult to confirm and could possibly be earlier. The place dates from the establishment of the militia redoubt in Hamilton East in the 1864 period. The first European owner of the site was Private Thomas Jackson who was part of the militia settlement. Doctor Beale purchased the property in 1872, established his home and for a time used part of the cottage for his work. The next significant owner was John Sloper Edgcombe who owned the site for around thirty years.

The place has strong associations with the early settlers of post-militia Hamilton, Private Jackson, Dr Beale, Edward Harker, John Sloper Edgcombe and their families. The prominent family associated historically with the cottage is the Beale family. It is also known for its

relationship to the Forrest family, who lived on the property for most of the twentieth century. The cottage was occupied until the late 1980s by Miss Maisie Forrest.

The historic value of the cottage was recognised as early as the 1950s. Despite the importance of the place and the historical value of associated families there has been surprisingly little historical research or recording of historic fabric.

In recognition of the long term historic value to the community the property was bought in 1990 by Hamilton City Council for \$96,000 from the Estate of Louise May Forrest and, in association with The University of Waikato.

On 16<sup>th</sup> December 1994 the site was declared a Historic Reserve by Hamilton City Council (Certificate of Title SA467/65). The Reserves Act 1977 requires that a Management Plan be prepared to ensure the values of the historic reserve are protected and preserved in perpetuity.

Although the context of the place has changed considerably in scale since the nineteenth century due to the subdivision of the property, the cottage, grounds, garden, established trees and vistas, form a significant story of late nineteenth century and early twentieth century town life in the Waikato Region. This plan aims to recognise and protect this historic reserve.



*Photo of Dr Bernard Charles Beale in hall, Beale Cottage, 2016.*

## 1.2 Purpose of the Management Plan

This Management Plan is prepared in accordance with the requirements of Section 41 of the Reserves Act 1977. Under Section 41 the Beale Cottage Historic Reserve Management Plan intends to “provide for and ensure the use, enjoyment, maintenance, protection and preservation and appropriate development.” It is also required under Section 41 subsection 4 to be “under continual review to adapt to changing circumstances or in accordance with increased knowledge.”

The legislative requirement for management plans to be prepared for reserves are contained in the Act. Accordingly, it is this legislation which provides the dominant purpose and direction in the Beale Cottage Historic Reserve Management Plan. However, the Reserves Act is not the only document which assists the Council in guiding the protection, use and development of reserves in the city.

In developing this revision of the Management Plan, consideration has been given to the provisions contained in the following documents:

- Hamilton Plan
- Hamilton City Operative and Proposed District Plans
- Hamilton Heritage Plan
- Hamilton East Neighbourhood Plan
- Beale Cottage Conservation and Maintenance Plans
- Heritage New Zealand Pouhere Taonga Act 2014
- Resource Management Act 1991 and amendments
- I.C.O.M.O.S New Zealand Charter



*Lounge, Beale Cottage, 2016.*

## 2.0 Vision

The vision for the Beale Cottage Historic Reserve is:

- To conserve Beale Cottage, gardens and site for future generations,
- To maintain Beale Cottage, gardens and site, as a demonstration of incorporating heritage values in the city's on-going development,
- To recognise and value Beale Cottage Historic Reserve as part of Hamilton's heritage,
- To make the place and its history accessible to the community.

## 3.0 Objectives

The following objectives are based on the four main vision statements and seek to protect and maintain the heritage values of the place while allowing the enjoyment of Beale Cottage Historic Reserve.

1. To conserve and maintain Beale Cottage, garden and site,
2. To make the place and its history accessible to the community,
3. To establish a programme of works and to allocate funds for special projects and capital works, and long term maintenance,
4. Ensure conservation of artefacts and documents associated with the place,
5. To include community consultation, participation and support.



*Former Doctor's Surgery, Beale Cottage, 2016.*

## 4.0 Legislation

The following Acts apply to the site:

- Local Government Act 2002
- Reserves Act 1977
- Resource Management Act 1991
- Environment Act 1986
- Building Act 2004
- Heritage New Zealand Pouhere Taonga Act 2014
- Protected Objects Act 1975
- Health and Safety at Work Act 2015

### 4.1 Local Government Act 2002

The Local Government Act 2002 provides the general framework and powers under which New Zealand's 78 democratically elected territorial authorities operate. The purpose of the Act is to provide democratic and effective local government that recognises the diversity of New Zealand communities. The Act has requirements for consultation to ensure plans reflect community-based objectives.

### 4.2 Reserves Act 1977

This Act requires all reserves to have a Management Plan. The Act defines the purpose (Section 3), general form and the process of public participation required for Management Plans.

Section 3 of the Reserves Act states the general purpose of the Act as:

*“providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:*

- (i) recreational use or potential, whether active or passive; or*
- (ii) wildlife; or*
- (iii) indigenous flora or fauna; or*
- (iv) environmental and landscape amenity or interest; or*
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.*

The Act also requires the classification of all reserves (Part III) to ensure management and development appropriate to each reserve's principal purpose.

The purpose of Historic Reserves under the Reserves Act is:

*“For the purpose of protecting and preserving in perpetuity such places, objects and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.”*

The primary purpose of Historic Reserves can be summarised as preserving in perpetuity places and things of historic, archaeological, educational or cultural value. This classification has generally only been used to preserve sites of particularly high historic value. This is largely due to the added responsibility the administering body has under this classification as opposed to Recreational Reserves, Scenic Reserves (1b), or Local Purpose Reserve. This is immediately clear in the primary purpose of the classification with the words "...preserving in perpetuity.." denoting the administering body's obligation to retain the historic value of the site as it is forever or as long as the reserve remains an Historic Reserve. There is potential difficulty in reclassifying or revoking a Historic Reserve.

The Reserves Act 1977 requires this Operative Management Plan to be reviewed regularly after it becomes operative. It should also be noted that Dispensation will need to be sought from the Minister of Conservation if the reserve is to be used for occupation.

### 4.3 Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 replaced the Historic Places Act 1993 on 20 May 2014. The new legislation reformed the governance of the New Zealand Historic Places Trust in line with its status as an autonomous crown entity and streamlines many procedures under the Act.

The purpose of the act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

Beale Cottage was registered by the New Zealand Historic Places Trust (now Heritage New Zealand) in 1985 as Category 1 under the Historic Places Act 1993, in recognition of its "national historical or cultural heritage significance or value". Under the Heritage New Zealand Pohere Tonaga Act 2014 the Beale Cottage sites is protected as a Pre 1900 Archaeological site and is listed as a Category 1 Heritage Item on the Heritage New Zealand List.

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The Act also overrides any of the provisions of this Management Plan with respect to the protection and preservation of waahi tapu and archaeological sites.

### 4.4 Resource Management Act 1991

The Ministry for the Environment advises the Crown, its agencies and other public authorities on the management of natural and physical resources with particular reference to the Resource Management Act, and monitors the state of the New Zealand environment, including historic heritage. Many sections in the Act apply to the recognition and protection of historic heritage.

Protection of historic heritage is considered one of six matters of national importance under Section 6. In carrying out their functions under the Act territorial authorities must, in relation to managing the use, development, and protection of natural and physical resources, recognise and provide for matters of 'national importance'.

The Resource Management Act protects historic places and sites. Historic heritage is defined in the Act as:

*Historic heritage—  
(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological (ii) architectural (iii) cultural (iv) historic (v) scientific and (vi) technological.*

The Resource Management Amendment Act 2003 added the definition of historic heritage to the Act and made significant changes applying to historic heritage. In particular that the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance.

Under Section 74 of the RMA, territorial authorities making plans must consider registered sites.

Under the RMA territorial authorities have a responsibility to protect historic heritage within their district or region. They have the statutory responsibility to recognise and monitor the state of the environment. Protecting historic heritage involves identifying historic heritage places, managing adverse effects and promoting the protection of heritage values in accordance with conservation principles.

As owners of heritage places (e.g. buildings, reserves, infrastructure, and archaeological sites) territorial authorities must meet relevant statutory requirements and comply with plan rules for land they own and administer. They are responsible for the protection of historic heritage from inappropriate subdivision, use and development in the context of sustainable management. Responsibilities for managing adverse effects on heritage arise as part of policy and plan preparation and the resource consent processes.

Territorial authorities can set a good example for heritage management by ensuring that their own assets have been researched and evaluated for their heritage values, and are managed in accordance with conservation principles. This has been undertaken for Beale Cottage since the 1990s and is a continuing process.

Territorial authorities have a responsibility under the Act to take into account the principles of the Treaty of Waitangi. Consultation with tangata whenua forms part of both the Resource Management Act and is incorporated in the Hamilton City Council District Plan processes.

Mitigation of effects on the site and the effects on neighbouring development is required to be controlled under the Resource Management Act. In turn developments on neighbouring properties are likely to have effects on the cottage site, as would any new developments such as transfer of property rights.

#### 4.5 Building Act 2004

The Building Act 2004 sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand. The 2004 Act repealed the Building Act 1991 and introduced a number of changes to the law governing building work. These changes were introduced in stages between 2005 and 2012.

Section 4 of the Act states the principles that need to be considered in performing duties under the Building Act 2004, including “the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

Section 39 states that territorial authorities must advise Heritage New Zealand Pouhere Taonga within five days if:

- a. *an application for a project information memorandum, or for a building consent, affects a historic place, historic area, wāhi tapu, or wāhi tapu area that has been entered on the New Zealand Heritage List/Rārangī Kōrero; and*
- b. *the territorial authority has not previously advised Heritage New Zealand Pouhere Taonga about the building work to which that application relates.*

#### 4.6 Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 repealed the Health and Safety in Employment Act 1992. A guiding principle of the Act is that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from work risks as is reasonably practicable. WorkSafe New Zealand is the work health and safety regulator.



Former Dispensary, Beale Cottage, 2016.

## 5.0 Strategic Framework

### 5.1 Hamilton Plan 2014

Hamilton City Council has developed the Hamilton Plan to build a stronger economy and a more attractive city for families. The Council will focus on ten priorities over the next ten years that will collectively redefine Hamilton as a major New Zealand city.

One of the ten priorities is 'an active, strong commercial central city with distinctive suburban villages'. Two of the projects associated with this priority are the creation of the Hamilton East Neighbourhood Plan and the development of a heritage policy (which has been subsequently adopted as the Hamilton Heritage Plan).

### 5.2 Hamilton Heritage Plan 2016

The Council's vision for heritage in Hamilton is 'to recognise the contribution heritage makes to Hamilton's identity, sense of place and belonging. The City celebrates its past by identifying, protecting and showcasing its heritage for future generations.'

The purpose of the Hamilton Heritage Plan is to provide a holistic approach to heritage protection in collaboration with owners of heritage places, Waikato-Tainui, mana whenua, Heritage New Zealand, Waikato Regional Council and other interested parties and organisations.

The Heritage Plan has five goals:

1. **Identification** – all historic and natural heritage is identified and documented
2. **Protection** – heritage is conserved for future generations
3. **Promotion** – heritage is celebrated and its importance and value promoted
4. **Sustainability and use** – heritage buildings and sites within the city are functional places to be occupied and used.
5. **Management and implementation** – effective and efficient implementation of the Heritage Plan and its actions

The following actions from the Hamilton Heritage Plan have been considered in the review of the Beale Cottage Historic Reserve Management Plan:

- The Council shows leadership in the conservation of heritage
- Develop and implement procedures to ensure the ongoing protection and conservation of cultural heritage
- Showcase the contribution heritage makes to Hamilton
- Ensure the sustainable use or re-use of heritage buildings that retain their heritage values
- Ensure the sustainable management and use of sites and areas
- The Council follows best practice when it comes to the conservation and protection of the heritage it owns or manages

### 5.3 Hamilton East Neighbourhood Plan 2016

The Council developed the Hamilton East Neighbourhood Plan to ensure that Hamilton East's special character is preserved and enhanced into the future. The desired outcome of the Plan is that Hamilton East is a popular and attractive character suburb that remembers its history.

One of the themes of the Hamilton East Neighbourhood Plan is 'Living Heritage' and the Plan recognises that heritage features and archaeological sites are a significant part of Hamilton East. The desired outcomes of this theme are:

- Hamilton East's stories and heritage are visible and accessible
- Adaptive reuse of heritage buildings and places

The Beale Cottage Historic Reserve Management Plan is identified as a priority project on the delivery of the Hamilton East Neighbourhood Plan.

### 5.4 Hamilton City Council Partly Operative District Plan 2016

Section 6 of the Resource Management Act sets out the matters of national importance, Heritage and Archaeological sites being one of those matters. In particular the Act (s.6 (f)) requires councils to ensure the protection of historic heritage from inappropriate subdivision, use, and development.

The Council achieves this via the scheduling of heritage sites (archaeological) and structures and buildings (built heritage) in the District Plan. The District Plan has a two tier ranking system for the identification and scheduling of heritage:

'A' ranking – historic buildings and sites of highly significant heritage value, being of outstanding or high value locally, regionally or nationally.

'B' ranking - historic buildings and sites of highly significant heritage value, being of high or moderate value locally or regionally.

The District Plan sets out the level of protection and what works can occur to the exterior of the protected item and within the site it is located on through provisions in Chapter 19 – Historic Heritage. These specific heritage provisions are to be read in-conjunction with the zoning and city wide provisions also in the plan and relevant to the on going use of the site.

11 Beale Street is zoned Special Residential within the Hamilton East Dwelling Control Area and Beale Cottage is an A Ranked building in the District Plan.

## 6.0 Background of Beale Cottage and Site

In the twentieth century the cottage was called Cheshunt Cottage but due to the recognition of its historical association with Dr Beale, it has now become known as Beale Cottage. The following is a brief outline of the history of the place.



*Former registry room, Beale Cottage, 2016.*

### 6.1 History

The site was originally part of Tainui land with settlements and cultivation areas close by. Cultivation areas were still under use to the west of the site when the 4<sup>th</sup> Waikato Militia arrived and the land was confiscated. The portion of land from Beale Street to Gibbon's Gully was then surveyed off as part of the 1864 settlement for Hamilton East for allotting to the militia soldiers.

Conditions were difficult in the 1860s and resources for survival and building very limited, however the first huts were erected in Hamilton East in 1864. At Beale Street very little is known about the first European constructions on the property, where the structures were located, whether temporary, relocated or built. The current cottage with its early additions has been considered to be built circa 1872 but could be earlier. Nor is there clear evidence as to whether the basic cottage was built or possibly relocated.

By the 1870s large numbers of cottages were built throughout New Zealand generally using local materials and catalogue components. The workmanship was provided by available local and itinerant tradesmen, depending to a large extent on the location and size of the settlement.

The surviving small European settler houses of Hamilton and the Waikato were commonly simple gable roofs. In comparison Beale Cottage, with an eave less, steep pitched, near pyramidal hipped roof form, would have been typical of other small residential buildings that were built in different parts of New Zealand. Many of these were built before 1870, and included substantial homesteads and Militia buildings, as well as some of the first Mission Houses.

The materials used at Beale Cottage were more substantial than those commonly used by the Militia Settlers of early Hamilton. Kahikatea timber was more available and economical in the Waikato, than the Kauri used for most government funded structures. Few Kahikatea buildings survived. Militia Houses seen in photographs of Ngaruawahia in the late 1860s, of which the Doctors/Magistrates House is the remaining example, appear similar to the Cottage. Most would have been built without verandah, which were added later, even to three sides of the house. Other additions were usually constructed as a lean-to off the main roof.

Apart from the roof, the component of Beale Cottage match other small houses of the time. Standard double hung windows and the French casement doors to the verandah, were available in Hamilton and throughout the Waikato, Coromandel and Bay of Plenty at the time.

## 6.2 Date of construction and changes

The date of the kauri cottage was not clarified at the time of the 1994 Conservation Plan as no historical research was done as part of the conservation process. There is currently no information relating to the construction of a house on Jackson's or Beale's property. Beale is understood to always have had financial problems, which worsened in the late 1870s. However, as a former Militia Surgeon, he may have had access to plans and materials to surplus buildings. Jackson and/or Edgecumbe could have also done building work on the site. As result of investigation in 2003 it is possible that the building is older than 1872 and may have been relocated.

The property was much larger than is evident today. There were additional structures on the property in both the nineteenth and twentieth centuries, including a well and very large glass houses from the Forrest period. Additional structures were probably on the site from the 1870s including an outhouse, a laundry and stables. The location and documentation of strcutres associated with the cottage are not currently documented.

## 6.3 Occupiers

Very little is known of Private Jackson, who is the first European owner of the site. There is no research to cover whether he had family or how he may have lived on the granted land. Dr Beale was the next owner of the lot.

Charles Bernard Beale had been Assistant Surgeon in the Fourth Waikato Regiment, and remained to practise in Hamilton. He was one of the first elected Hamilton councillors. In 1878 he was the Deputy Mayor of Hamilton. He was then forty-nine years old, tall, dark, with

a spade beard, and a scattered and not very remunerative practice. He was the son of an English surgeon, and came to Hamilton as Assistant Surgeon to the Fourth Waikato Militia Regiment. He was Registrar of Births, Deaths and Marriages, Public Vaccinator, Medical Officer to the Government Life Insurance Department, Surgeon to the Auckland Railway Provident Society and Coroner. These posts earned fees in cash, but ordinary patients in hard times might pay in cash or kind or not at all. Dr Beale was one of the first people to bow to the depression in 1879.

Doctor Bernard Beale is most strongly associated with the cottage for the 1870s period when his family was resident and he operated his business of medical practitioner and Registrar of Births, Deaths and Marriages. He did however have other premises. It is this period that is considered most significant. Very little has been recorded on his family (it is very unlikely that all his children lived in the cottage at once.)

There is however a continuum of residential use which makes this historic place important- this includes the first European owner Jackson, then John Edgecumbe's thirty year association with the cottage and crown grant. The history of the Forrest family, their 70 years association with the cottage, and the links of Mr Forrest as the gardener, need to be addressed. There is limited research on the families of Beale, Edgecumbe and Forrest and their roles in the place. There is historic value in learning about the families and role that, for instance Mrs Beale or servants, may have had on the place.

#### 6.4 Garden and Site

The site and garden today is very different from the time of Beale and Forrest. At the time of renovation in 1995 the garden was somewhat of a wilderness having been cleared and tidied in the 1950s and then developed as a cottage garden.

Historical use of the site prior to 1865 has yet to be researched. No evidence of Maori occupation has been discovered in archaeological work. The original crown grant was not subdivided until 1918 and was still clearly evident in the 1950s.

*At least five periods may be evident in the garden- the nineteenth century working garden of the Beale family, the garden of Edgecumbe, the working nursery and garden of George Forrest and the restored garden of Maisie Forrest. In the nineteenth century The Beales may have had a medicinal garden, or at least a working garden – a garden that would be very different to the picture we may have today. In turn George Forrest is famous in Hamilton East for his early market gardening and production of tomatoes and produce to the Hamilton East community. His glasshouses, hidden behind the laurel hedge, spanned Lot 4 and 3 until 1955.*

Up until 1955 oaks trees probably planted in the 1870s, lined the Beale street frontage. Today significant trees on the property include a gingko, a number of camellias and a laurel hedge. The trees and plants are currently being assessed for age.

In addition to the stories above ground evidence remains of the old 1870s oak trees which lined Beale and Grey Street and the lowering of the road. There is the archaeological evidence of the previous occupations of the site. This includes the well, rubbish tips, post and construction evidence, old services and artifacts associated with the long term use of the site. There are relics of fencing and paving.

The garden is integral with the working of the house and includes out buildings, a well, clothes lines, sites of the glasshouses, paths and the trees, shrubs and plants. The Archaeological site and Garden was not addressed in 1994 and clearance of Maisie Forrest's garden took place. This is being addressed currently, based on archaeological, horticultural and photograph evidence. The green corrugated shed (circa 1930s) was not included in the 1994, but is part of the building fabric which needs conservation.

The wider extent of the place from the 1860s to 1920s, and relationships to other sites has yet to be documented- to Gibbon's gully and Hamilton East, or Beale's office. This includes associated trees, structures and archaeological sites such as the outbuildings. This will help in telling the story of the place and its garden.



*Garden, Beale Cottage, 2016.*

## 7.0 Conservation and Maintenance

As part of the method of complying with the statutory requirements, conservation principles and policies have been specifically applied to this place since the 1990s. These documents form the guidance for any work and the vision to protect it in perpetuity.

The guiding policies for the protection and maintenance of the cottage, garden and site are based on international conservation principles and are contained within the Conservation and Maintenance Plans. Principles, policies and practical actions are contained within these documents and guide the protection and use of the place.

### 7.1 Conservation and Maintenance Plan

In 1994 a Conservation Plan was commissioned to give guidance on protecting the building from loss or removal, prior to a major restoration project in 1995. The archaeological site and garden was not included in this work. The option of use chosen resulted in renovating a number of aspects of what had been a house of accumulative history. The kitchen was affected, with the rear porch and a new kitchen and bathroom installed. An out building was recommended but not accepted. The restoration work took place in 1995 and the grounds were cleared.

In 2003 a Maintenance Plan was commissioned for the place and in 2004 a Preliminary Assessment of the garden and an Archaeological Report were produced. The Conservation Plan was also reviewed.

### 7.2 Archaeological Reports and Survey

In 1995 during the restoration work some sampling had been done under the floor boards and items recorded, but this was limited. Therefore in December 2003 an Archaeological Report was undertaken by Alexy Simmons to investigate the site.

Because of the movement over the site in terms of earthworks it is very difficult to see what remains of earlier gardens. Therefore under recommendation the unusual action of invasive investigation is to take place to undercover any historic evidence to assist in interpreting the site and to clear the site for any further works. A full survey has been undertaken of those areas within the site but away from any trees.

The archaeological work and artefacts will form a significant part of the educational tools for the place.

### 7.3 Historic Landscape Investigation and Garden Design

The Council commissioned a historical landscape investigation and a heritage garden plan from Louise Beaumont – Heritage Landscape Architect. This work was completed in April 2005. The historic landscape investigation document covers the various landscape designs for the Beale Cottage property since 1872.

The heritage garden design provides a series of landscaping and planting recommendations which has been partially implemented as of 2016.

### 7.4 Further work

All three elements of the place require further documentation and work in the form of research, investigation, protection and maintenance, along with the histories of the place. There are no formal comprehensive histories of the place to assist in guiding conservation. This includes Maori occupation, the families since 1864, the garden and wider site. This work is essential. The interiors of the cottage also need to be re-instated.



*Kitchen, Beale Cottage, 2016.*

## 8.0 Heritage Value

While 19<sup>th</sup> century cottages are common in New Zealand in regions such as Northland, Auckland and Wellington, they are however rare in the Waikato and very few surviving cottages pre date 1875. This rarity value is relative to the development of the region after 1864, much later than most other parts of the country. The only known dated residence of the early settlement period in Hamilton is the 1872 Lake House, which was built as a substantial two storied estate manager's residence. Apart from a few larger homesteads such as Homewood at Te Rore and Major Jackson's House at Kihikihi, there are only a few early 1870s cottages identified in the Waikato Region - Temple cottage at Kihikihi, and The Doctors/Magistrates Militia House at Ngaruawahia.

In terms of roof form Gable roofed cottages were more commonly seen such as the Nixon Street Cottage in Hamilton, and the Temple Cottage in Kihikihi. Hip roofed cottages similar to Beale Cottage; include the Doctors/Magistrates House at Ngaruawahia, a cottage in Steele Street Cambridge, and a cottage in Cook Street (much altered) Hamilton, and the 1859 Cottage Museum at Pukekohe.

In the latter part of the last century there was an urgent effort to save early cottages. For some relocation to other sites or museums was necessary. A number of cities and towns have preserved important mid nineteenth century cottages including:

- The Elms Mission House in Tauranga (Elms Foundation)
- Egmont Cottage in New Plymouth (associated as part of Te Arika Museum)
- Wylie Cottage in Gisborne
- Ewelme in Auckland (Historic Places Trust)
- Broadgreen House in Nelson.
- Temple Cottage at Kihikihi

Waikato District Council have restored the 1870s Woodlands Homestead at Gordonton. Hamilton at this time however did not recognise the value of these early cottages. As a consequence, Hamilton has lost most of this early built European history, with only the later Hockin House conserved and open for limited public access. This makes Beale Cottage rare and precious, though only a small cottage and site. It is unusual to have a colonial cottage and garden survive in an urban setting in a central city location in the 21<sup>st</sup> century.



**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Hamilton Lake Domain Draft Management Plan - Referral of Submissions to Regulatory and Hearings Committee

**Author:** Jamie Sirl

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Lake Domain Management Plan</i>
<b>Financial status</b>	<i>There is budget allocated</i>
<b>Assessment of significance</b>	<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

- To seek approval for submissions on the Draft Hamilton Lake Domain Management Plan to be referred to Council's Regulatory and Hearings Committee.

## 3. Recommendations from Management

That:

- the report be received;
- Council's Regulatory and Hearings Committee hear submissions and make determinations on submissions to the Draft Hamilton Lake Domain Management Plan in February 2017;
- a Waikato-Tainui representative be appointed to the Regulatory and Hearings Committee for hearings on the Draft Hamilton Lake Domain Management Plan; and
- a final plan, incorporating any revisions recommended by the Regulatory and Hearings Committee, be presented to the Community and Services Committee for adoption.

## 4. Attachments

- There are no attachments for this report.

## 6. Key Issues

7. Background

8. At its meeting of [8 April 2015](#), the Strategy and Policy Committee approved the review of the Operative Hamilton Lake Domain Management Plan following the process set out by the Reserves Act 1977 (Act).
9. In May 2015, Council publicly notified its intention to review the Plan and invited public to make suggestions over a one month period.
10. At its meeting of [3 November 2015](#), the Strategy and Policy Committee approved a Working Group, consisting of Elected Members (Councillors Gallagher, Green, Mallett and Yeung) and external key stakeholders, to develop a strategic direction and vision for the Lake Domain.
11. The Working Group met in December 2015 and early 2016 to develop the strategic direction for the management of Lake Domain.
12. Staff developed a Draft Plan, which the Strategy and Policy Committee endorsed for public consultation at its [30 August 2016](#) meeting. The Draft Plan was approved for public consultation by Council at its 29 September 2016 meeting.
13. The two-month public consultation on the Draft Plan is currently underway, concluding 11 December 2016.

14. Why a hearings panel is required

15. The Act requires Council to publicly notify the Draft Plan and call for written feedback. All submitters have the right to be heard.
16. The process will involve the Committee convening in February 2017 to hear all submitters that wish to speak and make determinations on submissions. A final plan, incorporating any revisions recommended by the Committee will then be presented to the Community and Services Committee for adoption.
17. Following the Joint Management Agreement between The Waikato Raupatu River Trust and Council, it is recommended a Waikato-Tainui representative be appointed to the Regulatory and Hearings Committee.

## 18. Financial and Resourcing Implications

19. The Draft Plan does not bind Council to on-going funding; it provides direction for the Lake Domain's development priorities to be considered in the 2017/18 Annual Plan and the 2018-28 10-Year Plan.
20. The budget allocated for the management plan review was \$30,000. To date \$21,000 has been spent. Costs have included consultation and development of a draft concept plan, and design and imagery for the management plan. Costs to complete the process will be within the allocated budget.
21. The review is being facilitated by staff within existing staff resources. To date 178 staff hours (estimate \$17,800 staff cost at \$100 per hour) have been spent on this review.

## 22. Risk

23. There is no risk to Council if the Regulatory and Hearings Committee hear and deliberate on submissions. Providing submitters with the opportunity to be heard is a requirement of the Act.

**Item 9**

- 24. The Regulatory and Hearings Committee has the ability to appoint relevant persons to hearings. Appointing a Waikato-Tainui representative to hearings follows the Joint Management Agreement and has been successful in the past, for Hamilton Gardens Management Plan and the Cemeteries Plan.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
------------	---

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Rototuna Indoor Recreation Centre

**Author:** Mathew Bayliss

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Plan, Waikato Regional Sports Facility Plan</i>
<b>Financial status</b>	<i>There is budget allocated Amount \$4.5m and \$120,000 per annum from July 2017</i>
<b>Assessment of significance</b>	<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 considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To consider whether to fund the extension of the Rototuna Indoor Recreation Centre by 721m<sup>2</sup> to a five court facility or to proceed with the current four court facility as per the Funding Contribution and Operating Agreement that the Council entered into with the Ministry of Education and Rototuna High Schools Board of Trustees in July 2016.

## 3. Executive Summary

- During the 2015/16 Annual Plan process, the Council approved \$4.5 million towards the construction of a new Indoor Recreation Centre at the Rototuna Junior and Senior High Schools site.
- A Funding Contribution and Operating Agreement (Agreement) was developed and agreed between the Ministry of Education, Rototuna High School Establishment Board and the Council.
- The facility will be governed and managed by the newly formed Rototuna Indoor Recreation Centre Trust, with representatives of the Rototuna High Schools Board of Trustees, Sport Waikato and the Council.
- Consultation on the design and function of the facility was conducted over the last 12 months with the sporting codes that will predominantly use the facility.
- The design of the facility meets the requirements of four of the five sporting codes, with Sport New Zealand providing feedback throughout the concept and design phase of the project.
- Waikato Volleyball has provided feedback that the current design only enables six competition sized courts and that they require eight courts to enable growth within their sport.
- The total minimum floor area is 3,470m<sup>2</sup>. To enable eight competition volleyball courts, the facility will require an additional 721m<sup>2</sup> floor area, at an additional cost of \$3.1 million.

11. The Rototuna High Schools Board of Trustees has highlighted its support for extending the facility but does not support the Rototuna Indoor Recreation Centre Trust seeking funding the additional construction costs.
12. The Ministry of Education requires a decision to either extend the proposed floor plan or remain with the current proposed facility floor plan by early December 2016. The facility is due to be completed by June 2017.

### **13. Recommendations from Management**

That:

- a) the report be received;
- b) the Council considers funding, by way of an additional \$3.1m grant to the Ministry of Education, to extend the Rototuna Indoor Recreation Centre facility by 721m<sup>2</sup>, enabling a fifth netball/basketball court and eight competition volleyball courts;  
OR  
the Council continues with the current Funding Contribution and Operating Agreement for a four court indoor recreation facility at the Rototuna High Schools site; and
- c) the funding of a second partnership indoor recreation centre, that provides for a facility that can accommodate five netball, basketball and futsal courts and eight volleyball courts with competition standard run-offs, is considered in the development of the 2018-28 10 Year Plan.

### **23. Attachments**

15. Attachment 1 - Rototuna Indoor Recreation Centre building design & facility exemplars

### **16. Background**

17. In 2014 Sport Waikato, on behalf of the Mayoral Forum and in consultation with local authorities, developed an evidence based Regional Sports Facilities Plan to guide investment in sport and recreation assets.
18. The Regional Sports Facilities Plan recommended that Hamilton City Council develop, in partnership with other organisations, 2 x 4-5 indoor court facilities - one immediately and one 4-10 years out.
19. In 2015, Sport Waikato led a feasibility study to review and analyse five potential site locations and partnership opportunities for the development of these indoor court facilities for Hamilton City and made a recommendation back to Council in October 2015.
20. This investigation recommended that the MOE/Rototuna High School project be the first indoor recreation centre investment for Council.
21. The feasibility study further recommended that MOU's be developed with the University of Waikato and Wintec to investigate the development of a second 4-5 court facility for inclusion in the next Long Term Plan.

22. During the 2016/17 Annual Plan process, Council approved \$4.5 million towards the construction of two of the four indoor recreation courts that are to be built in partnership with the Ministry of Education (MoE) and the Rototuna High Schools Board of Trustees (the Board) at the Rototuna High Schools site. The \$4.5 million contribution by the Council and the \$4.7 million contribution by the MoE were based on estimates provided in early 2016 by MoE with confirmed construction costs to be finalized once more detailed design and subsequent quantity surveying had been completed. The Council also approved an annual operating grant of \$120,000 per annum to help run the facility and \$52,000 per annum capital renewal costs from 2027/28 onwards, to maintain the facility. The Chief Executive was authorised to enter into a mutually acceptable agreement with the Board and the MoE. A Funding Contribution and Operating Agreement (Agreement), has been negotiated and signed by the three parties. The Agreement outlines the obligations of each and specifies the funding arrangements, the ownership of the facility, the operating model and a shared use policy that will dictate the proportion of use by the school and the community. The Agreement specifies that the Rototuna Indoor Recreation Centre will be built by the MoE to the following specifications:
- A minimum total area of 3,470m<sup>2</sup>;
  - In a linear four court configuration that will accommodate four full size premier grade netball courts overlaid with four club size basketball courts, four club size futsal (Indoor Football) courts, eight club size volleyball courts and eight club size badminton courts;
  - A minimum of 3.05 metre run-off areas at the ends of the largest court layout (netball) and a 7.5 metre minimum playing clearance (height);
  - Provide a separate community entrance and changing rooms (6 changing rooms in all in the facility with 2 at the community entrance end and 4 at the school end);
  - The structure to be a standard steel portal construction consistent with the design and construction of Rototuna Senior High School;
  - Wooden sprung floor;
  - A combination of natural ventilation and a mechanically assisted system;
  - Adjustable lighting between 300-500 lux to accommodate the different sporting codes
  - Area that can be fitted for a modest amount of spectator seating.
23. The Agreement provides for the governance and management of the facility through the establishment of the Rototuna Indoor Recreation Centre Trust. The Trust will also raise funds for the provision of all the specialist sporting equipment and scoreboards required to fit-out the recreation centre. A trust deed has been developed, trustees appointed (two from the Rototuna High Schools Board, one from the MoE, one from Sport Waikato and two from Council – Margaret Forsyth and Lance Vervoort) and work is under way for the Trust to be ready for operating the facility in June 2017.
24. The Agreement also provides a mechanism to control costs associated with the construction of the facility. It states that should the final construction value of the 2 community courts and associated changing and storage facilities being funded by the Council be above \$4.5 million then the parties will review options to ensure the Council's construction grant does not exceed \$4.5 million. This includes: reviewing and agreeing on amendments to the minimum recommended specifications and floor plan design and/or what components can be left out of the initial construction, to be completed at a later date when additional funds become available.
25. Sporting codes were presented with the final draft designs on 8 September 2016 and it became apparent that netball, basketball, badminton and futsal requirements could be met within the agreed project budget, including adequate run-off areas for competition level activity.
26. Feedback from Volleyball Waikato has identified that only six competition sized courts (with adequate run-offs) or eight social courts (with very limited run-off areas) can be configured

within the facility floor plan area that is affordable within the overall \$9.2 million budget. Optimally they require eight courts with adequate run-off areas for competition nights and tournament play.

27. Sport Waikato has helped facilitate discussion with the sporting codes and at all stages of the design process. Sport New Zealand's facility advisory team has reviewed the design to ensure it meets the recognised standards for the variety of sports intending to use the facility.
28. Consultation
29. A series of workshops were conducted with the five sporting codes (netball, basketball, volleyball, badminton and futsal) that will predominantly use the new facility. These were held in March and September 2016 and have been facilitated by Sport Waikato.
30. An additional workshop with the sporting codes was due to be held on held 24 November 2016, to confirm their equipment, fit-out requirements, court layout and any final design requests.
31. Implementation issues
32. Volleyball has requested that the approved 3,470m<sup>2</sup> area be increased to allow eight competition sized courts to enable regional competitions and have adequate space between each of the courts.
33. Extending the facility (by 19.25 metres in length / 721m<sup>2</sup> in area) will also enable an additional court to be provided for netball, basketball and futsal, giving five courts in total. The additional space provides an opportunity for an additional four badminton courts (from 16 to 20). For some of the sporting codes, an extension will provide increased space between the courts for players and spectators.
34. Before detailed design is finalized and construction begins there is a short window of time where the extension of the facility can be accommodated to provide the additional court space, if all parties agree that this is the course of action that is desired.
35. Council staff have had dialogue with MoE who have advised:
  - That they can accommodate the 721m<sup>2</sup> extension of the facility within the current construction programme as long as this is agreed and funding confirmed by 5 December 2016.
  - That the additional cost would be \$3.1 million.
  - Construction completion would possibly be delayed by 2 to 3 months.
  - They will not provide any additional capital funding for this extension.
36. Rototuna High Schools Board has confirmed their support of extending the facility provided:
  - That two of the courts (in a weather tight complex) are available to meet educational needs by the end of May 2017;
  - That potential impacts on the school precinct area (which the additional building footprint would take up) can be mitigated/managed;
  - That there is no change to the inaugural structure of the Rototuna Indoor Recreation Centre Trust;
  - The Rototuna Indoor Recreation Centre Trust is not required to raise funds for the additional cost of construction as the Trust already needs to raise \$500k to \$800k for fit-out of the facility with sporting equipment, nets, goals, scoreboards and the community reception area. They believe that having to raise these additional funds would be challenging and would take a significant amount of time.

### 37. Options

38. In exploring the possibility that the facility is extended three options have been identified:

39. **Option 1: Do nothing – continue with current funding agreement**

The facility, as currently planned and funded, would be built and ready for use (as one of the two required community indoor recreation spaces recommended in the Waikato Regional Sports Facility Plan) in June 2017 with full size courts with appropriate run-offs available as follows - four netball, four basketball, four futsal, 16 badminton and six volleyball. This would still be the largest facility in Hamilton and the Waikato region for volleyball and the other sporting codes under one roof.

40. **Option 2: Expand the facility with the Council funding all of the additional cost**

This would see the facility become a five court sub-regional facility that could be built in its entirety by the required completion date (end of May 2016). In addition to the \$3.1 million required for construction Council would also incur an additional \$8650 operating costs per annum and in ten years time an additional \$21,630 per annum for capital renewal costs.

41. **Option 3: Expand the facility with the Council funding part of the expansion and the Trust raising a significant portion**

This would see the first two courts (at the school end of the facility) built and opened by the end of May 2016 with the remainder of the facility put on hold while the required funds are raised for the additional community court. This option would incur an additional \$500k in cost (total \$3.6 million) as a temporary end wall would have to be constructed to allow the school to use their end in a weather tight environment. The wall then would be removed when construction of the remaining three courts occurs. This option would be contingent on the School agreeing to this (unlikely) and the Trust being comfortable to raise funds.

42. In considering the opportunity to expand the facility Council needs to be cognisant of the following:

- The support of the Rototuna High Schools Board and the MoE would be required for any changes to the current Agreement;
- The reality of the Trust being able to secure additional funds should Option 3 be pursued;
- The effect on the Trust, School and Council to gain funding from funders for other projects if monies are sought for the additional construction costs;
- The level of return on additional investment for the benefits gained i.e. is it better to invest \$3.1 million in the next partnership indoor recreation project;
- That this is an immediate opportunity to provide additional benefits to the people of Hamilton if the facility is extended :
- That in any large partnership project there is often compromises in order to bring projects in on budget;
- Currently only one Indoor Recreation Centre (Rototuna) is included in 2015-25 10 Year Plan
- The effect on the Council's financial strategy should the Council fund this addition.

**43. Strategic alignment**

- 44. Waikato Regional Sports Facility Plan
- 45. The Waikato Regional Sports Facility Plan was developed by Sport Waikato in 2014.
- 46. The key objectives of the Plan are to understand what facilities the region has, what is needed and not needed, and recommend how an agreed facility network approach can be implemented within the Waikato region.
- 47. The key principles underpinning the Plan include sustainability, partnerships, multi-use adaptable functionality, and return on investment. The Plan states it is important that the sporting return on the funded projects deliver as much or more than any project or investment it displaces.
- 48. One of the high priority actions of the Plan is to develop (ideally in partnership) two 4-5 indoor court facilities in Hamilton with one being located in the north-east of the city.
- 49. Hamilton Plan
- 50. One of the priorities of the Hamilton Plan is ‘Waikato is the capital of high performance sport’. In addition to the high performance sporting objectives, the Plan states that ‘Hamilton has a commitment to community sports’ and ‘participation in organised and recreational sports increases’.

**51. Financial and Resourcing Implications**

- 52. The Council’s current investment in the Rototuna Indoor Recreation Centre delivers on a project included in the 2015-25 10 Year Plan.
- 53. Should the Council resolve to support the funding of the expansion of the Rototuna Indoor Recreation Centre the required funding would all be operational expenditure as the \$3.1 million would be a grant to the MoE. This expenditure would have to be put onto the 2016/17 Risks and Opportunities schedule and offset sources identified by management as they arise via asset sales or favourable expenditure and revenue variances.
- 54. There would also be the additional \$8650 operating costs per annum (currently \$120,000 from 1 July 2017 onwards) and in 10 years time an additional \$21,630 per annum for capital renewal costs (currently projected as \$52,050 per annum). These would be addressed through the 2017/18 Annual Plan and 2018-28 10 Year Plan processes.

**55. Risk**

- 56. Currently only one Indoor Recreation Centre (Rototuna) is included in the 2015-25 10 Year Plan and if funding for a second facility was not approved in the 2018-28 10 Year Plan process this immediate opportunity to provide additional indoor recreation space could be lost.
- 57. The MoE requires a decision on the final detailed design by early December. Rototuna Senior High School requires the use of two of the proposed four courts from May 2017. Any further delays to approving the design will prevent up to 1,000 students accessing the facility and will impact on students’ curricular requirements for physical education and health subjects.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
------------	---



*Rototuna Indoor Recreation Centre – building design – September 2016*



*Rototuna Indoor Recreation Centre & Rototuna Senior High School – building design – September 2016*



*Walter Nash Centre, Taita, Lower Hutt.*



*Walter Nash Centre, Taita, Lower Hutt.*



*Walter Nash Centre, Taita, Lower Hutt.*



Queenstown Events Centre.

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Land Exchange - 9 Grey St

**Author:** Ken Cunningham

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	Access Hamilton
<b>Financial status</b>	<i>There is budget allocated Amount estimated \$15,000 to be met from existing operating budgets.</i>
<b>Assessment of significance</b>	<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

- To seek approval of the proposal to exchange approximately 18.30m<sup>2</sup> of road land for approximately 17.70m<sup>2</sup> of privately owned land at 9 Grey Street.

## 3. Executive Summary

- The investigation and planning of the construction of a pedestrian underpass from Sillary St to Hamilton Gardens by the New Zealand Transport Agency (NZTA), has identified that part of Council's footpath is located within the privately owned residential section at 9 Grey St and that the 9 Grey St property utilises an area of road land that is vested in Council (refer Attachments 1 & 2).
- NZTA has produced a plan showing Council requiring 17.70m<sup>2</sup> of the 9 Grey St land to legalise the present roading layout and to provide additional land to enable the footpath to be widened. An area of 18.30m<sup>2</sup> of legal road not required as part of the road network will be added to the residential property at 9 Grey St, as shown on Attachment 2.
- Council staff have reached agreement with NZTA that Council will meet the costs of legalising use of the land and the associated transfers while NZTA will meet the costs of the physical works such as the pedestrian/cycle pathway upgrade, removing and reconstructing boundary fencing.
- The owner of 9 Grey St has been contacted and is agreeable to the land exchange.

## 8. Recommendations from Management

That:

- a) the report be received;
- b) approximately 18.30m<sup>2</sup> of Grey St, identified as Area C on Attachment 2, is stopped;
- c) the area of stopped road be exchanged for approximately 17.70m<sup>2</sup> of land from 9 Grey Street, identified as Areas A & B on Attachment 2, at no cost to either party, subject to:
  - i. Survey plans, for the land being exchanged, being approved by Land Information NZ
  - ii. The road stopping being completed,
  - iii. The area of stopped road being amalgamated with the title for 9 Grey Street; and
- d) the Chief Executive be delegated authority to:
  - i. Sign all documentation relating to the road stopping process;
  - ii. Sign all documentation relating to the land exchange.

## 9. Attachments

10. Attachment 1 - Plan indicating location of 9 Grey Street
11. Attachment 2 - Plan from NZTA showing affected areas, 9 Grey St

## 12. Key Issues

### 13. Background

- a) NZTA is planning the construction of a pedestrian underpass from Sillary St to Hamilton Gardens. It has identified that 9 Grey St (a private residential property) utilises land that is vested in Council as road, and that Council utilises some of the 9 Grey Street land for a footpath. Refer Attachment 1 for property location.
- b) The HCC land area used by the 9 Grey St property is shown as Area C on Attachment 2 (18.30m<sup>2</sup>), while the area required by Council is shown on the same attachment as Areas A & B and totals 17.70m<sup>2</sup>.
- c) The proposed land exchange will legalise the current situation and enable additional land area to be obtained by Council to provide for a 3m wide pedestrian/cycle path to be constructed, in conjunction with the pedestrian underpass works.
- d) A 3m wide path will enable access to the pedestrian underpass to be improved, particularly when walking/cycling from Grey Street.
- e) The cost of widening the pedestrian/cycle path and moving the boundary fence will be met by NZTA, while the cost of legalising the proposed land exchange (survey, legal costs etc.) will be met by Council's from existing budgets.

### 14. Valuation

SGHU Valuations, (Hamilton based independent registered valuers), have provided valuation advice as at 26 October 2016 advising that there is an equality of land exchange and indicating a \$0 net valuation effect.

15. Strategic alignment

- a) The exchange of land areas will allow for the:
  - i. Widening of the pedestrian/cycle path to be completed, improving access to the pedestrian underpass particularly when walking from Grey St.
  - ii. Physical works to be completed by NZTA in conjunction with construction of the pedestrian underpass.
- b) Completion of the works will legalise encroachments that has been identified, with part of Council’s footpath on private land and a residential property using land that is vested in Council as road.

16. Legislative requirements or legal issues

- a) To regularise the use of the land it is proposed to use the Public Works Act 1981 (PWA) for the stopping of the area of road being used by the owner of 9 Grey Street.
- b) The PWA road stopping process is summarised as follows:
  - i. The consent of Council is obtained.
  - ii. The written consent of affected property owners.
  - iii. A survey plan is obtained for the area proposed to be stopped and a Certificate of Title issued.
- c) If the road stopping process is unable to be completed in terms of the PWA then the Local Government Act 1974 (LGA) is able to be used.
- d) The LGA process is summarised as follows:
  - i. The consent of Council is obtained.
  - ii. Public consultation is completed by advertising in a local newspaper, with any objection to be received within 40 days of publication of the advertisement.
  - iii. Any unresolved objection is reported to Council prior to being forwarded to the Environment Court for determination.
  - iv. A survey plan is obtained for the area proposed to be stopped and a Certificate of Title issued.

17. Consultation

- The written consent of the owner of 9 Grey St is to be obtained, in terms of the PWA, as an affected party to the road stopping. The land owner has been made aware of the current situation that exists.
- If the road stopping is unsuccessful in terms of the PWA, then the consultation process can be undertaken in terms of the LGA.

**18. Financial and Resourcing Implications**

- 19. The costs associated with the road stopping and land exchange processes will be met by Council from existing budgets.
- 20. NZTA will be responsible for the costs of the pedestrian/cycle pathway upgrade, removing and reconstructing boundary fencing and any other site physical works.

**21. Risk**

- 22. There is no risk to Council in completing the land exchange.

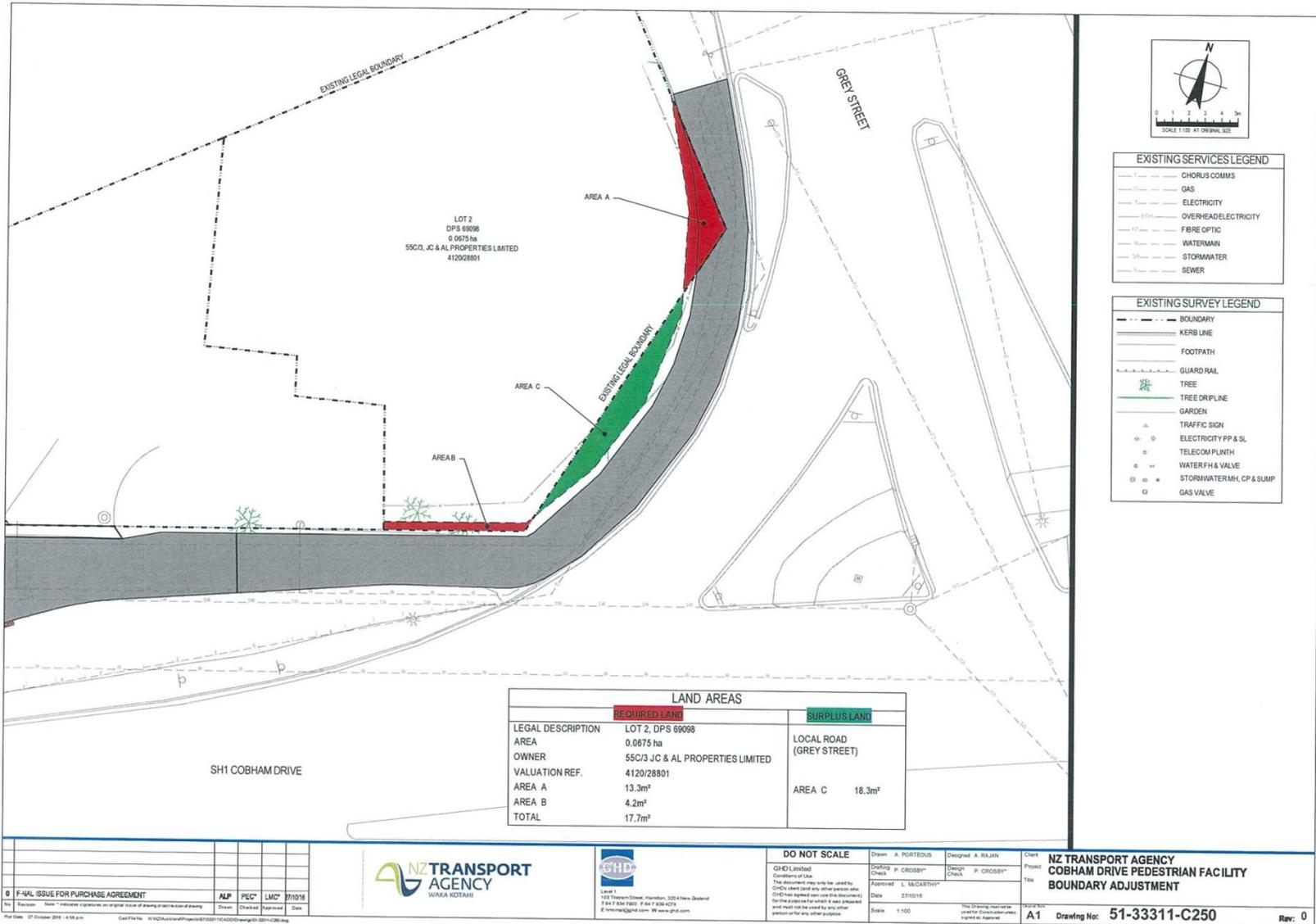
**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
------------	--



Red outline - Indicates location of 9 Grey St.

Yellow outline - Indicates location of pedestrian underpass



0	F-MAL ISSUE FOR PURCHASE AGREEMENT	ALP	PEC	LMC	27/10/18
1	Revision	Issue 1 - Indicate signature on original issue of drawing for distribution of drawing	Checked	Issued	Date
Plot Date: 27 October 2018 - 4:58 am      Cad File No: \\N2\AutoCAD\Projects\5133311\CAD\DWG\51-33311-C250.dwg					



**DO NOT SCALE**  
 GHD Limited  
 Conditions of Use  
 This document may only be used for the project for which it was prepared and must not be used for any other project or for any other purpose.

Drawn: A. PORTIGOS      Designed: A. RAJAN  
 Checked: P. CROSSBY      Check: P. CROSSBY  
 Approved: L. MCARTHUR  
 Date: 27/10/18  
 Scale: 1:100

**NZ TRANSPORT AGENCY**  
**COBHAM DRIVE PEDESTRIAN FACILITY**  
**BOUNDARY ADJUSTMENT**  
 A1 Drawing No: 51-33311-C250      Rev: 0

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Development Contributions  
Funding Model, Assessment  
Tool and Growth Model

**Author:** Karen Saunders

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Annual Plan 2016/2017 Economic Development Agenda Hamilton Plan</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<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/is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To seek approval for funding to implement solutions for the Growth Model, Development Contributions (DC) Funding Model and DC Assessment Tool.

## 3. Executive Summary

- The Growth Model, DC Funding Model and DC Assessment Tool make up a system that has accounted for 5-10% of Council's overall annual revenue stream and provides key data and insights for strategic decision making relating to the growth of the city. Currently the solution that supports this is a complex set of spreadsheets, developed and maintained by a single employee. This was identified as a major risk to the organisation in 2015/16.
- An alternative solution is required that is robust, sustainable and appropriate to the level of income and activity that the models are responsible for. A solution needs to be in place by 30 June 2017 to meet legislative requirements and mitigate financial and legal risk to the organisation.
- There is no funding to implement an alternative solution, however a funding option could be to utilise the capital funding for the Authority Replacement, which has been put on hold, pending further investigation. A feasibility study for the Authority Replacement project is proposed for 2016/17. Funding for the Authority Replacement will be reassessed at the conclusion of the feasibility study.
- The Authority Replacement is a business improvement project and the business can continue to operate with the existing system for the next financial year, with minimal disruption. The newly identified Growth Model, DC Funding Model and DC Assessment projects are of greater priority given the financial and legal risks associated with not completing them this financial year.

## 8. Recommendations from Management

That:

- a) the report be received;
- b) funding of \$1.515m is approved to implement the Growth Model and DC Funding Model and DC Assessment Tool projects;
- c) the 2016/17 capital budget for the Authority Replacement is reallocated to fund the Growth Model and DC Funding Model and DC Assessment Tool Projects; and
- d) funding of \$150,000 operating expenditure is approved via Risks and Opportunities, to prepare an 'Authority Replacement Feasibility Study' in 2017.

## 9. Attachments

10. There are no attachments for this report.

## 11. Key Issues

### 12. Background

13. Council received \$23.8 million of Development Contributions (DC) revenue in the last financial year (2015-2016). Historically, DC revenue has accounted for 5% to 10% of Council's overall revenue stream. Currently, the system which supports the generation of this revenue is made up of a number of complex spread sheets that have been built and managed by a single employee who is in the process of leaving the organisation. This has been identified as a major business risk.
14. Council's current DC System is owned by the City Growth Group and includes three high level components:
  1. *Growth Model:*  
Council's Growth Model repurposes, and spatially allocates, external forecasts of population and economic growth to inform the DC charge calculation and infrastructure planning and provision.
  2. *DC Funding Model:*  
The DC Funding Model is used to model Council's funding requirements attributed to DCs as a funding source of revenue, based on growth and demand forecasts and historical and forecast capital project expenditure attributed to growth. From this model, a schedule of DC charges is produced.
  3. *DC Assessment Tool:*  
Customers are invoiced for Development Contributions based on an assessment which is generated from the DC Assessment Tool.
15. Solutions for a Growth Model, DC Funding Model and DC Assessment need to be in place and the data available for use, by 1 July 2017 so that it can be utilised to develop the DC Policy which is legislatively required under the Local Government Act 2002 to be in place by 30 June 2018. The data within the models will also be utilised to prepare the next 10-Year Plan.

- 16. There is currently no funding allocated to development of the Growth Model, DC Funding Model, DC Assessment Tool, as the risk was only identified in 2015/16.
- 17. Legislative requirements or legal issues
- 18. Compliance with the requirements in the Local Government Act 2002.
- 19. Consultation
- 20. Some of the key DC Policy matters raised through the 2015/16 Policy Review consultation process were deferred by Council resolution to the DC Working Group (“Working Group”) which sought to increase understanding of Council’s DC regime and clarify any DC policy issues.
- 21. Key issues which emerged (of relevance to the DC model rebuild) included a need for:
  - improvements to the simplicity and transparency of the model
  - review of Council’s approach to allocating costs to development contributions
  - greater flexibility to adopt alternate policy approaches
  - a new model that should enable greater disclosure of assessment information.
- 22. Council has subsequently resolved that the developer party continues to be involved in an advisory capacity into the development of a new DC Funding Model.

**23. Financial and Resourcing Implications**

- 24. The funding requirement for the DC Funding Model and DC Assessment Tool and Growth Model projects (excluding on-going operational costs) is approximately \$1.5m of capital, made up of:

Project	Capital (000’s)
DC Funding Model and DC Assessment Tool	\$715
Growth Model	\$800
<b>Total</b>	<b>\$1,515</b>

- 25. Both projects are currently unfunded, as the need for the projects was identified in 2015/16.
- 26. There is currently \$1.028m of capital budget available for the Authority Replacement (CE15157) in the 2016/17 financial year, of which \$500k was deferred from 2015/16.
- 27. The Authority Replacement is a business improvement project and the business can continue to operate with the existing system for the next financial year, with minimal disruption. The newly identified Growth Model, DC Funding Model and DC Assessment projects are of greater priority given the financial and legal risks associated with not completing them this financial year.
- 28. Therefore, it is recommended that the Authority Replacement 2016/17 capital budget is reallocated to fund the Growth Model, DC Funding Model and DC Assessment tool projects.
- 29. A feasibility study for the Authority Replacement is proposed to be undertaken in 2016/17, to establish requirements, at a cost of \$150k operating expenditure. A separate paper will be presented to Council at the conclusion of the feasibility study once the size and funding requirements for the Authority Replacement are known.

**30. Risk**

- 31. In order to meet the legislative timeframes, the DC Funding Model, DC Assessment Tool and Growth Model projects need to commence in December 2016. Should there be delays in securing the funding for the project, legislative timeframes may not be met.

- 32. The key staff member who developed and maintained the current spread sheets that make up the DC System is in the process of leaving the organisation, which will result in loss of knowledge of the model.
- 33. There is a greater financial and legal risk associated with not doing the DC Funding Model, Assessment Tool and Growth Model projects, by 30 June 2017, than the level of risk associated with not doing the Authority Replacement this financial year.

**Signatory**

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--

**Committee:** Council

**Date:** 30 November 2016

**Report Name:** Domain Endowment Lease -  
Freeholding - 225 Dey Street

**Author:** Nicolas Wells

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Freeholding of Council Endowment Land Policy.</i>
<b>Financial status</b>	<i>The annual rental is \$13,750. Sale proceeds of \$290,000 will be credited to the Domain Endowment Cash Reserve. The invested proceeds will generate \$16,965 annual return.</i>
<b>Assessment of significance</b>	<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

- To seek approval for the sale of Council's freehold interest in Domain Endowment land described in the schedule and physically located at 225 Dey Street, Hamilton. The property is shown bordered in red on Attachment 1.

## 3. Executive Summary

- The lessee (a private individual) owns the Leasehold Interest in the same land and all the improvements. The lessee has requested freeholding of the land in accordance with Council's *Freeholding of Council Endowment Land Policy* which provides for the freeholding of Endowment leases upon application by the lessee. All Council's costs (including, but not limited to, valuation and legal fees) associated with the freeholding are paid by the applicant. The policy is linked [here](#).
- The freeholding of Domain Endowment Leases must proceed at "*the greater of 100% of the current market valuation of the land based on independent valuation OR the Lessor's Interest Value based on independent valuation.*" The value is contestable by arbitration.
- The land has been valued at \$290,000 including GST (if any).

## 7. Recommendations from Management

That:

- a) the report be received;
- b) Council sells the freehold interest in the land described in the Schedule to the lessee for a price of \$290,000 (Two hundred and Ninety Thousand Dollars) including GST (if any) plus all Council's costs associated with the sale.
- c) Council authorises the Chief Executive Officer to
  - i. prepare and execute an Agreement for Sale and Purchase; and
  - ii. any other instruments required to give effect to this resolution

### SCHEDULE

ALL THAT LAND described as an Estate in Fee Simple comprising Lot 10 Deposited Plan 35144 contained in Computer Freehold Register Identifier SA7B/9 of 812 square meters more or less and physically located at 225 Dey Street, Hamilton

## 8. Attachments

9. Attachment 1 - Aerial - 225 Dey Street, Hamilton
10. Attachment 2 - Certificate of Title - 225 Dey Street, Hamilton

## 11. Key Issues

### 12. Domain Endowment Fund Ground Leases

13. Hamilton City Council owns land originally acquired by endowment from the Crown to be held by Council for the purposes of the Domain Endowment Fund - the proceeds from which are used to reduce the rates requirement of the City.
14. Council owns the Freehold Interest in the Domain Endowment Lands. The lands are subject to perpetually renewable 21 year term leases. The leasehold Interest in 225 Dey Street is owned by the lessee.

### 15. Freeholding Application

16. On 17 June 2016 Council received an application from the lessee to freehold the property at 225 Dey Street. The form and content of the application complied with Council policy.

### 17. Options

18. There are two options for Council's consideration. Option 1 is recommended.
  - OPTION 1 Receive the report and approve the recommendation.
  - OPTION 2 Receive the report and do not approve the recommendation – noting that in doing so Council would be acting contrary to policy and could face challenge.

## 19. Financial and Resourcing Implications

20. In accordance with Council's policy the current market value of the land based on an unencumbered freehold title excluding all lessee improvements has been assessed by a registered valuer. The valuer assessed the current market value of the land at \$290,000 including GST (if any).

21. All proceeds from the sale of Domain Endowment Land are credited to the Domain Endowment Fund.
22. The land currently generates a 5.0% annual return of \$13,750. Net sale proceeds of \$290,000 will generate a 5.85% annual return of \$16,965.
23. The balance of the Domain Endowment Cash Reserve is \$1,778,000 (as at 30 June 2016).
24. The annual Hamilton City Council rates (paid by the lessee) are \$2,178.78 including GST.

## 25. Conclusion

26. In accordance with Council Policy a resolution is now required to complete the freeholding and sale of the land.

## Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--



 **Hamilton City Council**  
Te kaunihera o Kirikiriroa

Disclaimer: Hamilton City Council does not guarantee that the data shown on this map is 100% correct.

225 Dey Street

Scale :- 1 : 514

Date :- 20/10/2016





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

**Identifier** SA7B/9  
**Land Registration District** South Auckland  
**Date Issued** 19 May 1967

**Prior References**  
SA899/279

---

**Estate** Fee Simple  
**Area** 812 square metres more or less  
**Legal Description** Lot 10 Deposited Plan 35144  
**Purpose** as endowment for reserves pursuant to the  
Hamilton Domain Endowment Act 1979

**Proprietors**  
The Hamilton City Council

**Interests**

H020494 Lease in renewal of Lease S58591 to Ming-Fen Chang Term 21 years commencing 27.9.1974 and extended to 26.9.2016 - 3.12.1974 at 11.35 am (renewal covenant)  
B297393 Variation and extension of term of Lease H020494 to 26.9.2016 - 21.9.1995 at 2.04 pm  
B663270.3 Mortgage of Lease H020494 to The National Bank of New Zealand Limited - 13.6.2001 at 3.42 pm

*Transaction Id*  
*Client Reference* tharris001

*Search Copy Dated 23/05/16 2:59 pm, Page 1 of 2*  
*Register Only*