

## Notice of Meeting:

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

**Date:** Wednesday 18 October 2017  
**Time:** 1.00pm  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council OPEN AGENDA

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### 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

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

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

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Lee-Ann Jordan  
Governance Manager

**12 October 2017**

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## 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*

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**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

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

**4 Public Forum**

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

# Council Report

**Committee:** Council **Date:** 18 October 2017  
**Author:** Becca Brooke **Authoriser:** Lee-Ann Jordan  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Confirmation of Council Minutes - Open - 21 September 2017

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

1. That Council confirm the Open Minutes of the Council Meeting held on 21 September 2017 as a true and correct record.

## Attachments

Attachment 1 - Council Minutes - Open - 21 September 2017 .

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## Council OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 21 September 2017 at 9.35am.**

### PRESENT

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 P Southgate
	Cr G Taylor
	Cr L Tooman

Richard Briggs – Chief Executive  
Lance Vervoort – General Manager Community  
Chris Allen – General Manager City Infrastructure  
Kelvyn Eglinton – General Manager City Growth  
Sean Murray – General Manager Major Events, Venues and Tourism  
Sean Hickey – General Manager Strategy and Communications  
Blair Bowcott – Executive Director Special Projects  
Luke O'Dwyer - Economic Growth and Planning Unit Manager  
Nicola Walsh – Communications Advisor  
Jeff Neems – Communications Advisor  
Debbie Lascelles – Community Services Manager  
Rebecca Whitehead – Libraries Director  
Claire Douglas – Intermediate Planner  
Alice Morris – City Planning Policy Team Leader  
Nicolas Wells – Strategic Property Manager  
Nigel Ward – Communications Team Leader  
Andrew Parsons – City Development Team Leader

Lachlan Muldowney - City Barrister  
Alan Ricketts – PWC Representative  
Engineering Consultants – Opus International

Lee-Ann Jordan – Governance Manager  
Becca Brooke – Governance Team Leader  
Amy Viggers and Rebecca Watson – Committee Advisors

1. **Apologies**

There were no apologies.

2. **Leave of Absence**

Cr Yeung (24 August 2017 to 23 November 2017 inclusive) and Cr Pascoe 19 September to 24 October 2017 inclusive).

3. **Confirmation of Agenda**

The length of the agenda and the late report were noted by some Elected Members.

**Resolved:** (Crs Casson/Bunting)

That the agenda is confirmed noting the following:

- a) the order of the agenda will be flexible to accommodate external presenters and staff availability;
- b) item 21 (*Road Stopping - Part of Hillsborough Tce*) – (*referred from the 12 September 2017 Growth and Infrastructure Committee Meeting*) to be deferred to the 18 October 2017 Council Meeting for decision;
- c) late Items 24 (Waikato Innovation Park Limited – Update on Sale and Restructure) and Public Excluded C1 (Waikato Innovation Park Limited – Update on Sale and Restructure) have been circulated under separate cover and will be taken as the last Items on the Agenda. The reasons for the late reports are due to limitations on staff resources. The reasons for part of the report being Public Excluded is to enable Council to carry out commercial activities without disadvantage and to carry out negotiations.
- d) item 23 (Waters Study Report) has been circulated under separate cover.
- e) item 10 ( *2017/18 Heritage Fund Allocations*) pages 44-51 of Attachment 2 have been included in error. A replacement attachment has been circulated to Elected Members.
- f) item 15 (Central Library Seismic Rehabilitation) – additional information has been circulated to Elected Members under separate cover.
- g) the Notice of Motion from Mayor King regarding HPL, circulated to Elected Members under separate cover, will be tabled and taken with Item 19 (Hamilton Properties Limited).

**Crs O’Leary and Henry Dissenting.**

4. **Declarations of Interest**

No members of the Council declared a Conflict of Interest.

5. **Public Forum**

- **Louise LaHatte (President of LIANZA)** - Spoke to Item 15 (*Central Library Seismic Rehabilitation*). Ms LaHatte spoke in support of the upgrade to the Central Library so that it could be reopened to the public.

- **Kathryn Parsons (President of Friends of the Library)** - Spoke to Item 15 (*Central Library Seismic Rehabilitation*). Ms Parsons spoke in support of the Central Library upgrade.
- **Holly Snape (CEO of Community Waikato)**- Speaking to Item 18 (*Founders Theatre - Update on Options*). Ms Snape advised that the private sector had indicated willingness to help fund the creation of a community hub by converting the Founders Theatre space.

**6. Confirmation of Council Minutes - Open - 24 August 2017**

**Resolved:** (Crs Casson/Southgate)

That the Council confirm the Open Minutes of the Council Meeting held on 24 August 2017 as a true and correct record.

**7. Confirmation of Elected Member Briefing Notes - Open - 7 September 2017**

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

That Council confirm the notes of the Elected Member Briefing held on 7 September 2017 as a true and correct record, noting that the discussion on Hinemoa Park bowling site will include 'the option of a co-use space with multiple leases' to be added to bullet point 5 of the briefing notes.

**8. Hamilton City Partly Operative District Plan - Making the Plan Fully Operative**

The report was taken as read.

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

That the Council approves the Hamilton City Partly Operative District Plan to be made fully operative on 18 October 2017, in accordance with clauses 17 and 20 of the First Schedule of the Resource Management Act 1991.

**9. Te Awa Lakes Private Plan Change Application**

The Economic Growth and Planning Unit Manager introduced the staff report. He and the City Barrister responded to questions from Elected Members concerning the process for a private plan change and the difference in meaning between acceptance and adoption of a private plan change.

**Resolved:** (Cr O'Leary/Mayor King)

That Council:

- a) accepts the private plan change for the Te Awa Lakes development in Te Rapa North as outlined in Attachment 3 of this report and delegates responsibility to the Chief Executive for processing and notification of the plan change pursuant to clause 25(2)(b) of the First Schedule of the RMA;
- b) convene a hearings panel to hear, determine and make decisions on all submissions and matters relating to the Te Awa Lakes plan change once notified. It is further recommended that the hearing panel comprise three independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering and one with expertise in tikanga Maaori (with one appointed as a chair); and
- c) delegates authority to the Chief Executive to select and appoint three suitably qualified independent commissioners as per recommendation (b).

*Item 15 – Central Library Seismic Rehabilitation was taken next to accommodate members of the public in attendance for the item.*

**105. Central Library Seismic Rehabilitation**

The General Manager Community, introduced the staff report, noting that the additional information circulated to Elected Members prior to the meeting was related to recent engineering results for the building received after the agenda was circulated.

Staff responded to questions from Elected Members concerning the proposed cardax security system and the possible effects that a closure of the Central Library would have on Garden Place.

It was noted that further discussions concerning the future of the Central Library and options relating to commercial funding models would occur as part of the 10 year plan process.

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

That the Council:

- a) receives the report;
- b) approves the recommendation from the 4 April 2017 Community and Services Committee meeting to approve \$618,000 capital and \$17,200 operating budget to upgrade the Central Library to 34 percent NBS and approve \$87,000 to install a cardex system (option C1); and
- c) notes the information on future Central Library options, contained in paragraphs 19 – 58 of the staff report.

**Cr Mallett Dissenting.**

**11. 2017/18 Heritage Fund Allocations**

The City Planning Policy Team Leader noted that application number 19 in attachment 4 of the staff report was missing. An updated document was circulated to Elected Members during the meeting and would be attached as appendix 1 to the minutes of the meeting. She responded to questions from Elected Members concerning the process staff undertook in making their recommendations and the peer review carried out by Heritage New Zealand.

Staff were asked to make changes to the format of the Heritage Fund Allocations report to make them easier to read.

**Resolved:** (Crs Bunting/Casson)

That the Council approves the allocation of the 2017/18 Heritage Fund as set out in Attachment 4 of this report.

**12. Recommendation to Council from the Growth and Infrastructure Committee Meeting - 12 September 2017 - Valley Tce Stormwater Pipe Remedial Works**

The General Manager City Infrastructure introduced the report and responded to questions from Elected Members concerning the inclusion of easement arrangements on property titles.

Cr Henry was recognised for the part she played in helping to resolve this matter.

**Resolved:** (Crs Casson/Bunting)

That Council:

- a) approves a total project budget of up to \$591,000 to enable staff to progress with planning, consenting and implementation of physical works to remove and replace the failed Valley Terrace stormwater pipe subject to confirmation that appropriate easements and access rights as per d) below have been secured;
- b) delegates authority to the General Manager City Infrastructure to finalise negotiations with the property owner from 12 Valley Terrace on the extent of any contribution to project works;
- c) approves that ownership of the new proposed piped structure transfers to the Council and that the Council accepts all future maintenance and renewal obligations; and
- d) approves staff to progress with the establishment of appropriate easements in gross and access rights on property titles of 10, 12 and 14 Valley Terrace to allow for future access to piped structure for inspection, maintenance and renewal purposes.

**13. Recommendation to Council from the Growth and Infrastructure Committee Meeting - 12 September 2017 - Whyte Street Land Exchange**

The report was taken as read.

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

That Council:

- a) approves the exchange of approximately 175m<sup>2</sup> of Council fee simple land, legal description Lot 4 DP 486892, for approximately 175m<sup>2</sup> of land in the ownership of Anthony Endres, at no land cost to either party, subject to:
  - i. each party being responsible for their own legal costs;
  - ii. associated land exchange costs, such as survey and valuation, being shared equally;
  - iii. a survey plan being approved for the areas to be exchanged;
  - iv. the area being received by Mr Endres being amalgamated with the title for his property at 10B Masons Ave;
  - v. the area being received by Council being amalgamated with the title for the A J Seeley Gully Reserve; and
- b) delegates the Chief Executive authority to sign all documentation related to the land exchange.

**14. Recommendation to Council from the Growth and Infrastructure Committee Meeting - 12 September 2017 - LED Street Lighting Upgrade**

The report was taken as read.

**Resolved:** (Crs Bunting/Macpherson)

That Council approves an additional local share funding of \$194,000 in 2017/18 to complete the supply of the stage 2 luminaires to be managed through risks and opportunities and to prioritise the 2018/19 installation costs of \$279,000 in the 2018-28 10-Year Plan.

**15. Waikato Means Business contribution to Economic Development**

The report was taken as read. Staff responded to questions from Elected Members concerning the benefits that would come from having an entity focused on subregional economic growth, the challenges for funding and implementing such an entity, and the intended independent governance structure.

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

That the council

- a) receives the report;
- b) approves in principle the Waikato Means Business model to establish an Economic Development Agency;
- c) notes that the final proposal and recommendations of the model be reported back to Council by the end of 2017, including feedback from the Mayoral Forum, finalised funding, operating and governance model; and
- d) notes that staff will prepare a draft agreement including Council's funding contribution as indicated in the report.

**Crs Mallett and Macpherson Dissenting.**

**The Meeting adjourned 11.35am – 11.50am.**

**16. Waterworld Renewals Project**

The Community Services Manager introduced the staff report. Staff and external engineering consultants responded to questions from Elected Members concerning funding requirements. It was confirmed that the project renewal budget was \$5,108,000, part of which was budget deferred to 2017/18, and \$5,672,000 which was budget brought forward from 2022/23.

**Resolved:** (Crs Bunting/Southgate)

That the Council:

- a) receives the report.
- b) approves bringing forward \$5,672,000 from 2022/23 in the 2015-25 10 Year Plan to 2017/18 to complete the required renewals work at Waterworld (option 5 of this report).

**17. Waikato Regional Theatre**

General Manager Major Events, Venues and Tourism introduced the staff report. He responded to questions from Elected Members regarding clarification of the expectations around Council's financial and funding contribution obligations and the public engagement process.

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

That the Council:

- a) receives the report;
- b) accepts in principal Momentum Waikato's new Waikato Regional Theatre concept design and location masterplan and their proposed ongoing ownership and operating model but reserves the right to offer further feedback and conditional advice on the function and capability of the theatre as more detailed public feedback is received and as the detailed design process evolves;
- c) agrees in principal that Council will seek to raise funds to the \$30,000,000 (plus GST) level proposed by Momentum Waikato's proposal subject to the outcome of the following:
  - i) the completion of public engagement activity in October – November 2017 post the presentation of the first draft budget on 19 October 2017 which will include the new Waikato Theatre proposal funding option and will be reported back to Council at its meeting on 14 December 2017; and
  - ii) the completion of public consultation in early 2018 specifically regarding the draft 2018-2028 10-Year Plan including full financial disclosure and the impact of the new Waikato Theatre proposal within Council's broader financial strategy and funding priorities.
- d) approves unbudgeted funding of \$250,000 in the 2017/18 financial year to contribute towards work on the next stage of the design development for the Waikato Regional Theatre; and
- e) declines the offer from Foster Construction to purchase property adjacent to the proposed new Waikato Theatre development site on Victoria Street.

**Cr Mallett Dissenting.**

## 18. **Hamilton Properties Limited**

The Chief Executive introduced the staff report, noting that that the PwC report included in the agenda was originally prepared prior to Council's new balancing the books measure. He responded to questions from Elected Members concerning the original principles behind the concept of Hamilton Properties Limited and the risks and options outlined in the PwC report.

The notice of motion from Mayor King in relation to Hamilton Properties Limited was considered with this report. In response to questions from Elected Members, the Governance Manager confirmed the notice of motion was valid.

### **Notice of Motion from Mayor King in relation Hamilton Properties Limited**

**Motion:** (Mayor King/Cr Taylor)

That Council:

- a) revokes in full the resolution of Council, dated 29 September 2016 in respect of Hamilton Properties Limited; and
- b) dissolves Hamilton Properties Limited as a Council entity.

**Amendment:** (Crs O'Leary/Southgate)

That Council:

- a) receives the report;

- b) notes the increased risk of investing in property, via HPL, over the current debt offset approach;
- c) approves the suspension of the process, as agreed at the meeting held on 9 March 2017, until such time as a property strategy is completed, properties are identified in collaboration with the private sector and detailed business cases are developed; and
- d) requests the Chief Executive provides an updated timetable to the October 2017 Council meeting.

**The Amendment was put.**

**Those for the Amendment:** Councillors O'Leary, Bunting, Henry and Southgate.

**Those against the Amendment:** Mayor King, Councillors Gallagher, Mallett, Tooman, Macpherson, Casson and Taylor.

**The Amendment was declared lost.**

**The Motion was then put.**

**Those for the Motion:** Mayor King, Councillors Gallagher, Mallett, Tooman, Macpherson, Bunting, Casson and Taylor.

**Those against the Motion:** Councillors O'Leary, Henry and Southgate.

**The Motion was declared carried.**

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

That Council:

- a) revokes in full the resolution of Council, dated 29 September 2016 in respect of Hamilton Properties Limited; and
- b) dissolves Hamilton Properties Limited as a Council entity.

**19. Endowment Funds – Dissolution**

The Strategic Property Manager took the report as read. He noted that attachment 4 of the staff report was out of date and an updated attachment had been circulated to Elected Members. The Chief Executive responded to questions from Elected Members concerning a request for the report to be discussed at a future Elected Members Briefing prior to coming to Council for a decision.

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

That the report be deferred to a future Elected Member Briefing for discussion.

**Cr Mallett Dissenting.**

**20. Founders Theatre - Update on Options**

The General Manager Major Events, Venues and Tourism took the staff report as read and responded to questions from Elected Members concerning the proposed public engagement process, and existing options for the use of Founders Theatre and site.

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

That the Council:

- a) receives the report;
- b) approves the three options outlined as the basis for public consultation on the future of Founders Theatre;
- c) approves the consultation plan and budget of \$27,000 as described in this report; and
- d) notes Management will report back on 14 December 2017 with the consultation findings and a recommended approach for the future of Founders Theatre.

**The meeting adjourned 2.18pm – 3.00pm.**

**21. Confirmation of LGNZ Zone Two Representatives**

The report was taken as read.

**Resolved:** (Crs Macpherson/Bunting)

That the Council approves Deputy Mayor Martin Gallagher and Councillors Dave Macpherson and Paula Southgate (or alternate) as Hamilton City Council's representatives to LGNZ Zone Two.

**23. Waters Study (Water, Wastewater and Stormwater - Sub-regional Collaboration)**

The report was taken as read. The Executive Director Special Projects responded to questions from Elected Members relating to the benefits of asset and non-asset owning CCO's and public engagement. He confirmed that Hamilton City Council and Waipa District Council would be working collaboratively through the consultation process, and that Waikato District Council was still considering a non-asset owning CCO option.

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

That the Council:

- a) receives the report; and
- b) approves:
  - i. public consultation on the proposal to form a Shared Waters Management Company is undertaken; and
  - ii. public consultation is undertaken in collaboration with Waipa District Council;
  - iii. that the Hamilton City Council Waters Governance Group is delegated authority to liaise with Waipa District Council and approve consultation materials and a process for public engagement, with public engagement to occur prior to the end of 2017; and
  - iv. the Chief Executive to engage in additional resources in 2017/18 to progress the Waters Study collaboration project at a cost of up to \$200,000, noting that this cost is unbudgeted.

**Cr O'Leary Dissenting.**

Cr Southgate left the meeting at the conclusion of the above item (3.23pm). She was present when the matter was voted on.

24. **Waikato Innovation Park Ltd - Update on Sale and Restructure**

The Executive Director of Special Projects introduced the report. He noted that a preferred purchaser had been identified through a rigorous process. The proposed purchaser had signalled their intent to follow through with and complete the Park's Master Plan. He also responded to questions for Elected Members regarding potential conflicts of interest, payment arrangements and Councils intended use of sale proceeds.

**Resolved:** (Crs Bunting/Casson)

That the Council:

- a) notes the previous delegations provided to the Chief Executive on the 28 July 2016 covering the sale and restructure of Waikato Innovation Park Ltd remain applicable and portions of these delegation have been exercised;
- b) approves the sale of Waikato Innovation Park Ltd as recommended by Deloitte; and
- c) notes the restructure of Waikato Innovation Park Ltd and New Zealand Food Innovation (Waikato) Ltd that is required to enable the sale;
- d) approves the capitalisation of a new Council Controlled Organisation (Waikato Innovation Growth Ltd) required to be incorporated by Council in connection with the restructure with a share capital of \$4 million and a shareholder loan of up to \$200,000;
- e) notes that all net sale proceeds after costs and the funds required to complete the restructure will be applied to debt reduction and charitable purposes in accordance with Councils shareholding ownership obligations;
- f) approves that the investment of \$4.2m into the new Council Controlled Organisation will be partially funded from Council working capital (cashflow) until 80.2% of the sale proceeds have been received from the liquidation of Innovation Waikato Ltd;
- g) delegates to the Chief Executive:
  - i. the authority to appoint the directors of a new Council Controlled Organisation (Waikato Innovation Growth Ltd) as required as part of the restructure;
  - ii. the authority to take all necessary actions to liquidate Innovation Waikato Limited;
  - iii. put the share capital and shareholder loan referred to above in place;
  - iv. recapitalise New Zealand Food Innovation (Waikato) Ltd with \$4 million to enable the transactions to occur.
- h) delegates to the Chief Executive the authority in connection with and in furtherance of the sale, the restructure, the loan and the liquidation (the **Transactions**) to:
  - i. negotiate, approve, make, agree or execute any agreement or document as the Chief Executive deems necessary in order to effect the Transactions (the **Documents**);
  - ii. give any notices and communications under or in connection with the Documents;
  - iii. take any action and make such filings as may be required; and
  - iv. do all other acts and things as the Chief Executive may consider necessary or advisable in connection with the Transactions and the Documents.
- i) authorises any two councillors to sign any Document that is to be executed as a deed (if deemed necessary following legal advice) in relation to the above Transactions; and

- j) that the specific sale terms and purchaser of Waikato Innovation Park Ltd be made public once the sale and purchase agreement is unconditional.

**25. Resolution to Exclude the Public**

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

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Chair's Report – Victoria on the River Precinct - Public Excluded	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Waikato Innovation Park Ltd - Update on Sale and Restructure	)	

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

Item C1.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

*Cr Southgate re-joined the meeting (3.27pm) at the conclusion of the above item. She was not present when the matter was voted on.*

**The meeting went into a public excluded session at 3.27pm.**

**The meeting was declared closed at 4.44pm.**

Appendix One

Item 10 – 2017/18 Heritage Fund Allocations – In addition for attachment 4.

Attachment 1

019	A Ryan	Grey Street	H116  B Ranked	Funding is sought for the: <ul style="list-style-type: none"> <li>• Preparation of a conservation maintenance plan;</li> <li>• Restoration of wooden joinery;</li> <li>• replace the roof</li> </ul>	\$65,827.99	\$30,857.99	Partial Funding: The recommendation is that support be provided for both the preparation of a conservation/maintenance plan for the building to outline the future works that need to be undertaken and how those works should be executed. This plan will assist the owner with future funding and consenting processes; and the restoration of the identified timber windows to prevent any further deterioration of the heritage fabric of the building associated with these windows.	Agree the allocation of \$6,000 towards the identified work.	\$6,000.00
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Item 5

# Council Report

Item 6

**Committee:** Council **Date:** 18 October 2017  
**Author:** Amy Viggers **Authoriser:**  
**Position:** Committee Advisor **Position:**  
**Report Name:** Chair's Report 18 October 2017

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<b>Report Status</b>	<i>Open</i>
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## Attachments

Attachment 1 - Chair's Report 18 October 2017 .



## Chair's Report

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### **Class 4 Gambling policy**

Council had previously resolved to bring the Class 4 gambling policy report to the October 2017 meeting of Council. Due to the high workload of the Strategy Unit leading up to the Council meeting for the 10 Year Plan on 19 October 2017 there has been a need to defer the to the November Council meeting.

#### **Recommendation:**

That Council defers the class 4 gambling policy report to the 16 November 2017 Council meeting.

### **Hillsborough Terrace Road Stopping**

A report concerning this matter was due to come back to this meeting. The developer has asked for this report to be deferred to enable them to undertake discussions with neighbours and other parties.

#### **Recommendation:**

That Council defers the Hillsborough Terrace Road Stopping report to the 16 November 2017 Council meeting.

Andrew King  
Mayor – Hamilton City Council

# Council Report

Item 7

**Committee:** Council **Date:** 18 October 2017  
**Author:** Lee-Ann Jordan **Authoriser:** Richard Briggs  
**Position:** Governance Manager **Position:** Chief Executive  
**Report Name:** Review of Maaori Representation

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council on the options for Maaori representation at a governance level for Hamilton City Council, including the opportunity to establish Maaori wards under the Local Electoral Act 2001.
2. To seek the Council's decision on option(s) in relation to Maaori representation.

## Staff Recommendation

That the Council:

- a) receives the report and takes no further action (*option 1 in the options table on page 25-27 of this report*).

**OR**

- b) resolves to establish one or more Maaori wards under the Local Electoral Act 2001 for the next two triennial local authority elections, noting that the number of such wards will be determined as part of the wider representation review to be undertaken in 2018 (*option 2a in the options table on page 25-27 of this report*).

**OR**

- c) resolves that a poll be held on whether the district should be divided into one or more Maaori wards in accordance with the Local Electoral Act, such poll to be held as soon as practicable **OR** at the same time as the 2019 triennial local authority elections (*option 2b in the options table on page 25-27 of this report*). [Council to choose timing of poll, if this option is approved]

**OR**

- d) resolves to further explore Maaori governance representation options ('alternative representation models') other than Maaori wards and requests the Chief Executive to further investigate such alternative representation models including:
  - i. consulting with key stakeholders (including Waikato-Tainui, Te Runanga o Kirikiriroa and Te Haa o te Whenua o Kirikiriroa); and
  - ii. assessing implications for the Council, including financial, legal, policy and process. (*option 3 in the options table on page 25-27 of this report*).

**OR**

- e) resolves **b)** and **d)** (*above*) together

**OR**

- f) resolves **c)** and **d)** (*above*) together.

**AND**

- g) notes, if recommendation **d) e)** or **f)** is resolved, that the additional work requested will align with the mid-term Governance Structure review, and that a report will be presented to the Council with recommended options before 30 May 2018; and
- h) thanks Linda Te Aho for her support to the project team on the representation review.

**Executive Summary**

3. The Local Electoral Act 2001 (LEA) requires councils to undertake a review of representation arrangements for their local authority at least every six years.
4. The Council is required to provide opportunities for Maaori to contribute to local government decision-making processes. This is set out in key legislation, such as the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA).
5. The Maaori representation review is the first stage of Hamilton City Council's wider review of representation arrangements.
6. A staff project team, led by the Governance Manager, was formed to undertake this review, engage with Maaori stakeholder groups to ascertain their views on Maaori representation and develop a report for the Council's consideration.
7. This report is asking Elected Members to consider whether to establish Maaori wards.
8. If the Council wishes to establish Maaori wards for the 2019 triennial elections, a resolution to this effect must be made by 23 November 2017 (section 19Z, LEA).
9. The report also presents alternative representation models for the Council to contemplate as part of its decision on Maaori representation.
10. These models were discussed with Elected Members at the briefing session held on 7 September 2017 and are outlined on pages 12 to 17 in Attachment 1.
11. Maaori wards and alternative representation models can operate together – they are not mutually exclusive.
12. Council's key Maaori stakeholders - Waikato-Tainui, Te Runanga o Kirikiriroa and Te Haa o te Whenua o Kirikiriroa – have clearly stated through consultation hui their united view that:
  - the Council should explore alternative representation models that enable meaningful Maaori participation in Council decision-making at a governance-level.
  - the establishment of Maaori wards remains their aspiration for the future; and
13. Staff consider the recommendations in this report have medium significance and that the recommendations comply with the Council's legal requirements.

## Background

14. Elected Members received information on the Maaori representation review at Briefings on 10 May 2017 and 7 September 2017, and at an informal update by the project team on 25 August 2017.
15. The Maaori representation review is the first stage of a wider review of representation arrangements to be undertaken in 2018. Local Authorities are required to undertake a representation arrangement review at least every six years by the Local Electoral Act 2001 (LEA).
16. At the Briefing on 10 May 2017, the Council's Electoral Officer provided an overview of the wider representation review and the legislative process and timeframe for establishing Maaori wards under the LEA, if approved by the Council or by poll.
17. A staff project team, led by the Governance Manager, consulted with Maaori stakeholder groups from July onwards.
18. In August, Linda Te Aho, Associate Dean at Te Piringa Faculty of Law, University of Waikato was appointed to the project team as an expert advisor on Maaori legal and governance issues. Linda provided input to the project team on consultation issues and the development of draft documents.
19. At the informal presentation on 25 August 2017, the project team provided a draft paper to Elected Members outlining some indicative options for Maaori representation, including the establishment of Maaori wards. The paper also summarised stakeholder views received through initial consultation.
20. An updated paper was then presented at the Briefing on 7 September 2017. Representatives of Te Runanga o Kirikiriroa (TROK), maataawaka, and Te Haa o te Whenua o Kirikiriroa (THaWK), mana whenua, attended and addressed how Maaori could participate in, and add value to, the Council's decision-making processes.
21. Attachment 1 to this report is the paper presented at the September Briefing.

## Discussion

22. This report is asking Elected Members to consider whether to establish Maaori wards. The report also presents alternative representation models for the Council to contemplate as part of its decision on Maaori representation; these models were discussed with Elected Members present at the September briefing and are canvassed on pages 12 to 17 in Attachment 1.
23. The Council is required to provide opportunities for Maaori to contribute to local government decision-making processes. This is set out in key legislation, such as the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA).
24. Maaori representation is also reflected in the LEA, which enables the Council to establish Maaori wards for the purpose of electing members.
25. These legislative requirements are derived from the principles of Te Tiriti o Waitangi ('the Treaty'). The Treaty recognises Maaori as a partner to the Crown, and as such, a significant community of interest in New Zealand. Local authorities are required to take account of the Treaty's principles when making decisions.
26. If the Council wish to establish Maaori wards for the 2019 triennial elections, a resolution to this effect must be made by 23 November 2017 (section 19Z, LEA).
27. If the Council want to further explore alternative representation models, the project team will continue their analysis and consultation on such models, and will report back with

recommendations in the first half of 2018. The Council is not required to decide on a preferred alternative representation model until the further analysis is completed.

28. Maaori wards and alternative representation models can operate together – they are not mutually exclusive, and this is reflected in the options analysis and recommendations in the report.
29. The project team consulted with key Maaori stakeholders– Waikato-Tainui, TROK and THaWK - as part of the review. The common messages from the stakeholders were:
  - Representation on Council through Maaori wards is the ultimate objective. However, it is acknowledged that, in the current climate, a public poll challenging the creation of Maaori wards would probably be successful. Stakeholders also believe a poll would be a divisive issue for the community, and as such would be unwelcome and counter-productive.
  - Maaori interests are intricately intertwined with all significant social, economic, environmental and cultural issues that the Council is required to consider.
  - There is a strong expectation that this Council should support Maaori representation through meaningful, decision-making roles within the Council’s governance structure.
  - Effective Maaori representation in governance decision-making would be beneficial to the wider community and outcomes for Hamilton.

Pages 18 to 19 in Attachment 1 provides a more detailed summary of the consultation undertaken to date with these key stakeholders.

### **Options**

30. Staff have assessed the reasonable and viable options for the Council to consider, within the scope of this report. This assessment reflects the level of significance (see paragraph 63), initial feedback from Elected Members and the views of Maaori stakeholders. The options are summarised in the table below, and explored in more detail on pages 8 to 17 in Attachment 1.

	Option	Considerations
1	<p><b>Status quo</b> (See page 8 in Attachment 1)</p>	<p><u>Engagement</u></p> <ul style="list-style-type: none"> <li>• Current elements of Maaori engagement with the Council are retained.</li> </ul> <p><u>Responsibility</u></p> <ul style="list-style-type: none"> <li>• The Council retains responsibility for any external appointment, if required, to the Regulatory &amp; Hearings Committee.</li> </ul> <p><u>Ease of implementation</u></p> <ul style="list-style-type: none"> <li>• This option is already implemented</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• No additional costs to Council.</li> </ul> <p><u>Alignment to Maaori stakeholders’ expectations</u></p> <ul style="list-style-type: none"> <li>• Does not address Maaori stakeholders’ requests for meaningful participation in the Council’s decision-making processes.</li> <li>• Provides more limited Maaori representation in decision-making processes compared to a number of other territorial authorities.</li> </ul>
2(a)	<p><b>Maaori wards – established by resolution</b> (See page 10 in Attachment 1)</p>	<p><u>Engagement</u></p> <ul style="list-style-type: none"> <li>• The public may not feel that they have been consulted.</li> <li>• Electors can contest the resolution by demanding a public poll (subject to satisfying the requirements in the LEA).</li> <li>• By itself, Maaori wards may not be the best means to deliver effective representation. Just over 50% of Hamilton’s Maaori population are registered on the Maaori general electoral roll.</li> </ul> <p><u>Responsibility</u></p> <ul style="list-style-type: none"> <li>• Elected members from both general and Maaori wards are representatives on the Council for at least the next two triennia (subject to any poll result).</li> <li>• If Maaori wards are established for the 2017 elections, the Council could not revisit this decision until after the 2022 elections.</li> <li>• As with general wards, candidates’ skills and/or experience may not be directly applicable to the issues requiring a local authority governance decision.</li> </ul> <p><u>Ease of implementation</u></p> <ul style="list-style-type: none"> <li>• Decision can be overturned by the result of a public poll (the costs for which are incurred by Council – see paragraph 36 below) or revoked by a subsequent Council (i.e. in a future triennium).</li> <li>• Implementation required (subject to any poll result); would be managed as part of the wider Representation Review</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• May incur additional ongoing costs to the Council if the</li> </ul>

	Option	Considerations
		<p>establishment of Maaori wards triggers an increase in the number of total wards for Hamilton (i.e. general and Maaori). This would not be known until the wider representation review is concluded next year.</p> <p><u>Alignment to Maaori stakeholders' expectations</u></p> <ul style="list-style-type: none"> <li>• Supports Council's legislative obligations to Maaori in relation to decision-making.</li> <li>• Reflects Maaori stakeholders' ultimate aspiration of a decision-making role at Council.</li> </ul>
2(b)	<p><b>Maaori wards – established by poll (or deferred poll)</b></p> <p>(See page 10 in Attachment 1)</p>	<p><u>Engagement</u></p> <ul style="list-style-type: none"> <li>• Public are consulted.</li> <li>• Based on previous polls across New Zealand, a poll is unlikely to support Maaori wards and is a potentially divisive community issue.</li> <li>• Based on historic polls and the views of Maaori stakeholders, it has been contended that having representation solely determined by the general public results in Maaori being under-represented in the governance function of the Council.</li> </ul> <p><u>Responsibility</u></p> <ul style="list-style-type: none"> <li>• Elected members representing both general and Maaori wards are representatives on the Council for at least the next two triennia.</li> <li>• As with general wards, candidates' skills and/or experience may not be directly applicable to the issues requiring a local authority governance decision.</li> </ul> <p><u>Ease of implementation</u></p> <ul style="list-style-type: none"> <li>• Implementation required (subject to any poll result); would be managed as part of the wider Representation Review</li> <li>• The Council cannot revoke the poll result for the next two triennia (i.e. until after 2022 elections).</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• Costs in undertaking the poll. See paragraph 36 below.</li> <li>• May incur additional ongoing costs to the Council if the establishment of Maaori wards triggers an increase in the number of total wards for Hamilton (i.e. general and Maaori). This would not be known until the wider representation review is concluded next year.</li> </ul> <p><u>Alignment to Maaori stakeholders' expectations</u></p> <ul style="list-style-type: none"> <li>• Supports Council's statutory obligations to Maaori in relation to decision-making.</li> <li>• Reflects Maaori stakeholders' ultimate aspiration of a decision-</li> </ul>

	Option	Considerations
		making role at Council.
3	<p><b>Alternative representation models</b> (for example, external Maaori representatives sitting on an existing or new committee, or creation of an external advisory Board)*</p> <p>(See pp 12 to 17 in Attachment 1)</p>	<p><u>Engagement</u></p> <ul style="list-style-type: none"> <li>• Process and timing of engagement determined by Council.</li> <li>• Provides for opportunity for genuine consultation and discussions with stakeholders.</li> </ul> <p><u>Responsibility</u></p> <ul style="list-style-type: none"> <li>• Provides the ability to create a tailor-made model to reflect Hamilton’s needs and public/stakeholder feedback.</li> <li>• Should, following further analysis, external appointments to Council Committees be supported:               <ol style="list-style-type: none"> <li>i. the Council retains ultimate responsibility for appointments to its committees; and</li> <li>ii. Maaori stakeholders and the Council together determine the appropriate process for identifying external candidates with the skills and experience needed.</li> </ol> </li> </ul> <p><u>Ease of implementation</u></p> <ul style="list-style-type: none"> <li>• Flexible – not subject to legislative timeframes.</li> <li>• Can work alongside Maaori wards, if established now or in the future.</li> <li>• May be implemented/amended/discontinued at the Council’s discretion.</li> </ul> <p><u>Cost</u></p> <ul style="list-style-type: none"> <li>• Costs for exploring (a) preferred model(s) are anticipated to fall within existing project budget.</li> </ul> <p><u>Alignment to Maaori stakeholders’ expectations</u></p> <ul style="list-style-type: none"> <li>• Supports Council’s statutory obligations to Maaori in relation to decision-making.</li> <li>• Provides for Maaori participation and representation in decision-making forums of Council, but not Council itself.</li> </ul>

\* Option 3 is explored by way of three example models in Attachment 1. The Council is not being asked to support a specific, preferred model for the purpose of this report.

31. This decision directly affects the Council’s decision-making roles and responsibilities at a governance level, therefore it is not appropriate for staff to recommend a specific option for the Council to approve.

## Financial Considerations

32. Representation Review project costs
33. The Representation Review project (which includes the work undertaken to date for reviewing Maaori representation) has incurred costs to date of \$7,422 against a budget of \$29,100 for 2017/18. The total project budget is \$153,200 over three years (2016/17 to 2018/19), which covers this Maaori representation review and the work required for the wider representation review to commence in early 2018. Of this amount, \$124,100 is to be requested through the 2018-28 10 Year Plan.
34. The estimated costs for implementing any alternative representation model would be assessed as part of further work undertaken by staff and reported back to the Council.
35. Costs for holding a Poll
36. A poll to determine whether Maaori wards should be established can be initiated by either a Council resolution or at the request of the public. The estimated cost for a stand-alone poll (i.e. not linked to a triennial election) is \$153,000 excluding GST. If the Council resolved to hold the poll at the same time as the 2019 triennial elections, the estimated cost for the poll (i.e. in addition to existing costs for the elections) would be \$15,000 excluding GST.
37. These estimated costs for undertaking a poll are not currently budgeted and would be met through Risks and Opportunities, should a poll be required.
38. These estimates exclude staff time and additional marketing costs.

## Legal and Policy Considerations

39. The Council has statutory obligations to provide opportunities to Maaori to contribute to local government decision-making processes. This is embedded in key legislation such as the LGA and RMA, including the recent introduction of Mana Whakahono a Rohe arrangements between local authorities and iwi.
40. The existing Co-Governance Forum with Waikato-Tainui (Option 1) was established in 2014 to, amongst other things, meet the obligations under the Council's Joint Management Agreement with the Waikato Raupatu River Trust. The JMA itself was a requirement of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, which came into force in 2010 to give effect to the second deed of settlement between the Crown and Waikato-Tainui.
41. Option 2 provides for Maaori representation by way of separate Maaori wards. The LEA sets out specific requirements and timeframes in this regard, though the decision whether to establish Maaori wards is discretionary (unless mandated through a public poll). Key points from the LEA:
  - 5% of all electors may demand, at any time, a referendum of all electors on whether Maaori wards should be established. The referendum result would reverse any conflicting decision made by the Council.
  - Electors on the Hauraki-Waikato Maaori electoral roll would be able to vote for representatives of a Maaori ward. They would not be able to vote for any other ward position, though would also be able to vote for a mayoral candidate.
  - The timetable for establishing Maaori wards, as prescribed by the LEA, is detailed on page 2 in Attachment 1. A resolution must be made by 23 November 2017 for it to take effect at the 2019 triennial elections (if not overturned by a poll). A resolution to hold a poll must be made by 21 February 2017, if the Council wants the poll results to be binding for the 2016 elections.

- The formula for determining the number of Maaori wards is based on Maaori and general electoral populations. This number would be determined as part of the wider representation review undertaken in 2018, should the establishment of Maaori wards, in principle, be approved. As an example only, if Council retained the current number of elected members, 2 of the 12 Councillors would be elected from one or more Maaori wards.
  - A resolution to establish Maaori wards would apply for the next two triennial elections, unless reversed by a public poll. The result of a public poll is binding for the next two triennial elections.
  - A member elected by a Maaori ward is under the same obligations as all elected members of Council to act in the best interests of the city.
42. Option 3 considers establishing alternative representation models. This option is not subject to specific statutory processes or timeframes. Any external appointment to a Council Committee or creation of a new Committee within such a model would need to comply with the Local Government Act 2002 and the Council's Standing Orders. Legal and policy compliance would be evaluated as part of the work undertaken by staff, should this option be supported by the Council.
43. There are no legal restrictions on the Council establishing both Maaori wards and alternative representation models; this is a decision for the local authority to determine.
44. Staff confirm that the options considered in this report comply with the Council's legal and policy requirements.

### Cultural Considerations

45. The matters for the Council's consideration in this report have important cultural considerations.
46. Under the Principles and Articles of the Treaty, the Crown has an obligation to act as a partner to tangata whenua; reflected in the requirement for each partner to "*act with utmost good faith*". In delegating some of its powers to local government, the Crown is sharing its obligations to actively protect Maaori interests, to consult with Maaori, to protect Maaori's relationship to their culture, taonga and traditions, to ensure that Maaori are given appropriate control of resources and decisions within their communities and ensure that Maaori are effectively represented in local government.
47. The LGA imposes obligations on the Council to recognise and respect these Treaty obligations, as noted in this report. In upholding these obligations, local government acknowledges the unique perspective of Maaori on decisions that relate to people, land, assets and resources.
48. Maaori represent a significant community of interest in Hamilton, contributing to the city's economic and social dimensions:
- Hamilton has the second largest population of Maaori in New Zealand behind Auckland.
  - In 2016, Maaori were 22% of the total Hamilton population.
  - Maaori are projected to increase to around 30% of the city's population by 2038.
  - Maaori also have a significant economic presence in Hamilton, including Tainui Group Holding's property development and investment, and provision of social infrastructure.
49. An expanded summary of statistical information on Maaori in Hamilton is included on pages 5 to 7 in Attachment 1.

## Sustainability Considerations

50. Maaori stakeholders have confirmed the strong obligation within Maaoridom to protecting natural resources. A key message from these stakeholders is that Maaori representation within the Council's decision-making processes will enhance the sustainability and protection of local natural resources, and support the Council's [Sustainability Principles](#).
51. Providing for future generations is fundamental for Maaori. Increased Maaori representation and participation in local government decision-making is likely to strengthen the Council's purpose to meet both the current and future needs of Hamilton's communities.

## Risks

52. In addition to the considerations in the Options table under paragraph 30 above, risks for supporting each option are assessed below.
53. Option 1 – Status Quo
54. Maaori stakeholders consulted do not believe the current structures provide effective, meaningful representation for Maaori and do not enable them to participate in the Council's decision-making processes. Given the significant and growing Maaori population in Hamilton, there is an expectation from these stakeholders that the Council will improve how it delivers on its statutory obligations to Maaori in Hamilton.
55. Option 2 – Maaori Wards
56. The issue of establishing Maaori wards has been a divisive issue for local authorities and communities, particularly when determined by a poll. With one exception (Wairoa District Council), all such polls have overwhelmingly rejected Maaori wards.
57. While supporting Maaori wards as a future aspiration, Maaori stakeholders acknowledge that it may not be the appropriate time to test the issue with electors.
58. If the Council resolves to establish Maaori wards, the LEA requires 5% of electors to demand a poll on the matter within a specified timeframe.
59. Option 3 – Alternative Maaori Representation
60. There may be an adverse public reaction to the establishment of an alternative representation model that provides decision-making roles for external, non-elected representatives.
61. This could be mitigated to some extent through consultation with the public if Option 3 is supported.
62. There are a number of precedents, both for the Council and other local authorities, to appoint external members with appropriate skills and experience to decision-making bodies.

## Significance & Engagement Policy

### Significance

63. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matters in this report have a medium level of significance.

### Engagement

64. Maaori stakeholder views and preferences are already known to the Council through a series of engagement hui with the following organisations:
  - iii. Waikato-Tainui (*iwi*)
  - iv. Te Runanga o Kirikiriroa (*maataawaka*)
  - v. THAWK (*mana whenua*)

65. A summary of the engagement undertaken by the project team is detailed on pages 18 and 19 in Attachment 1.
66. The Council's Electoral Officer and Amorangi Maaori also provided an overview of the process for establishing Maaori wards at the Council's Co-Governance Forum on 28 June 2017.
67. Given the medium level of significance proposed, staff consider that no further engagement is required unless the Council supports Option 3. Further consultation would then take place with key stakeholders and the public.

## **Attachments**

Attachment 1 - Maaori Representation Review - Briefing Paper .

# Representation Review 2017-19

Stage one: Maaori representation

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Elected Member Briefing  
7 September 2017

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## Background and purpose

### Background

Hamilton City Council is considering two issues:

- a decision in 2018 on its Representation Review
- a decision in 2017 whether to establish Maaori wards.

Council must consider the issue of Maaori wards, but their establishment is not mandatory under legislation.

### Purpose of Maaori representation review

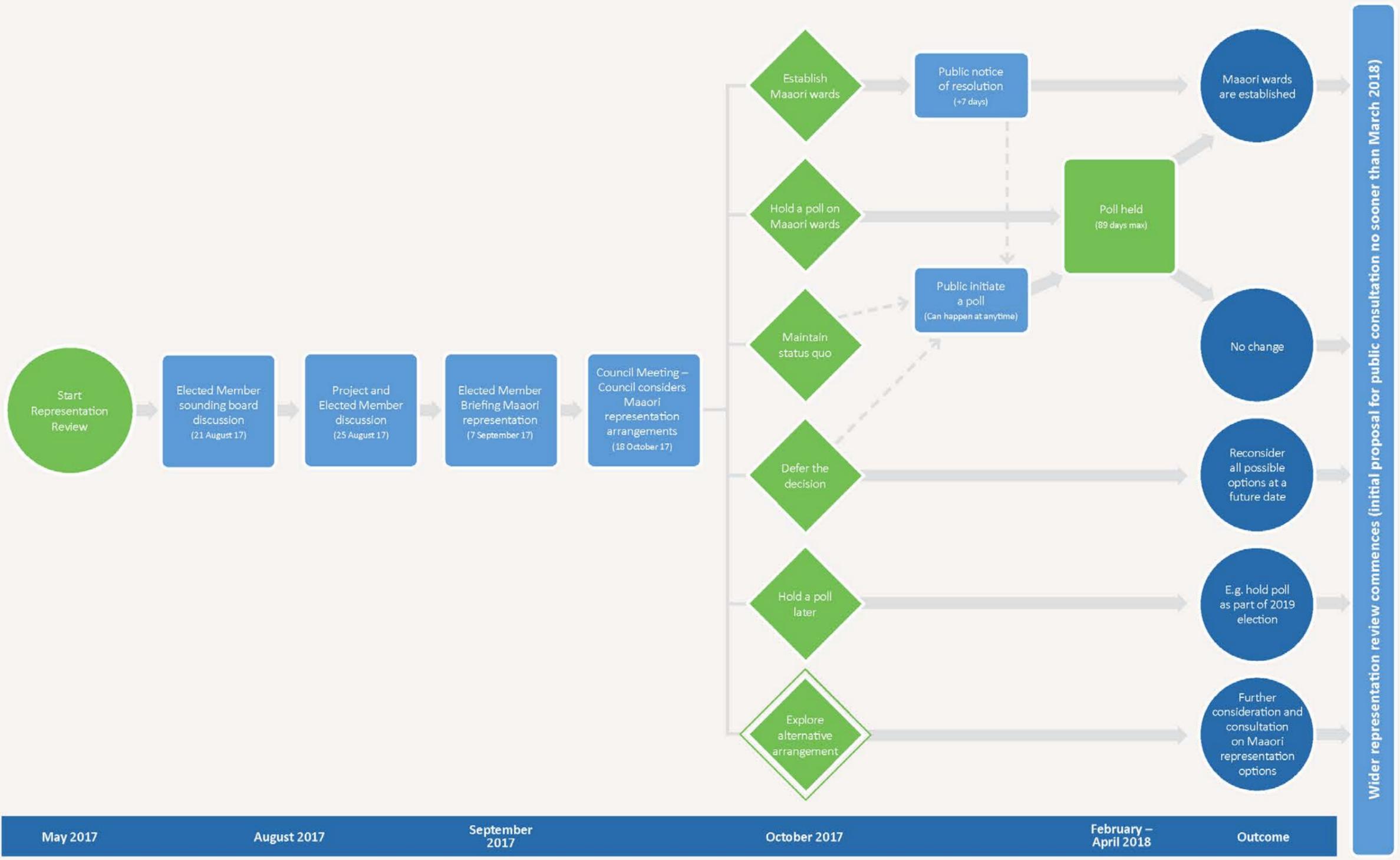
The Council has statutory obligations to provide opportunities to Maaori to contribute to local government decision-making processes – this is underpinned in key legislation such as the Local Government Act 2002 and the Resource Management Act 1991 (amongst others). Maaori representation is also a key issue under the Local Electoral Act 2001, which enables councils to consider establishing Maaori wards.

These legislative provisions derive from the wider partnership principles in Te Tiriti o Waitangi and should be considered in this light by the Council.

Traditional Maaori representation is based on shared ancestry and customary ties to land and water as mana whenua. In contrast, in a local government context, individual Maaori residents of Hamilton – both tangata whenua and maataawaka – are represented by their elected representatives; either through general wards or Maaori wards. The statutory provisions noted above apply to all Maaori living in Hamilton.

This paper puts forward five possible options for Maaori representation.

# Maaori representation review: the process





## Definitions and glossary

### Definitions

**Maaori Wards** – A mechanism under the Local Electoral Act that enables a local authority to establish a ward; the elected member for which is determined by electors on the Maaori roll. A Maaori Ward-elected member would sit on the Council together with members elected in a general ward or 'at large'.

**Other Maaori Representation** – Structures or processes that provide Maaori with representation and the opportunity to contribute to a local authority's decision-making processes, the establishment and governance for which is not determined by legislation.

### Glossary

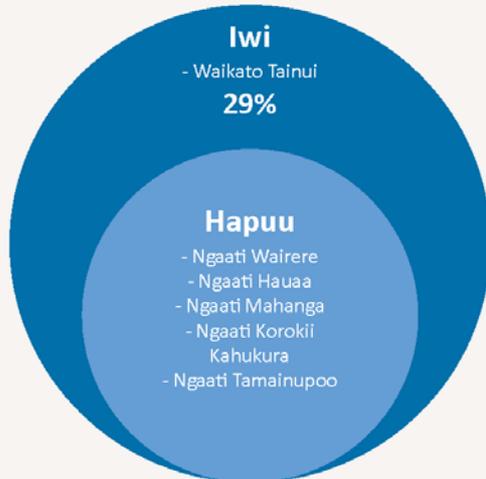
Councils have particular responsibility to Maaori. Maaori refers to a person who has Maaori ancestors, no matter how distant. Not all Maaori live in the areas where they are mana whenua. The Local Government Act uses the broad descriptive term 'Maaori' and therefore the legislation encompasses both iwi and maataawaka.

Term	Explanation
<b>Tangata Whenua</b>	The indigenous population, literally 'people of the land'.
<b>Iwi</b>	Tribe, tribal grouping.
<b>Maaori</b>	The indigenous people of Aotearoa-New Zealand.
<b>Mana whenua group</b>	The exercise of traditional authority over an area of land (whenua). In the context of Te Kaahui Maangai (Te Puni Kokiri's Directory of Iwi and Maaori organisations), it is the area over which particular iwi and hapuu claim historical and contemporary interests.
<b>Maataawaka</b>	Maaori who live in an area but are not of a mana whenua group that exercises historical and continuing mana whenua in that area <sup>1</sup> .
<b>Rohe</b>	The territory or boundary of a tribal group. Rohe are generally defined according to prominent geographical features, including mountains, rivers, and lakes.

<sup>1</sup> Local Government (Auckland Council) Act 2009.

## Definitions and glossary

### Maaori living in Hamilton



#### Tangata Whenua (Iwi) / Mana Whenua (Hapuu)

- Waikato Tainui Te Whakakitenga o Waikato Incorporated
- Te Haa o te Whenua o Kirikiriroa ("Thawk")

Waikato Tainui is the recognised Iwi Authority representing the 70,000 plus tribal members, 68 marae and 33 hapuu stretching from Auckland to Mokau, and including Hamilton. See Appendix three for a map showing distribution of Tainui population in the Waikato region.

Their general authority is to represent the Iwi in matters related to 1991 RMA, high-level representation i.e. national, regional and local representation structures.

For clarity, the five (5) hapuu regarded as having mana whenua status within Hamilton are also included as part of the 33 hapuu and are therefore represented by Waikato Tainui in high-level representation structures.

The five hapuu have organised themselves under the mantle of Te Haa o te Whenua o Kirikiriroa who represent the individual and collective interests of mana whenua within Hamilton on matters related to kaitiakitanga (guardianship) of natural and physical resources.

#### Maataawaka

- Te Runanga o Kirikiriroa Trust

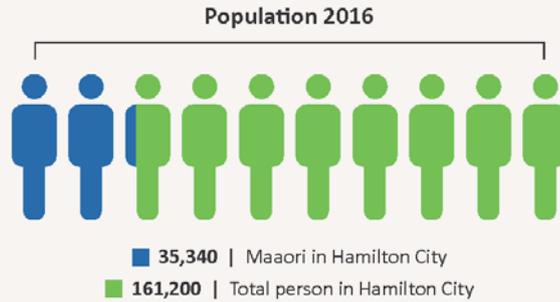
Established in the mid-1980s under the guidance of the late Maaori Queen Te Arikinui Te Atairangikaahu and Mayor Sir Ross Jansen, Te Ruunanga o Kirikiriroa Charitable Trust was established as the Urban Maaori Authority for Kirikiriroa (Hamilton).

The Ruunanga was mandated to focus on issues relating to Article III of the Treaty of Waitangi and represent the needs of maataawaka who live within the city boundaries.

# Hamilton's Maaori statistical information

## Total population

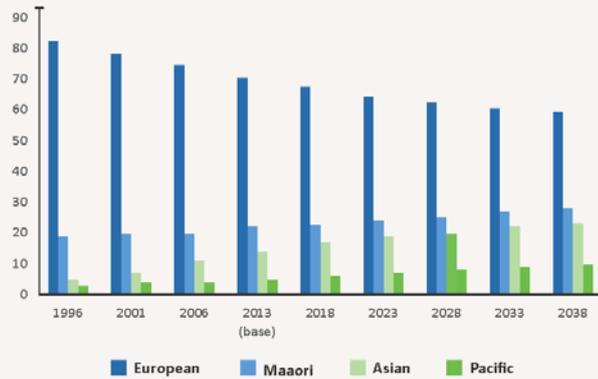
- Hamilton City has 3.3 per cent of New Zealand's population but has 4.8 per cent of New Zealand's Maaori population.
- Hamilton had the second largest Maaori population (numbers of Maaori) of all 67 districts (Auckland is first).
- The total population of Maaori in Hamilton has grown from 23,300 in 2000 to 35,340 in 2016.
- In 2016 Maaori were 22 per cent of the total Hamilton population.



## Changing proportions

- The proportion of ethnicity in Hamilton is changing with the Maaori proportion increasing due to the high fertility rate and young population structure.
- The proportion of the European population has already dropped from over 80 per cent in 1996 to around 70 per cent in 2013.
- The Maaori population is projected to increase to around 30 per cent of the total population by 2038.

Percentage of Hamilton population - projected from 2013



## Tribal affiliations

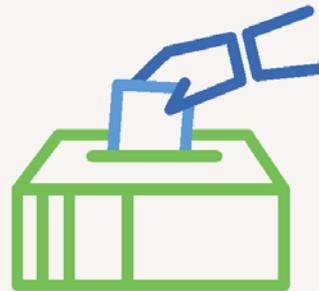
- A total of 29 per cent of total Maaori in Hamilton live in their rohe (ancestral land area) – Tainui.
- A total of 71 per cent of Maaori living in the area are maataawaka (living outside of their ancestral land).
- Hamilton City is the territorial authority with the second highest proportion of Tainui in the country (10 per cent of total Tainui population. Auckland is first)



## Hamilton's Maaori statistical information

### Voting

- A total of 83 per cent of the estimated eligible total population is enrolled to vote.
- A total of 51 per cent of the estimated eligible Maaori population is enrolled to vote on the Maaori roll.



### Higher qualification attainment

People 15 years and over with Bachelor's degree or higher 2013

### Education

- A total of 12.4 per cent of Maaori in Hamilton have a Bachelor's degree or higher, compared to 9.1 per cent for Maaori in New Zealand.



- Maaori in Hamilton City  
**12.4 per cent**
- Maaori in New Zealand  
**9.1 per cent**

### Contributors

- Maaori are a significant contributor to the Hamilton City economy and community. Maaori contribution to regional Gross Domestic Product was worth \$1.4 billion or 8.0 per cent of the total in 2012.



## Other Information

### Economic contribution

Tainui's economic arm has a significant presence in Hamilton and the greater Waikato. In 2015, Tainui Group Holding's total assets were \$1.2 billion. Some of TGH's portfolio located within Hamilton covers the following<sup>1</sup>.

#### TGH property investments:

- 480 ha Ruakura inland port
- 31 ha The Base. A 50 per cent share was sold to Kiwi Property in 2016
- Novotel Tainui and Ibis Tainui – Hamilton central.

#### Ground leases:

- Centreplace – 1.4 ha
- Wintec City Campus
- University of Waikato.

#### Land development:

- Rotokauri Rise – 900 sections
- Tramway Rd – 43 sections
- Huntington – 655 sections.

#### Direct investments:

- Part owner of Hamilton-based Waikato Milking systems
- 1/3 share of Go Bus.

### Social contribution

Both iwi and maataawaka contribute to the provision of social infrastructure of Hamilton.

Maataawaka contribute (via Te Ruunanga o Kirikiriroa Trust) to supporting Maaori outcomes in Hamilton. Specifically (as set out in the Trust's financial report) the Trust was involved in:

- Health Promotion Services
- Mental Health Services
- Business Partnership Services
- Whai Marama/ Youth Services
- Maaori Housing Foundation.

<sup>1</sup> The figures on this page are the consolidated results for Waikato-Tainui. Waikato-Tainui Holding's Annual Report 2015.

## Maaori representation options

### Option One: Maintaining status quo

Current Council Governance Structure, showing Maaori participation



## Maaori representation options

### Option One: Maintaining status quo

#### What is the purpose of this option?

To maintain the existing structures and mechanisms for Maaori to participate in the governance processes at the Council. This option supports the Council's obligations under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

#### What does this approach look like?

Current Maaori participation in the Council's governance processes is through the following structures.

- **Council-Waikato Tainui Co-Governance Forum**

The Forum was first established in October 2014 and meets obligations under the Joint Management Agreement (JMA) between HCC and the Waikato Raupatu River Trust (since February 2012).

- **Regulatory and Hearings Committee**

The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

- **Other partnership arrangements**

Council receives support and advice from the urban Maaori organisation Te Runanga o Kirikiriroa (for strategic policy advice) and Te Haa o te Whenua o Kirikiriroa Trust (THaWK), who represent the five hapuu for the greater Hamilton City area on issues relating to the management of Hamilton's natural and physical resources.

#### Who has used this or a similar approach before?

- Waikato District Council (JMA with Waikato Tainui)
- Waipa District Council (JMA with Waikato Tainui and a mana whenua forum provides advisory function)

#### What are the implications of this approach?

The Co-Governance Forum would continue to enable discussions, debate and solutions on issues that impact Hamilton and Waikato-Tainui, while also providing an avenue for consulting with Tainui on strategic issues.

Other than occasional appointments of Maaori stakeholders to the Regulatory and Hearings Committee, Maaori would not be directly part of the governance decision-making processes.

#### What enables this approach?

Council representation arrangements are currently in compliance with relevant legislation. The decision to appoint external members to the Regulatory and Hearings Committee is outlined in the Council's Governance Structure and aligns with the Local Government Act 2002.

#### Where does the accountability sit?

The Council and Waikato-Tainui each appoint five members to the Co-Governance Forum. The Forum is also co-chaired by the Mayor and a member of Te Arataura.

The Regulatory and Hearings Committee has delegated authority to appoint external members, as required, subject to complying with the requirements of the Local Government Act 2002.

Other current arrangements such as the partnership agreements held with Te Runanga o Kirikiriroa and THaWK sit at a management level and are overseen by the CEO and Council's Amorangi Maaori staff member.

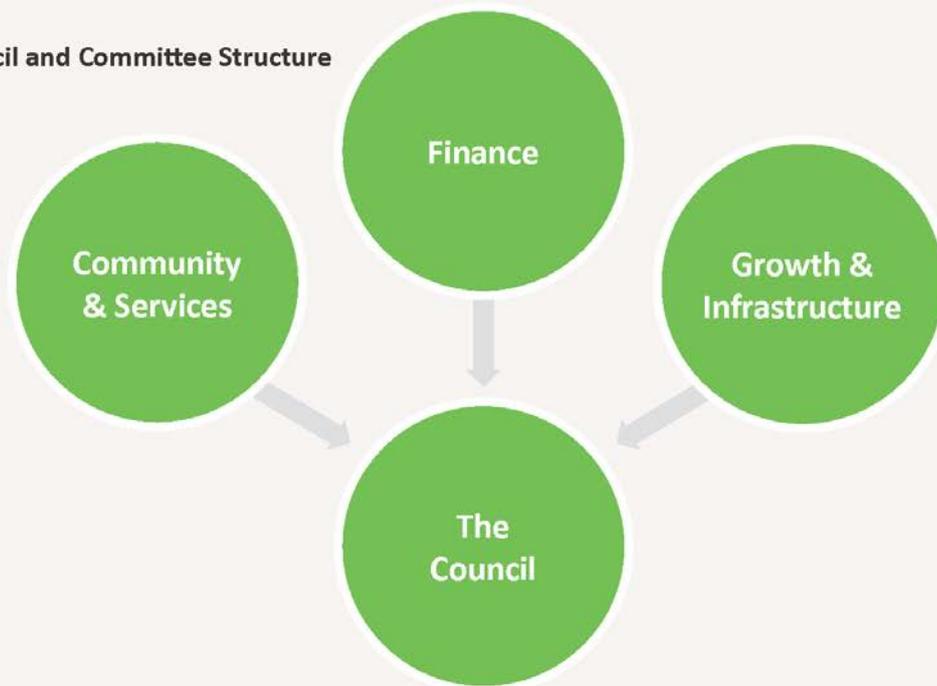
## Maaori representation options

### Option Two: Incorporating Maaori representation by establishing Maaori wards

#### Council Make Up



#### Council and Committee Structure



## Maaori representation options

### Option Two: Incorporating Maaori representation by establishing Maaori wards

#### What is the purpose of this option?

To enable the election of candidates for Maaori wards (i.e. establishing Maaori seats). This option supports Council's statutory obligation to provide Maaori with opportunities to contribute to its decision-making (see s81 and s14(1)(d) of the Local Government Act 2002 (LGA)).

#### What does this approach look like?

The Council's decision is whether Maaori wards should be established in principle. The final number of Maaori ward representatives would be determined through a formula in the Local Electoral Act, as part of the wider representation review commencing in 2018, as the Council works through its optimum number of elected members, ward boundaries etc (Schedule 1A(2), Local Electoral Act 2001 (LEA)). As an example only, if Maaori wards were established based on the current number of elected members, two of the 12 Councillors would be elected from one or more Maaori wards. All elected members – whether elected from general or Maaori wards – represent the entire community of Hamilton.

#### Who has used this or a similar approach before?

- **Bay of Plenty Regional Council** – established three Maaori wards in 2004 under legislation (The Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001).
- **Waikato Regional Council** – established two Maaori wards in 2013 by Council resolution, and no poll was held.
- **Wairoa District Council** – established Maaori wards in 2016 after Wairoa electors voted 54 per cent to 46 per cent in favour in a poll run alongside the 2016 Local Body Elections.

#### What are the implications of this approach?

Only electors on the Hauraki-Waikato Maaori electoral roll would be able to vote for the representatives of a Maaori ward. The Maaori ward/s would overlay the general wards.

Electors may demand a poll at any time (19ZB, LEA) or the Council may resolve to hold a poll (19ZD, LEA). The estimated cost of a poll is \$153,000 excluding marketing and communication. Note that in all such polls held to date across the country, except for the Wairoa District Council as per above, the majority have voted against establishing Maaori wards.

A Council resolution to establish Maaori wards would apply for the next two triennial elections, unless a further resolution or public poll reverses this; however Maaori wards established by public poll are binding for the next two triennial elections.

The Council must wait for the result of any Maaori ward poll prior to considering an initial proposal for the wider representation review in 2018.

#### What is the selection process for Maaori representatives?

Maaori ward candidates have to be nominated by two electors on the Maaori electoral roll that relates to that ward; however candidates do not have to be on the Maaori electoral roll themselves or be Maaori.

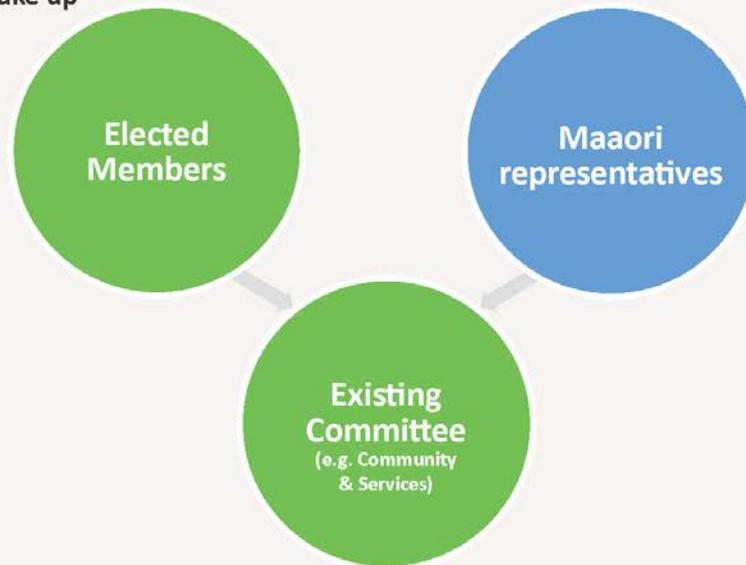
#### What enables this approach?

The LEA enables the Council or the local community to create Maaori wards (i.e. dedicated seats elected by those on the Maaori electoral roll) (19Z, LEA).

## Maaori representation options

### Option Three: Incorporating Maaori representation into existing Council committees

#### Committee make up



#### Council and committee structure



## Maaori representation options

### Option Three: Incorporating Maaori representation into existing Council committees

#### What is the purpose of this option?

To include Maaori representation on existing Council committees, so that representative voices are involved in Council decision-making on the cultural, economic, environmental and social issues that iwi and/or maataawaka members consider to be priorities.

This option supports the Council's statutory obligation to provide Maaori with opportunities to contribute to the decision-making process (see s81 and s14(1)(d), LGA).

#### What does this approach look like?

Membership may include all of the current members, with the addition of one or more Maaori representatives, on one of the Council's existing committees 'of the whole':

- Community and Services
- Finance
- Growth and Infrastructure.

One or more Maaori representatives will have:

- voting and/or speaking rights (i.e. decision-making role); or
- non-voting and/or non-speaking rights (i.e. an advisory or observer role).

#### Who has used this or a similar approach before?

- Marlborough District Council
- Napier City Council
- Taranaki Regional Council.

#### What might the committee's functions be under this approach?

The delegations and terms of reference of the existing committees will remain unchanged and the same as under the existing governance structure.

#### What enables this approach?

Under legislation, only one member of an existing or new committee must be an elected member (CI31(3-4) Schedule 7, LGA). Council is empowered by legislation to appoint Maaori representatives (who must not be Council staff) if Council believes they have the skills, attributes or knowledge that will assist the work of the committee.

#### What could the selection process be for Maaori representatives?

Recommended appointments to Council committees could be at the discretion of iwi and/or maataawaka and may be done by election, recruitment and appointment.

#### Where does the accountability sit?

The Council approves any appointments to its committees. The Council cannot overturn any matters determined by the committees within their delegations. The Council is able to amend any part of a committee's delegations for future decisions (CI 30(6) Schedule 7, LGA).

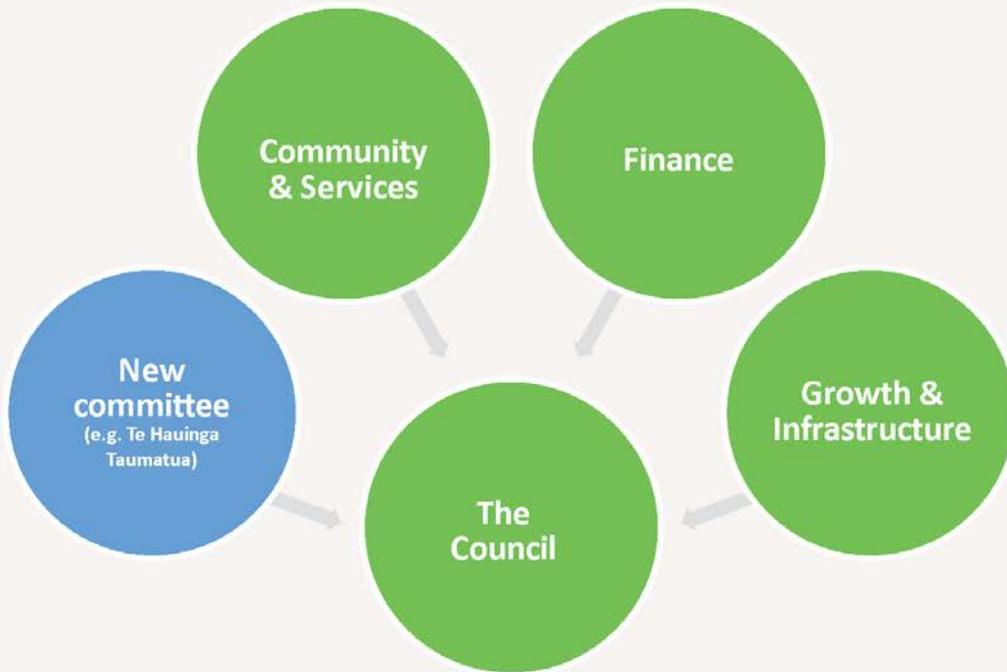
## Maaori representation options

### Option Four: Incorporating Maaori representation into a new committee

#### Committee make up



#### Council and committee structure



## Maaori representation options

### Option Four: Incorporating Maaori representation into a new committee

#### What is the purpose of this option?

To create a new committee, the focus for which could be:

- to provide Maaori with the opportunity to contribute to Council decision-making
- to identify, report and (where authority is delegated) make decisions on issues of cultural, economic, environmental and social importance to iwi and/or maataawaka
- providing strategic advice to Council on matters of importance to Maaori
- to jointly determine and prioritise Maaori cultural issues of importance for integration into the Council's long-term planning.

This option supports the Council's statutory obligation to provide Maaori with opportunities to contribute to the decision-making process (see s81 and s14(1)(d), LGA).

#### What does this approach look like?

Membership will be a combination of elected members and one or more Maaori representatives that have:

- voting and/or speaking rights (i.e. decision-making role); or
- non-voting and/or non-speaking rights (i.e. an advisory or observer role).

A new committee can be set up as:

- a committee/sub-committee with
  - some or no decision-making delegation; and/or
  - delegation to recommend to Council or an existing committee
- an advisory panel to provide non-binding strategic advice to an existing committee or the Council.

#### Who has used this or a similar approach before?

- Central Hawke's Bay District Council (The Māori Consultative Committee)
- Hawke's Bay Regional Council (The Māori Committee)
- Hastings District Council (The Māori Joint Committee)
- New Plymouth City Council (Te Huinga Taumatua Committee).

#### What enables this approach?

The Mayor has the power to establish committees and appoint the chairperson of each, but not the members (s41A(3), LGA). Council can establish additional committees further to those set up by the Mayor and also appoint any member, including the chairperson (Cl30(1) Schedule 7, read alongside s41A(4)(c-d), LGA).

Under legislation, only one member of an existing or new committee must be an elected member (Cl31(3-4) Schedule 7, LGA). Council is empowered by legislation to appoint Maaori representatives (who must not be Council staff) if Council believes they have the skills, attributes or knowledge that will assist the work of the committee.

#### What could the selection process be for the Maaori representatives?

Recommended appointees to Council committees could be at the discretion of iwi and/or maataawaka and may be done by election, recruitment or appointment. Options would be explored with Maaori stakeholders.

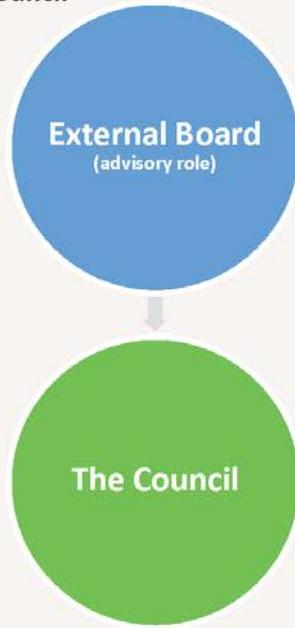
#### Where does the accountability sit?

The Council approves any appointments to its committees. The Council cannot overturn any matters determined by the committees within their delegations. The Council is able to amend any part of a Committee's delegations for future decisions (Cl 30(6) Schedule 7, LGA).

## Maaori representation options

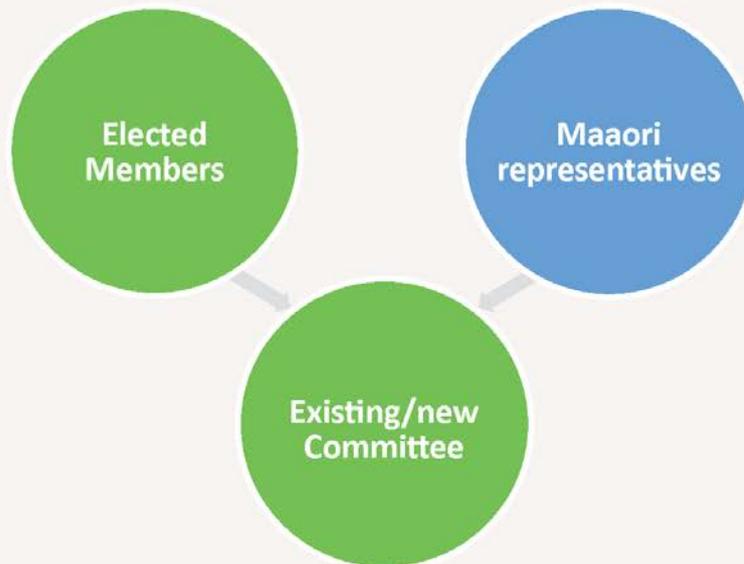
### Option Five: Incorporating Maaori representation via an external board

#### Advisory relationship with the Council



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#### Committee make-up



## Maaori representation options

### Option Five: Incorporating Maaori representation via an external board

#### What is the purpose of this option?

An external board provides an advisory service to the Council. Some board members may also be sitting members of one or more Council committees. This option supports the Council's statutory obligation to provide Maaori with opportunities to contribute to the decision-making process (see s81 and s14(1)(d), LGA).

#### What does this approach look like?

An external Maaori-led board, independent from the Council, is created. A number of the board's members may also be sitting members of Council committees.

The board develops a schedule of issues that are significant to iwi and/or maataawaka and provides advice to Council on these issues. The Council would consult the board on matters affecting iwi and/or maataawaka.

The Council can also take into account the board's advice on Council strategies, policies and plans. The Council may agree to provide the board with the funding it needs to carry out its purpose. The board may appoint a representative to attend Council meetings on an advisory, non-voting basis.

As set out in Options 2 and 3 above, Maaori representatives (who must not be Council staff) can be appointed to Council committees if Council believes they have the skills, attributes or knowledge that will assist the work of the committee (Cl31(3-4), Schedule 7 of the LGA).

#### Who has used this or a similar approach before?

- Auckland Council (Independent Maaori Statutory Board)
- Rotorua Lakes Council (Te Arawa Board).

#### What enables this approach?

Legislation established the Auckland Council's Independent Maaori Statutory Board, however this is an exceptional situation as the Auckland Council itself is a unique structure to date. A board can be established by iwi and/or maataawaka without legislation as in the case of the Te Arawa Board that advises the Rotorua Lakes Council. Members of the Te Arawa Board sit on some of the Council's committees.

#### What could the selection process be for the Maaori representatives?

Maaori representatives from iwi and/or maataawaka will make up the board membership.

The board would then recommend appointees to the Council's committees, to be approved by the Council. Appointments may be made by election, recruitment or appointment.

#### Where does the control sit?

The establishment of, election to, and governance of an external Maaori board will be the responsibility of iwi and/or maataawaka. Council would recognise the External Board and its authority through a partnership arrangement.

The Council approves any appointments to its committees. The Council cannot overturn any matters determined by the committees within their delegations. The Council is able to amend any part of a Committee's delegations for future decisions (Cl 30(6), Schedule 7 of the LGA).

## Maaori stakeholder consultation feedback on Maaori Wards

### Consultation purpose

Between July and October consultation hui were held with key Maaori stakeholder groups. The purpose of the hui was to discuss and receive feedback on Maaori wards/Maaori representation.

Following the Briefing<sup>1</sup> in September, another hui was coordinated for Maaori stakeholders. On 3 October 2017, all stakeholders further clarified that the establishment of Maaori wards remains their aspiration for a future point as it is the option that enables full decision-making at the council table. Their previous feedback signalled that they did not support Maaori wards. That position is based on the current public referendum process for establishment of Maaori wards, which would likely create community upheaval and disharmony through the city.

**The following is a summary of feedback received from all the hui.**

#### 1. Waikato Tainui Te Whakakitenga o Waikato feedback (CE Donna Flavell, Environmental Manager Tim Manukau, GM Claims Taipu Paki)

- Waikato Tainui did not support establishment of Maaori wards on the basis that historically they weren't well supported by Councils and consequently failed.
- That consideration is given to the establishment of a decision making role within the governance structures of council. Waikato Tainui has been here for over 300 years and will be here for the next 300 years. This is home and they will not be going anywhere. On this basis, and the spirit of partnership having an Iwi seat in Council could present multiple advantages for Hamilton and its communities, including Maaori.
- The current Co-governance forum was considered as a step toward achieving a full decision-making role within Council, which remains the aspiration.
- Acknowledged the presence of maataawaka in Hamilton and support for some form of representation through Te Runanga o Kirikiriroa as the mandated voice for maataawaka in Hamilton.

#### 2. Te Runanga o Kirikiriroa feedback (CE Mere Balzer, Kaumatua Beau Haereroa, Marsha Turinui, Glen Tupuhi, Tai Moana, Roma Balzer)

- While the option of Maaori wards was not supported at this moment in time, it remains an aspiration to achieve in the future. The reason for not supporting the Maaori ward option is based on the current public referendum process for establishment of Maaori wards which would likely create community upheaval and disharmony through the city.
- Supports both Waikato Tainui as tangata whenua, and Te Runanga o Kirikiriroa as representing maataawaka having decision making roles within the governance structures of council.
- Supports Maaori representation to relevant committees, i.e. could consider a tangata whenua representative on G&I, Finance, Regulatory and Hearings committees and maataawaka representative on C&S and Finance committees.
- Highly important that anyone appointed must have appropriate skill and knowledge to effectively contribute to council decision-making.

#### 3. Te Haa o te Whenua o Kirikiriroa ("Thawk") feedback (GM Rawiri Bidois, Sonny Karena, Rangitonga Kaukau, Pare Hopa, Hakopa Puke, Glenice Wigg, Tuku Puhpuhi, Milton Ngaruhe, Sonny Matenga, Chris Riki, Rangiuia Riki, Raiha Gray and Hone Tahana);

- Indicated that Maaori wards weren't a viable option given it was highly likely to fail.
- Need a Maaori voice at the table.
- Viewed a Maaori standing committee with a voice and one vote as an option of representation. Having one person representing Maaori issues could be too much pressure for just one person. Cited past Councillor Pat Kaio who was constantly pressured to front Maaori issues at the council table.
- Did support a decision making role for Waikato Tainui, however the collective voice was a good option.
- Would like to see an innovative model of Maaori representation for Hamilton, but needed to achieve a decision making role for Maaori.

<sup>1</sup> This summary was updated by staff on 6 October 2017

## Maaori stakeholder consultation feedback on Maaori Wards ...cntd

### 4. Overall Summary

#### Points in common:

- a dedicated Maaori seat(s) through establishment of Maaori wards remains a vision and goal for Maaori
- however, the stakeholders recognised that in the current circumstances a poll, if successfully demanded, would probably not support Maaori wards and that such a poll would be likely to create an adverse and divisive community response
- Maaori representation and participation at all governance levels of decision making is important to the socio-economic and cultural growth, development and sustainability of the city
- support to explore other models of Maaori representation that will deliver outcomes for the city
- important that both Iwi and maataawaka were represented in any model of representation.

#### Points of difference:

- only mana whenua group Te Haa o te Whenua o Kirikiriroa supported a more collective and inclusive model of representation similar to Auckland and Rotorua. They promoted one vote that represented Maaori collectively.

## Next steps

#### Key dates ahead, relevant to the Maaori representation review:

- Wednesday 18 October 2017 – Council Meeting
- should Council wish to establish Maaori wards by resolution for the 2019 election, a resolution must be passed before 23 November 2017
- should the Council wish to hold a poll to determine whether Maaori wards should be established, the Council must resolve to hold the poll on or before 21 February 2018 for it to be binding on the 2019 elections
- no timeframe restrictions apply for exploring the alternative Maaori representation arrangements.

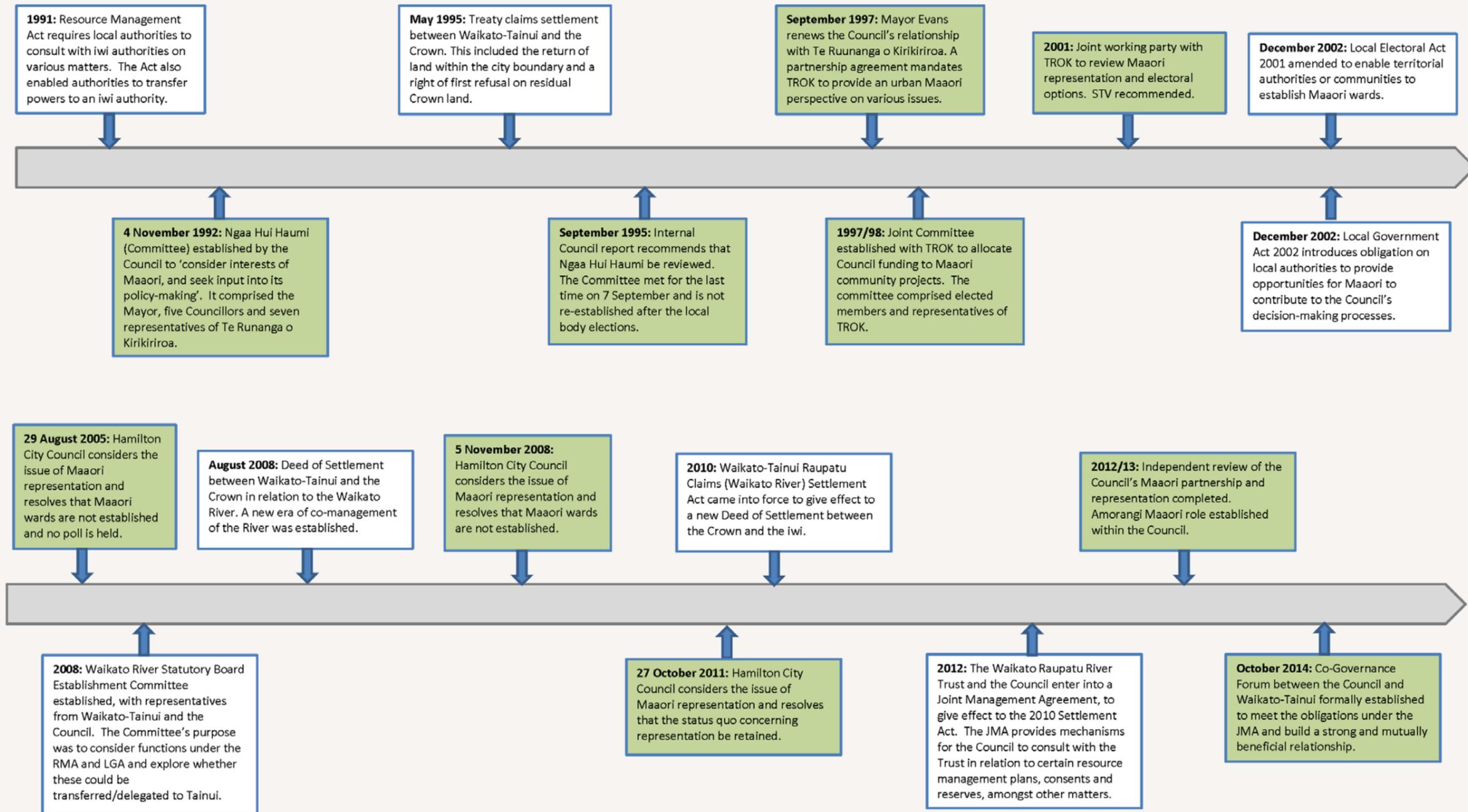
Contact person for the Representation Review, for further information or questions:

**Michelle Howie**  
Project Manager  
michelle.howie@hcc.govt.nz



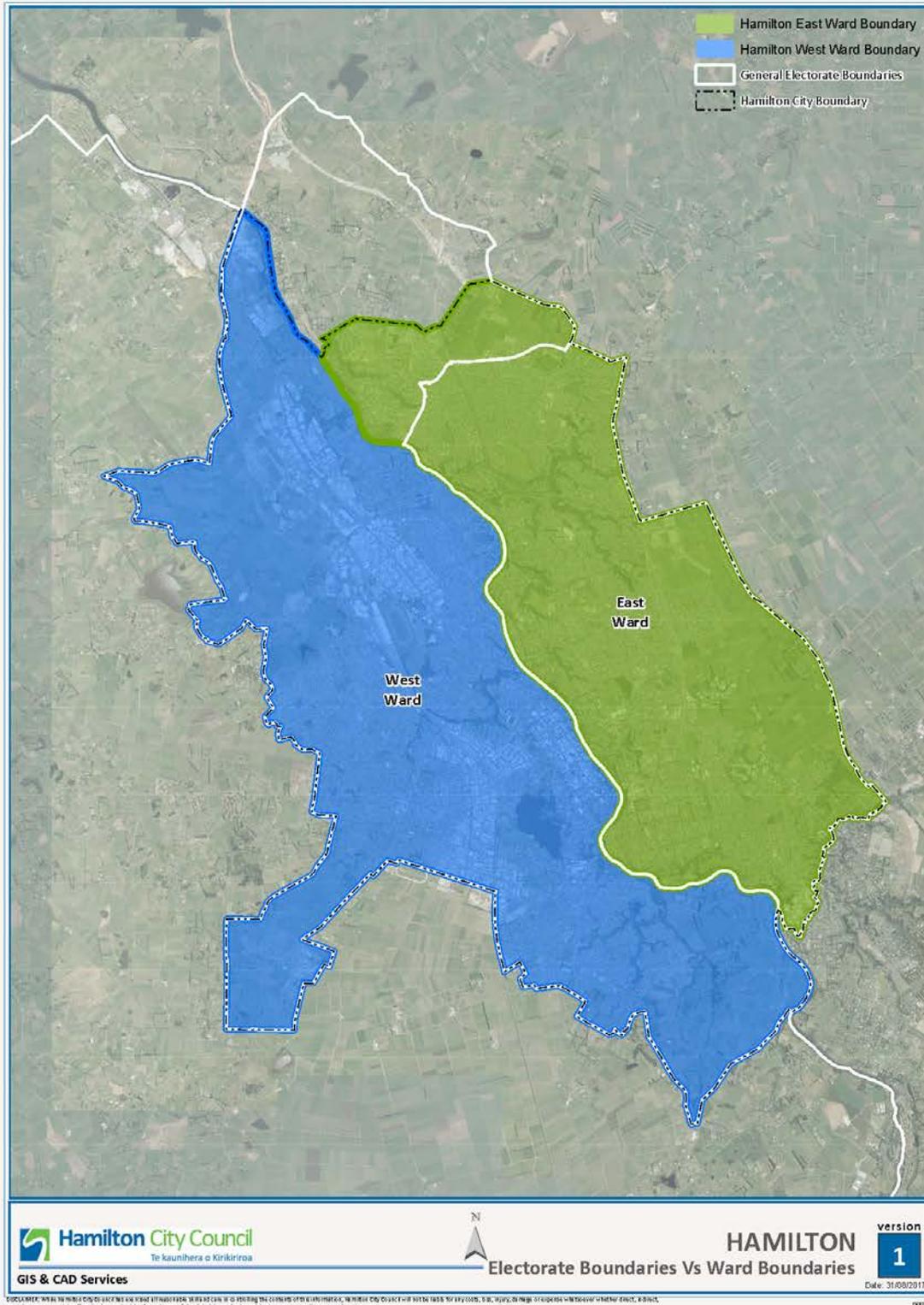
## Appendix one: timeline of historical events relevant to Maaori representation

### MAAORI REPRESENTATION – HAMILTON CITY COUNCIL (1991 – 2017)





# Appendix two: map of the city's electoral and ward boundaries



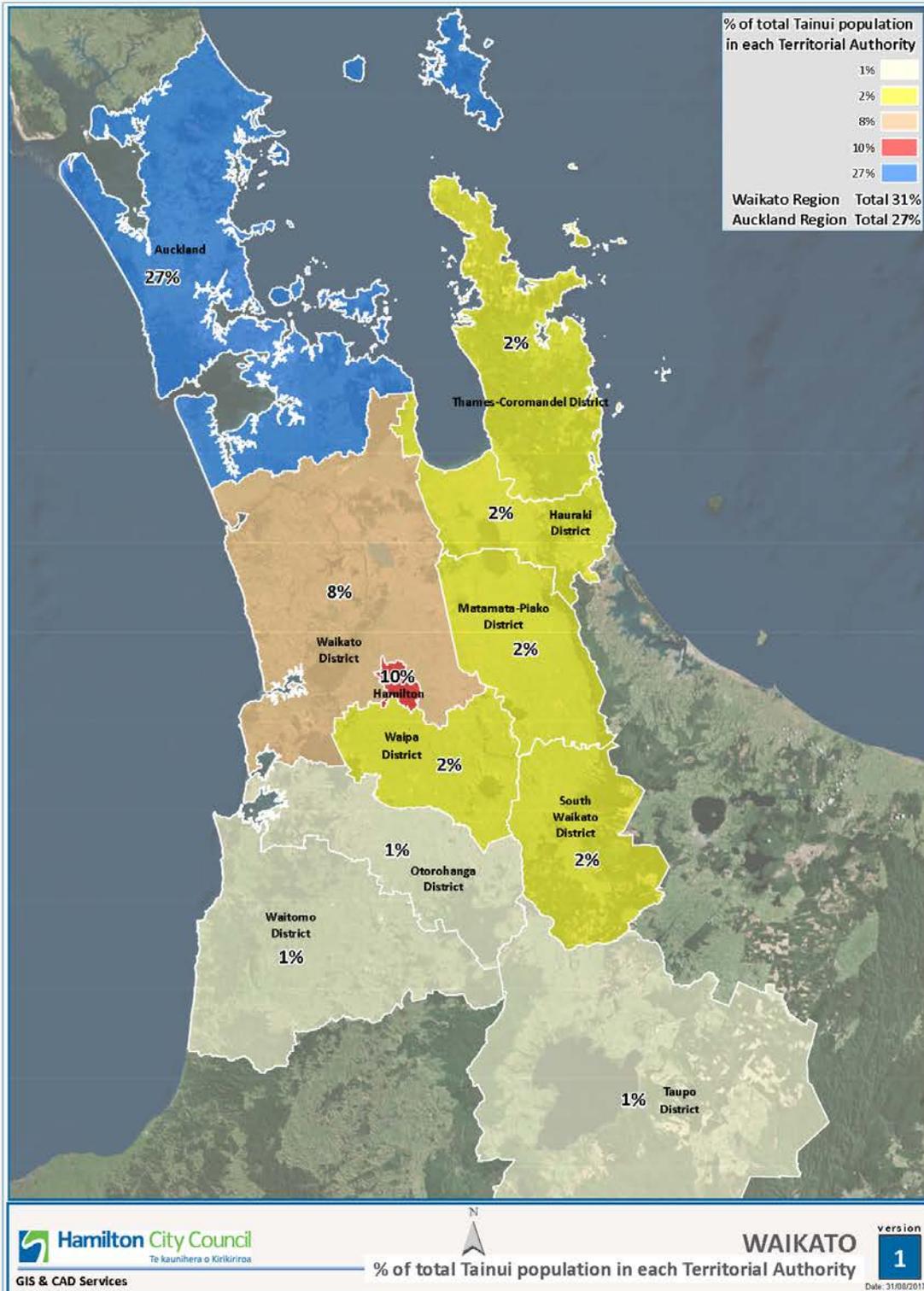
Item 7

Attachment 1

# Appendix three: Distribution of Tainui people in the Waikato

Attachment 1

Item 7



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# Council Report

Item 8

**Committee:** Council **Date:** 18 October 2017  
**Author:** Debbie Lascelles **Authoriser:** Lance Vervoort  
**Position:** Community Services Manager **Position:** General Manager Community  
**Report Name:** Waterworld Renewals Project - Delegation to Award Contract

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek delegation for the Chief Executive to award Contract 15468 for the Waterworld Renewals Project.

## Staff Recommendation

2. That the Council:
  - a) receives the report;
  - b) delegates authority to the Chief Executive to finalise award of Contract 15468 for the Waterworld Renewals Project with Fletcher Construction Company Limited, subject to the total Approved Contract Sum not exceeding \$10,050,402.

## Executive Summary

3. On the 21<sup>st</sup> September 2017 Council agreed to fund the full budget for the Waterworld renewals project:

**Resolved:** (Crs Bunting/Southgate)

That the Council:
  - a) receives the report.
  - b) approves bringing forward \$5,672,000 from 2022/23 in the 2015-25 10 Year Plan to 2017/18 to complete the required renewals work at Waterworld (option 5 of this report).
4. The physical works contract was subject to a public tender process from which the Fletcher Construction Company Limited was the highest ranked tenderer.
5. Authority for contract award of this value sits with the Council. However delegation of authority to the Chief Executive is requested in order to expedite the contract award process. This will ensure the lead time needed to order overseas manufactured items is adequate to enable the construction to commence during February 2018 when weather conditions are optimal.
6. Staff consider the decision in this report has medium significance and that the recommendations comply with the Council's legal requirements.

## Background

7. Hamilton City Council (Council) has publically tendered Contract 15468 - Waterworld Renewals Project.
8. The original project plan had the contract going to Council for approval in November 2016 to allow for a construction programme in mid-2017.
9. After issuing of the Request for Tender, a need was identified to undertake further work on understanding the current seismic rating of Waterworld and look at final budget approval for funding of the renewal.
10. Following evaluation of the tender responses, the Fletcher Construction Company Limited was the preferred tenderer. Final approval of the award of the construction contract to the Fletcher Construction Company Limited was put on hold while the above issues were worked through.
11. Now approval for the Waterworld renewals budget has been given by Council, approval is sought to approve awarding the construction contract to the highest ranked respondent from the tender process due to the value of the contract exceeding the Chief Executives delegation.

## Discussion

12. Contract 15468 - Waterworld Renewals Project was a Request for Tender (RFT) for the capital works upgrade at Waterworld Facility.
13. The RFT was issued publically and two different companies responded:
  - Fletcher Construction Company Limited (FCC); and
  - Watts & Hughes Limited trading as Watts & Hughes Construction (W&H).
14. Received Tenders were evaluated using the Price Quality Method as outlined in the RFT documents.
15. The price-quality method involves first assessing tenderers non-priced attributes to assess their demonstrated skill and ability to complete the works on time, to budget and to the required quality standards, which is converted into a dollar value called the Supplier Quality Premium (SQP).
16. The prices of tenderers are then reviewed, and SQP values are deducted off the tender price for each tenderer to identify the evaluation price.
17. The preferred tenderer will be the respondent with the lowest evaluation price.
18. Under the Price Quality evaluation methodology FCC has the lowest Adjusted Price (Tender Price, less SQP) - Making FCC the highest quality and lowest priced tenderer.
19. Following budget approval on 21 September 2017, there is a desire to expedite the contract award process. This ensures the lead time needed to order overseas manufactured items is adequate to enable construction to commence during February 2018 when weather conditions are optimal.
20. FCC are currently updating pricing and scheduling around the contract works due to the time delay between originally tendering the contract and final budget approval by Council.
21. In order to minimise delays following approval of the Waterworld renewals budget and timeline, it is proposed to delegate authority for contract award to the Chief Executive, noting that a robust process will be undertaken with an independent quantity surveyor to ensure any revised pricing from FCC is in line with market and exchange rate movements since the tender close.

22. If the recommendation is not approved, the work may not be able to proceed as planned during the period when the water table is at its lowest. This would mean delaying the project by 12 months, or paying additional costs to pump ground water out of the construction area.

### Financial Considerations

23. The resolution of Council on 21 September 2017 provided funding of \$10,780,000 to undertake the Waterworld Renewal project.

The table below outlines the provision of the costs of this contract within the overall \$10,780,000 budget.

Project Budget	\$ 10,780,550.00	
Costs from FY16-17		455,000.00
Main construction contract		10,050,402.00
Professional Fees		260,148.50
Insurances		15,000.00
Total		\$10,780,550.00

### Significance & Engagement Policy

#### Significance

24. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance.

#### Engagement

25. Community views and preferences are already known to the Council through consultation with all the major sporting codes who use the facility.

Given the medium level of significance determined, the engagement level is medium. No engagement is required.

#### Attachments

There are no attachments for this report.

# Council Report

**Committee:** Council **Date:** 18 October 2017  
**Author:** Chelsey Stewart **Authoriser:** Sean Hickey  
**Position:** Project Manager 10-Year Plan **Position:** General Manager Strategy and Communications  
**Report Name:** 2018-28 10-Year Plan - Community Outcomes

<b>Report Status</b>	<i>Open</i>
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## Purpose

- To seek approval of Hamilton City Council's 'Community Outcomes'.

## Staff Recommendation

- That the Council approve the following as the Hamilton City Council's Community Outcomes:
  - A great river city –*  
Our city embraces its natural environment and has green spaces, features and community facilities that make it a great place to live, work and play.
  - A city that embraces growth –*  
Our city has infrastructure that meets our current demands, supports growth and helps build a strong economy.
  - A council that is best in business –*  
Our council is customer focussed, financially sustainable and has the best people delivering the best outcomes for the city.

## Background

- Council is legislatively required to have Community Outcomes and to describe these in its 10-Year Plan. The Outcomes have a role to play in strategic direction setting and must be reflected in the activities Council undertakes to deliver services to the community.
- The current Community Outcomes (the 10 priorities in the Hamilton Plan) were taken to Council on 27 July 2017 for confirmation these would remain the Community Outcomes. At this meeting a procedural motion was passed to adjourn the item for discussion to a later briefing date.
- The existing Community Outcomes were brought back to a 10-Year Plan briefing on 8 September 2017 along with an alternative set of outcomes based on the organisation's strategic imperatives.
- Elected members discussed the two options and provided staff with direction to reframe the alternative Community Outcomes more clearly as outcome statements and to include reference to the environment, green spaces and "live, work and play".

## Discussion

6. The priorities of the Hamilton Plan are presented as option one – status quo in this report. These currently serve as Council’s Community Outcomes and may be considered satisfactory for this purpose. These are consistent with the current strategic framework and meet legislative requirements.
7. The alternative Community Outcomes from the 8 September 2017 briefing are presented here as option two – adaptation of strategic imperatives. These are based on the strategic imperatives of Hamilton city Council which form part of the strategic performance framework that aligns activities to the strategic vision.
8. Alterations to these imperatives included rephrasing them as outcome statements and incorporating Elected Member feedback from the briefing. This feedback sought a greater presence for the environment, green spaces and ‘liveability’ as key outcomes.
9. Staff consider the outcomes proposed under option two align strongly to the strategic direction of the organisation and its strategic performance framework. These outcomes are considered both concise and comprehensive, reflective of Council’s vision as an organisation and legislatively compliant.

## Options

10. Option one – status quo would mean confirming the existing Community Outcomes (the 10 priorities in the Hamilton Plan). These are:
  - Our books are balanced
  - The third city economy in New Zealand
  - Providing outstanding infrastructure
  - Strongly connected to the river
  - Best garden in the world
  - An active, strong commercial central city with distinctive suburban villages
  - An urban garden
  - Access to affordable housing
  - Celebrated for our arts and culture
  - Waikato is the capital of high performance sport.
11. Option two - adaptation of strategic imperatives. This set of outcomes incorporates feedback from Elected Members at the 8 September 2017 10-Year Plan briefing and are as follows:
  - *A great river city* –  
Our city embraces its natural environment and has green spaces, features and community facilities that make it a great place to live, work and play
  - *A city that embraces growth* –  
Our city has infrastructure that meets our current demands, supports growth and helps build a strong economy
  - *A council that is best in business* –  
Our council is customer focussed, financially sustainable and has the best people delivering the best outcomes for the city
12. Staff recommend option two because this set of outcomes are:
  - Considered both concise and comprehensive
  - Reflective of Council’s vision as an organisation
  - Strongly aligned to the strategic performance framework
  - Legislatively compliant.

**Financial Considerations**

- 13. There are no financial implications for this report. Consideration of the Community Outcomes is a regular operating activity funded through the 10-Year Plan.

**Legal and Policy Considerations**

- 14. Staff confirm that both options presented here comply with the Council’s legal and policy requirements.

**Risks**

- 15. It is desirable to resolve this matter as other work programmes underway to support delivery of the 10-Year Plan rely on agreed Community Outcomes as an input. Further delay risks the ability of staff to achieve timeframes and deliverables. Having an agreed set of Community Outcomes is also necessary for the 10-Year Plan to be legislatively compliant.

**Significance**

- 16. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.
- 17. While Council is not legally required to consult on its Community Outcomes, these will be visible to the community through the 10-Year Plan formal consultation process in April 2018.

**Attachments**

There are no attachments for this report.

# Council Report

Item 10

**Committee:** Council  
**Author:** Luke O'Dwyer  
**Position:** Economic Growth and Planning Unit Manager  
**Date:** 18 October 2017  
**Authoriser:** Kelvyn Eglinton  
**Position:** General Manager City Growth  
**Report Name:** Special Housing Area - Expressions of Interest

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform Council of the initial Expressions of Interest (EOIs) received for sites seeking to be declared a Special Housing Area (SHA).
2. To obtain Council approval to continue with the evaluation of the remaining SHA EOIs and to publicly consult on each of these candidate SHA sites in accordance with the Council's SHA Policy.

## Staff Recommendation

3. That the Council:
  - a) receives the report; and
  - b) approves all EOI's received and scheduled in Appendix 1 for further evaluation in accordance with the criteria set out in the SHA Policy and Housing Accords and Special Housing Areas Act 2013 (HASHAA) and seek public feedback for three weeks on all sites.

## Executive Summary

4. The purpose of the SHA Policy is to give effect to the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and the Hamilton Housing Accord.
5. Council invited Expressions of Interest (EOI) for potential SHA's in accordance with its SHA policy between 4 September and 29 September 2017. At the close of this period seven EOIs were received with a late EOI being received from Perry Developments for the Te Awa Lakes project on Monday 2 October 2017.
6. During the EOI period pre-application meetings were held with a number of applicants to help inform their EOI submissions.
7. A full schedule of the six EOIs received, with scale, estimated yield, zoning and site area information is included in Appendix 1.
8. Only one site is recommended to Council to be directly referred to the Minister for Building and Construction for SHA declaration. That site is Jebson Place and is covered in more detail in a separate report at this meeting.

9. In accordance with the adopted SHA Policy, Council needs to decide on which of the remaining EOI sites to proceed with for more detailed evaluation and to what extent to seek public feedback on them.
10. It is recommended that staff continue to evaluate all remaining EOIs submitted to Council and continues to work with all applicants to secure appropriate planning and investment outcomes as envisaged in the SHA policy.
11. Staff recommends that public feedback is sought for a minimum period of three weeks on all remaining SHA proposals received through the EOI process.
12. Only those sites which meet all the information requirements and criteria set out in Clause 14 and 15 of the SHA Policy will be reported back to Council in December, together with all public feedback received with a staff recommendation on whether to recommend the site to the Minister for SHA declaration.
13. In line with the SHA policy if a proposal is accepted in principle Council will then, where relevant, enter into negotiations with the proponent to secure, through a development agreement, the necessary infrastructure required to service the proposal.
14. In accordance with the adopted SHA Policy, if negotiations lead to a legally binding development agreement, on terms acceptable to Council, Council will consider accepting the proposal for recommendation to the Minister.
15. Staff consider the decision high significance and that the recommendations comply with the Council's legal requirements.

### Structure of this report

16. This report covers the following matters:
  - Context and background
  - An overview of each EOI received
  - Other matters
  - Next steps; and
  - Financial and risk matters

### Context and background

17. [Housing Accord and Special Housing Areas Act 2013](#)
18. The purpose of the [Housing Accord and Special Housing Areas Act 2013](#) (the Act) is to "enhance housing affordability by facilitating an increase in land and housing supply in certain regions and districts" listed in Schedule 1 of the Act.
19. Hamilton was added to the Schedule 1 of the Act in 2015.
20. The Act does not require Council to set affordability measures or address social housing needs. The Act, in section 14(1d), specifies that Council **may** also prescribe that any development within in Special Housing Areas (SHAs) must contain a percentage of affordable dwellings.
21. [Hamilton Housing Accord](#)
22. The [Hamilton Housing Accord](#) (the Accord) was signed by Mayor King and Building and Construction Minister Nick Smith on 22 December 2016 and approved by Council on [8 February 2017](#).

23. As outlined in the report to Council on the 8 February 2017, the Accord enables Hamilton City Council to utilise the provisions of the Act to advance housing supply, in areas that HCC would consider suitable for housing, via Special Housing Areas (SHAs).
24. An SHA may be declared in areas of the city which are currently not zoned for residential activity and any 'qualifying development' within an identified SHA becomes eligible for an alternative resources consent process when compared to regular RMA processes.
25. SHA Policy  
On [20 June 2017](#) the Growth and Infrastructure Committee considered and approved the draft Special Housing Areas Policy for public consultation for a period of three weeks (22 June 2017 to 17 July 2017).
26. The public hearing of the draft Special Housing Policy was also held on [3 August 2017](#) at the Regulatory and Hearings Committee meeting.
27. Council approved its SHA Policy on [24 August 2017](#).

### Overview of each Expression of Interest

28. EOI's for SHA's have been received from a range of applicants on the following six sites within the first quarter SHA EOI period:
  - Jebson Place/ Cassidy St (HNZC & Tainui) (Recommended in Separate Report)
  - Gilbass Ave (Foster Developments)
  - Maui St and Eagle Way (Porter Developments)
  - Te Awa Lake (Perry Developments) - split in to two application areas
  - Rotokauri North (Green Seed) – split in to two application areas
  - Tawa St (Gallagher Group and Habitat for Humanity)
29. A full schedule of the above sites, location, site area, zoning, and potential housing yield is included in Appendix 1.
30. Four of the six sites above are located in areas zoned for industrial land uses while the Rotokauri North site is located within the Future Urban Zone in the Rotokauri Structure Plan area.
31. The Jebson Place / 5A Cassidy Street site is the only site within an existing residential zone, albeit a Special Character Zone but it already has an existing consent for residential development of 71 units.
32. All sites propose a development yield greater than 10 units. The majority are two-storey in height with section sizes ranging from 150 -500m<sup>2</sup> on average. Housing typology ranges from stand-alone dwellings, town houses, duplexes and apartments.
33. With the exception of Jebson Place and based on the information provided in the EOI's, all other SHA proposals will need some level of further infrastructure, locational and National Policy Statement-Urban Development Capacity evaluation and assessment in accordance with Section 16 of HASHAA Act and Clause 15c) and d) of the SHA Policy.

A brief overview of each EOI is provided below.

#### 34. **Gilbass Avenue**

35. The majority of this SHA proposal is zoned Industrial (Industrial Amenity Protection Area) under the District Plan (see Appendix 1). To the north of the site is the Gilbass Avenue residential area. Directly to the south is a storage yard for relocatable houses (Jack House Transit). Further to the south is a recently constructed home improvement centre (Bunnings Warehouse).

36. Access to SHA site is proposed to be gained from the north from the existing residential development in Gilbass Avenue.
37. A draft concept plan has been prepared which shows approximately 56 new dwellings on this site. A range of typologies are proposed including duplex and detached dwellings. The development concept achieves a gross density of 26 dwellings per hectare, and provides an average section size of approximately 283m<sup>2</sup>.
38. Advice provided to the applicant to date highlights that the current indicative drawings do not recognise space that may be needed for some of the proposed infrastructure options (e.g., space for wetland). This in turn may affect the committed yield.
39. The applicant advises that proposed SHA can be serviced by the developer at no cost to, and without unforeseen or adverse financial or environmental costs on, the Council or infrastructure providers.
40. A detailed evaluation by the Council's infrastructure team will need to confirm that this is the case. The applicant has confirmed they are willing to work with Council on an appropriate private development agreement in respect of these obligations including any new infrastructure or upgraded infrastructure required as a consequence of more detailed assessment
41. **Maui St and Eagle Way**
42. The SHA proposal is a residential development of approximately 6.4 ha in area. The majority of the application site is zoned Industrial with a portion of the northeast area of the site located within the Industrial Amenity Protection Area as it adjoins the Residential Zone (see Appendix 1).
43. The site is part of a wider area of land which comprised the former Porter Group and Eagle Spares operations. The parent land has access and frontage to Te Rapa Road, Maui Street and Eagle Way/Karewa Place
44. The District Plan already provides for some non-industrial activities on the subject site over and above the standard Industrial Zone provisions. The site is enabled to establish typically non-industrial uses including managed care facilities, retirement villages and rest homes.
45. A preliminary development concept has been prepared which indicates the site can accommodate up to approximately 186 new dwellings. A range of typologies are proposed including 2 and 3 bedroom duplex dwellings, terraced dwellings, 4 bedroom dwellings and apartments.
46. The development concept achieves a gross density of 32 dwellings per hectare, and provides a range of lot sizes from approximately 150m<sup>2</sup> to 350m<sup>2</sup>
47. Council will need to determine through evaluation of the information provided whether there is sufficient information available to identify that the sub-catchment can be adequately serviced with stormwater infrastructure to allow urban development, and therefore recommend identification as an SHA.
48. The applicant has confirmed their willingness to will work with Council on an appropriate development agreement to establish certainty in respect of these obligations.
49. **Te Awa Lakes**
50. Two SHA applications have been lodged on the Perry's site in the north of Hamilton City that is bounded by the Te Rapa Bypass to the west and north, the Waikato River to the east and Hutchinson Road to the south (see Appendix 1).

51. This area is currently subject to a private plan change application 'Te Awa Lakes' which was accepted by Council for processing on 21 September 2017. The private plan change covers an area of 62ha in Te Rapa North and comprises of the Te Awa Lakes Major Facilities Zone (comprising of an adventure park and visitor accommodation).
52. The two SHA applications received include:
  - Area A is for 100 residential units over 7.5ha adjoining the northern side of Hutchinson Road.
  - Area B is for 1000 dwellings over 50ha of the Perry's site. Area B has the same layout and density as the private plan change but it excludes the Major Facilities Area and part of the business zone.
53. At this stage it is not clear from the information submitted whether SHA Area A as applied for contains the same level of commercial mixed use, major facilities and tourism land use as applied for in the Plan Change. Equally, Area B applied for in the SHA application contains a different spatial extent referred to as Area A.
54. Section 14 of the HASHAA is quite clear that a qualifying development for an SHA proposal is required to be 'predominantly residential'. As such further information has been sought from the applicant in order to better understand the precise component mix of each SHA's applied for.
55. Under the scheduling requirements of Section 16 of HASHAA, the provision of adequate infrastructure to service the development is a primary consideration and requirement prior to recommending to the Minister.
56. The applicant has provided an infrastructure assessment that will need to be evaluated by Council given that the demand for 100 and 1000 dwellings combined with any commercial component respectively may place additional pressures on the existing infrastructure network over and above the current industrial land use envisaged.
57. Should Council decide to proceed with evaluation of this site other outstanding issues that will need to be evaluated in more detail are those identified in Clause 15 of the SHA Policy which include location considerations and the extent to which the proposal affects the Councils ability to meet its statutory requirements under the National Policy Statement on Urban development Capacity.
58. **Rotokauri North**
59. This SHA proposal is in the north-western corner of the Rotokauri Structure Plan area, to the south of Te Kowhai Road. The land is currently zoned Future Urban under the Hamilton City District Plan. The EOI for this site covers approximately 53-60ha. The area of the requested SHA falls into a distinctive catchment, and the applicant has sought to purchase land to enable stormwater to be managed (through securing the downstream sites) and for infrastructure and roading connections to be achieved (through securing sites with key road frontages).
60. The land subject to the SHA request will accommodate approximately 800 to 1,000 dwellings. Development of this area would be well ahead of the timeframes identified in the LTP. If the SHA is confirmed, the applicant would seek to undertake a private plan change and subsequent development of the land through qualifying development consents.
61. Initial infrastructure technical work has been started for this proposal by the applicant and it is the applicants aim that the that infrastructure to support the proposed development can be provided by the developer at no cost to, and without unforeseen or adverse financial or environmental costs on, the Council or infrastructure providers.

62. Given the scale and location of this proposal and significant network infrastructure timing issues most recent discussions to date have indicated that the site would benefit from a more detailed master planning process to determine the final development pattern.
63. It is recommended to Council that staff continue to work with the Council to satisfy the requirements of the Hamilton Housing Accord Policy and the purpose of the HASHAA prior to bringing back this site to Council for full consideration to the Minister.
64. **Tawa St**
65. Habitat for Humanity and the Gallagher Charitable Trust have submitted an EOI on a site in Melville, that would be accessed off Tawa Street.
66. The site identified and high level indicative layout is attached in Appendix 1. The site is currently zoned industrial and forms a small part of the existing Gallagher Industrial Estate. It is bordered by Gallagher Group to the north, Tawa Street Industrial Estate and residential housing in Tawa Street to the south which will also provide access to the development.
67. The initial concept for this site will involve establishing a mixed tenure community on land held by the trust. The community will be multi-unit in its design with up to 42 dwelling units and is proposed to offer a range of tenures such as social rental, affordable private rental and home ownership.
68. The extent to which the additional traffic impacts can be mitigated and existing infrastructure is able to service the development in order to comply with the SHA Policy and HASHAA will be subject to a full infrastructure and traffic report to be provided by the applicant at a later stage, at this point the proposal will require further evaluation before staff and Council are in a position to make a recommendation to the Minister.

## Other matters

69. Private Developer Agreements
70. In accordance with Clause 19 of the Policy, if a proposal is accepted in principle, Council will enter in to negotiations with the applicant to secure adequate infrastructure to service these sites. This will be achieved through a private developer agreement (PDA) between Council and the proponent before recommendation to the Minister.
71. The content or head of terms set out in the developer agreement will depend on the information provided by the applicant at this stage and the level of confidence Council has that there is or will be adequate infrastructure provided to service the development at no cost to council either now or into the future.
72. Due to the scale of the SHA proposals at Rotokauri, Te Awa Lakes and Eagle Way there are considerable infrastructure requirements for three waters – water, wastewater and storm water and it is therefore likely these sites will need a PDA to secure adequate infrastructure to service these sites at no cost to council .
73. Section 16 of HASHAA requires the Minister has certainty that adequate infrastructure to service the qualifying development in the proposed SHA either exists or is likely to exist, having regard to the relevant local planning documents, strategies and policies.
74. In accordance with the SHA Policy, once a full evaluation has been undertaken the proposals will be reported back to Council and if accepted, Council will then enter into negotiations with the proponent to secure a development agreement.
75. Inter-relationship with District Plan and consenting process
76. Establishing SHAs is essentially the first of two legislative steps required in terms of realising development.

77. Once SHAs are established and once approved by Council and subsequently recommended by the Minister, resource consent for 'qualifying developments' may be made to Council.
78. Establishment of SHAs is enabling but does not guarantee an increase in housing in itself. This process relies on private developers coming forward with an application.
79. Urban Design
80. The level of design detail received for EOI proposals at this stage is confined to concept level only although some proposals received such as Jebson Place have provided more design detail than others.
81. Applications for resource consent for qualifying developments would be required to address more detailed matters such as building height controls and design standards for bulk and location to avoid possible adverse effects on existing residential properties in neighbouring zones (such as shading or loss of privacy), and to promote good design outcomes.
82. These design expectations are reinforced in Section 34(1) (e) of HASHAA which requires applications to be assessed against the Ministry for the Environment's Urban Design Protocol.
83. It is important to note that changes in design, siting and layout at QD stage and the need for additional soft infrastructure by way of parks, reserves or open spaces may result in a lower yield than first stated in the EOI.
84. Public Feedback
85. The issue of public feedback has been previously considered in the SHA Policy report in August this year. Whilst HASHAA is silent on public consultation prior to recommendation to the Minister, the Council is still required to meet the criteria for good decision making as set out in Part 6 of the LGA 2002.
86. The SHA Policy simply requires that consideration be given to whether feedback is necessary and, if so, to what extent.
87. On the basis that the majority of SHA proposals received are in industrial zones and not anticipated for residential activity and once recommended to the Minister and gazetted any opportunities for consultation are limited to immediately adjoining landowners. It is recommended that a minimum period of three week public feedback is sought on all SHA proposals received.
88. All feedback will be reported back to Council to help them make an informed decision on whether to recommend an SHA proposal. The only exception to this being the Jebson Place SHA which is recommended for consideration in a separate report.
89. NPS-UDC
90. Many of the EOI's received propose residential development on existing industrial employment land.
91. Both Clause 15 of the Council's SHA Policy and the Hamilton Housing Accord require that there is consideration given to the Council's ability to meet its statutory requirements under the NPS-UDC. Furthermore previous advice to Council in the SHA Policy setting has been that strategic land use planning considerations are appropriate matters to be evaluated at this stage.
92. The NPS acknowledges that urban development is largely dependent on the development of infrastructure and encourages integration and coordination of land use and infrastructure planning. It is a requirement of Councils now under the NPS-UDC to ensure that their plans provide enough commercial feasible land supply to meet projected employment or non-residential demand.

93. It is therefore recommended that all those SHA industrial sites are evaluated having regard to this statutory obligation.

### Next Steps

94. It is recommended that Council proceed to seek public feedback on all those sites identified in Appendix 1 and evaluate SHA proposals in accordance with HASHAA and Section 18 of the approved Policy.
95. For those sites that meet SHA Policy criteria requirements, including certainty around infrastructure servicing in accordance with Section 16 of HASHAA take a report back to Council for recommendation to Minister subject to a PDA where necessary.
96. If a SHA is recommended to the government then it would go through a number of formal channels involving the government of the day and cabinet taking approximately 10-12 weeks.
97. If the Minister gives approval to the SHA proposal, an order is made in Council for sites to be formerly established.
98. The **indicative** timelines for this process will vary depending on the nature and scale of the SHA proposals that have been received and the level of outstanding information required to evaluate them, however assuming Council approve the EOI's in Appendix 1 for evaluation and proceed to seek public feedback on them an indicative timeline is as follows;
- First Tranche SHA EOI proposals receipt deadline -29 September
  - Public feedback sought (three weeks) -Oct/Nov
  - 1st Tranche Assessment -Oct/Nov
  - 1st Tranche SHA recommended to Council - Dec
  - Government approval of 1st Tranche -Jan 2018
  - 'Qualifying development' applications received -Feb onwards\*
- \*(This is up to the applicant)

### Financial Considerations

99. SHA evaluation costs
100. In accordance with Section 22 of the approved SHA Policy, once an SHA proposal is lodged with Council, all Council staff time and other consultant costs required to evaluate SHA proposals are cost recoverable.
101. The experience of other Accord Councils is that that assessment of SHA proposals has always added significant resourcing requirements beyond the business as usual RMA consenting processing.

### Risks

102. Some SHAs will need consultant review and PDA negotiations and preparation which may take time and, depending on complexity, involve a cost to the applicant which may slow down reporting time.
103. The development yield shown at this early stage in EOI's may be inflated until such time as more detailed urban design matters on siting and layout are considered as part of qualifying consents stage and in cases where no parks, reserve or open space is defined and subsequent infrastructure assessments may show a reduced number of dwellings or different site layout is required.

104. Risk of not proceeding to evaluate or seek public feedback
105. Without evaluation in accordance with the Council's adopted Policy, the processing of SHAs may be at odds with the strategic direction of the City, LTP, and Infrastructure Plan and could either individually or cumulatively erode commitments to pursue HIF and other growth funding scenarios.
106. If opportunities for public feedback are not forthcoming during evaluation of SHA proposals prior to Council decision making and subsequent recommendation to the Minister then this may expose Council to the undue legal risk resulting from the absence of a clearly defined and transparent approach to assessing applications for SHAs.

## Significance & Engagement Policy

### Significance

107. Staff considered the following factors under the Significance and Engagement Policy:
- The level of financial consequences of the proposal or decision required.
  - The portion of the community affected by the proposal or decision.
  - The likely impact on the community, recognising Maaori culture values and their relationship to land and water.
  - The proposal affect the level of service of a significant activity (including commencing or ceasing an activity or involves transfer the ownership or control of strategic assets.
  - Community interest is high.
108. Based on these factors, staff have assessed that the evaluation and consideration of SHA's received is of high significance.

### Engagement

109. Given the high level of significance, staff recommend that engagement is proceeded with all expressions of interest received. An engagement period of three weeks is proposed for each expression of interest received.

## Attachments

Attachment 1 - Schedule of proposed areas with concept designs and location maps .

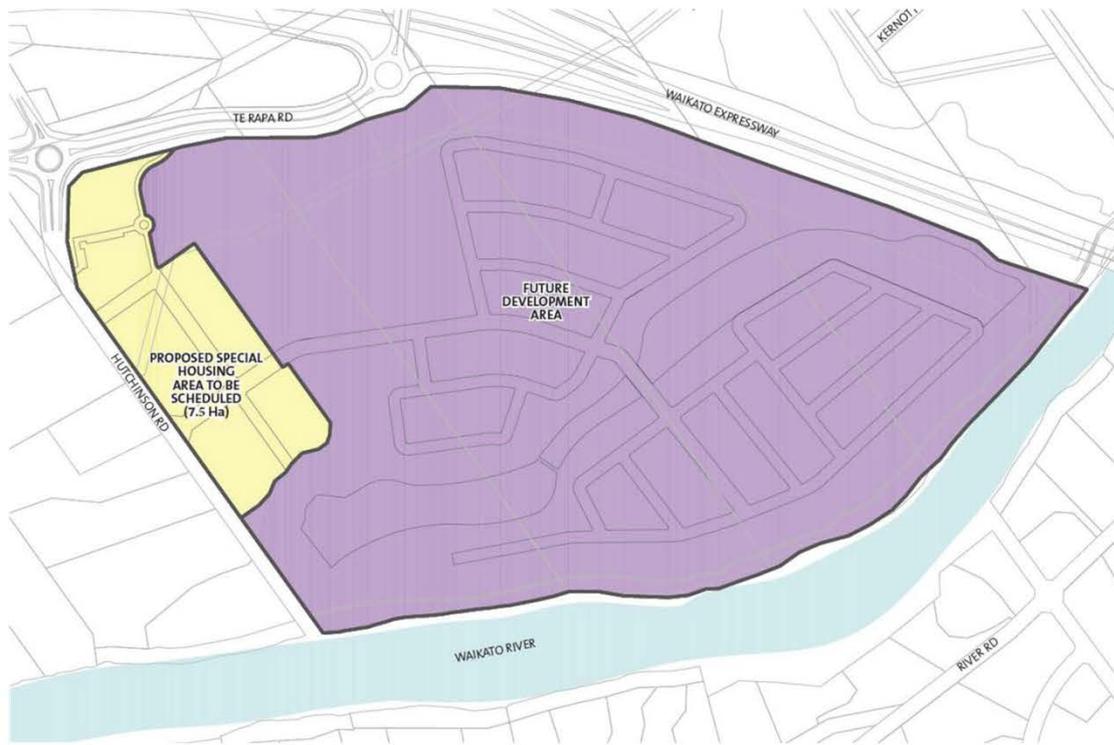
## Appendix 1

Schedule of Expressions of Interest for the Establishment of Special Housing Areas: September 2017												
SHA Applications: September 2017 Tranche 1	Land Owner/s	Applicant	Comments	Estimated Timeframe to Recommendation to the Minister	Size (Ha)	Scale (Dwellings)	Yield (Dwellings per Ha)	Height (Stories/ Meters)	Current District Plan Zone	Infrastructure	Design Quality	Requires PDA
Rotokauri	Green Seed Consultants Ltd (HCC data has various owners registered)	Green Seed Consultants Ltd	Extensive PDAs required. Clarification to what level of resilience council will request from the infrastructure.	2018	53-60	800-1000	14-17	1 & 2	Future Urban Zone	Review of EOI required	Wants to achieve exemplary outcomes through a master plan	Yes
Te Awa Lakes A	Horotiu Farms Limited	Perry Group	Concept level for application a & b needs clarity on residential / non residential split	2018	7.5	100	15/20	10m	Te Rapa North Industrial Zone	Claim this development utilises existing infrastructure	No concept plan, seeking further information	TBC
Te Awa Lakes B	Horotiu Farms Limited	Perry Group	Concept level for application a & b needs clarity on residential / non residential split	2018	50	1000	Average of 24 excluding roads and reserves	10m	Te Rapa North Industrial Zone	Review of EOI required	Addressed	Yes
Gilbass	Foster Develop Ltd, AJ & LS McLaughlan	Fosters Develop Ltd	Area subject to 3 waters constraints. The concept drawings do not recognise space for infrastructure solutions which may be required.	December 2017	2.1	56	26	1 & 2	Majority of the site is zoned Industrial (Industrial Amenity Protection) with 664m <sup>2</sup> zoned General Residential	Review of EOI required	To be confirmed at qualifying development consenting stage. The applicant agrees in principal with the design quality standards.	Yes
Gallagher	Gallagher Charitable Trust	Habitat for Humanity	Indicative concept plan shows social housing potential from Habitat for Humanity.	2018	1.7	42	25	1 & 2	The site is zoned Industrial with the majority being within the Industrial Amenity Protection Area	No reports provided yet	Little evidence is supplied but it is assumed that Habitat will deliver good quality design outcomes.	TBC
Old Porters HQ	Porter Developments Ltd, Eagle Spares Ltd, Murray Forsman Porter & Robin Arthur Porter & Others	Robert Dol, Porter Development Ltd	Design, layout and infrastructure issues need to be worked through.	2018	Approx. 6 of 11.5	186	32	1, 2 & 3	Majority of the site is zoned Industrial with approximately 8000m <sup>2</sup> within the Industrial Amenity Protection Area	Review of EOI required	Urban Design commentary provided by Chow Hill	Yes

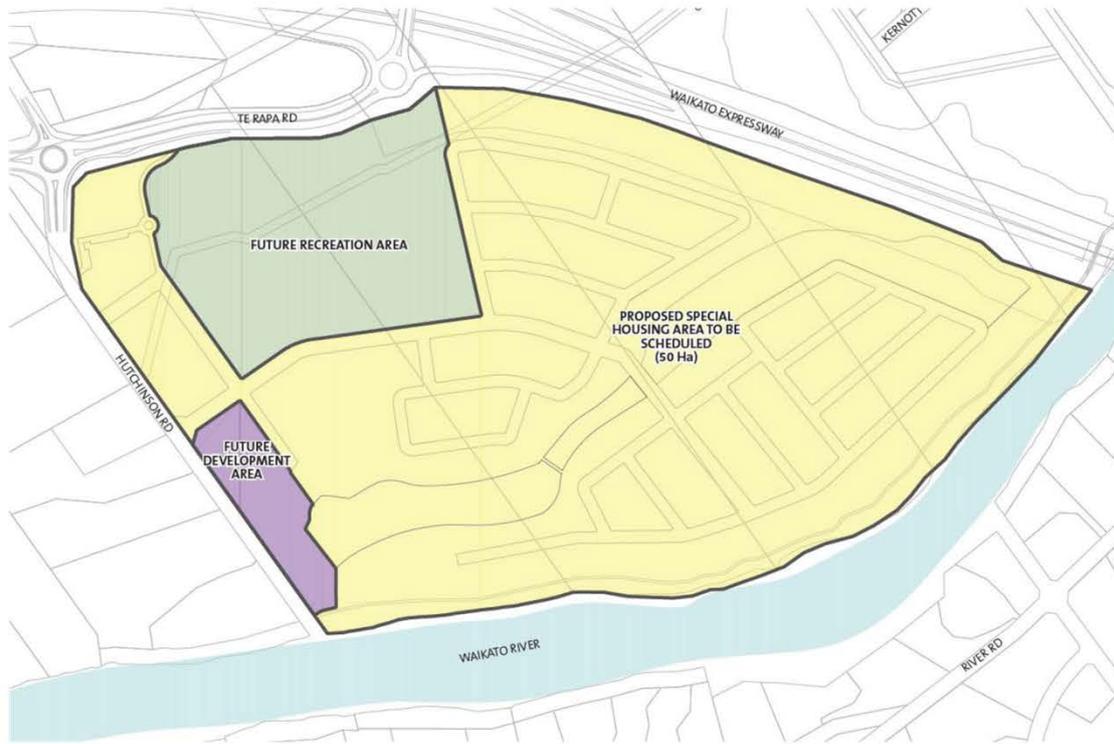
**Rotokauri: Zone and Aerial**



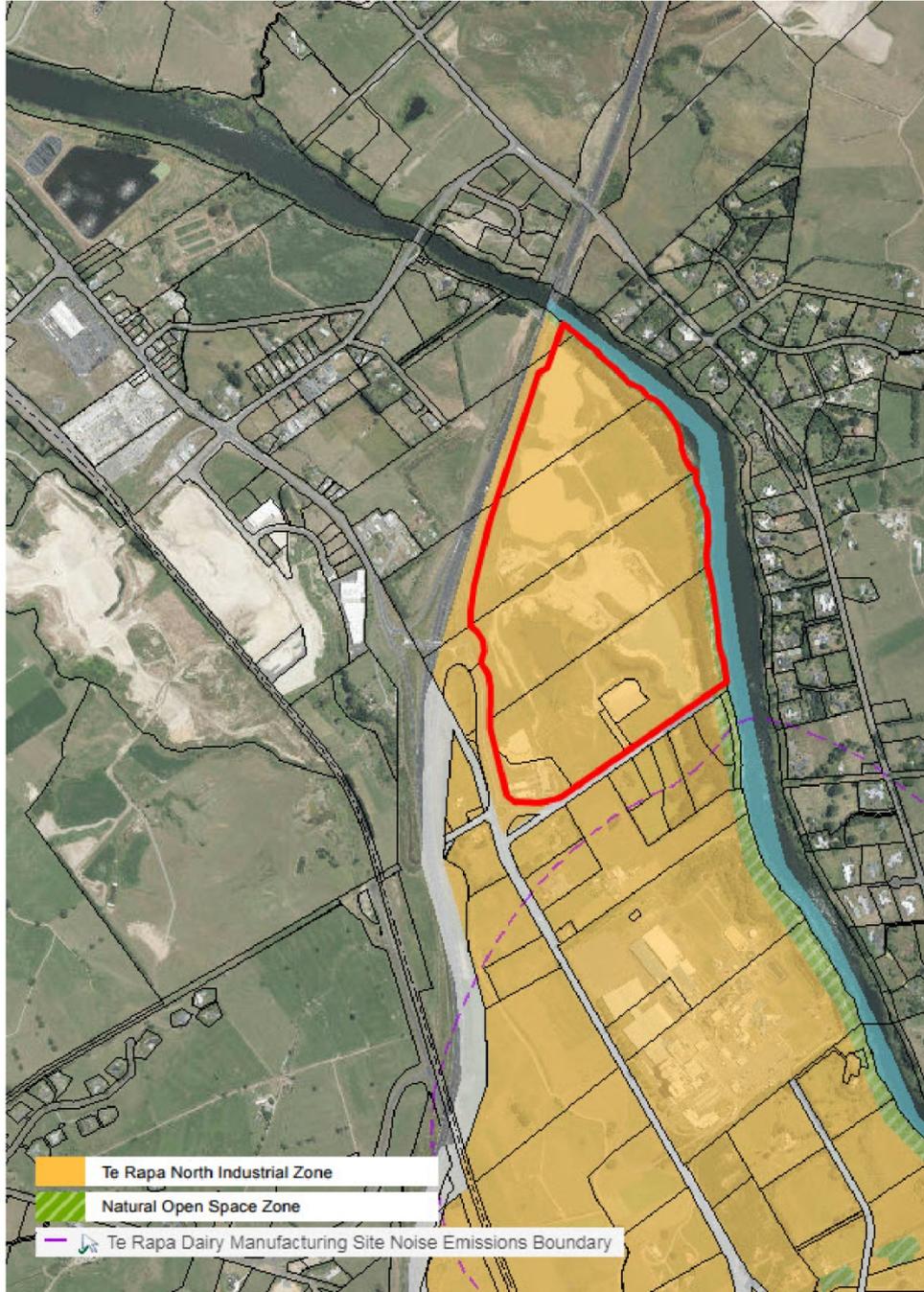
### Te Awa Lakes Application A



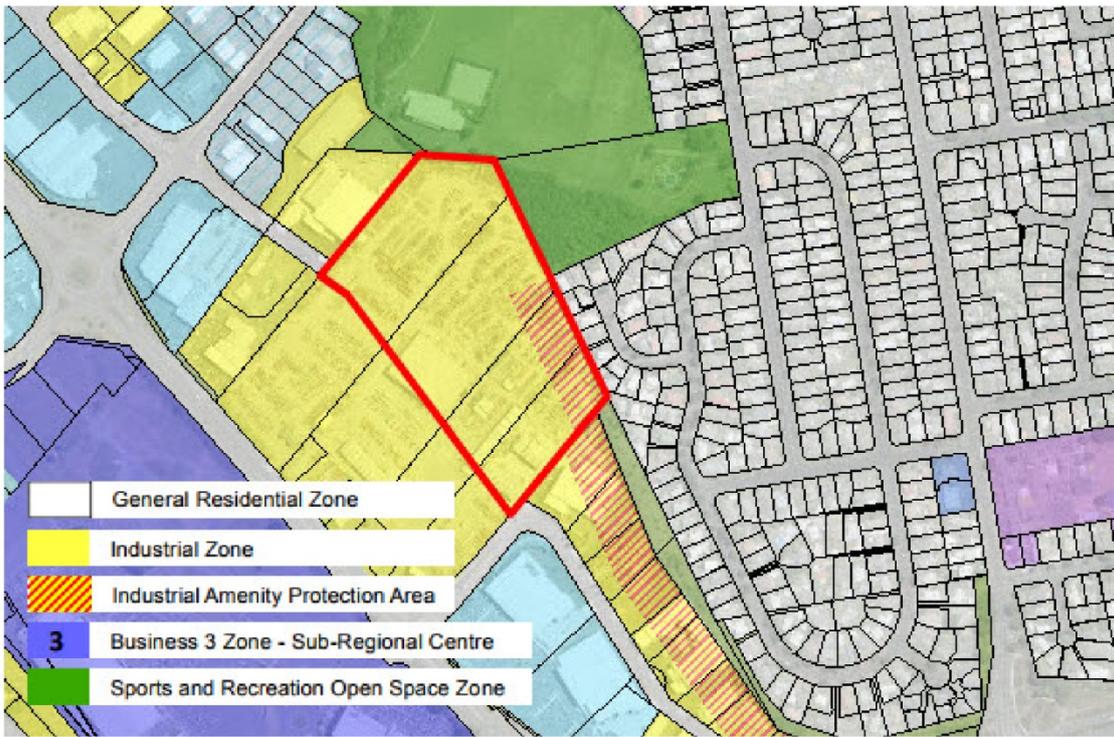
### Te Awa Lakes Application B



**Te Awa Lakes: Zone and Aerial**



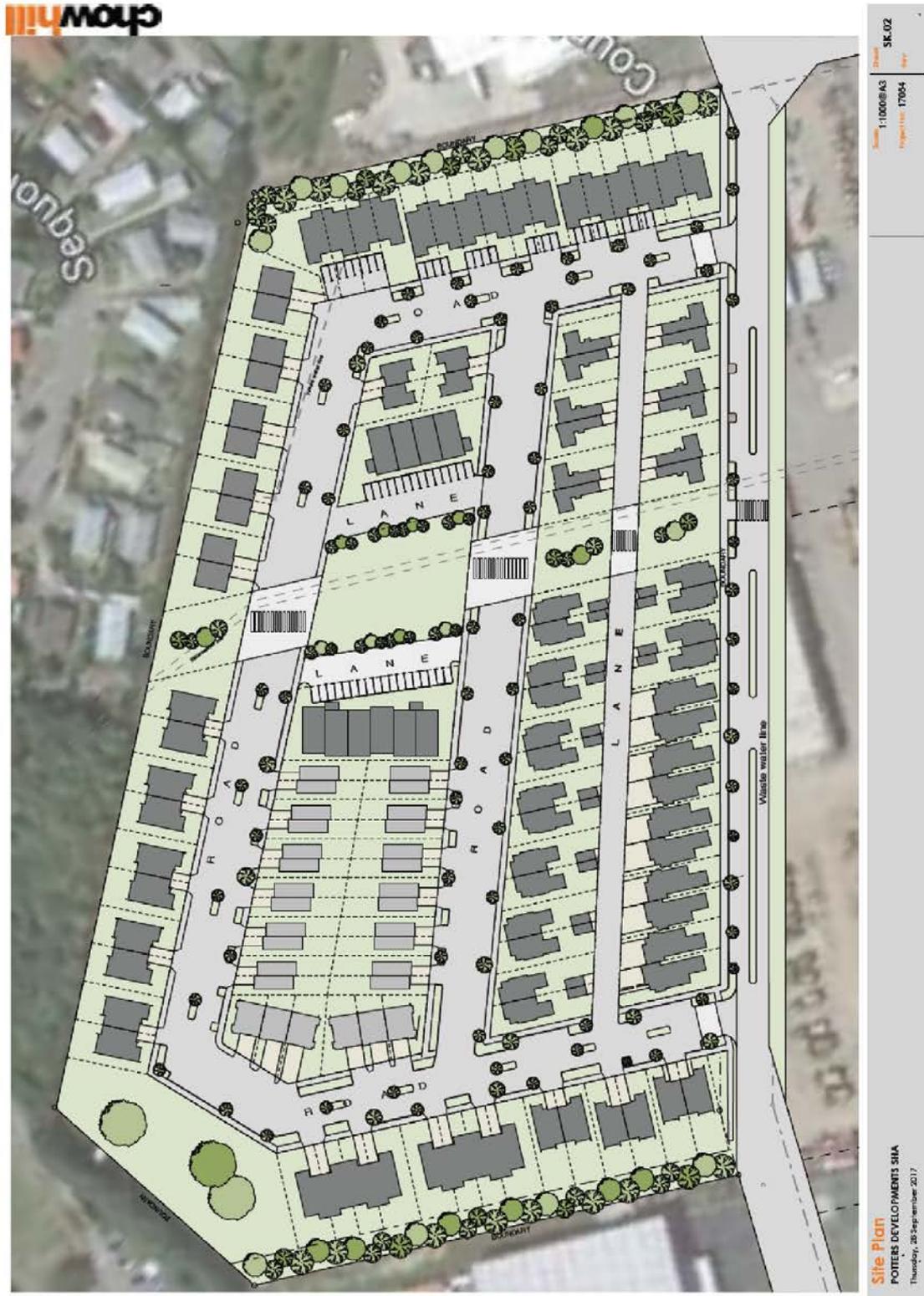
Old Porters Head Quarters: Zone



Old Porters Head Quarters: Aerial



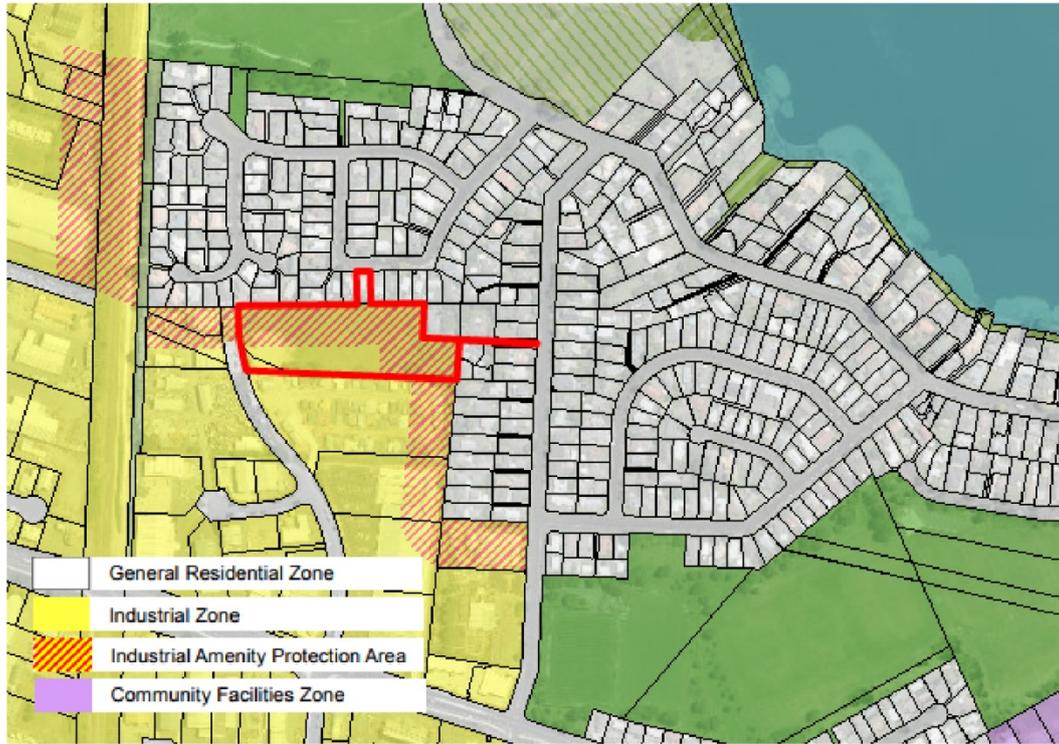
# Old Porters Head Quarters: Indicative Concept Plan



Item 10

Attachment 1

Gilbass: Zone



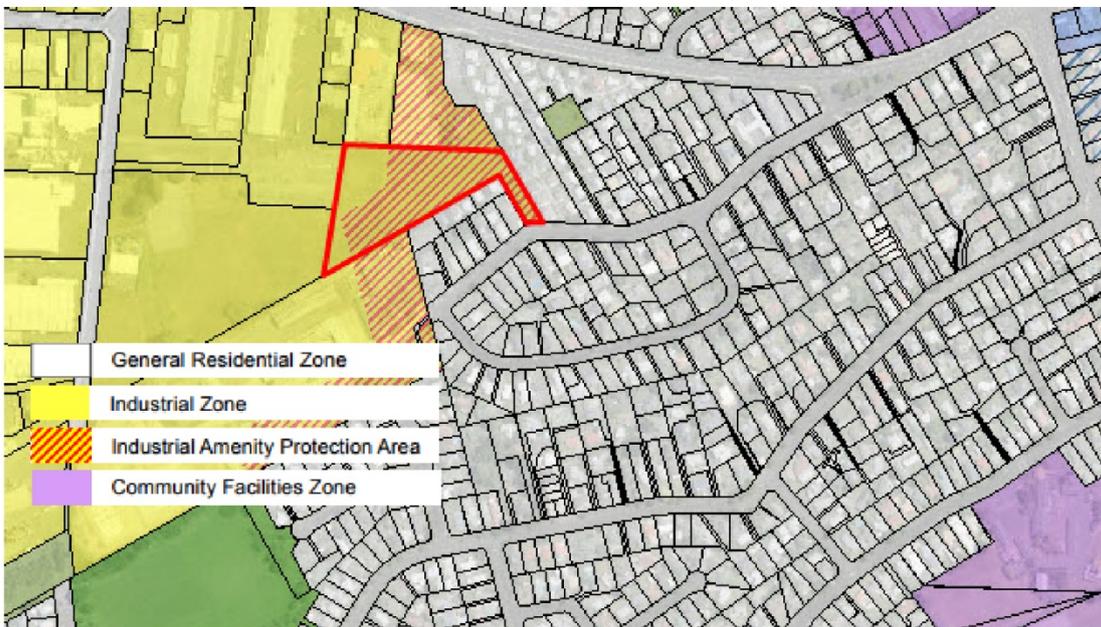
Gilbass: Indicative Concept Plan



**Gallagher: Indicative Concept Plan**



**Gallagher: Zone**



Gallagher: Aerial



# Council Report

Item 11

**Committee:** Council **Date:** 18 October 2017  
**Author:** Luke O'Dwyer **Authoriser:** Kelvyn Eglinton  
**Position:** Economic Growth and Planning Unit Manager **Position:** General Manager City Growth  
**Report Name:** Special Housing Area Application - Jebson Place Residential Development

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To obtain Council's approval to recommend the Expression of Interest (EOI) at Jebson Place or street address 5A Cassidy Street be advanced for recommendation to the Minister for Building and Construction as a Special Housing Area (SHA).

## Staff Recommendation

2. That the Council:
  - a) receives the report; and
  - b) recommends to the Minister for Building and Construction pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Jebson Place or street address of 5A Cassidy Street listed by the land parcels identified in Schedule 1 as shown on the proposed SHA map set out in **Attachment 1. Subject to the receipt of a report that demonstrates that all infrastructure necessary to service the proposed SHA is available or will be made available by the developer at no cost to the Council in advance of all identified infrastructure demand arising then;**
  - c) confirms for the purpose of section 16 of the Housing Accords and Special Housing Areas Act that it is satisfied that:
    - (i) there is evidence of demand to create qualifying developments in the SHA
    - (ii) there is demand for residential housing in the SHA
  - d) recommends to the Minister for Building and Construction pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has prescribed criteria as follows:
    - I. the maximum calculated height of dwellings shall be 10m
    - II. the SHA shall not contain fewer than 80 dwellings
  - e) delegates authority to the Chief Executive to receive and accept the assessment identified in b) above prior to recommending to the Minister for Building and Construction and enter into negotiations with the proponent to secure a development agreement to secure provisions on necessary infrastructure, if required.

## Executive Summary

3. The purpose of the SHA Policy is to give effect to the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and the Hamilton Housing Accord.
4. The Council invited Expressions of Interest (EOI) for potential SHAs in accordance with its SHA policy between 4 September and 29 September 2017.
5. A full schedule of the six EOIs received, with scale, estimated yield, zoning and site area information is included by way of a separate report.
6. Of those EOIs received it is recommended to the Council for the reasons set out in this report that the Jebson Place SHA be referred to the Minister for Building and Construction for SHA declaration
7. This site was recently consented for 71 residential dwellings and the SHA proposal is only nine units above the existing consented baseline.
8. An evaluation of this site against the SHA Policy criteria (See Attachment 1) is set out below, which is a necessary pre-condition for the EOI to be considered by the Minister to enable SHA declaration.
9. The Council (and also the Minister) under Section 16 of HASHAA needs to be satisfied that:
  - Adequate infrastructure exists or is likely to exist to service the development;
  - There is evidence of demand from the developer to undertake the development;
  - There will be demand for residential housing in the proposed SHA.
10. In recommending to the Minister that a SHA be established, the Council may prescribe criteria that would apply to a qualifying development within a SHA. Such criteria are limited by HASHAA to building height, the minimum number of dwellings to be built and a percentage of affordable dwellings.
11. The Council resolved in August 2017 that the SHA Policy did not prescribe a minimum proportion of affordable dwellings and as such no percentage criteria are recommended to the Minister.
12. However, as part of this proposal the Waikato-Raupatu Lands Trust endeavours to provide 10%-20% of their dwellings as affordable housing, which is commended.
13. The staff recommendation is that the proposed SHA requested can be recommended by the Council to the Minister of Housing in accordance with Section 17 of HASHAA, with criteria covering maximum dwelling height and yield.
14. In line with the SHA policy, if a proposal is accepted in principle the Council will then where relevant enter into negotiations with the proponent to secure, through a development agreement the necessary infrastructure required to service the proposal.
15. At the time of writing a full infrastructure assessment for the additional 9 units proposed above the existing extent consent on the site has not been received.
16. This report recommends to the Council that subject to the receipt of a satisfactory infrastructure assessment that demonstrating that all infrastructure necessary to service the proposed SHA is available or will be made available by the developer at no cost to the Council in advance of all identified infrastructure demand arising then the CEO be authorised to recommend this site to the Minister for Building and Construction.
17. It is not anticipated that a developer agreement will be required for this SHA, however if one is necessary then the report also requests CEO delegation to enter into such an agreement.
18. Staff consider the decision low significance and that the recommendations comply with the Council's legal requirements.

## Structure of this report

19. This report covers the following matters:
  - Context and background
  - A detailed Policy evaluation of the Jebson Place EOI
  - Next steps; and
  - Financial and risk matters

## Context and background

20. [Housing Accord and Special Housing Areas Act 2013](#)
21. The purpose of the [Housing Accord and Special Housing Areas Act 2013](#) (the Act) is to “enhance housing affordability by facilitating an increase in land and housing supply in certain regions and districts” listed in Schedule 1 of the Act.
22. Hamilton was added to the Schedule 1 of the Act in 2015.
23. The Act does not require the Council to set affordability measures or address social housing needs. The Act, in section 14(1d), specifies that the Council *may* also prescribe that any development within in Special Housing Areas (SHAs) must contain a percentage of affordable dwellings.
24. [Hamilton Housing Accord](#)
25. The [Hamilton Housing Accord](#) (the Accord) was signed by Mayor King and Building and Construction Minister Nick Smith on 22 December 2016 and approved by Council on [8 February 2017](#).
26. As outlined in the report to Council on the 8 February 2017, the Accord enables Hamilton City Council to utilise the provisions of the Act to advance housing supply, in areas that HCC would consider suitable for housing, via Special Housing Areas (SHAs).
27. An SHA may be declared in areas of the city which are currently not zoned for residential activity and any ‘qualifying development’ within an identified SHA becomes eligible for a ‘fast track’ resource consent process.
28. [SHA Policy](#)
29. On 20 June 2017 the Growth and Infrastructure Committee considered and approved the draft Special Housing Areas Policy for public consultation for a period of three weeks (22 June 2017 to 17 July 2017).
30. The public hearing of the draft Special Housing Policy was also held on [3 August 2017](#) at the Regulatory and Hearings Committee meeting.  
The Council approved its SHA Policy on the [24 August 2017](#).
31. The Hamilton Housing Accord (the Accord) was signed by Mayor King and Building and Construction Minister Nick Smith on 22 December 2016 and approved by the Council on 8 February 2017.
32. As outlined in the report to the Council on the 8 February 2017, the Accord enables Hamilton City the Council to utilise the provisions of the Act to advance housing supply, in areas that HCC would consider suitable for housing, via Special Housing Areas (SHAs).
33. An SHA may be declared in areas of the city which are currently not zoned for residential activity and any ‘qualifying development’ within an identified SHA becomes eligible for a ‘fast track’ resources consent process.

## Detailed evaluation of Jebson Place

34. Jebson Place EOI is considered to be sufficiently advanced and to have met the criteria of both the SHA Policy and HASHAA to be recommended to the Minister for SHA declaration. As such, a more detail evaluation against the Council Policy and HASHAA is set out below
35. The full application of the Jebson Place SHA proposal is shown in Attachment 3. A site location map is provided in Attachment 2.
36. **Site information and background**
37. The site is located in Hamilton East, a unique triangular shaped site bounded by Dey Street to the east, Old Farm Road to the west and Cassidy Street to the south. The site was developed in the early 1960s by the NZ government for social housing and historically contained a mix of one and two- storey duplexes and apartments.
38. The site has been progressively vacated since March 2012 and is now vacant. In March 2017 Housing New Zealand obtained resource consent approvals from the Council to redevelop the site.
39. **Why recommend the site now?**
40. A clear distinction can be drawn between this site for early consideration and the other EOIs received as set out below:
- This site was recently consented for 71 residential dwellings and the SHA proposal is only 9 units above the existing consented baseline;
  - This application was originally non-notified under the RMA consent process;
  - The site is zoned for residential and already has express acknowledgement in Clause 15c) in the SHA Policy;
  - The Council is confident that any additional infrastructure effects for the nine units can be dealt with at Qualifying Development (QD) consent stage.
  - The site has a ready and willing landowner partnership in Waikato-Tainui and Housing New Zealand who are ready to expedite development on this site to provide a level of affordable housing as quickly as possible.
  - There is clear evidence of demand for residential housing in this proposed SHA.
41. The information contained in Attachment 2 would be forwarded to the Minister should the Council resolve to recommend the site as a SHA.
42. A brief outline of the key aspects of the EOI and how it meets the Council's SHA policy is provided below.
43. Clause 14 a- c of SHA Policy
- a) It is considered that development of this SHA will achieve the purpose of HASHAA in a manner consistent with the Accord;
  - b) Development will place no additional financial burden on the Council compared to no development occurring either now or into the future and
  - c) All infrastructure necessary to service the proposed SHA will be made available by the developer at no cost to the Council in advance of all identified infrastructure demand occurring.

44. Demand for Qualifying Development (Clause 15a)
45. Waikato-Raupatu Lands Trust has entered into an agreement with Housing New Zealand to purchase the main portion of the site and develop 50 stand-alone units. These are on smaller lot sizes than originally consented but will provide for an additional 9 units on this site with 30 Housing New Zealand units remaining on the Dey Street frontage.
46. The proposed development provides a mix of housing typologies, house and section sizes which is supported under the Hamilton Housing Accord.
47. The development objectives are to provide for 10%-20% of affordable housing under the Waikato-Tainui's first-time buyers scheme for their part of the site.
48. Section 14 of the HASHA provides the meaning of a **qualifying development**. In this Act, a qualifying development in a special housing area is a development:
- a) That will be predominantly residential; and
  - b) In which the dwellings and other buildings will not be higher than:
    - (i) Six (6) storeys (or any lesser number prescribed); and
    - (ii) A maximum calculated height of 27 metres (or any lower maximum calculated height prescribed); and
  - c) That will contain not fewer than the prescribed minimum number of dwellings to be built, and;
  - d) That will contain not less than the prescribed percentage (if any) of affordable dwellings.

Qualifying Development Criteria	Explanation
Predominantly Residential	The proposal is entirely residential.
Not be higher than 6 storeys	The proposal contains no dwellings over 6 storeys. It is proposed that dwellings are a maximum of 2 storeys.
A maximum calculated height of 27m	The proposal contains no development over 27m. It is proposed that all dwellings will be under 10m in height.
Does not contain fewer than prescribed minimum number of dwellings	The Hamilton Special Housing Area Policy sets a minimum delivery of 10 dwellings. The proposal seeks to deliver 80 dwellings. 50 for Waikato-Raupatu Lands Trust and 30 for HNZA.
Does not contain fewer than the prescribed percentage (if any) of affordable dwellings	There is no prescribed minimum proportion of affordable dwellings. Waikato-Raupatu Lands Trust however proposes to provide 10-20% of their dwellings as affordable housing.

49. Therefore, the proposal at Jebson Place is deemed a **qualifying development** under section 14 of the HASHAA.

50. Section 15 of the HASHAA details the criteria that the Council may prescribe to the Minister when recommending a SHA site. These include:
- a) The maximum number of storeys, less than six (6), that buildings may have;
  - b) The maximum calculated height, less than 27metres, that buildings must not exceed and;
  - c) The minimum number of dwellings to be built.
51. The staff recommendation outlines the prescribed criteria to include a maximum 10m height limit on this site and minimum number of 80 units to be delivered. This is aligned with the expectations of the applicant in their proposal.
52. The 10m height limit is considered appropriate for this SHA given the existing height limit for this zone is 7m-8m (depending on dwelling siting) and the existing consent already infringed this height limit.
53. It is further considered that given the existing separation of this site with the surrounding Special Character Zone and its road separation that a maximum 10m building height can be accommodated in this location without detriment to the surrounding character and amenity of the area.
54. Detailed siting, bulk and location will be considered as part of a qualifying development consent application.
55. Predominantly Residential (Clause15b)
56. The proposed site is entirely residential with the primary purpose of delivering housing supply.
57. Locational Considerations (Clause 15c)
58. The site is within an existing residential zone. Whilst a Special Character Zone, the SHA Policy already has express recognition of the existing consent for 71 residential units on this site. Furthermore it has previously been considered in the existing consent that this triangular self-contained site is very much separate from the surrounding residential character of Hamilton East.
59. The site is well located in close proximity to existing services and amenities and within a five minute walking distance of Hamilton East Suburban Centre, adjacent to a park and on an established bus route.
60. Residential development in this location is well aligned with the Council's strategic land use framework and those strategic documents identified in paragraph 3 of the Hamilton Housing Accord. That is, it would give effect to the policy around enabling infill housing, and would be enabled in a zone set aside for residential development.
61. The project does not pose a risk to the strategic land use settings currently in place and developed by the Council.
62. Residential development in this location represents a regeneration infill opportunity, replacing the previous 58 dwellings in this location that were in poor condition and offering no positive benefit to the exiting residents or wider locale.
63. Infrastructure (Clause15d)
64. The infrastructure assessment undertaken for the existing consented 71 dwellings on this site demonstrated there was sufficient capacity in the network and no private developer agreement was required as part of the resource consent.

65. Even so, before formal recommendation to the Minister is made, staff recommend the applicant be required to submit a report to the Council demonstrating that the additional nine residential units contemplated in the scheme can also be accommodated by the network to the satisfaction and at no cost to the Council
66. This report recommends that subject to the receipt of a satisfactory report from the applicant that demonstrates to the Council that there is adequate infrastructure to service the SHA and number of units proposed then this clause will be met.
67. Scale (Clause 15e)
68. The proposal SHA site will contain 80 dwellings exceeding the 10 unit threshold.
69. Design Quality (Clause 15f)
70. This proposal given the consented baseline on the site is the more advanced of all SHA proposals received. It has provided adequate details on typology, siting, design and layout detail to meet the Policy.
71. Development agreement (Clause 15g)
72. The materiality of effect on the additional infrastructure requirement resulting from the additional nine units proposed is unlikely to require a development agreement. However in the unlikely event this is needed the recommendation provides for the ability of the Chief Executive to enter into one.
73. As a result of the above, it is considered that the Jebson Place development satisfies all of the above criteria and the Council recommends to the Minister for Building and Construction pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Jebson Place or street address of 5A Cassidy Street as set out in Attachment 2 to this report.

## Other Matters

74. Urban Design
75. The internal layout of this SHA proposal is different to that previously consented there is a proposed realignment of the HNZ element of land along the Dey Street frontage with a new through road connecting Old Farm Road with Cassidy Street instead of Dey Street.
76. However, the principle of residential development remains the same and recommending scheduling of the site for an SHA is appropriate given the detail of the internal site layout, design standards and proposed new access onto Cassidy Street is a matter for consent stage.
77. The stage for more detailed consideration of design expectations is reinforced in Section 34(1)(e) of HASHAA which requires applications to be assessed against the Ministry for the Environment's Urban Design Protocol.
78. It is important to note that a change in design, siting and layout at QD stage and any identified need for additional soft infrastructure by way of parks, reserves or open spaces may result in a lower yield that first stated in the EOI.
79. Public Feedback
80. Public feedback is not considered necessary for this SHA given the consented baseline and previous non-notification of the consent.
81. Unlike other EOIs received the Jebson Place SHA is also within an existing zone anticipated for residential development and is expressly recognised in the SHA Policy which has already undergone a level of public feedback. On this basis it is considered that an exception can be made in this instance.

82. NPS-UDC
83. This site is within an existing residential zone and there is no loss of commercial land resulting from this application and therefore no assessment is required.
84. Overall evaluation against SHA Policy criteria
85. This EOI has been comprehensively evaluation against the criteria set out in the SHA Policy. The evaluation demonstrates a high level of consistency and alignment between the EOI and Council's policy position in respect of SHAs in Hamilton. This EOI is considered an excellent working example to "road test" as the first SHA to be recommended to the Minister.

### Next Steps

86. Should the Council resolve to recommend this SHA to the government, staff will await receipt of an infrastructure report from the applicant and subsequently review it. If found acceptable and in line with the recommendation of this report the Chief Executive will have delegated authority to proceed with recommendation to the Minister.
87. It would go through a number of formal channels involving the government of the day and cabinet taking approximately 10-12 weeks.
88. If the Minister gives approval to the SHA proposal, an order is made in the Council for this site to be formally established.
89. Once the SHA is formally established, the developer can apply for a Qualifying Development resource consent which is processed by the Council. Through the consenting process, detailed site specific issues will be refined and resolved. This is likely to be next year.

### Financial Considerations

90. SHA evaluation costs
91. In accordance with Section 22 of the approved SHA Policy, once an SHA proposal is lodged with the Council, all Council staff time and other consultant costs required to evaluate SHA proposals are cost recoverable.
92. The experience of other Accord Councils is that that assessment of SHA proposals has always added significant resourcing requirements beyond the business as usual RMA consenting processing.

### Risks

93. The development yield shown at this early stage in EOIs may be inflated until such time as more detailed urban design matters on siting and layout are considered as part of qualifying consents stage and in cases where no parks, reserve or open space is defined and subsequent infrastructure assessment may show a reduced number of dwellings or different site layout is required.
94. Because it is recommended that no further public consultation be undertaken, there is some risk of challenge to the Council's decision-making process. However, given the circumstances relating to this particular proposal, and consented development relating to the site currently, this risk is low.
95. Overall, while these risks warrant identification, this proposed EOI represents a low-risk SHA proposition to Council.

## Significance & Engagement Policy

### Significance

96. Staff considered the following factors under the Significance and Engagement Policy:
- The level of financial consequences of the proposal or decision required.
  - The portion of the community affected by the proposal or decision
  - The likely impact on the community, recognising Maaori culture values and their relationship to land and water.
  - The proposal affect the level of service of a significant activity (including commencing or ceasing an activity or involves transfer the ownership or control of strategic assets.
97. Based on these factors, and for reasons set out in this report, staff have assessed that the recommendation of Jebson Place to the Minister is of low significance.

### Engagement

98. Staff recommend that no engagement on this matter is required.

### Attachments

Attachment 1 - Special Housing Policy

Attachment 2 - Schedule and location maps

Attachment 3 - Full application for the Jebson Place Special Housing Area proposal (*Under Separate Cover*) .

First adopted:	N/A
Revision dates/version:	Deliberations Version –Recommended (option1)
Next review date:	N/A
Engagement required:	N/A
Document Number	D-2451289
Associated documents:	Hamilton Housing Accord
Sponsor/Group:	General Manager City Growth

## Hamilton Special Housing Areas Policy

### Background and Legislative Intent

1. The New Zealand Government recognizes housing affordability as a significant social and economic issue which impacts community well-being and productivity, particularly in areas experiencing high population growth.
2. Housing affordability is affected by a range of factors including the rate and extent of land and housing supply.
3. In response to this issue, the Housing Accords and Special Housing Areas Act 2013 ('HASHAA') came into force on 16 September 2013. The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1 of that Act, identified as having housing supply and affordability issues.
4. Hamilton City is one of the areas listed in Schedule 1 of the HASHAA.
5. The HASHAA achieves its purpose by providing an alternative and 'fast track' means of creating zoned residential land, known as Special Housing Areas ('SHAs'), as compared to the standard track process under the Resource Management Act 1991 ('RMA').
6. The first step towards establishing an SHA is for Council to enter into a Housing Accord with the Minister for Building and Construction ('Minister'). On 22 December 2016 Council entered into the Hamilton Housing Accord with the Minister ('Accord').
7. The Accord includes agreed aims and targets related to land supply and dwelling consents. The Accord also acknowledges a number of other actions to improve housing affordability and sufficient land supply.
8. With the Accord in place, the next step is for Council to consider the options for proposed SHAs. Once Council has decided to support a proposed SHA, it must make a recommendation to the Minister for consideration and, if appropriate, approval.
9. If the Minister accepts the Council recommendation the SHA will be established by way of Order in Council. The process of securing development rights under the provisions of HASHAA can then commence.

### Purpose

10. The purpose of this Policy is to establish the process and the evaluation criteria that will guide Council in making decisions on whether to accept a proposal for an SHA and recommend to the Minister that a proposed SHA be established.
11. This policy will inform Council's performance of its functions under HASHAA and will be applied in a manner which gives effect to the Accord. In the event of any conflict the HASHAA will prevail.

### Policy

12. All proposals for an SHA will be processed and evaluated by Council in accordance with this policy.
13. In order that Council meets its statutory responsibilities under the HASHAA, Local Government

Act 2002 (LGA), Resource Management Act 1991 (RMA) and any other related legislation, Council reserves itself full discretion to accept or reject a proposal for recommendation to the Minister.

14. All proposals for an SHA shall demonstrate to Council's satisfaction that the following criteria will be met:
- a) Development within the proposed SHA will achieve the purpose of HASHAA in a manner consistent with the Accord;
  - b) Development within the proposed SHA will place no additional financial burden on Council compared to no development occurring, either now or in the future
  - c) All infrastructure necessary to service the proposed SHA including but not limited to transport, waste water, potable water and storm water is available or will be made available by the developer at no cost to Council in advance of all identified infrastructure demand arising.
15. In its assessment of whether the criteria set out in clause 14 are met, Council will evaluate the proposed SHA against the following considerations:
- a) **Demand for the qualifying development:** The extent to which development of the proposed housing types will achieve the purpose of the HASHAA and the Accord which will include an assessment of proposed housing typology, dwelling and section sizes, and density;
  - b) **Predominantly residential:** The extent to which the proposed development is predominantly residential with the primary purpose of creating residential housing supply;
  - c) **Locational considerations:** The extent to which the proposed SHA is consistent with Council's strategic land use planning. If inconsistent, the extent to which it may materially compromise or alter Council's strategic land use planning and the effects of that inconsistency including effects on planned and existing infrastructure. The extent to which the proposed SHA affects Council's ability to meet its statutory requirements under the National Policy Statement on Urban Development Capacity. Proposals for SHAs will be considered in all areas except:
    - all Special Character Zones (excluding Peacocke Terrace Area and the Jebson Place development site at 5A Cassidy Street)
    - all Open Space Zones
    - significant archaeological, historic and cultural sites
    - electricity transmission corridors
    - Natural Hazard Areas (except where effects can be appropriately managed)
    - Significant Natural Areas
  - d) **Infrastructure:** The extent to which the proposed SHA will absorb capacity within Council's existing infrastructure, including but not limited to parks and reserves, transport and three waters network infrastructure and how the developer will pay for that use of capacity. The extent to which the existing infrastructure is inadequate to service the development and the developer's ability and commitment to provide that necessary infrastructure and services at no cost to Council either now or into the future,
  - e) **Scale:** The extent to which the proposed SHA will deliver beyond a prescribed minimum of 10 dwellings.
  - f) **Design quality:** The extent to which the proposed SHA adheres to the key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and the effects of any non-adherence;
  - g) **Development agreement:** The extent to which a satisfactory development agreement can be entered into between Council and the developer which secures HASHAAs intended outcomes in a manner that is consistent with Council's Growth Funding Policy including but not limited to recovery of development contributions for

utilized infrastructure capacity and the delivery of all necessary infrastructure and services without placing a financial burden on Council.

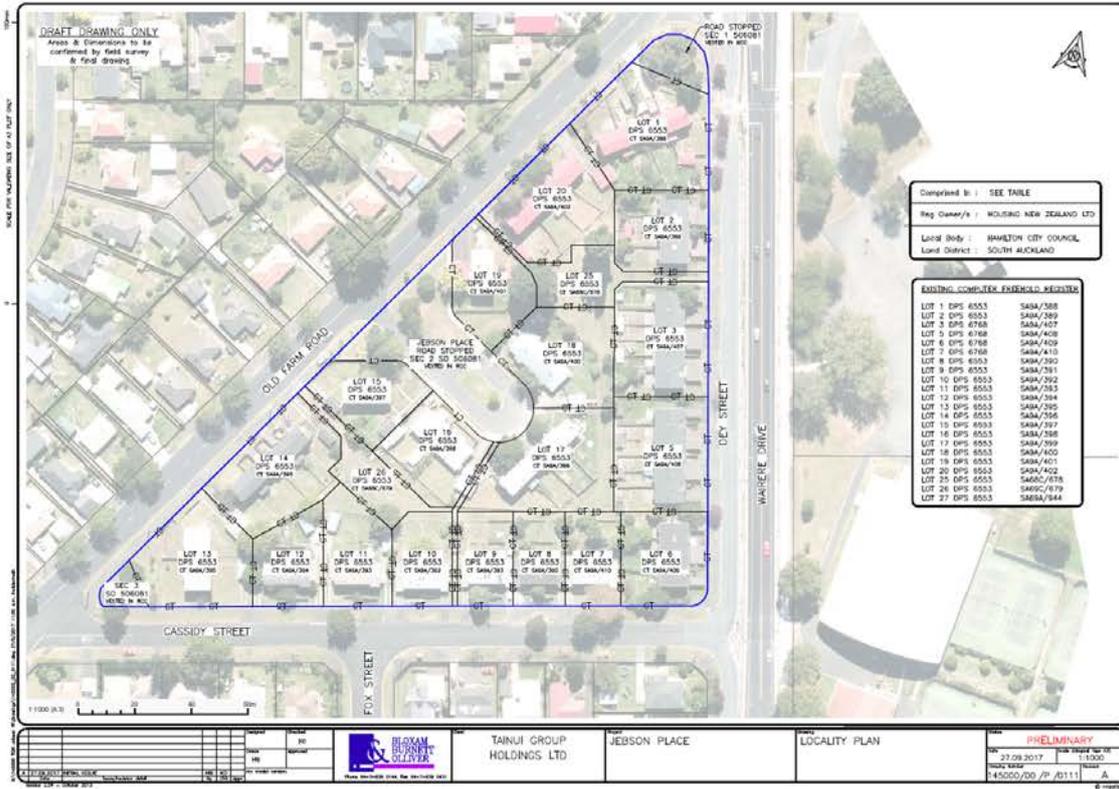
16. Council will process and assess proposals quarterly with applications which meet all the necessary information requirements upon receipt being subject to approval within that quarter. Proposals can be made by any party, including Council.
17. Upon receipt of a proposal, Council staff will undertake an initial evaluation of the proposal to determine its level of consistency with this policy. At this stage, based on this initial evaluation, full council will determine, at its sole discretion, whether to continue with the evaluation or to reject the proposal.
18. If the evaluation proceeds to detailed stage beyond this point, Council will:
  - a) based on the nature of the proposal evaluate whether and to what extent it is necessary to seek public feedback including from statutory agencies and relevant Iwi;
  - b) seek comment and evaluative input from relevant Council departments;
  - c) fully assess the proposal in accordance with this policy, and in particular the criteria set out in clause 14 and the considerations set out in clause 15;
  - d) identify its key requirements for the draft development agreement;
  - e) receive staff recommendations;
  - f) decide whether to reject the proposal, or accept the proposal in principle.
19. If a proposal is accepted in principle, Council will then enter into negotiations with the proponent to secure, through a development agreement, the delivery of the outcomes set out in the proposal and any other outcomes required by Council, including the provision of any necessary infrastructure required to service the proposal.
20. If negotiations lead to a legally binding development agreement, on terms acceptable to Council, Council will, at its discretion, consider accepting the proposal for recommendation to the Minister.
21. If a proposal is accepted under clause 20 of this policy, Council will then collaborate with the proponent in making the recommendation to the Minister that the proposed SHA be established.
22. Once an SHA proposal is lodged with Council, all Council staff time and other costs of processing and evaluating the proposal, including negotiating any development agreement, will be on-charged to the developer or proponent of the SHA. Fees and charges will be set according to Council's then operative Resource Consent and Engineering Fees and Other Charges Schedule. Fees and charges relating to any consequent resource consent application or plan change application will be charged separately.

**Appendix 2**

**Parcels legal description**

Lots 1, 2, 8-20, 25-27 DPS 6553, Lots 3, 5-7 DPS 6768

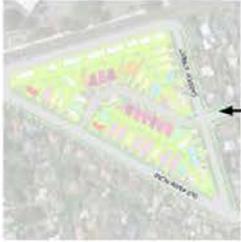
**Aerial site photo**



**District plan map**



Concept plan



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**TRIMBLE GROUP**  
 CONSULTING ENGINEERS

**JEBSON PLACE**

**CONCEPT DESIGN - AERIAL PERSPECTIVE**

DESIGN CHIEF	CHOWHILL	DATE	11/15/17
CHECK	DM	APPROVED	DM
DATE	11/15/17	PROJECT NO.	17702
SCALE	AS SHOWN	REVISION	1
		DATE	November 2017

# Council Report

Item 12

**Committee:** Council  
**Author:** Riki Manarangi  
**Position:** Corporate Policy Specialist  
**Date:** 18 October 2017  
**Authoriser:** Sean Hickey  
**Position:** General Manager Strategy and Communications  
**Report Name:** Waikato Regional Council Review of Regional Emergency Services Fund

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek Council's view on the Regional Emergency Services Fund which is facilitated and managed by the Waikato Regional Council.

## Staff Recommendation

2. That the Council:
  - a) supports the retention of the Regional Emergency Services Fund and its current non-contestable funding model, the list of current recipients, and the current level of funding adjusted for inflation; and
  - b) requests the Chief Executive inform the Waikato Regional Council of Council's support as per a) above.

## Background and Discussion

3. On 21 September 17, the Waikato Regional Council (WRC):
  - informed the Hamilton City Council (the Council) of its intention to review the Regional Emergency Services Fund (the Fund) through WRC's 2018-2028 LTP process.
  - requested the Council's formal view, on whether WRC should change the Fund, for consideration at WRC's Strategy and Policy Meeting on 31 October 17.
4. The Fund was established in 2016 following the support on 16 November 15 from the Waikato Mayoral Forum which the Council is a member of.
5. The Fund supports the coastguard services, surf lifesaving and rescue helicopter services in the Waikato region as follows (including GST exclusive amounts for the most current round):
  - Surf lifesaving services - \$354,600
  - Coastguard services - \$175,400
  - Phillips Search and Rescue Trust - \$50,000
  - Coromandel Rescue Helicopter Trust - \$50,000
6. The Fund is not funded by the Council. However, the total fund amount of \$630,000 (GST excl) is collected through a targeted rate charged by WRC of \$3.25 (GST excl) on every property across the Waikato region which includes properties within the Council's boundary.

7. The Council's Finance Committee supported the Fund at its 18 February 16 meeting where it acknowledged the Fund's intention to provide certainty of funding for the recipients over the entire Waikato region.
8. The Council has three reasonable and viable options to consider as set out in the options section below.

### Options

9. **Option A** – Continue to support WRC keeping the Fund (as per the status quo) including the retention of the current non-contestable funding model, list of current recipients and current level of funding.
10. **Option B** – Continue to support WRC keeping the Fund in principle subject to further discussions between the Council and WRC on viable funding model, prospective recipients and level of funding options.
11. **Option C** – Cease to continue supporting WRC keeping the Fund.
12. **Staff Recommend Option A.** No official requests from the community or organisations have been received by the Council staff to support changing the Fund. WRC keeping the Fund as per the current non-contestable funding model, list of recipients and level of funding, will therefore continue to provide certainty in terms of the financial impact on Hamilton city's ratepayers who already contribute a significant portion (\$179,302 (28%) of \$630,000) of funding provision towards the Fund.

### Financial Considerations

The preparation/presentation of this report is a regular operating activity funded through the 10 year plan.

14. The Fund is not funded by the Council. The Fund itself is collected through a targeted rate charged by WRC of \$3.25 (GST excluded) per property across the Waikato region. The total Fund amount is \$630,000.

### Legal and Policy Considerations

15. The recommendation complies with the Council's legal/policy requirements.

### Risks

16. There are no known risks associated with the decisions required for this matter.

### Significance & Engagement Policy

#### Significance

17. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

#### Engagement

18. Given the low level of significance, the engagement level is low. No engagement is required.

### Attachments

There are no attachments for this report.

# Council Report

**Committee:** Council **Date:** 18 October 2017  
**Author:** Becca Brooke **Authoriser:** Lee-Ann Jordan  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Recommendation from the Audit and Risk Committee - Adoption of the Annual Report 2016/17

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek Council's approval for a recommendation from the Audit and Risk Committee at its extraordinary meeting on 13 October 2017, in respect of adopting the 2016/17 Annual Report.
2. The 13 October 2017 Extraordinary Audit and Risk Committee Agenda and minutes will be available via the following link:
3. [http://www.hamilton.govt.nz/our-council/Council meetings and public information/meetings-and-minutes/Pages/default.aspx](http://www.hamilton.govt.nz/our-council/Council%20meetings%20and%20public%20information/meetings-and-minutes/Pages/default.aspx)
4. The 2016/17 Annual Report and Summary are attached under separate cover to this report.

## Recommendation to Council from the Audit and Risk Committee

5. That Council adopts the 2016/17 Annual Report.

## Attachments

Attachment 1 - 2016/17 Annual Report (*Under Separate Cover*)

Attachment 2 - 2016/17 Annual Report Summary (*Under Separate Cover*) .

# Council Report

**Committee:** Council **Date:** 18 October 2017  
**Author:** Lee-Ann Jordan **Authoriser:** David Bryant  
**Position:** Governance Manager **Position:** General Manager Corporate  
**Report Name:** Policy Review - Elected Member Support Policy

<b>Report Status</b>	<i>Open</i>
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## Purpose

- To seek approval of the draft revised Elected Members Support Policy.

## Staff Recommendation

- That the Council:
  - approves the amended Elected Member Support Policy (Attachment 2 to the staff report).
  - notes that paragraphs 15 and 16 in the amended Policy (*Communications Expenses and Allowances*) took effect from 1 July 2017 as required by the Remuneration Authority's 2017/18 determination.

## Executive Summary

- Remuneration for local authority elected members is determined by the Authority. Remuneration matters covered by the Authority include base remuneration, remuneration for additional responsibilities and expenses and allowances (e.g. travel and communications). The Policy is to be read alongside the Authority's annual determination.
- The Elected Members Support Policy ('the Policy') sets out the level of expenses and allowances able to be claimed by elected members of Hamilton City Council and the level of support to be provided to enable them to carry out their roles.
- The Policy was approved by Council on 27 August 2015 and has been in place since the start of the 2016/2019 triennium.
- At its meeting on 29 June 2017, the Council requested the Policy be reviewed in light of the Remuneration Authority's ('the Authority') determination on elected member remuneration for the 2017/18 financial year ('the 2017/18 determination').
- Staff reviewed the Policy to:
  - align with the 2017/18 determination, which altered some of the allowances payable to Elected Members;
  - reflect feedback from Elected Members on policy provisions that are at the discretion of Council; and
  - clarify the scope and application of the Policy.

8. Policy matters that can be determined by Council (within the parameters set by the Authority's determinations) include mileage claims and funding for training/conference attendance. Options for these provisions have been canvassed with Elected Members and any preferences provided to staff have been taken into account when drafting the revised Policy.
9. Principal changes to the Policy are summarised in paragraph 23 below.
10. Council must include the changes required by the 2017/18 determination to Communication Expenses and Allowances provisions (refer to paragraphs 15 and 16 in Attachment 1) in its approved policy.
11. If approved, the amended Policy will take effect immediately other than paragraphs 15 and 16, which were effective from 1 July 2017 to align with the 2017/18 determination.
12. Staff consider that the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

## Background

13. The Council approved the Policy at its meeting on [27 August 2015](#), and it took effect from the start of the current triennium.
14. At its meeting on [29 June 2017](#), the Council approved a submission to the Authority in relation to a consultation document – *Local Government Review*. Staff advised at that meeting that the Policy may need to be reviewed to align with the 2017/18 determination, which had not been published at that time.
15. On 29 June 2017, the Council resolved that:
 

*the Chief Executive review the Elected Members Support Policy, assess if any changes are required to align this Policy with the [Remuneration] Authority's 2017/18 determination and report back to the Council in September 2017.*
16. The 2017/18 determination was notified in the New Zealand Gazette on 27 July 2017. A copy of the determination can be found [here](#). Elected members were advised by the Governance Manager of the changes to allowances payable under the 2017/18 determination.
17. Changes required through the 2017/18 determination relate to the allowance payable to members for the use of their personal broadband service for the purpose of undertaking Council business. This is noted in paragraph 23(c) below.
18. Elected members' allowance for training and conference attendance was discussed at the Growth and Infrastructure Committee meeting on [1 August 2017](#). The Committee requested that the training budget and policy be reviewed, and a report be presented to the Council at its October 2017 meeting. This request has been addressed as part of this review of the Policy.
19. A draft amended Policy was circulated to Elected Members for comment on 26 September 2017. Further draft wording for the recommended option for mileage claims was circulated to members for comment on Thursday, 5 October 2017.

## Discussion

20. Remuneration for local authority elected members is determined by the Authority. The Policy is to be read alongside the Authority's annual determination.
21. The Policy sets out the expenses and allowances payable, and support provided, to elected members. It was implemented following the October 2016 local government elections, adopting a more principle-based approach to its predecessors.

22. Staff have reviewed the policy to:
- a. ensure it aligns with the 2017/18 determination;
  - a. clarify the financial support provided for Elected Member training and conference attendance;
  - b. enable Elected Members to claim for mileage when using their own vehicle for Council business subject to specified restrictions.

Staff also took the opportunity to provide greater clarity on the scope of the Policy and the practical application of specific provisions.

23. The draft revised Policy is attached as Attachment 1, showing track changes from the current version. A clean version of the revised Policy is attached as Attachment 2. The main amendments are:
- a. Inclusion of a Definitions and Principles section, for ease of interpretation (page 1, Attachment 1);
  - b. Confirmation of the Council services and support available to Elected Members. It is proposed that computer consumables will only be provided by Council for use on an elected member's home computer where the member has elected not to use Council-provided equipment (i.e. laptop/iPad). (paragraphs 11 to 14, p2, Attachment 1);
  - c. Compulsory changes to communication expenses and allowances to reflect the 2017/18 determination. In particular, the reimbursement for use of a member's personal broadband connection is reduced to \$400 per annum (\$1,200 maximum for 2016/17, including landline charges) (paragraphs 15 and 16, p2, Attachment 1).
  - d. Clarification on training and conferences attendance by Elected Members, including the different financial support available for Conference by Choice and Conference by Resolution (paragraphs 17 to 21, p3, Attachment 1). It is proposed to increase the allowance for Conference by Choice from \$5,000 (2016/17) to \$6,000 per annum for each elected member.
  - e. Provision for Elected Members to claim mileage when using their own vehicle for Council business and travelling by the most direct route that is reasonable in the circumstances (as required by the 2017/18 determination). The Policy's current prohibition on claims for travel within the city boundary has been replaced by a distance threshold – a member can only claim for travel undertaken in excess of 80 kilometres in any given week (paragraphs 22 to 25, p 3, Attachment 1).
  - f. The mileage allowance rate is
    - \$0.73/kilometre for the first 10,000 kilometres travelled (\$0.81/kilometre for electric cars) for the 2017/18 financial year;
    - \$0.37/kilometre for any additional distance travelled.

The draft Policy proposes a cap of \$1,825 per annum for each member – this equates to 2,500 kilometres. Options in relation to mileage claims are explored in paragraphs 25 to 38 below.

    - Provision for reimbursement of taxi fares in appropriate circumstances (paragraph 26, p3, Attachment 1);
    - Confirmation that Elected Members are able to benefit from the flu vaccination programme, when it is offered to Council staff (paragraph 27, p4, Attachment 1).

## Options

24. Options in relation to mileage claims and training/conference attendance were canvassed when the draft Policy was circulated to elected members on 29 September 2017, and again when the recommended option was circulated on 5 October 2017.
25. Mileage Claims
26. The starting position in the draft Policy (paragraph 22, Attachment 1) is that mileage claims can be made where a member uses his/her own vehicle, aligned to the Authority's determination and the Policy. Regardless of which option is approved by the Council, it is proposed that each member would be:
- a. subject to a financial cap of \$1,825 per annum for all mileage claims (equating to 2,500 kilometres claimed per year); and
  - b. required to maintain and provide an accurate record of travel to verify any mileage claim.
27. It is for each elected member to determine whether they prefer to claim mileage through the Policy or as part of their tax return.
28. **Option 1 – Mileage Claims: Modified Status Quo**
29. The current Policy does not permit mileage or taxi fare claims for travel within the City boundary, and travel to and from the City boundary where a member resides outside of Hamilton.
30. This approach aligned with Authority's previous determinations which prohibited mileage claims for travel between a member's home and a local authority office, where a return trip would be 30 kilometres or less. This restriction has been removed in the 2017/18 determination.
31. Some elected members have commented that they undertake a significant amount of travel locally on Council business, for which they cannot claim under the current Policy.
32. This option includes the distance threshold restriction, noted in paragraph 23(e) above; the rationale for this restriction is that claims travelled between a member's home and for Council business should not be included in a claim.
33. **Option 2 – Mileage Claims: Restricted Allowance**
34. This option would permit all mileage claims, including local travel, except where alternative transport options are more practical and cost-effective. Other modes of transport could include air travel or public transport, the practicalities and costs of which would need to be assessed on a case-by-case basis. By way of example only:
- Subject to available flights, travel to Wellington or the South Island is likely to be more practical and cost-effective by plane than by car.
  - Buses for local travel may be more appropriate, if a member is not restricted by time or other engagements.
35. **Option 3 – Mileage Claims: Flexible Allowance**
36. Under this option, a member could claim mileage for any travel undertaken in their own vehicle for Council business that meets the requirements of the Authority's determination and the Policy. That is, there would be no restriction on location, distance travelled or availability of alternative modes of transport. As with any of the options, any mileage claim would need to be verified upon request.
37. This option provides the greatest flexibility permitted for elected members, though potentially may incur a greater increase in member travel expenditure than the other options.

38. In light of the initial feedback from Elected Members, Option 1 has been included in the draft revised Policy.
39. Taxi Fares
40. The draft Policy clarifies when a member can be reimbursed for taxi fares; it is intended that this would apply, and be subject, to any of the options highlighted above.
41. Training and Conference attendance
42. Each elected member is currently permitted to funding up to \$5,000 per year for attending relevant training or conferences. There are separate budget allocations where members are attending training or a conference at the request of the Council, or as part of a wider training programme that all members attend.
43. Some members have suggested that the each member's allowance is increased to provide more flexibility to select appropriate training and conferences.
44. Staff have taken account of feedback from Elected Members and recommend that the discretionary allowance for a member's personal development budget increases to \$6,000 per year.

#### **Financial Considerations**

45. Minimal financial adjustments are expected should the revised Policy be approved, which will be absorbed within the current budget for Elected Member expenses.
46. In practice, it is likely that any payments in mileage claims will be offset by the decreased communications allowance payable. If the majority of Elected Members started to claim the full annual allowance payable for mileage, the Council may need to consider an increase in Elected Member's travel budget in future financial years.

#### **Legal and Policy Considerations**

47. Staff confirm that the staff recommendation and options noted in this report comply with the Council's legal and policy requirements.

#### **Sustainability Considerations**

48. The draft revised Policy supports the following Sustainability Principles, particularly in relation to Options 1 and 2 for mileage claims:
  - a. Council includes environmental, economic, social, and cultural considerations in its decision-making criteria (Principle 1).
  - b. Council promotes walking, cycling, public transport and other low carbon transport options (Principle 5).

#### **Risks**

49. Some of the recommended changes to the Policy are required to align with the 2017/18 determination. Failing to implement these changes would mean the Policy is not compliant with legislation.

## **Significance & Engagement Policy**

### **Significance**

50. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matters in this report have a low level of significance.

### **Engagement**

51. Given the low level of significance determined, the engagement level is low. No public engagement is required.

### **Attachments**

Attachment 1 - Revised draft Elected Members Support Policy (track-change version)

Attachment 2 - Revised draft Elected Members Support Policy (clean version)

First adopted:	August 2015; Implemented October 2016
Revision dates/version:	February 2017 (to reflect 2016-19 Governance Structure)
Next review date:	November 2019
Engagement required:	Not required
Document Number	D-1875255
Associated documents:	Remuneration Authority Determination, Code of Conduct, Corporate Hospitality and Entertainment Policy and OAG Guidelines
Sponsor/Group:	General Manager - Corporate

## ELECTED MEMBERS SUPPORT POLICY

### Purpose and Scope

1. To set out clear and transparent levels of expenses and allowances paid to, or on behalf of, elected members of Hamilton City Council.
2. To outline the level of support provided to elected members to enable them to carry out their roles.

### Definitions

Term	Definition
<u>Authority</u>	<u>The Remuneration Authority</u>
<u>Local Government Members' Determination</u>	<u>The annual determination gazetted by the Authority, determining the level and parameters of permitted remuneration payable to members of a local authority. A determination applies from 1 July to 30 June.</u>

### Principles

3. Elected members should be reimbursed for actual and reasonable expenses they incur in carrying out Council business, within the parameters set by the Authority and legislation.
4. Reasonable resources should be made available to elected members to enable them to more efficiently carry out their responsibilities.
5. Reimbursement of expenses, payment of allowances and use of the Council resources apply only to elected members personally, and only while they are carrying out Council business in their official capacity as an elected member.
- 3-6. Transparency and accountability guide the reimbursement of elected members' allowances and expenses.

### Policy

#### Equipment

- 4-7. At the commencement of each 3 year term, all elected members will be provided with the option of using Hamilton City Council approved standard IT equipment (mobile phone, and either a

laptop OR an iPad). Elected members who are provided with Hamilton City Council approved standard IT equipment will be connected to Council's IT network and provided with IT support services.

~~5.8.~~ All Council equipment must be returned at the end of each 3 year term.

~~6.9.~~ Any equipment provided must be used in accordance with the ~~EM's Council's IT u~~Usage Standards and Guidelines<sup>1</sup>.

~~7.10.~~ Elected members have the opportunity of having a ~~R~~remuneration ~~D~~eduction to cover personal use of Council mobile devices. The amount of the deduction is determined by the Chief Executive or his/her delegate.

### Stationery and Services

~~8.11.~~ The Council will provide a reasonable supply of stationery requirements to elected members for their use on Council business, including business cards, compliment slips and consumables. (i.e. paper, printer cartridges, etc) used on private computers.

12. Where appropriate, elected members will be reimbursed for consumables purchased directly from suppliers for use on Council business.

13. Stationery supplies or consumables will only be provided or reimbursed for a member's private computer (i.e. paper, printer cartridges, etc) if that member has elected not to use the Council's approved standard IT equipment.

14. Elected members may use the following internal Council services to an appropriate and reasonable level as determined by the Chief Executive or his/her delegate:

- Postage and courier service;
- Photocopying;
- Information technology advice/assistance for Council-owned equipment;
- Meeting rooms; and
- Allocated carparking (subject to displaying an authorised sticker on the member's vehicle and provision of the vehicle's registration number to the Governance Manager).

~~9.~~

### Communications Expenses and Allowances

~~10.15.~~ Elected members who do not use Council equipment are entitled to a communications allowance at the rate determined by the Remuneration Authority. This includes the use of a member's personal broadband service for the purpose of that member's work on Council business. These allowances are set out in the Local Government ~~Elected-Members'~~ Determination ~~which is issued after each local government election.~~

~~11.16.~~ Elected members must submit all tax invoices and receipts to the Democracy Manager for reimbursement. On receipt of supporting tax invoices ~~or receipts~~, the ~~Democracy-Governance~~ Manager may authorise reimbursement for ~~the following:-~~Council-related telephone calls made on private telephones (including mobile phones).

- ~~i.~~ ii. 50% of a telephone line rental (including a message facility) per household, and where more than one Councillor resides at the same residential address, Council will only reimburse 50% of the actual telephone line rental incurred per household.
- ~~ii.~~ iii. The total cost of a mid-level broadband connection plan.

<sup>1</sup> IT Usage Standards and Guidelines (to be developed based on HCC Information Services IT Management Policy and attached to this EM Support Policy)

~~(Reimbursement in ii and iii are capped at \$100 per month.)~~

#### **Conference Attendance-Training and conference attendance**

~~17. Any training or conference attendance paid for by the Council must:~~

- ~~i. be relevant to Council business or governance, as determined by the Chief Executive (if required); and~~
- ~~ii. be made by Council staff with the Council's preferred agents and at the most economic cost available (where possible) at the time of the booking, unless all costs are being met privately or by an outside party.~~

~~12-18. If Elected members may wish to attend professional development courses, training or conferences and seminars of elected members' their own choice, they must make a written request to the Governance Manager for funding from the Elected Members' professional development discretionary budget. Each member is entitled up to a maximum of \$65,000 per annum per elected member. This includes the cost of travel, accommodation and meals (excluding alcohol), noting that the cost of accommodation and meals should not exceed a mid-range, reasonable and defensible justifiable level. Professional development must be relevant to the business of Council.~~

~~19. Once approved, the Governance team will organise the necessary registrations, bookings and payments.~~

~~13-20. Where the Council has formally appointed elected members to external organisations or approved elected members' attendance at training or a conference, the Council will pay or reimburse elected members for appropriate and reasonable costs incurred for representing Council outside of the City boundary within the relevant budget provision. For clarity, such expenditure does not fall within an elected member's discretionary allocation of \$6,000.~~

~~14-21. The Chief Executive may on a case-by-case basis approve the payment of a contribution to a host in lieu of accommodation for actual and reasonable costs. This reimbursing allowance reimbursement is paid to cover actual and reasonable costs incurred when staying in private accommodation (friends/relatives) when travelling on Council business. The maximum amount payable will be \$50 per night.~~

#### **Vehicle Mileage Allowance and Taxi Costs**

~~22. Elected members are entitled to a mileage allowance when using their own vehicle for Council business within the parameters, and at the rates, set out in the Local Government Members' Determination and this Policy.~~

~~23. Subject to paragraph 24, a mileage allowance is payable for any distance travelled in excess of 80 kilometres per week.~~

~~24. The maximum payable mileage allowance to each elected member is \$1,825 per annum.~~

~~15. No vehicle mileage allowance or taxi costs will be paid to, or on behalf of, elected members for travel within the City boundary, or if they reside outside the City boundary for travel to and within the City boundary.~~

~~25. Elected members must maintain an accurate record of travel undertaken in their private vehicle related to any claimed mileage allowance (e.g. logbook) and provide a copy to the Governance Manager on request to support any mileage claim.~~

~~26. On receipt of supporting tax invoices, elected members are entitled to the reimbursement of taxi fares when travelling on Council business, instead of private vehicle or public transport, for the following reasons:~~

- ~~i. Council business is occurring outside normal business operating hours;~~

ii. For safety/security of an elected member; or

~~16.iii. When travelling outside the City boundary, if a taxi is the most appropriate form of transport.~~

~~17. A vehicle mileage allowance for elected members is determined by the Remuneration Authority after each local government election. When travelling outside of the City boundary, elected members will be reimbursed 74 cents per kilometre for the first 500km and 37 centres after that; in accordance with the rates and parameters issued by the Remuneration Authority.~~

#### Items of Possible Private Benefit

~~18.27.~~ The Authority has issued clear guidelines on the following items of possible private benefit.

The following matters that are for private benefit will not be paid for or reimbursed unless otherwise stated:

- **Carparking**

~~The carparking provided for elected members is to be used only for Council business, and only for Councillors. No private use is permitted.~~

- **Medical Insurance**

Elected members are not permitted to obtain medical insurance through the Hamilton City Council medical insurance scheme.

- **Staff Discounts**

~~The Authority has authorised the Council to extend its flu vaccination benefit to elected members.~~ Elected members are otherwise not permitted to access any other discounts offered to Council staff for their own personal purchases through the use of Council's purchasing power.

- **Life, Accident and Income Replacement Insurance**

Council will not take out any insurance policy on behalf of elected members where the payment of a claim is made to the elected representative or his or her estate.

- **Airpoints**

~~Airpoints earned by an elected member on travel and accommodation paid for by the Council should be used by that member towards his/her future travel or accommodation that is required for Council business.~~

~~Elected members should not use, for private benefit, airpoints earned from travel paid for by the Council.~~

#### Gifts, Corporate Hospitality and Entertainment

~~28. Refer to the Council's Code of Conduct in relation to gifts received by, and in their capacity as, elected members.~~

~~29. Refer to Council Policy and Office of the Auditor General – Controlling Sensitive Expenditure: Guidelines for public entities in relation to corporate hospitality and entertainment.~~

#### **Non-Remuneration Matters**

~~19. The Remuneration Authority have issued clear guidelines on the following non-remuneration matters:~~

~~• Airpoints~~

~~Elected members should not use, for private benefit, airpoints earned from travel paid for by the Council.~~

~~• Spouse/Partner Travel~~

~~Travel by spouses at Council's expense should be the exception rather than the rule and be based on a sound business case.~~

**Approval of Elected Member Expense Reimbursement Claims Policy Administration**

30. The expenses and allowances payable, and supplies, consumables or services administered, under this Policy are provided:

- i. at no cost to elected members, but only while they are holding office (e.g. not on a leave of absence or absent without leave)<sup>2</sup>; and
- ii. for Council-business use only. They cannot be used for electioneering purposes, personal use or communications, or any other specific use as notified by the Chief Executive from time to time.

~~20.31.~~ All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the ~~Democracy-Governance~~ Manager. Claims must be signed by the elected member, and all expenses claimed must be supported by a tax invoice ~~or receipt~~.

~~21.32.~~ The ~~Democracy-Governance~~ Manager will approve all expenses claims that are in accordance with this Policy, with the exception of any claims that are unusual and items outside of this policy which must be approved by the Chief Executive Officer.

33. The remuneration and allowances paid and all expenses reimbursed to elected members will be reported to all elected members on a monthly basis.

~~22.34.~~ A summary of elected members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

<sup>2</sup> It is for each elected member to assess and determine his/her own tax payable, if any, in relation to payments and allowances received under this Policy.

First adopted:	August 2015; Implemented October 2016
Revision dates/version:	February 2017 (to reflect 2016-19 Governance Structure)
Next review date:	November 2019
Engagement required:	Not required
Document Number	D-1875255
Associated documents:	Remuneration Authority Determination, Code of Conduct, Corporate Hospitality and Entertainment Policy and OAG Guidelines
Sponsor/Group:	General Manager - Corporate

## ELECTED MEMBERS SUPPORT POLICY

### Purpose and Scope

1. To set out clear and transparent levels of expenses and allowances paid to, or on behalf of, elected members of Hamilton City Council.
2. To outline the level of support provided to elected members to enable them to carry out their roles.

### Definitions

Term	Definition
Authority	The Remuneration Authority
Local Government Members' Determination	The annual determination gazetted by the Authority, determining the level and parameters of permitted remuneration payable to members of a local authority. A determination applies from 1 July to 30 June.

### Principles

3. Elected members should be reimbursed for actual and reasonable expenses they incur in carrying out Council business, within the parameters set by the Authority and legislation.
4. Reasonable resources should be made available to elected members to enable them to more efficiently carry out their responsibilities.
5. Reimbursement of expenses, payment of allowances and use of the Council resources apply only to elected members personally, and only while they are carrying out Council business in their official capacity as an elected member.
6. Transparency and accountability guide the reimbursement of elected members' allowances and expenses.

### Policy

#### Equipment

7. At the commencement of each 3 year term, all elected members will be provided with the option of using Hamilton City Council approved standard IT equipment (mobile phone, and either a laptop OR an iPad). Elected members who are provided with Hamilton City Council approved

standard IT equipment will be connected to Council's IT network and provided with IT support services.

8. All Council equipment must be returned at the end of each 3 year term.
9. Any equipment provided must be used in accordance with the Council's IT Usage Standards and Guidelines<sup>1</sup>.
10. Elected members have the opportunity of having a remuneration deduction to cover personal use of Council mobile devices. The amount of the deduction is determined by the Chief Executive or his/her delegate.

#### Stationery and Services

11. The Council will provide a reasonable supply of stationery requirements to elected members for their use on Council business, including business cards, compliment slips and consumables.
12. Where appropriate, elected members will be reimbursed for consumables purchased directly from suppliers for use on Council business.
13. Stationery supplies or consumables will only be provided or reimbursed for a member's private computer (i.e. paper, printer cartridges, etc) if that member has elected not to use the Council's approved standard IT equipment.
14. Elected members may use the following internal Council services to an appropriate and reasonable level as determined by the Chief Executive or his/her delegate:
  - Postage and courier service;
  - Photocopying;
  - Information technology advice/assistance for Council-owned equipment;
  - Meeting rooms; and
  - Allocated carparking (subject to displaying an authorised sticker on the member's vehicle and provision of the vehicle's registration number to the Governance Manager).

#### Communications Expenses and Allowances

15. Elected members who do not use Council equipment are entitled to a communications allowance at the rate determined by the Remuneration Authority. This includes the use of a member's personal broadband service for the purpose of that member's work on Council business. These allowances are set out in the Local Government Members' Determination.
16. On receipt of supporting tax invoices, the Governance Manager may authorise reimbursement for Council-related telephone calls made on private telephones (including mobile phones).

#### Training and conference attendance

17. Any training or conference attendance paid for by the Council must:
  - i. be relevant to Council business or governance, as determined by the Chief Executive (if required); and
  - ii. be made by Council staff with the Council's preferred agents and at the most economic cost available (where possible) at the time of the booking, unless all costs are being met privately or by an outside party.

<sup>1</sup> IT Usage Standards and Guidelines (to be developed based on HCC Information Services IT Management Policy and attached to this EM Support Policy)

18. If elected members wish to attend professional development training or conferences of their own choice, they must make a written request to the Governance Manager for funding from the Elected Members' professional development discretionary budget. Each member is entitled up to a maximum of \$6,000 per annum. This includes the cost of travel, accommodation and meals (excluding alcohol), noting that the cost of accommodation and meals should not exceed a mid-range, reasonable and justifiable level.
19. Once approved, the Governance team will organise the necessary registrations, bookings and payments.
20. Where the Council has formally appointed elected members to external organisations or approved elected members' attendance at training or a conference, the Council will pay or reimburse elected members for appropriate and reasonable costs incurred for representing Council outside of the City boundary within the relevant budget provision. For clarity, such expenditure does not fall within an elected member's discretionary allocation of \$6,000.
21. The Chief Executive may on a case-by-case basis approve the payment of a contribution to a host in lieu of accommodation for actual and reasonable costs. This reimbursement is paid to cover actual and reasonable costs incurred when staying in private accommodation (friends/relatives) when travelling on Council business. The maximum amount payable will be \$50 per night.

#### Vehicle Mileage Allowance and Taxi Costs

22. Elected members are entitled to a mileage allowance when using their own vehicle for Council business within the parameters, and at the rates, set out in the Local Government Members' Determination and this Policy.
23. Subject to paragraph 24, a mileage allowance is payable for any distance travelled in excess of 80 kilometres per week.
24. The maximum payable mileage allowance to each elected member is \$1,825 per annum.
25. Elected members must maintain an accurate record of travel undertaken in their private vehicle related to any claimed mileage allowance (e.g. logbook) and provide a copy to the Governance Manager on request to support any mileage claim.
26. On receipt of supporting tax invoices, elected members are entitled to the reimbursement of taxi fares when travelling on Council business, instead of private vehicle or public transport, for the following reasons:
  - i. Council business is occurring outside normal business operating hours;
  - ii. For safety/security of an elected member; or
  - iii. When travelling outside the City boundary, if a taxi is the most appropriate form of transport.

#### Items of Possible Private Benefit

27. The Authority has issued clear guidelines on the following items of possible private benefit. The following matters that are for private benefit will not be paid for or reimbursed unless otherwise stated:
  - **Medical Insurance**  
Elected members are not permitted to obtain medical insurance through the Hamilton City Council medical insurance scheme.

- **Staff Discounts**

The Authority has authorised the Council to extend its flu vaccination benefit to elected members. Elected members are otherwise not permitted to access any other discounts offered to Council staff for their own personal purchases.

- **Life, Accident and Income Replacement Insurance**

Council will not take out any insurance policy on behalf of elected members where the payment of a claim is made to the elected representative or his or her estate.

- **Airpoints**

Airpoints earned by an elected member on travel and accommodation paid for by the Council should be used by that member towards his/her future travel or accommodation that is required for Council business.

#### Gifts, Corporate Hospitality and Entertainment

28. Refer to the [Council's Code of Conduct](#) in relation to gifts received by, and in their capacity as, elected members.
29. Refer to [Council Policy](#) and Office of the Auditor General – [Controlling Sensitive Expenditure: Guidelines](#) for public entities in relation to corporate hospitality and entertainment.

#### Policy Administration

30. The expenses and allowances payable, and supplies, consumables or services administered, under this Policy are provided:
  - i. at no cost to elected members, but only while they are holding office (e.g. not on a leave of absence or absent without leave)<sup>2</sup>; and
  - ii. for Council-business use only. They cannot be used for electioneering purposes, personal use or communications, or any other specific use as notified by the Chief Executive from time to time.
31. All claims for reimbursement of expenses must be submitted on the councillor expense claim form to the Governance Manager. Claims must be signed by the elected member, and all expenses claimed must be supported by a tax invoice.
32. The Governance Manager will approve all expenses claims that are in accordance with this Policy, with the exception of any claims that are unusual and items outside of this policy which must be approved by the Chief Executive Officer.
33. The remuneration and allowances paid and all expenses reimbursed to elected members will be reported to all elected members on a monthly basis.
34. A summary of elected members' expense claims and reimbursements paid under this Policy may be published on the Council's website.

<sup>2</sup> It is for each elected member to assess and determine his/her own tax payable, if any, in relation to payments and allowances received under this Policy.

## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of Council Minutes - Public Excluded - 21 September 2017	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)

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

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