

Notice of Meeting:

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

Date: Wednesday 6 December 2017
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA - 1/3

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
	Vacancy

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Lee-Ann Jordan
Governance Manager

30 November 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:	06 December 2017
Author:	Amy Viggers	Authoriser:	Becca Brooke
Position:	Committee Advisor	Position:	Governance Team Leader
Report Name:	Recommendation from the Growth and Infrastructure - Approval of the Access Hamilton Business Case		

Report Status	<i>Open</i>
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1. To seek the Council's approval for a recommendation from the Growth and Infrastructure Committee at its meeting on 24 October November 2017, in respect of the Access Hamilton Programme Business Case.
2. The 24 October 2017 Growth and Infrastructure Committee agenda and minutes are be available via the following link:
http://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/meetings-and-minutes/Pages/default.aspx

Staff Recommendation

3. That the Council:
 - a) approves the Access Hamilton Programme Business Case; and
 - b) endorses the Hamilton City Council full programme of works attached to this report as a basis for the Access Hamilton Taskforce prioritising a draft programme of works to be recommended to and considered by Council at its meeting of 6 December 2017 to develop the proposed 2018-28 10 Year Plan.

Attachments

There are no attachments for this report.

Council Report

Item 6

Committee: Council **Date:** 06 December 2017
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Recommendation from Community and Services Committee meeting 31 October 2017 - Community Assistance Policy

Report Status	<i>Open</i>
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1. To seek Council's approval for a recommendation from the Community and Services Committee at its meeting on 31 October 2017, in respect of approval of the Community Assistance Policy.
2. The Community and Services agenda and minutes are available via the following link:
http://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/meetings-and-minutes/Pages/default.aspx

Staff Recommendation

3. That the Council approves the Community Assistance Policy.

Attachments

There are no attachments for this report.

Council Report

Committee: Council **Date:** 06 December 2017
Author: Kelvyn Eglinton **Authoriser:** Kelvyn Eglinton
Position: General Manager City Growth **Position:** General Manager City Growth
Report Name: Waikato Means Business contribution to Economic Development

Report Status	<i>Open</i>
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Purpose

- At its meeting on 29 September 2017, the Council approved, in principle, the Waikato Means Business model to establish an Economic Development Agency as per the recommendation below.

Staff Recommendation

- That the Council:
 - receives the report;
 - approves for consideration within the 10 Year Plan an annual contribution of \$140,000 to Waikato Means business for regional economic development commencing in 2018/19; and
 - approves a pro-rata amount for support during the 2017/18 year once confirmation of the model is received, to a maximum of \$90,000.

Executive Summary

- Waikato Means Business (WMB) is the brand name of the economic pillar of the Waikato Plan.
- The WMB Steering Group is chaired by Dallas Fisher and has business and local authority representation to drive economic development projects across the region.
- As part of a Review of Economic Development Capacity and Capability, the review has found a lack of regional co-ordination and therefore a reduction in ability to grow the regional economy and source government project and sector funding.
- The review is recommending a new Regional Economic Entity and seeks a financial contribution from all Waikato Councils. The contribution sought from this Council is \$140,000 per annum.
- Staff consider the matters within this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

- A report on the Waikato Means Business proposal was considered at the Council meeting on 21 September 2017. The following was resolved:

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*
9. An update from WMB in answer to queries raised from the previous report and presentation is attached for the Council's consideration (Attachment 1).
 10. WMB representatives will be in attendance to speak to the report.

Discussion

11. A presentation to Councillors from the Chairman of WMB was held at the Elected Member Briefing on 7 September 2017 addressed the findings from the project and recommended a new regional economic entity.

Financial Considerations

12. Waikato Means Business seeks the Council's approval for a financial contribution to the Waikato Means Business model for economic development across the Waikato Region in 2017/18 of \$90,000.
13. Further, Waikato Means Business seeks the Council's consideration of an annual financial contribution of \$140,000 per annum over the life of the 10-Year Plan, for a total of \$1.4 million.
14. Any contribution to be made within the current financial year (2017/18) would come from Risk and Opportunities and would be on a pro rata basis. The final amount would be determined at the time the proposal and associated budgets is confirmed. It is estimated that this would be circa \$90,000 if confirmed by December 2017.

Legal and Policy Considerations

- Nil

Cultural Considerations

- Nil

Sustainability Considerations

- Nil

Risks

15. Should the funding model not be achieved across other Councils, Government or private contributors then an increase in funding may be requested.

16. Should the funding model not be achieved, the entity may deliver a lower level of service or may not be able to deliver on planned initiatives or targets.

Significance

17. Staff have assessed that the proposals within this report are considered low significance.

Engagement

18. The consideration of the contribution within the 10-Year Plan will form part of the consultation process for this plan.

Attachments

Attachment 1 - Waikato Means Business - Establishing a regional Economic Development Agency

Establishing the Waikato Regional Economic Development Agency

Following our briefing presentation by Chairman Dallas Fisher and the report to Council on September 23 2017 progress towards establishing the Waikato Regional Economic Development Agency (REDA) has continued.

From that meeting the resolution was to

- 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 2-17, including feedback from the Mayoral Forum, finalised funding, operating and governance model
- d) Notes the staff will prepare a draft agreement including Council's funding contribution as indicated within the report.

NB the funding amounts were \$90,000 dollars as a pro rata amount during the 2017/18 year which will be funded from existing budgets and \$140,000 per annum to be considered within the LTP deliberations

Since September, WMB has presented the model to all TLAs who have a key interest in the REDA. The response to the model has been positive and has given WMB confidence to move to the second "pre-establishment" phase of the project.

While WMB recognise all local government funding will need to be approved via the respective Long-Term Plan processes, with the feedback we have received so far from Councils to include these funds within LTP budgets, we are very confident of securing this funding and are confident that the REDA will be fully funded upon establishment.

The significant backing we have received from Hamilton City Council has been in key in generating this wider support.

WMB has been working closely with Waikato Innovation Park to ensure that their CEO and Board are behind the concept and that the final operating parameters of the REDA fit with the outcome of the sale and restructure of Waikato Innovation Park (as also reported to your 23 September Council meeting).

While the phase between now and February will develop the model in far greater detail, we can confirm that the Waikato REDA:

- Will be an independent entity (i.e. not a Council Controlled Organisation)- with the exact nature of the entity, whether it be a limited liability company, a trust or another structure, being determined in this next phase
- Will be fully accountable to its funders and will operate under a principle of transparency
- Will have a regional perspective and will fully complement and support local authorities in terms of their role, functions and duties around local economic development
- Will be charged with achieving the:
 - growth goals of the Waikato Regional Economic Development Strategy (which will be reviewed and updated at the appropriate time),
 - the economic growth goals of the Waikato Plan and each Council's own economic strategy/agenda and
 - the economic development goals of the New Zealand government which, under the newly formed government has a stronger regional development focus
- Will have an independent and skills-based board, appointed through an appropriate selection process
- Will have a governance relationship with the Waikato Mayoral Forum as a key mandating group, and will have representation on the Waikato Plan Leadership Group
- Will be built on the business development and innovation functions of the Waikato Innovation Park, achieved via a separation of the economic development functions from the food/spray drier functions of Waikato Innovation Growth Ltd, as contemplated in the paper to your Council on 23 September (item 25 refers)
- The Waikato REDA will be based at the Waikato Innovation Park and will explore shared service opportunities (back office services, accounting etc) with WIPL as part of the current restructure
- There will be an integrated suite of support services provided at the Innovation Park and in local areas (i.e. a seamless suite of services)

- A hub (Innovation Park) and spoke model, with services being delivered across the region via local office/service centres.
 - The initial model is that there will be 3-4 of these, and we are working with the Innovation Park and councils to fully integrate this with the local services the innovation park is providing. Our objective remains to ensure that the services and value-add offerings of the REDA can be accessed by anybody within a 30-minute drive, anywhere across the region
- The REDA will have an annual core operating budget of about \$2m/year, of which:
 - \$660,000 is from existing business development and innovation team funding from the Innovation Park,
 - \$400,000 is from Waikato Regional Council (an increase on current funding)
 - \$370,000 is from 9 Territorial Local Authorities, shared according to population (the model assumes no funding from Taupo and Rotorua, however there will be appropriate partnering agreements with these councils)
 - \$250,000 is from regional funding trusts and organisations; and
 - \$415,000 is from Waikato business, with the exact model for securing this funding currently under development

The Waikato REDA will be the regional growth partner for the government's economic development programme, inheriting this role from Waikato Means Business. This will bring considerable project-based funding into the region which, as we have stated, has not received its fair share of government funding either historically or over the past 2-3 years.

While exact headcount is being developed now, we would expect the entity to have a complement of about 11 full time staff. We consider there is scope for sharing of roles with WIPL, at least in the initial stages of the REDA. The Establishment CEO role will be a shared role with WIPL and the Food Co. We expect the budget of the entity to be evenly split between HR costs (people) and core project funds. We will examine whether each function need to be delivered via FTE employees as we developed the design further, and will consider contract roles if that delivers a better result at better value for money.

We have re-contracted Martin Jenkins Ltd who provided the specialist advisory services for the initial review report completed in September. Martin Jenkins is working with the WMB Programme Manager, to deliver a final organisation design and operating framework for the

Waikato REDA by the end of February. This will be presented to the WMB Steering Group and the Waikato Mayoral Forum for approval and agreement to move to establish the entity and have it operating by 1 July 2018.

WMB have developed a project plan and associated budget for Phase 2. The key steps between now and February are:

- Determining the objectives and confirming the name and form of the entity that is built around WIPs business development and innovation team including governance. This will include developing a constitution for the new entity
- Confirming the scope of operations for the short-term and medium term and outlining the intended long-term operations
- Engaging and consulting with a range of stakeholders to confirm the objectives and initial functions of the new entity, its potential role in the longer term, and working relationships with economic development partners
- Identifying any legislative requirements with respect to establishing the entity by building on the business development team of WIP and utilising WIPs proposed arrangements
- Identifying any contracts that need to be altered or transferred to the new entity
- Working through in more detail the expected costs of establishment and funding contributions from Councils and other partners. This will include options for business/industry contributions
- Identifying risks and liabilities from the establishment and ways of managing these
- Developing an Establishment Plan
- Identifying an Establishment Board (including a Terms of Reference for and membership of the Board)

Based on the above tasks, we have developed a budget for the overall programme until the end of June 2018, as well as for the next phase until the end of February 2018. MartinJenkins have estimated that the full programme between September 2017 and the end of June 2018 will require \$220,000-\$240,000 to ensure the REDA is fully ready for operations. The budget provides us with sufficient resources to secure the services of MartinJenkins, to slightly extend the services of the Programme Manager and to procure legal advice as required. It will also provide a 10-15% contingency for any unanticipated costs.

The WMB funding sources and status are summarised below:

Funding Source	Amount	Status
WMB 17/18 Implementation Programme	\$50,000	Approved
MBIE Regional Growth Programme	\$75,000	Supported, awaiting formal approval
Hamilton City Council	\$90,000	Approved subject to confirmation of model
WEL Energy Trust	\$25,000	Application lodged 29/9, decision expected before Xmas
Total	\$240,000	

Overall, we expect the project to be fully funded, although the stream of funds will be staggered across the next few months and depend on third party decisions. Furthermore, based on the activities required to undertake both phases 2 and 3, the City Council's \$90,000 is essential to fully complete the project.

We trust that this report meets the requirement of the resolution such that Council is able to release the 2017/18 funds for this project (\$90,000) and confirms its intention to support the annual amount of \$140,000 within its Long Term Plan budget.

WMB would agree a funding agreement with staff that specifies the outputs to be delivered across the next 8 months and accompanies the transfer of funds.

Dallas Fisher

Chair

Waikato Means Business

Council Report

Committee: Council **Date:** 06 December 2017
Author: Debbie Lascelles **Authoriser:** Lance Vervoort
Position: Community Services Manager **Position:** General Manager Community
Report Name: Submission to Ministry of Education regarding Richmond Park School site

Report Status	<i>Open</i>
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Purpose

1. To seek approval for the content of the submission to the Ministry of Education regarding the Richmond Park School site.
2. The submission is attached to this report.

Staff Recommendation

3. That the Council:
 - a) receives the report; and
 - b) approves the content of the Council's submission on the Richmond Park School site to be sent to the Ministry of Education.

Background

4. The Richmond Park School site is located on the corner of Bader Street and Pine Avenue. It is zoned Community Facilities and designated for Education Purposes under the Fully Operative District Plan.
5. The School was closed in 2004 and following this was used by Hamilton City Council and other community groups until 2016. A kohanga reo remains on site.
6. On Friday 4 August, City Growth staff facilitated a meeting between Deputy Mayor Gallagher, Councillors Henry, MacPherson, O'Leary, Taylor and Tooman, and staff from the Ministry of Education (MOE) to seek clarification on the future of the site.
7. At this meeting, MOE outlined the statutory process to dispose of school land. It was highlighted at this meeting that the site had not been declared surplus and no decision had been made at this point to do so. However, MOE can only fund capital for sites that are used for educational purposes, therefore there is no budget to maintain the buildings at an operational standard. The intention was to demolish the buildings, other than the one used by the Kohanga.
8. Councillors voiced concern about the perceived lack of consultation and the loss of opportunities for the community to utilise the existing facilities. Strong concern was voiced over the plan to demolish the buildings.

9. MOE responded in writing on 9 August 2017 with the following options for the Council to consider:
- a. purchase the buildings and underlying land
 - b. pay to relocate the buildings to another site.
- MOE gave the Council until the 31 August 2017 to assess the suitability of the buildings for this purpose.
10. Following this letter, the Chief Executive, Richard Briggs responded to MOE requesting an extension of time in order for the Council to assess the options and consider community views of future use for the site. MOE agreed to leave the buildings in situ until the end of the year, giving HCC time to make an informed submission to them.
11. The Facilities Unit inspected the buildings on Friday 11 August 2017. They estimated that approximately \$200,000 would need to be spent on the buildings to bring them up to a good state of repair.
12. The Community Development Unit met with key community stakeholders and past users to gauge the needs for community facilities in the area and discuss options for the future of the site.
13. Findings from this targeted consultation were:
- Having a closed, run-down school in the middle of the community is not good for morale or community spirit
 - There is a need for spaces where community activities can be held
 - There is no need for further green space
 - The community would prefer to be involved with future developments on the site.
14. These findings were the subject of a briefing to the Council on 3 October 2017. The Council expressed no desire to purchase the land or buildings at this briefing.
15. Since the briefing, Council staff met with representatives from Waikato Tainui who have expressed an interest in the site for housing purposes.
16. Staff have prepared a submission to MOE on behalf of Council (see attachment one) which is in support of MOE working with the local community and Waikato Tainui to identify the best use for the site.

Attachments

Attachment 1 - Submission to MOE regarding Richmond Park School Site .

Attachment 1

The Future of Richmond Park School
Submission to Ministry of Education from Hamilton City Council
December 2017

Thank you for the additional time provided by the Ministry to submit on the future of Richmond Park School.

Council has used this time to meet and discuss with community groups who have used the facility since the school was closed in 2003. Meetings have been held with community centres in Melville/Glenview areas of Hamilton and the Kohanga Reo currently on site. Larger meetings with representatives from community groups have also been held.

These groups reported that the facility was well utilised until the time power was turned off in 2016. They report that there is still a strong demand for community facilities in the Melville area. There is concern that having a closed school in the heart of the community is bad for general morale in the area, and has attracted crime and antisocial behaviour.

Item 8

The process of disposing of Crown land can be a lengthy process. Council would therefore advocate that the demolishing of buildings is not undertaken in a hasty manner that would deny community groups an opportunity to engage with the Ministry directly on potential use in the future. Council would strongly advise the Ministry to work closely with local community groups to find a suitable outcome that can allow for community space to remain available if possible. Council's Community Development team is well situated to provide assistance in this process if required.

Council sees potential for the Richmond Park facilities to be used by the Melville community, whilst also accepting that a final decision ultimately lies with the Ministry. If the decision is made to demolish and sell, Council would encourage the Ministry's decision on sale of the property to take into consideration the end use proposed by the purchaser. Development options that would allow for involvement of and benefit to the local community would be preferred.

Council is aware of some initial interest from Tainui about purchasing the land for housing. A development of the type would be in the interests of the local community and therefore Council are able to provide for this via our MoU with Government on Special Housing Areas and would encourage an application of this nature.

Richard Briggs
Chief Executive
Hamilton City Council

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. Rotokauri Park and Ride Land) 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 maintain legal professional privilege	Section 7 (2) (g)
	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)