

## Notice of Meeting:

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

**Date:** Thursday 8 February 2018  
**Time:** 9.30am  
**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
	Vacancy

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

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

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Lee-Ann Jordan  
Governance Manager

**1 February 2018**

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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*

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Apologies	5
2	Confirmation of Agenda	5
3	Declarations of Interest	5
4	Public Forum	5
5	Confirmation of Council Minutes - 6 December 2017 (10 Year Plan)	6
6	Confirmation of Council Open Minutes - 12 December 2017 (10 Year Plan)	61
7	Confirmation of Council Open Minutes - 14 December 2017	68
8	Chair's Report - 8 February 2018	79
9	10 Year Plan Engagement	85
10	Priority Vehicular and Pedestrian Thoroughfares and Routes of Strategic Importance	91
11	New Lease - Verandah Cafe - Hamilton Lake Domain	143
12	Regulatory Efficiency and Effectiveness Programme - half yearly report from Taskforce	147
13	Private Developer Agreements - Change to Council Delegations	159
14	Resolution to Exclude the Public	174

**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:** 08 February 2018  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation of Council Minutes - 6 December 2017 (10 Year Plan)

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

That the Council confirm the Open Minutes of the Council Meeting (10 Year Plan) held on 6 December as a true and correct record.

## Attachments

Attachment 1 - Council ( 10 Year Plan) - Open Unconfirmed Minutes - 6 December 2017.

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## COUNCIL (10 YEAR PLAN)

### OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 6 December 2017 at 9.40am.

#### 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 R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Vacancy

#### In Attendance:

Richard Briggs – Chief Executive  
Lance Vervoort – General Manager Community  
David Bryant – General Manager Corporate  
Sean Hickey – General Manager Communications and Strategy  
Kelvyn Eglinton – General Manager Growth  
Chris Allen – General Manager Infrastructure  
Sean Murray – General Manager Venues, Tourism and Major Events  
Blair Bowcott – Executive Director Special Projects  
Stephen Halliwell – Accounting Manager  
Brett Brinkworth – Senior Corporate Project Accountant  
Sarah Ward – Programme Manager, Corporate Planning  
Paul Gower – Programme Manager, Growth and Assets  
Andy Mannering – Manager, Social Development  
Nick Chester – Social Development Advisor  
Luke O'Dwyer – Economic Growth and Planning Unit Manager  
Chelsey Stewart – Project Manager (Strategy)  
Helen Paki – Business and Planning Manager  
Robyn Denton – Acting Transportation Manager  
Andrew Parsons – City Development Manager  
Sarah Wilson – Corporate Project Accountant  
Jen Baird – Communications Unit Manager  
Emily Botje – Facilities Unit Manager  
Eeva-Liisa Wright – Business Manager, City Infrastructure  
Bridget Morgan – Water Asset Manager  
Russell Hynd – Finance Manager  
Dan Finn – People, Safety and Wellness Manager

Maria Barrie – Parks and Recreation Manager  
 Maire Porter – City Waters Manager  
 Rebecca Whitehead – Libraries Director  
 Alice Morris – City Planning Policy Team Leader  
 Nigel Ward – Communications Team Leader  
 Matthew Bell – Revenue Manager  
 Karen Saunders – Group Business Manager – City Growth  
 Debbie Lascelles – Community Services Manager

Governance Staff: Lee-Ann Jordan – Governance Manager  
 Becca Brooke – Governance Team Leader  
 Brendan Stringer – Legal Services and Governance Officer  
 Rebecca Watson and Amy Viggers – Committee Advisors

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*Tame Pokaia carried out a blessing and bible reading to open the meeting.*

*Mayor King issued an apology to the General Manager City Growth and the Economic Growth and Planning Unit Manager for unfair comments he made during the 5 December 2017 Growth and Infrastructure Committee Meeting in relation to Item 18 (Hamilton City Council's Submission to Te Awa Lakes Proposed Plan Change-Perry's Group).*

**1. Apologies**

There were no apologies.

**2. Confirmation of Agenda**

Cr Pascoe requested that Item 10 (Housing Infrastructure Fund) be taken ahead of Item 9 (Draft 10-Year Plan Budget 2018-28). A number of Elected Members raised concerns regarding the proposed process/sequencing for discussing matters in the agenda.

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

That the agenda be confirmed noting the following:

- Item 9 (*Draft 10-Year Plan Budget 2018-28*) has been circulated under separate cover,
- Item 10 (*Housing Infrastructure Fund*) has been circulated under separate cover,
- Item 10 (*Housing Infrastructure Fund*) Attachment 4 appendices has been circulated under separate cover (electronically)
- Item 7 (*Waikato Means Business Contribution to Economic Development*) will now be taken together with Item 9 (*Draft 10-Year Budget 2018-28*)
- An additional (late) Item 12 – (Recommendation from the 5 December 2017 Growth and Infrastructure Committee Meeting concerning Regional Petrol Tax) has been added to the agenda. The Item is late due to recent information received from Central Government on the matter and to allow for a full consultation process to be undertaken.
- The agenda order may need to be flexible to accommodate availability of presenters.

The following corrections and clarifications are noted for the 10-Year Plan Report (*as circulated to Elected Members and as attached to this run sheet*):

- Waipa Council Rates, pg 21
- Hamilton Gardens Proposal, pg 292
- Recommendation for Community Infrastructure, pg 8
- Growth Capital Figures, pg 27-29
- Operating and Maintenance Costs for River Plan Extension, pg 76
- Strategies and Plans – CCTP, pg 262

(information and replacement pages will be available to the public via the website after the meeting.)

**Cr Pascoe Dissenting.**

Mayor King advised Elected Members that questioning would be limited to 3 minutes per Elected Member for each matter.

**3. Declarations of Interest**

Cr Pascoe declared that his wife is a volunteer at Citizens Advice Bureau in relation to page 322 (part 2) of the Council Agenda.

**4. Public Forum**

**1) Matthew Cooper (Sport Waikato) - Speaking to 10YP (2nd Indoor Court - Sport Waikato).**

Mr Cooper spoke in support of the proposed second Indoor Court facility which he believed was necessary in order to meet the increasing needs of the community.

**2) Alister Jones (Waikato University) – Speaking to 10YP (2nd Indoor Court - Sport Waikato and Gallagher Performing Arts Partnership).**

Senior Deputy Vice-Chancellor Professor Alistair Jones spoke in support of the proposed Second Indoor Court facility which the University felt would help to meet the needs of the community. He also raised concern around the proposal to not continue the partnership between the Council and the Gallagher Performing Arts Centre. He hoped the Council would reconsider its position on this matter.

**3) Natasha Hemara (Principle of Rototuna Senior High School) and Megan Campbell (Rototuna High School Board Chair & PEAK Trust Member) - Speaking to 10YP (2nd Indoor Court - Sport Waikato).**

Ms Hemara and Ms Campbell spoke in support of a second Indoor Court Facility which they felt was required to better meet the needs of the community and the school.

**4) Sonia Fursdon (Go Eco Manager) - Speaking to the 10YP (investment in cycle infrastructure, waste and restoration).**

Ms Fursdon urged the Council to recycle all plastics, with glass separated, and to include food waste bins for organic waste. She encouraged the Council to continue supporting cycling infrastructure and asked that some of the projects be brought forward in the plan so work could begin sooner.

**5) Angela Cumings - Speaking to the 10YP (Destination Playgrounds)**

Ms Cumings spoke against reduced funding for playgrounds, in particular not including any provision for future destination playgrounds.

**6) Max Johns – Speaking to the 10YP (Destination Playgrounds)**

Mr Johns spoke against the reduced funding for playgrounds, in particular not including any provision for future destination playgrounds.

- 7) **Vanessa Williams (Hamilton Central Business Association)** – *Speaking to 10 YP (business as usual and renewals budgets)*  
Ms Williams asked the Council to continue with much needed renewals and improvements in the CBD including lighting. She stressed the importance of keeping up with these business as usual functions.
- 8) **Virginia Graham (Friends of the Gardens)** – *Speaking to 10 YP (Hamilton Gardens)*  
Ms Graham spoke against the proposed charge for non-residents to the Hamilton Gardens.
- 9) **Max Christofferson** – *Speaking to 10 YP (Rates Rise Proposal)*  
Mr Christofferson spoke against the proposed rates rise.
- 10) **Diana Wood (Rototuna Community Trust)** – *Speaking to 10 YP (Rototuna Development)*  
Ms Wood spoke in support of the development of a Rototuna Town Centre for which provision was proposed in the 10-Year Plan.
- 11) **Bruce Clarkson (Environmental Research Institute of the University of Waikato and the Waiwhakareke Advisory Group)** - *Speaking to 10 YP (priority order of funding)*  
Professor Clarkson urged the Council to consider placing a higher priority on environmental considerations and proposals such as Waiwhakareke and Gully Restoration. He supported the Waiwhakareke unfunded proposal and supported a modified version of options 1 and 2 for the Hamilton Zoo, particularly with the connection between the Zoo and Waiwhakareke.
- 12) **Dr Amy Van-Wey Lovett** – *Speaking to 10 YP (Pools)*  
Dr Van-Wey Lovett spoke against the privatisation of the pools.
- 13) **Brian Main** – *Speaking to 10 YP (Proposed Hamilton Gardens Charge)*  
Mr Main spoke against charging non-residents for entry to the Hamilton Gardens.
- 14) **Deborah Fisher** – *Speaking to 10 YP (Rates Rises)*  
Ms Fisher spoke against rate payers having to bear the costs of growth and also raised concerns around lack of consultation for user pays rubbish systems. She noted that rates increases should be no more than the cost of living.
- 15) **Anna Casey-Cox** - *Speaking to 10 YP (Living Wage)*  
Dr Casey-Cox spoke in support of a living wage for all Council employees and contract workers and asked that the Council implement a living wage policy.
- 16) **Helen Jarman – (240 Victoria St Body Corp Rep)** – *speaking to the Victoria on the River Proposal*  
Ms Jarman raised concerns around the Victoria on the River Proposal and the level of transparency concerning purchasing property and notifying affected parties to this proposal. She was concerned that a promenade was being proposed with no regard for current apartment owners in the vicinity.

17) **Penny Evans** – *Speaking to the 10 YP (Hydro Therapy Pool)*

Ms Evans spoke against privatisation of the pools as an option under consideration as part of the 10 YP.

5. **Recommendation from the Growth and Infrastructure - Approval of the Access Hamilton Business Case**

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

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.

*Crs Taylor and Southgate left the meeting (11.07am) during the above item. They were not present when the matter was voted on.*

6. **Recommendation from Community and Services Committee meeting 31 October 2017 - Community Assistance Policy**

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

That the Council approve the Community Assistance Policy.

*Crs Taylor and Southgate re-joined the meeting (11.10am) at the conclusion of the above item. They were not present when the matter was voted on.*

*As noted in the Confirmation of the Agenda, the late item – Recommendation from Growth and Infrastructure Committee meeting, 5 December 2017 – Petrol Tax was taken next. Item 7 (Waikato Means Business Contribution to Economic Development) would now be taken together with Item 9 (Draft 10-Year Budget 2018-28).*

12. **(Late Report) Recommendation from Growth and Infrastructure Committee Meeting, 5 December 2017 – Petrol Tax.**

The Chief Executive introduced the item. The Executive Director Special Projects advised Elected Members that the recommendation from Growth and Infrastructure Committee Meeting on 5 December 2017 had since been updated by staff to reflect further information received from Central Government concerning the proposal. Staff responded to questions from Elected Members concerning negotiations with Central Government, the process of implementing a petrol tax, and the financial benefits that the tax would provide to Council.

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

That the Council:

- a) requests the Government includes the Hamilton City Council in a new local fuel tax scheme that would permit an additional 10c per litre (11.5c per litre including GST) to be levied by the Council on all fuel sold in the City as soon as possible after 1 July 2018, noting that this would be in addition to the existing Local Authority Petroleum Tax scheme;

- b) consults on the proposal to levy a new fuel tax on all fuel sold in the City for implementation as soon as possible after 1 July 2018, as part of the draft 2018-2028 10-Year Plan; and
- c) delegates the Mayor and Chief Executive to conduct any negotiations and discussions to progress the levying, administration and collection of a new local fuel tax for Hamilton City Council (including any necessary legislation or regulation changes) with all key stakeholders including the Government, Government representatives and fuel company providers.

*The meeting adjourned 11.17am – 11.36am during the discussion of the above item.*

**8. Submission to Ministry of Education regarding Richmond Park School site**

The General Manager Community introduced the report and provided an update on the matter. Staff responded to questions from Elected Members concerning options to be considered for the future use of the site and the Ministry of Education’s consultation with the community regarding this.

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

That the Council:

- a) receives the report;
- b) requests staff include in the Council Submission on the Richmond Park School site, to be sent to the Ministry of Education, the following:
  - i. reference to the fact that Hamilton City Council contributed funding to the school hall, and that there was a need for bookable hall space in the Melville Community, and a willingness on the part of the community to manage this facility;
  - ii. reference to the fact that a number of community organisations in Hamilton are seeking premises that the school buildings could be useful for; and
- c) that the Council urgently engage with the new Minister of Education on the need to look past previous Ministry Of Education policy when considering the future of Richmond Park School, including their strategic thinking of Education Facilities in the South West of Hamilton.

*Following the discussion of the above Item, the Council decided to hold the vote until after the lunch adjournment (2.00pm – 2.45pm). The meeting resumed with Item 9 (Draft 10-Year Plan Budget 2018 – 28 prior to the adjournment.*

## Item 9 – Draft 10-Year Plan Budget – 2018-28

### Mayor's Recommendations

The Mayor introduced his draft 10 Year Plan Budget 2018-28 which set out his priorities and associated financial plan for the next decade.

He asked Elected Members to help identify options to limit rates increases and welcomed proposals around this for further consideration.

He outlined the following key focus areas:

- Embracing Growth
- Creating a Sustainable Financial Legacy
- Looking After What We've Got
- Improving Liveability
- Reimagining Local Government.

The General Manager Strategy and Communications outlined the proposed process for working through the Draft 10-Year Plan Budget Proposals.

### FORECASTING ASSUMPTIONS

Elected Members discussed the following:

- The impact of growth as a key driver and the need for a strong economy
- The accuracy of growth projections and financial figures
- Financial strategy measures
- Proposed rates increase figure.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) approves, for the purposes of developing the Consultation Document, the significant forecasting assumptions used in the development of the draft 2018-28 10-Year Plan set out in Section 1: Attachment 2 (subject to being updated as a consequence of decisions at this meeting);
- c) approves the following financial strategy measures for the 2018-28 10- Year Plan:
  - i. Debt to revenue ratio (calculated as described in this report);
  - ii. Balancing the books (calculated as described in this report);
  - iii. Rates increase limit (expressed as the percentage increase to existing ratepayers); and
  - iv. Rates limit (expressed as a maximum portion of the rateable capital value of the city).
- d) approves a maximum debt to revenue ratio target of 230% for the 2018-28 10-Year Plan;

***The meeting adjourned 2.00pm – 2.45pm.***

*The meeting commenced with voting for Item 8 ( Submission to Ministry of Education regarding Richmond Park School site) as recorded above. Item 9 was then resumed.*

**OPERATING BUDGET**

Elected Members discussed opportunities for savings within the operating budget including:

- The impact of introducing a living wage
- Development Contributions Revenue
- Rate increase projections
- Personnel costs
- Ensuring that the operating budget remained lean
- The impacts of CBD Parking on resources and revenue.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

- d) approves the Fees and Charges Schedule in Section 2, Attachment 12 of this report; and

**Cr Macpherson Dissenting.**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

- e) approves the draft operating expenditure budget for the 2018-28 10-year Plan, excluding any rates increase and subject to any decisions on other recommendations in this report which may materially impact this resolution.

**The Motion was put.**

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

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

**The Motion was declared carried.**

*An extension of time was moved at 4.30pm during discussion of the above motion.*

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

That the meeting continue past 6 hours as per Standing Order 3.2.7

***The meeting adjourned from 4.52pm – 5.13pm.***

**RENEWALS AND COMPLIANCE/BUSINESS IMPROVEMENT CAPITAL PROGRAMME**

Elected Members ask questions of staff and discussed the following:

- Council Building Renewals e.g. earthquake strengthening the Water Treatment Plant
- Gullies and storm water networks
- Infrastructure projects and priorities
- IT upgrades and priorities
- Efficiencies and cost saving options.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

g) approves funding provision in the draft 2018-28 10-Year Plan of \$495.035m capital expenditure for Renewals; and

h) approves funding provision in the draft 2018-28 10-Year Plan of \$78.79m capital expenditure for Compliance and Business Improvement and \$9.27m capital expenditure for community infrastructure not subject to a proposal.

**Crs Southgate and Henry Dissenting.**

**GROWTH PROGRAMME**

Elected Members asked questions of staff and discussed:

- Growth projections
- The balance between growth scenarios and city liveable
- Options regarding the HIF and possible impacts
- Developers Contributions
- Libraries
- Growth Cells.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

i) approves the Peacocke Scenario 4 as the preferred growth scenario, subject to the Council agreeing to a non-binding application to the Housing Infrastructure Fund, as the basis for preparing the draft 2018-28 10-Year Plan and 2018-2048 30-Year Infrastructure Strategy;

j) approves capital expenditure of \$813.3m over the 10 year period of the draft 2018-28 10-Year Plan (including inflation and net of subsidies) for provision of growth infrastructure;

k) notes that consequential operating expenditure to deliver the Peacocke Scenario 4 has been provided for in the draft 2018-28 10-Year Plan; and

l) notes that work will continue with Central Government on alternative financial interventions to fund

strategic growth infrastructure in addition to the Housing Infrastructure Fund.

**Crs O'Leary and Casson Dissenting.**

## TRANSPORT IMPROVEMENT PROGRAMME

Elected Members asked questions of staff and discussed:

- NZTA subsidies and where these would apply
- Targets, in particular zero fatalities on Hamilton roads
- Programme project and priorities
- Promoting sustainable transport options
- Congestion and future pressure on roading infrastructure
- The impact of deferrals.

**Motion:** (Cr Macpherson/Deputy Mayor Gallagher)

m) approves the funding provision in the draft 2018-28 10-Year Plan of \$220m (gross) over the 10-year period for the Prioritised Transport Improvement Programme included in Section 3c, Attachment 1.

*During the discussion of the above proposal, a procedural motion was resolved to adjourn the meeting.*

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

*That the meeting adjourn at 8.30pm, 6 December 2017, during the discussion of the above proposal.*

*To be reconvened at 9.30am on 7 December 2017.*

***The meeting reconvened at 9.30am, 7 December 2017, starting with the continuation of the discussion of the Transport Improvement Programme Proposal.***

**TRANSPORT IMPROVEMENT PROGRAMME** *(continued)*

**Motion:** (Cr Macpherson/Deputy Mayor Gallagher)

m) approves the funding provision in the draft 2018-28 10-Year Plan of \$220m (gross) over the 10-year period for the Prioritised Transport Improvement Programme included in Section 3c, Attachment 1.

**Amendment:** (Crs Mallett/Casson)

m) approves the funding provision in the draft 2018-28 10-Year Plan of \$220m (gross) over the 10-year period for the Prioritised Transport Improvement Programme included in Section 3c, Attachment 1, subject to the following projects being deferred to start in the 2021-22 year period:

- Biking Plan - Biking Connectivity
- School Link Public Transport and Cycleway
- Te Awa South River Ride
- Biking Plan - Central City
- Biking Plan - City Wide Biking signage
- Biking Plan - University Route

**The Amendment was put.**

**Those for the Amendment:** Crs Mallett and Casson.

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor, Bunting, Macpherson, Pascoe, Tooman, and O'Leary.

**The Amendment was declared lost.**

**The Motion was then put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor, Bunting, Macpherson, Pascoe, Casson, O'Leary.

**Those against the Motion:** Crs Mallett and Tooman.

**The Motion was declared carried.**

**Resolved:** (Cr Macpherson/Deputy Mayor Gallagher)

m) approves the funding provision in the draft 2018-28 10-Year Plan of \$220m (gross) over the 10-year period for the Prioritised Transport Improvement Programme included in Section 3c, Attachment 1.

***The meeting adjourned at 10.02am – 10.10am during the discussion of the above motion.***

*Following the adjournment and prior to the vote of the above matter, the Mayor moved Item C1 – (Rotokauri Park and Ride Land) to be taken in the open session of the meeting as there was no longer a need for it to be publicly excluded. The report for this item is attached to these minutes (Appendix 1)*

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

That Item C1 (Rotokauri Park and Ride Land) is moved into the open session of the meeting.

*Prior to the debate and vote of Item C1 (Rotokauri Park and Ride Land), the meeting went back to the debate and vote of the transport matter above.*

***The meeting adjourned at 11.14am – 11.30am following the vote for the Transport Improvement Programme matter.***

*Following the above adjournment, the meeting resumed with the discussion of item C1 (Rotokauri Park and Ride Land) below.*

#### **C1. ROTOKAURI PARK AND RIDE LAND**

Elected Members discussed:

- Pressure of timing and the need for a futureproofed option
- Alternate options for a site
- Potential sub-regional partnership opportunities
- Funding and the risk of not getting Government subsidies.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) approves proceeding with the purchase of approximately 21,178 square metres of land at Rotokauri in accordance with the Agreement for Sale and Purchase approved at the 24 October 2017 Growth and Infrastructure Committee meeting to enable the future provision of a public transport park and ride facility;
- c) approves a project budget of \$6,400,000;
- d) delegates approval to the Chief Executive to make all payments in accordance with the already approved Agreement for Sale and Purchase; and
- e) requests the Chief Executive to report back to Council prior to October 2018 on options to on-sell the land if funding is not confirmed through the full process of the 2018-28 10-Year Plan.

**Cr Mallett Dissenting.**

*Item 10 (Housing Infrastructure Fund – Draft Business Cases) was taken next.*

#### 10. HOUSING INFRASTRUCTURE FUND – DRAFT BUSINESS CASES

Economic Development and Planning Manager and Executive Director Special Projects introduced the report. They responded to questions from Elected Members concerning the financial modelling of various scenarios and specifics related to repaying the loan.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) approves the submission of a **non-binding** application to the Housing Infrastructure Fund, including approving the detailed business case, to advance lead strategic infrastructure funding for Peacocke;
- c) notes that the detailed business case will seek Housing Infrastructure Funding (through MBIE and NZ Transport Agency) for Peacocke of \$308.4m (inflation adjusted gross figure), consisting of a 10 year interest free loan of \$189.1m and a New Zealand Transport Agency funding assistance subsidy of \$119.3m;
- d) delegates to the Mayor and Chief Executive authority to sign all tender documentation associated with the proposal for formal submission to the Ministry of Business Innovation and Employment (MBIE) and NZ Transport Agency;
- e) delegates to the Chief Executive authority to conduct any necessary **non-binding** commercial negotiations with government representatives consistent with the Housing Infrastructure Fund proposal submitted to MBIE and NZ Transport Agency;
- f) approves the unbudgeted expenditure for the preparation of the detailed business case and financial analysis of the growth scenarios for the draft 10-Year Plan estimated at \$435,000 and note that this will be recorded in the Risks and Opportunities register; and
- g) delegates to the Chief Executive authority to continue to advocate with the Government for other funding tools and options to provide strategic infrastructure to enable more housing supply to the City.

**Cr O’Leary Dissenting.**

***The meeting adjourned 1.05pm to 1.50pm.***

*Following the adjournment, the meeting continued with Item 9 (Draft 10-Year Budget 2018/28) starting back with the proposals.*

***The meeting adjourned at 3.10 – 3.25pm and at 4.35pm – 4.50pm during the discussion of the proposals.***

*Following the above adjournment, Ian White Associates Landscape Architects presented to Council on a proposed Central City Park.*

*A motion to extend the meeting past 6 hours was moved at 5.00pm.*

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

That the meeting be allowed to extend past 6 hours as per Standing Order 3.2.7.

#### PROPOSALS

The Mayor's proposals and some additional proposals raised by councillors were discussed and debated. Staff responded to questions from Elected Members concerning the proposals and provided financial modelling for the various options discussed. Questions and debate on these matters can be viewed at <https://www.youtube.com/user/HamiltonCityCouncil/videos?view=0>

**n) approves the following proposals to be included in the draft 2018-28 10-Year Plan budget:**

#### River Plan Extension – Central City Park

**Resolved:** (Crs Taylor/Henry)

That the Council approves funding provisions in the draft 2018-2-28 10-year plan for the development of a central city park between Victoria on the River and Embassy Park as follows:

- i. Total capital expenditure of \$12 m in the first five years of the 10-year plan (2018/19 to 2023/24);
- ii. Operating expenditure of \$300,000 in Year 1 (2018/19) for development of a master plan for the urban park;
- iii. Operating expenditure of \$1.8m in Year 2 (2019/20) and \$4.2m in Year 3 (2020/21) for removal of the buildings;
- iv. An allowance to write-off building assets of \$4.5m in Year 2 (2019/20) and \$8.45m in Year 3 (2020/21);
- v. Consequential operating expenditure of \$55,000 per annum from year 4 (2021/22) to maintain the new assets following completion of the project; and
- vi. That the overall budget for Community Infrastructure is reduced by \$12 million (\$8m capital expenditure and \$4 million operating expenditure).

**The Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Taylor, Macpherson, Henry, Bunting, Mallett.

**Those against the Motion:** Crs Southgate, Casson, Pascoe, Tooman and O'Leary.

**The Motion was declared carried.**

**Re-imagining Local Government****Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves funding provision in the draft 2018-28 10-Year Plan of \$3m over years 1, 2 and 3 (2018/19, 2019/20 and 2020/21) for the 'Re-imagining Local Government' programme.

**The Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson, Taylor, Mallett, and Pascoe.

**Those against the Motion:** Crs Southgate, Henry, Bunting, Casson, Tooman and O'Leary.

**The Motion was declared equal.****The Mayor exercised his casting vote as Chair.****The Motion was declared carried.***The meeting adjourned from 6.35pm – 7.10pm.***Rubbish and Recycling****Resolved:** (Crs Bunting/Southgate)

That the Council approves a rubbish and recycling service, with a net estimated expenditure of \$81.704m over the 10-Year Plan period, that is funded through general rates, and that the service delivered includes:

- i. wheeled bins for rubbish, recycling and food waste; and
- ii. weekly collection of food waste containers;
- iii. fortnightly collection of rubbish and recycling containers;
- iv. the cost of the Rubbish and Recycling Service be expressed as a separate charge on the rates invoice.

**Playgrounds****Motion:** (Mayor King/Deputy Mayor Gallagher)

That the Council approve a revised approach to playgrounds development and approve the provision in the 2018-28 10-Year Plan of \$3m capital expenditure and \$1.27m operational expenditure to deliver new or upgraded playgrounds over 10 years.

**Amendment:** (Crs Pascoe/Bunting)

That the Council:

- a) approves a revised approach to playgrounds development and approve the provision in the 2018-28 10-year Plan of \$3m capital expenditure and \$1.27m operational expenditure to deliver new or upgraded playgrounds, following a community consultation process, over 10 years;
- b) approves that the 2018-2028 long term plan provide for 3 new playgrounds as follows:
  - i. 2 new destination playgrounds, one in year 3 and the other in year 5, and
  - ii. A destination playground in year 1 in Garden Place to coincide with the proposed redevelopment of Garden Place to be undertaken by local business,
- c) approves that \$2.75 m be allocated to fund these 3 parks as follows;
  - i. Up to \$750,000 for the Garden Place Playground if this venture is approved and does proceed (to be funded from Garden Place redevelopment budget), and
  - ii. Up to \$2,000,000 for the two destination playgrounds (to be offset against the Rototuna Town Centre budget).

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor, Bunting, Casson

**Those against the Amendment:** Crs Mallet, Tooman

**The Amendment was declared carried.**

**The Amendment was put as the Substantive Motion.**

**The Substantive Motion was declared carried.**

**Cr Mallett Dissenting.**

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

That the Council:

- a) approves a revised approach to playgrounds development and approve the provision in the 2018-28 10-year Plan of \$3m capital expenditure and \$1.27m operational expenditure to deliver new or upgraded playgrounds, following a community consultation process, over 10 years;
- b) approves that the 2018-2028 long term plan provide for 3 new playgrounds as follows:
  - i. 2 new destination playgrounds, one in year 3 and the other in year 5, and
  - ii. A destination playground in year 1 in Garden Place to coincide with the proposed redevelopment of Garden Place to be undertaken by local business,
- c) approves that \$2.75 m be allocated to fund these 3 parks as follows;
  - i. Up to \$750,000 for the Garden Place Playground if this venture is approved and does proceed (to be funded from Garden Place redevelopment budget), and
  - ii. Up to \$2,000,000 for the two destination playgrounds (to be offset against the Rototuna Town Centre budget).

**Garden Place Upgrade****Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves funding provision in the draft 2018-28 10-Year Plan for a community led upgrade of Garden Place as follows:

- a) capital expenditure of \$3.95m, including up to \$750,000 towards a Destination Playground, over the first two years (2018/19 and 2019/20);
- b) consequential operating expenditure of \$44,500 per annum from year three (2020/21) in addition to the existing Garden Place operating and maintenance costs, to maintain the new assets following completion of the project; and
- c) notes that a business case will be prepared and brought back to the Council for approval before the commencement of the project.

**The Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Macpherson, Bunting, Taylor and Pascoe.

**Those against the Motion:** Crs Southgate, Casson, Mallett, Tooman, and O'Leary.

**The Motion was declared carried.**

**Hamilton Gardens Development****Resolved:** (Crs Taylor/O'Leary)

That the Council:

- a) approves funding provision in the draft 2018-28 10-Year Plan of \$9.3 million (\$7 million capital and \$2.3 million net operating expenditure) for the development of a minimum of 4 new gardens and associated infrastructure at Hamilton Gardens, and that the overall budget for community infrastructure is reduced by \$9.3 million; and
- b) continues the \$10 targeted rate throughout the 2018-28 Year Plan.

***Further Motion*****Resolved:** (Crs Macpherson/Mallett)

That the Council approves an entry fee to the enclosed sector of Hamilton Gardens of \$10 for non-Hamilton residents over the age of 18, beginning in 2018/19 with an exemption for members of the Friends of the Gardens, and that the proceeds of the fee be added to the gardens budget.

**The Further Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Pascoe, Tooman, Macpherson and Mallett.

**Those against the Motion:** Crs Southgate, Henry, Taylor, Bunting, Casson, and O'Leary.

**The Motion was declared equal.**

**The Mayor exercised his casing vote as Chair.**

**The Motion was declared carried.**

*At the conclusion of the above matter, a procedural motion was resolved to adjourn the meeting.*

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the meeting adjourned at 10.30pm, 7 December 2017 , to be re-convened at 12.00pm on Monday, 11 December 2017.

**The meeting re-convened at 12.15pm on 11 December 2017.**

Mayor King noted that debate would be limited to 2 minutes per Elected Member with an extension of 1 minute if needed.

Mayor King clarified statements he had made during questioning about the Garden Place redevelopment proposal at the 10-Year Plan Council meeting on 7 December 2018. Mayor King noted his comments were made in error, and incorrectly indicated Brain Squair, Board Chair and Director of Chow Hill Architects Ltd, endorsed the proposed design. Mayor King unreservedly apologised to Mr Squair and the Board of Chow Hill.

**Waikato Regional Theatre**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves funding provision in the draft 2018-28 10-Year Plan as follows:

- a) operating grant of up to \$25m (after an uncommitted \$5m contribution from Waikato Regional Council) spread over Years 1,2 and 3 (2018/19, 2019/20, 2020/21)
  - for a grant towards the construction of the Waikato Regional Theatre;
- b) Council's funding will be met from:
  - i) a grant from VHT with Council instructing the board of VHT that Council wishes a \$6m grant is made to the theatre on Councils behalf;
  - ii) net proceeds from the sale of Waikato Innovation Park Ltd of an estimated \$6m;
  - iii) the remaining balance will be met from debt.
- c) an annual operating grant (for ongoing renewals and upgrades funding) for Momentum Waikato of \$1.1m per annum for 20 years to commence following the opening of the Waikato Regional Theatre in July 2021 (Year 4); and
- d) Council requests the CE to continue to work with the Regional Council to levy a Regional Council Target Rate to collect up to \$10m. (approximately 50% to be met by Hamilton ratepayers).

**The Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor, Macpherson, Pascoe, Tooman, and O'Leary.

**Those against the Motion:** Crs Bunting, Casson and Mallett.

**The Motion was declared carried.**

**Rototuna Town Centre – Community Facilities****Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves provision in the draft 2018-28 10-Year Plan to fund construction of a Community Hub/Library and Public Square and select a private partner to construct and operate a swimming facility as follows:

- i. Capital expenditure of \$18m over Years 2, 3 and 4 (2019/20, 2020/21, and 2021/22) of the 10-Year Plan and associated opex of \$7.750m to plan, build and operate a Community Hub (with a library and community meeting space), carparks (with 2 hour free parking) and public square in the Rototuna Town Centre; and
- ii. preparation of a procedure for the selection of a private partner to construct and operate a 25 metre aquatic facility including at minimum, a Learn to Swim facility on the designated aquatics site.

**Crs Tooman and Mallett Dissenting.**

*The meeting adjourned (3.05pm - 3.30pm).*

**Immediate Transition to Capital Value Rating****Motion :** (Mayor King/Deputy Mayor Gallagher)

That the Council, for the purposes of preparing a draft policy, approves changing to 100% capital value rating from Year-1 of the 10-Year Plan (2018/19).

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

That the Council, for the purposes of preparing a draft policy, approves changing to 50% capital value rating in Year 1 of the 2018-28 10-Year Plan, 75% capital value rating in Year 2 of the 2018-28 10-Year Plan and 100% capital value rating from Year 3 of the 2018-28 10-Year Plan.

**The Amendment was put.**

**Those for the Amendment:** Crs Southgate, Henry and Bunting

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Taylor, Casson, Macpherson, Mallett, Pascoe, Tooman, O'Leary

**The Amendment was declared lost.**

**The Motion was then put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Taylor, Bunting, Macpherson, Pascoe and Tooman

**Those against the Motion:** Crs O'Leary, Mallett, Casson, Southgate and Henry

**The Motion was declared carried.**

**Resolved :** (Mayor King/Deputy Mayor Gallagher)  
That the Council, for the purposes of preparing a draft policy, approves changing to 100% capital value rating from Year-1 of the 10-Year Plan (2018/19).

***Further Motion***

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the Council, for the purposes of preparing a draft policy, approves the introduction of a \$500 uniform annual general charge per separately used or inhabited part of a rating unit (SUIP) from Year-1 of the 10-Year Plan (2018/19).

**The Motion was put.**

**Those for the Motion:** Mayor King, Crs Taylor, Bunting, Casson,  
Mallet, Pascoe and Tooman.

**Those against the Motion:** Deputy Mayor Gallagher, Crs O'Leary,  
Southgate, Henry and Macpherson.

**The Motion was declared carried.**

*At the conclusion of the above matter, a procedural motion was resolved to adjourn the meeting.*

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the meeting be adjourned at 5.30pm, 11 December 2017 to be reconvened on 12 December 2017 at the conclusion of the items of business in the Agenda for the Council Meeting of 12 December 2017.

***The meeting reconvened at 3.20pm on Tuesday, 12 December 2017.***

**Targeted Rate for Development Ready Land**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves renaming the rural differential as “other”; and
- b) approves changing the general rate, “other” differential, to be less than the residential rate by the estimated appropriate allocation of the water and wastewater portion of the general rate.

**Cr O’Leary Dissenting.**

**Development Contributions**

**Motion:** (Mayor King/Deputy Mayor Gallagher)

That the Council, for the purposes of preparing a draft Development Contributions Policy, approves the removal of the CBD remission provision.

**Amendment:** (Crs Taylor/Henry)

That the Council, for the purposes of preparing a draft Development Contributions Policy, approves the phased removal of the CBD remission provision over 2 years. (50% reduction in year 1, and 100% in year 2).

**The Amendment was put.**

**Those for the Amendment:** Crs Henry, Taylor and Southgate.

**Those against the Amendment:** Mayor King Deputy Mayor Gallagher, Crs O’Leary, Bunting, Casson, Mallett, Pascoe, Tooman and Macpherson.

**The Amendment was declared lost.**

**The Motion was then put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Casson, Macpherson, Mallett, Pascoe and Tooman.

**Those against the Motion:** Crs Southgate, Taylor, Bunting and O’Leary.

**The Motion was declared carried.**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the Council, for the purposes of preparing a draft Development Contributions Policy, approves the removal of the CBD remission provision.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the Council, for the purposes of preparing a draft Development Contributions Policy, approves the removal of caps on development contributions charges.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the Council, for the purposes of preparing a draft Development Contributions Policy, approves the introduction of development contributions charges for strategic capital projects that have costs programmed outside the 10-Year Plan period.

**Cr Southgate Dissenting.**

**Closure of i-SITE**

**Motion:** (Mayor King/Deputy Mayor Gallagher)  
That the Council:

- a) approves the closure of Hamilton i-SITE, ceasing delivery of the service, effective 1 July 2018;
- b) notes that all associated costs (primarily staff redundancy) will be met in the 2018/19 financial year; and
- c) notes that the CE will endeavour to re-deploy full time staff to vacant roles within the organisation, where there is an appropriate match of skills and positions.

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

That the Council:

- a) continue providing the Hamilton i-Site service; and
- b) requests that staff investigate new revenue opportunities and/or alternate business models and report back in 2018.

**The Amendment was put.**

**Those for the Amendment:** Crs Southgate, Casson, Pascoe, Tooman and O'Leary.

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Mallett, Macpherson, Taylor, Henry and Bunting.

**The Amendment was declared lost.**

**Foreshadowed Amendment:** (Crs Bunting/Taylor)

That the Council:

- a) continues the current iSite service; and
- b) requests staff report back in 6 months on opportunities to restructure the service to return a break even result.

**The Foreshadowed Amendment was then put.**

**Those for the Foreshadowed Amendment:** Crs Southgate, Henry, Taylor, Bunting, Pascoe, Tooman and O'Leary

**Those against the Foreshadowed Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Casson, Macpherson and Mallett.

**The Foreshadowed Amendment was declared carried.**

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

**Deputy Mayor Gallagher and Cr Mallett Dissenting.**

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

That the Council:

- a) continues the current iSite service; and
- b) requests staff report back in 6 months on opportunities to restructure the service to return a break even result.

**Sale of Endowment Fund Property**

It was noted that regardless of the decision made in relation to this proposal, staff would still bring a further report to Council regarding the potential sale of the two properties.

***Procedural Motion***

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

That this item of business be adjourned for discussion at a future meeting of the Council prior to 31 August 2018.

***The meeting adjourned from 6.03pm – 6.45pm.***

**Council Minimum Wage****Motion:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves a minimum wage equivalent to an hourly rate of \$20.20 for all staff directly employed by Hamilton City Council, effective 1 July 2018, subject to agreement from unions that there will be no relativity increases.

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

That the Council approves all staff employed by Hamilton City Council (including permanent, fixed term and casual staff), be paid a minimum wage of \$20.00 per hour, with a four-year implementation:

- 1 April 2018 – move to a minimum \$17.00 per hour
- 1 April 2019 – move to a minimum \$18.00 per hour
- 1 April 2020 – move to a minimum \$19.00 per hour
- 1 April 2021 – move to a minimum \$20.00 per hour

**The Amendment was put.**

**Those for the Amendment:** Crs Southgate, Henry, Taylor, Bunting, Casson, Pascoe, Tooman and O'Leary

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson and Mallett.

**The Amendment was declared carried.**

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

**Deputy Mayor Gallagher and Cr Mallett Dissenting.**

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

That the Council approves all staff employed by Hamilton City Council (including permanent, fixed term and casual staff), be paid a minimum wage of \$20.00 per hour, with a four-year implementation:

- 1 April 2018 – move to a minimum \$17.00 per hour
- 1 April 2019 – move to a minimum \$18.00 per hour
- 1 April 2020 – move to a minimum \$19.00 per hour
- 1 April 2021 – move to a minimum \$20.00 per hour

**Pooches and Parks**

**Motion:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves funding provision in the draft 2018-28 10-Year Plan for one new fenced dog exercise area and associated facilities as follows:

- a) capital expenditure of \$177,000 in the first year (2018/19); and
- b) consequential operating expenditure of \$13,000 per annum from year two (2019/20) onwards to maintain the new facilities.

**Amendment:** (Crs Taylor/Mallett)

That the Council approves funding provision in the draft 2018-2028 10-Year Plan for additional rubbish bins to be provided in dog exercise areas as follows:

- a) capital expenditure of \$14,000 in Year 1, \$2000 in Year 2 and \$6000 in Year 3; and
- b) consequential operating expenditure of \$5000 in Year 1, \$6000 in Year 2 and \$8000 from Year 3 to 10 to maintain these extra bins.

**The Amendment was put.**

**Those for the Amendment:** Crs Taylor, Macpherson, Mallett and Pascoe.

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Bunting, Henry, Casson, Tooman and O’Leary.

**The Amendment was declared lost.**

**Foreshadowed Amendment:** (Crs Bunting/Southgate)

That the Council approves funding provision in the draft 2018-28 10-Year Plan for one new fenced dog exercise area and associated facilities as follows:

- a) capital expenditure of \$160,000 towards a fenced park and capital expenditure of \$17,000 towards extra bins, in the first year (2018/19); and
- b) consequential operating expenditure of \$13,000 per annum from year two (2019/20) onwards to maintain the new facilities.

**The Foreshadowed Amendment was put.**

**Those for the Foreshadowed Amendment:** Mayor King, Crs Southgate, Henry, Taylor, Bunting, Pascoe, Tooman and O’Leary.

**Those against the Foreshadowed Amendment:** Deputy Mayor Gallagher, Crs Casson, Macpherson and Mallett.

**The Foreshadowed Amendment was declared carried.**

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

**Crs Macpherson and Mallett Dissenting.**

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

That the Council approves funding provision in the draft 2018-28 10-Year Plan for one new fenced dog exercise area and associated facilities as follows:

- a) capital expenditure of \$160,000 towards a fenced park and capital expenditure of \$17,000 towards extra bins, in the first year (2018/19); and
- b) consequential operating expenditure of \$13,000 per annum from year two (2019/20) onwards to maintain the new facilities.

#### **Sale of Old St Peters Hall**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves the sale of Old St Peters Hall.

**Crs O'Leary and Southgate Dissenting.**

#### **ArtsPost Revenue**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves a reduction in the commission for ArtsPost shop and gallery sales from 46% to 25% for Hamilton-based artists producing unique artworks, effective 1 July 2018.

**The Motion was put.**

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

**Those against the Motion:** Crs Pascoe, O'Leary, Taylor, Henry and Southgate.

**The Motion was declared carried.**

**Digitise City News****Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves the digitisation of City News and ceases publication of the hardcopy newspaper in July 2018.

**The Motion was put.****Those for the Motion:** Mayor King, Crs Taylor, Bunting, Casson, Macpherson, Mallett and Tooman.**Those against the Motion:** Deputy Mayor Gallagher, Crs Southgate, Henry, Pascoe and O'Leary.**The Motion was declared carried.***The following item (which was moved from earlier on in the meeting) was taken next.***7. Waikato Means Business contribution to Economic Development**

General Manager City Growth introduced the report. He responded to questions from Elected Members concerning the purpose of the contribution to the model and the benefits it would bring for Hamilton.

**Resolved :** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) approves an annual contribution of \$140,000 to Waikato Means business for regional economic development commencing in 2018/19 within the 10-Year Plan 2018-28;
- c) 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, with proportionate funding from other Local Authorities and other funding sources, covering the period to 30 June 2018; and
- d) notes that approval of b) and c) above is subject to satisfying the Council resolution of the 21 September 2017 Council Meeting on this matter, including provision of feedback from the Mayoral Forum, finalisation of funding, an operating and governance model and a draft agreement which includes Council's funding contribution.

**Cr Mallett Dissenting.***Deputy Mayor Gallagher and Cr Taylor left the meeting (9.18pm) during the debate of the above item. They were not present when the matter was voted on. They re-joined the meeting (9.20pm) during the below adjournment.****The meeting adjourned 9.28pm - 9.53pm at the conclusion of the above proposal.***

**New Indoor Recreation Facility****Resolved:** (Crs Macpherson/O'Leary)

That the Council:

- a) approves staff to enter into further discussions with the University of Waikato to develop a comprehensive business case for a partnership arrangement to enable the construction of a new indoor recreation facility, subject to the business case being approved by Council;
- b) approves \$2m operating expenditure to be included in year 4 (2021/22) of the draft 2018-28 10-Year Plan, and \$2m operating expenditure to be included in year 5 of the Plan for a grant towards the construction of a new indoor recreation centre (subject to c) below being agreed);
- c) proposes to the Waikato Mayoral Forum and the Waikato Regional Council that a further \$2m be collected from regional ratepayers in Year 4 of the Plan via the regional facilities funding framework; and
- d) notes that staff will report back to Council on the business case and final partnership arrangement for consideration and approval.

**Crs Henry and Mallett Dissenting.****Funding for the Gallagher Performing Arts Centre****Motion:** (Crs Southgate/Casson)

That the Council continue funding the Gallagher Performing Arts centre through the 10-Year Plan 2018-28 of up to \$140,000 per year.

**The Motion was put.****Those for the Motion:** Cr Southgate.

**Those against the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor, Bunting, Casson, Mapcherson, Mallett, Pascoe, and O'Leary.

**The Motion was declared lost.****Library Network – Capacity and Optimisation****Motion:** (Crs Southgate/Henry)

That the Council approves \$160,000 capital expenditure in year 1 and \$1,560,000 capital expenditure in year 2 and \$400,000 net consequential opex over 10 years of the 10-Year Plan 2018-28 for improvements to the Central Library to improve engagement with Garden Place, and use of the front space in the library.

**The Motion was put.**

**Those for the Motion:** Crs Southgate, Henry, Bunting, Pascoe, O'Leary and Macpherson.

**Those against the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Taylor, Casson, Tooman, and Mallett

**The Motion was declared equal.**

**The Mayor exercised his casting vote as Chair and the Motion was declared lost.**

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

That the Council requests staff investigate lease/rent options for the space that was previously used by Visique to generate some revenue.

**Crs Casson and Tooman Dissenting.**

**Motion:** (Crs Southgate/Henry)

That the Council approves \$355,000 capital expenditure in year 3 and \$744,000 capital expenditure in year 6 and \$683,000 net consequential opex over 10 years of the 10-Year Plan 2018-28 to allow for improvements to the Hillcrest library, and \$70,000 in year 6 and \$75,000 net consequential opex for improvements to the Chartwell library.

**The Motion was put.**

**Those for the Motion:** Deputy Mayor Gallagher, Crs Southgate, Henry, Macpherson, Pascoe and O'Leary.

**Those against the Motion:** Mayor King, Crs Bunting, Taylor, Casson, Mallett and Tooman.

**The Motion was declared equal.**

**The Mayor exercised his casting vote as Chair and the Motion was declared lost.**

**Waiwhakareke Natural Heritage Park**

**Resolved:** (Deputy Mayor Gallagher/Cr Southgate)

That the Council approves capital funding of \$760,000 in 2018/19 and associated consequential opex of \$2.025m over 10 years to complete projects required to open Waiwhakareke Park to the public; including a loop track, viewing platforms, toilet installation and basic signage, fencing and bridges.

**Crs Mallett and Taylor Dissenting.**

*The following extension of time was moved at 11.15pm.*

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

That the meeting be extended beyond 10.30pm as per Standing Order 3.2.7 (for 1 hour from 11.15pm).

**Crs Tooman, Pascoe and Southgate Dissenting.**

**REEP**

**Motion:** (Crs Pascoe/O'Leary)

That Council does not approve funding for the REEP project, estimated at \$350,000 in year 3 and \$350,000 in year 4 and ongoing annual costs of \$150,000 in year 1 and \$50,000 for the following 9 years of the 2018-28 10-Year Plan.

*During the discussion of the above proposal, a procedural motion was resolved to adjourn the meeting.*

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

That the Council adjourn the meeting at 11.56pm on 12 December 2017 to be reconvened at 2.30pm, 13 December 2017.

***The meeting was reconvened at 2.40pm on 13 December 2017.***

*The meeting commenced with the Social Housing Fund Proposal prior to continuing with the REEP Proposal.*

**Social Housing Fund**

**Motion:** (Crs Macpherson/Deputy Mayor Gallagher)

That the Council:

- a) approves that \$2m of the \$18.5m to be repaid in March 2019 by Accessible Properties Ltd be allocated to a contestable Social Housing Fund; and
- b) approves that the balance of \$16.5m be used to repay debt.

**The Motion was put.**

**Those for the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson and Mallett.

**Those against the Motion:** Crs Southgate, Henry, Taylor, Bunting, Casson, Pascoe, Tooman and O'Leary.

**The Motion was lost.**

**REEP**

**Motion:** (Cr Pascoe/Cr O'Leary)

That Council withdraw funding for the REEP project estimated at \$385,000 in year 2, and \$385,000 in year 3, and ongoing annual costs of \$150,000 in year 1 and \$50,000 for the following nine years (total funding \$1,370,000) until such time as:

1. the project reports formally to Council on its progress to date, and
2. advises its targets going forward, and
3. advises how the REEP project will spend the \$1,370,000

**Amendment:** (Mayor King/Deputy Mayor Gallagher)

That the Council remove all funding for the REEP project from year 4 through to year 10.

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson, Mallett and Tooman.

**Those against the Amendment:** Crs Southgate, Henry, Taylor, Bunting, Casson, Pascoe and O'Leary.

**The Amendment was declared lost.**

**The Motion was then put.**

**Those for the Motion:** Crs Southgate, Henry, Taylor, Bunting, Casson, Pascoe, Mallett and O’Leary.

**Those against the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson and Tooman.

**The Motion was declared carried.**

**Resolved:** (Cr Pascoe/Cr O’Leary)

That Council withdraw funding for the REEP project estimated at \$385,000 in year 2, and \$385,000 in year 3, and ongoing annual costs of \$150,000 in year 1 and \$50,000 for the following nine years (total funding \$1,370,000) until such time as:

1. the project reports formally to Council on its progress to date, and
2. advises its targets going forward, and
3. advises how the REEP project will spend the \$1,370,000

**River Plan**

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

That the Council:

- a) allocates \$300,000 capital expenditure in year 1 and \$3,000,000 capital expenditure in year 2 of the LTP for better activation of the rear of the Museum and connectivity to key funded aspects of The River Plan; and
- b) requests that the master plan for the Central City Park includes connectivity from the VOTR site to the rear of the Museum and Ferry Bank precinct.

**Amendment:** (Crs Macpherson/Deputy Mayor Gallagher)

That the Council:

- a) considers the proposal below for the 2019/20 (year 2) Annual Plan:
  - i. that the Council allocates \$300,000 capital expenditure in year 2 and \$3,000,000 capital expenditure in year 3 of the LTP for better activation of the rear of the Museum and connectivity to key funded aspects of The River Plan; and
- b) requests staff to report back to the Council on this matter during the 2018 calendar year.

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Taylor, Macpherson and O’Leary.

**Those against the Amendment:** Crs Tooman, Pascoe, Bunting, Casson, Southgate and Tooman.

**The Amendment was declared equal.**

**The Mayor exercised his casting vote as Chair and the Amendment was declared carried.**

**The Amendment was put as the Substantive Motion.**

**Those for Substantive Motion:** Mayor King, Deputy Mayor Gallagher, Crs Southgate, Henry, Taylor and O’Leary.

**Those against the Substantive Motion:** Crs Tooman, Pascoe, Bunting, Casson, Macpherson and Tooman.

**The Substantive Motion was declared equal.**

**The Substantive Motion was declared carried on the casting vote of the Chair.**

*The meeting adjourned 4.35pm – 4.50pm during the discussion of the above proposal.*

*The meeting adjourned 5.11pm -6:00pm at the conclusion of the above proposal.*

### **Financial Strategy**

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

That the Council:

- a) approves the definition within the Financial Strategy of the Balancing the Books measure “Other Items not considered normal operating expenses”, such that any large items from expenditure that are:
  - i. debt funded; and
  - ii. have an intergenerational benefit,
 are excluded by Council resolution.
- b) notes that the measure to ensure that the intent of everyday costs being covered by everyday revenues is maintained; and
- c) approves (in accordance with (a) above) the exclusion of the following projects from expenditure in the 10-year Plan Financial Strategy balancing the books:
  - i. Funding for the construction of the Waikato Regional Theatre.
  - ii. Funding for the construction of an indoor recreation centre with Waikato University.

*Following the above resolution of part of the financial strategy proposal, the Mayor asked Elected Members for any matters they would like re-debated to be raised. The following proposals were re-considered and voted on.*

**Waiwhakareke****Motion:** (Crs Taylor/Casson)

That the Council alters the following resolution, resolved in this Meeting:

*That the Council approves capital funding of \$760,000 in 2018/19 and associated consequential opex of \$2.025m over 10 years to complete projects required to open Waiwhakareke Park to the public; including a loop track, viewing platforms, toilet installation and basic signage, fencing and bridges; and*

to be:

That the Council approves capital funding of \$760,000 in 2022/23 and associated consequential opex of \$1.35m over 6 years to complete projects required to open Waiwhakareke Park to the public; including a loop track, viewing platforms, toilet installation and basic signage, fencing and bridges

**The Motion was put.****Those for the Motion:** Crs Taylor, Bunting, Casson**Those against the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Macpherson, O'Leary, Tooman, Pascoe, Mallett and Southgate.**The Motion was declared lost.****Garden Place Upgrade****Motion:** (Crs Tooman/Taylor)

That the Council revokes the following resolution, resolved in this Meeting:

*That the Council approves funding provision in the draft 2018-28 10-Year Plan for a community led upgrade of Garden Place as follows:*

- a) capital expenditure of \$3.95m, including up to \$750,000 towards a Destination Playground, over the first two years (2018/19 and 2019/20);*
- b) consequential operating expenditure of \$44,500 per annum from year three (2020/21) in addition to the existing Garden Place operating and maintenance costs, to maintain the new assets following completion of the project; and*
- c) notes that a business case will be prepared and brought back to the Council for approval before the commencement of the project.*

**The Motion was put.****Those for the Motion:** Crs Taylor, Bunting, Casson, Henry O'Leary, Tooman, Pascoe, and Southgate**Those against the Motion:** Mayor King, Deputy Mayor Gallagher, Crs Macpherson and Mallett.**The Motion was declared lost.**

**Central City Park****Motion:** (Crs Henry/Bunting)

That the Council alters the following resolution, resolved in this Meeting:

*That the council approves funding provisions in the draft 2018-2-28 10-year plan for the development of a central city park between Victoria on the River and Embassy Park as follows:*

- i. Total capital expenditure of \$12 m in the first five years of the 10-year plan (2018/19 to 2023/24);*
- ii. Operating expenditure of \$300,000 in Year 1 (2018/19) for development of a master plan for the urban park;*
- iii. Operating expenditure of \$1.8m in Year 2 (2019/20) and \$4.2m in Year 3 (2020/21) for removal of the buildings;*
- iv. An allowance to write-off building assets of \$4.5m in Year 2 (2019/20) and \$8.45m in Year 3 (2020/21);*
- v. Consequential operating expenditure of \$55,000 per annum from year 4 (2021/22) to maintain the new assets following completion of the project; and*
- vi. That the overall budget for Community Infrastructure is reduced by \$12 million (\$8m capital expenditure and \$4 million operating expenditure.*

to be:

That the Council approves funding provisions in the draft 2018-2-28 10-year plan for the development of a central city park between Victoria on the River and Embassy Park as follows:

- i. Total capital expenditure of \$12 m in the first five years of the 10-year plan (2018/19 to 2023/24);*
- ii. Operating expenditure of \$300,000 in Year 2 (2019/20) for development of a master plan for the urban park;*
- iii. Operating expenditure of \$1.8m in Year 3 (2020/21) and \$4.2m in Year 4 (2021/22) for removal of the buildings;*
- iv. An allowance to write-off building assets of \$4.5m in Year 3 (2020/21) and \$8.45m in Year 4 (2021/22);*
- v. Consequential operating expenditure of \$55,000 per annum from year 5 (2022/23) to maintain the new assets following completion of the project; and*
- vi. That the overall budget for Community Infrastructure is reduced by \$12 million (\$8m capital expenditure and \$4 million operating expenditure.*

**The Motion was put.****Those for the Motion:**Crs O'Leary, Tooman, Casson, Bunting,  
Taylor and Henry.**Those against the Motion:**Mayor King, Deputy Mayor Gallagher, Crs  
Southgate, Macpherson, Mallett and  
Pascoe.**The Motion was declared lost**

*The meeting continued with the remainder of the Financial Strategy Proposals.*

### **FINANCIAL STRATEGY**

**Motion:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves the draft 2018-28 10-Year Plan budget including:

**Average rates increase to existing ratepayers of:**

2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
16.0%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%

**Amendment:** (Crs Macpherson/Pascoe)

That the Council:

- a) approves the draft 2018-28 10-Year Plan budget including:

**Average rates increase to existing ratepayers of:**

2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
9.5%	9.5%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%

- b) requests the Chief Executive to pursue the option of a fuel tax with Government, with the intent that any additional revenue achieved from this tax be applied to reducing rates from Year 2 (2019/20) onwards.

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Bunting, Casson, Macpherson, Pascoe and Mallett

**Those against the Amendment:** Crs Southgate, Taylor, Tooman, O'Leary

**The Amendment was declared carried.**

**The Amendment was put as the Substantive Motion**

**Those for the Substantive Motion:** Mayor King, Deputy Mayor Gallagher, Crs Henry, Bunting, Casson, Macpherson, Pascoe and Mallett

**Those against the Substantive Motion:** Crs Southgate, Taylor, Tooman, O'Leary

**The Substantive Motion was declared carried.**

*The meeting adjourned 7:10pm – 7:30pm during the discussion of the above proposal.*

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) notes that staff will report back to the Council as part of the confirmation of the 2018-28 10-Year Plan on the changes to processes, delegations and reporting that would assist in the efficient delivery of the 2018-28 10-Year Plan capital programme. Changes would include but may not be limited to:
  - i. implementing a 3-year portfolio approach and timeframe for the delivery of capital projects; and
  - ii. managing and reporting the capital programme in categories that are under HCC control and capital expenditure that is dependent on a third party.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves the addition of pre-formal engagement activity via the engagement approach outlined in paragraphs 133-138 of the staff report; and
- b) approves the proposed consultation period of 29 March 2018 to 30 April 2018; and
- c) requests the Chief Executive to prepare a draft Consultation Document on the basis of the approved draft 2018-28 10-Year Plan, noting that further budget adjustments will be made to reflect relevant Council decisions made prior to 27 March 2018.

*The Mayor requested that Crs O'Leary, Bunting and Macpherson work with staff in the development of the Consultation Document.*

**The Meetings was declared closed at 8:15pm.**

# Council Report

**Committee:** Council **Date:** 06 December 2017  
**Author:** Chris Allen **Authoriser:** Chris Allen  
**Position:** General Manager City Infrastructure **Position:** General Manager City Infrastructure  
**Report Name:** Rotokauri Park and Ride Land

<b>Report Status</b>	<i>This report is taken as a publicly excluded item to maintain legal professional privilege; AND to enable Council to carry out commercial activities without disadvantage; AND to enable Council to carry out negotiations.</i>
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**Purpose**

1. To seek a decision from the Council on whether it wishes to proceed with the unconditional purchase of land at Rotokauri to enable the future development of a park and ride facility for both bus and rail based public transport.

**Staff Recommendation**

2. That the Council:
  - a) receives the report; and  
**either**
  - b) approves proceeding with the purchase of approximately 21,178 square metres of land at Rotokauri in accordance with the Agreement for Sale and Purchase approved at the 24 October 2017 Growth and Infrastructure Committee meeting to enable the future provision of a public transport park and ride facility; and
  - c) approves a project budget of \$6,400,000; and
  - d) delegates approval to the Chief Executive to make all payments in accordance with the already approved Agreement for Sale and Purchase; and
  - e) requests the Chief Executive to report back to Council prior to October 2018 on options to on-sell the land if funding is not confirmed through the full process of the 2018-28 10-Year Plan  
**or**
  - f) requests the Chief Executive to advise Hamilton Porter JV Company Ltd that it does not wish to proceed with the Agreement For Sale and Purchase of 21,178 square metres of land at Rotokauri to enable the future provision of a public transport park and ride facility.

**Executive Summary**

3. The Growth and Infrastructure Committee at its 24 October 2017 meeting delegated approval to the Chief Executive to enter into a conditional Agreement for Sale and Purchase of approximately 2.1ha of land at Rotokauri to enable the future provision of a public transport park and ride facility.
4. The Council is required to confirm by 12 December 2017 if it does not wish this Agreement to become unconditional.
5. The purchase is unfunded and would need to be included in the 2018-28 10-Year Plan.
6. Staff were requested to bring a report to the Council meeting of 6 December 2017 when the draft 2018-28 10-Year Plan was being considered, so Council could make a more informed decision. The funding to allow the purchase to proceed is included in the Transport Improvement programme being considered by Council on 6 December 2017.
7. If the purchase does not proceed there is no other land available in the general proximity to establish a park and ride and the opportunity will be lost.
8. If the Council decides to proceed with the purchase, staff will bring a report back to the Council prior to October 2018 ahead of the substantive payment being required for the land.
9. At this time the option will exist to prepare the land for on-selling if funding is not confirmed in the 2018-28 10-Year Plan on 30 June 2018.
10. Staff seek the Council's direction on whether they wish to proceed with the purchase or not.
11. Staff consider the decision in this report to have medium significance and that the recommendations comply with the Council's legal requirements.

**Background**

12. The Growth and Infrastructure Committee received a report at its 24 October 2017 Committee meeting recommending approval to purchase approximately 2.1ha of land at Rotokauri to future proof the opportunity to develop a park and ride facility in close proximity to the future public transport and rail facility proposed in the District Plan at Rotokauri.
13. The Committee were advised that while the Council had previously considered that a decision on designation and/or land purchase in the area could wait until the 2018-28 10-Year Plan, development had accelerated in recent months and that all land will be sold before then.
14. The Committee was also advised that the time taken to designate the land to protect it for future transport purposes rules designation out as a viable future proofing option leaving land purchase as the only option that will achieve future proofing.
15. The owner of the land had indicated that the Council needed to make a decision by the end of October 2017 as they had significant other interest in the land.
16. The proposed Agreement for Sale and Purchase included the following payment commitments
  - a) On signing of the conditional agreement, payment of a \$3,000 non-refundable deposit
  - b) Following a 2 month due diligence period, payment of a 10% deposit \$635,340 (including the \$3,000 non-refundable deposit)
  - c) The balance payment of \$5,718,000 on 4 December 2018.
17. Staff recommended that while there was no funding in the current 10 Year Plan and no certainty at that time in October 2017 about the 2018/28 10 Year Plan the risks could be managed by:

- a) Deferral of Tasman Road upgrade works in the 2017/18 year to offset any cost that will be incurred in 2017/18 (the 10% deposit) if the Council approves the land purchase;
- b) A deferred settlement date of 4 December 2018 allowing time to refine concept designs for a park and ride;
- c) The ability to on-sell the land post December 2018, by which time the outcome of the 2018-28 10-Year Plan will be known.

18. The resolution of the Growth and Infrastructure Committee:

- a) delegates the Chief Executive to enter into a conditional Agreement For Sale and Purchase of 21,178 square metres of land from Hamilton Porter JV Company Ltd described as being more or less shown in the proposed sub-division Scheme Plan S1160/141/2 (attached to this report as Attachment 2) being part of the land currently comprised and described in Identifiers 760666, 760667, 776205, 776210, 776206, 776207, 776209, 783109, 776204, 776208 ( South Auckland Registration District); the purchase area being made up of:

Lot Number	Area (Square Meters)
Lot 27	4844
Lot 28	5187
Lot 29	5379
Lot 30	5768

on the basis that the Chief Executive brings a report to the Council meeting of 6 December 2017 meeting seeking Council approval:

- i. for a project budget of \$6,400,000 to allow for the land purchase and associated legal costs together with some preliminary work to develop a concept plan for a park and ride facility on the land prior to the settlement date for the land;
  - ii. for the sale and purchase agreement to become unconditional.
- b) notes that:
- i. an initial non-refundable deposit of \$3000 is required on execution of the conditional sale and purchase agreement.
  - ii. on execution of the conditional sale and purchase agreement, HCC as the purchaser has a period of 2 months due diligence prior to the sale and purchase agreement going unconditional and that a specific item of due diligence is for the purchaser to be entirely satisfied with the property following an investigation of the overall financial suitability of the Purchasers proposed investment in the property

- iii. a deposit (inclusive of the initial deposit) equal to a total of 10% of the purchase price will be required upon the sale and purchase agreement going unconditional with the balance being required on 4 December 2018 when titles are expected to be available.
- c) approves the deferral of \$682,000 of budget from CE 15090 Roothing Upgrades and Development- Rotokauri Stage 1 from 2017/18 to 2018/19 in order to offset any expenditure required for the land purchase and concept work in the 2017/18 financial year; and
- d) requests the Chief Executive to report back to Council prior to October 2018 on options to on-sell the land purchased under this decision if funding has not been confirmed in the 2018-28 10-Year Plan.

#### Discussion

19. Subsequent to the meeting and in accordance with Committee resolutions, the Chief Executive has entered into the conditional Agreement for Sale and Purchase of the Hamilton Porter JV Company land as set out in the resolutions of Committee.
20. Signing of this conditional agreement committed the Council to an initial non-refundable deposit of \$3,000 and initiated a period of due diligence which ends on 12 December 2017 (slightly longer than indicated in the previous report to suit Council meeting dates).
21. The Council must decide by 12 December 2017 latest if it wishes to withdraw from the Agreement for Sale and Purchase.
22. If the Council decides to withdraw, then its exposure is the \$3,000 non-refundable deposit.
23. If the Council chooses to proceed, or does not take any action, then the Agreement for Sale and Purchase becomes unconditional and Council is committed to the full purchase with the financial implications set out in the Financial Considerations part of this report.
24. The report to Growth and Infrastructure Committee on 24 October 2017 set out the strategic linkages that support the purchase of this land for future Park and Ride.
25. Since the September 2017 central government elections there has been very little announcement of policy to support the very strong election support by the coalition partners for passenger rail and specifically a Hamilton to Auckland passenger service.
26. The Minister of Transport has however released advice to the Regional Transport Committees about its priorities and advised that Ministry officials have been requested to revise the Government Policy Statement (GPS) on transport to reflect this advice (refer Attachment 4).
27. This advice includes giving higher priority to public transport in cities and expanding the public transport system to support new housing and interregional commuting. The advice also supports increasing the use of rail to enable efficient passenger and freight use.

#### Options

28. Staff have assessed that there are two reasonable and viable options for the Council to consider. This assessment reflects the level of significance (see paragraph 52).
29. Option 1 is to agree to the Agreement for Sale and Purchase of the Hamilton Porter JV land to become unconditional.
30. Option 2 is to not agree to the Agreement for Sale and Purchase of the Hamilton Porter JV land to become unconditional.

31. As the outcome of the Council's deliberations on the 2018-28 10-Year Plan at its 6 December 2017 meeting is unknown at the time of writing this report, no recommendation to the Council has been made.
32. If the Council approves Option 1, it will be required to pay the 10% deposit (inclusive of the \$3,000 non-refundable deposit) immediately, and the balance of cost by 4 December 2018.
33. Staff will report back to the Council prior to October 2018 with options for utilisation of the 4 titles of land amounting to 2.1 ha. It will be open to the Council at that time to decide to retain all or some of the titles for park and ride facilities, and/or to on-sell some of the titles as it wishes.
34. If the Council approves Option 2, the Chief Executive will formally withdraw from the Agreement for Sale and Purchase.

### Financial Considerations

35. The total cost to complete this land purchase is \$6,400,000 of which \$682,000 is required in 2017/18 to be offset by the deferral of funding in Project CE 15090; Roading Upgrades and Development; Rotokauri Stage 1. The balance of \$5,718,000 is currently unfunded and will form part of the draft 2018-28 10-Year Plan if Council agrees to the sale becoming unconditional.
36. The Growth and Infrastructure Committee were advised that the Access Hamilton Taskforce was considering a programme of works in response to the current transport challenges facing the city for potential inclusion in the 2018-28 10-Year Plan, and that its provisional programme included funding for future proofing the PT facility.
37. The Transport Improvement programme, which still includes the balance of the land purchase costs, has been confirmed by the Taskforce and is included in the draft 10-Year Plan budget being considered by the Council on the 6 December 2017.
38. The Transport Improvement programme has made an assumption that all projects will receive a 51% NZ Transport Agency subsidy. This can't be confirmed at this time as government policy is still being developed around rail.
39. It is normal to only apply for a subsidy on land at the time that the facility for which the land is required is built ie a retrospective subsidy.
40. If the Council approves the land purchase staff will endeavour to take advantage of any emerging policy and make a subsidy application.

Type of Costs	2017/18 Year			Future Years
	Approved budget	Costs incurred	Unfunded	2018/19
<b>Capital Expenditure</b>				
Land Purchase	\$0	\$0	\$635,400	\$0
Legal and miscellaneous costs	\$0	\$0	\$46,400	\$0
Balance of land purchase	\$0	0	\$0	\$5,718,000
<b>Total Capex</b>	<b>\$0</b>	<b>\$0</b>	<b>\$682,000</b>	<b>\$5,718,000</b>
<b>Operating Expenditure</b>				
HCC rates	\$0	\$0	\$0	\$60,000
HCC maintenance	\$0	\$0	\$0	\$2,400

Waikato Regional Council rates	\$0	\$0	\$0	\$4,000
<b>Total Opex</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$66,400</b>

### Legal and Policy Considerations

41. Tomkins Wake have reviewed the agreement and confirmed that it can be signed and completed.

### Cultural Considerations

42. There are no known cultural considerations related to this decision.

### Sustainability Considerations

43. The option to proceed with the purchase has a good fit with the following sustainability principle adopted by Council.

*Council Promotes walking, cycling, public transport and other low carbon transport options.*

### Risks

44. There is a risk in approving Option 1 that the funding to complete the land acquisition is not confirmed through the 2018-28 10-Year Plan following community engagement.
45. This risk is mitigated by the fact that the Council can chose to put the land back up for sale and largely recover its costs.
46. There is an extreme risk that if the Council does not approve Option 1 it will be unable to purchase any other undeveloped land for a park and ride facility to complete a PT Facility in Rotokauri.
47. There is a risk that the Council is unable to acquire the TGH Land required for the PT Facility between Tasman Road and the rail corridor.
48. This risk will be mitigated by engaging with TGH over the period to 4 December 2018 when the land title for the park and ride is available and the balance of payment is required, to also secure an enduring agreement with TGH.
49. It may be necessary to stop part of Tasman Road to enable the park and ride to function safely and efficiently. Stopping of roads requires public consultation. There may be a risk in this process.
50. There is a risk that NZTA subsidy will not be approved for this land purchase.

### Significance & Engagement Policy

#### Significance

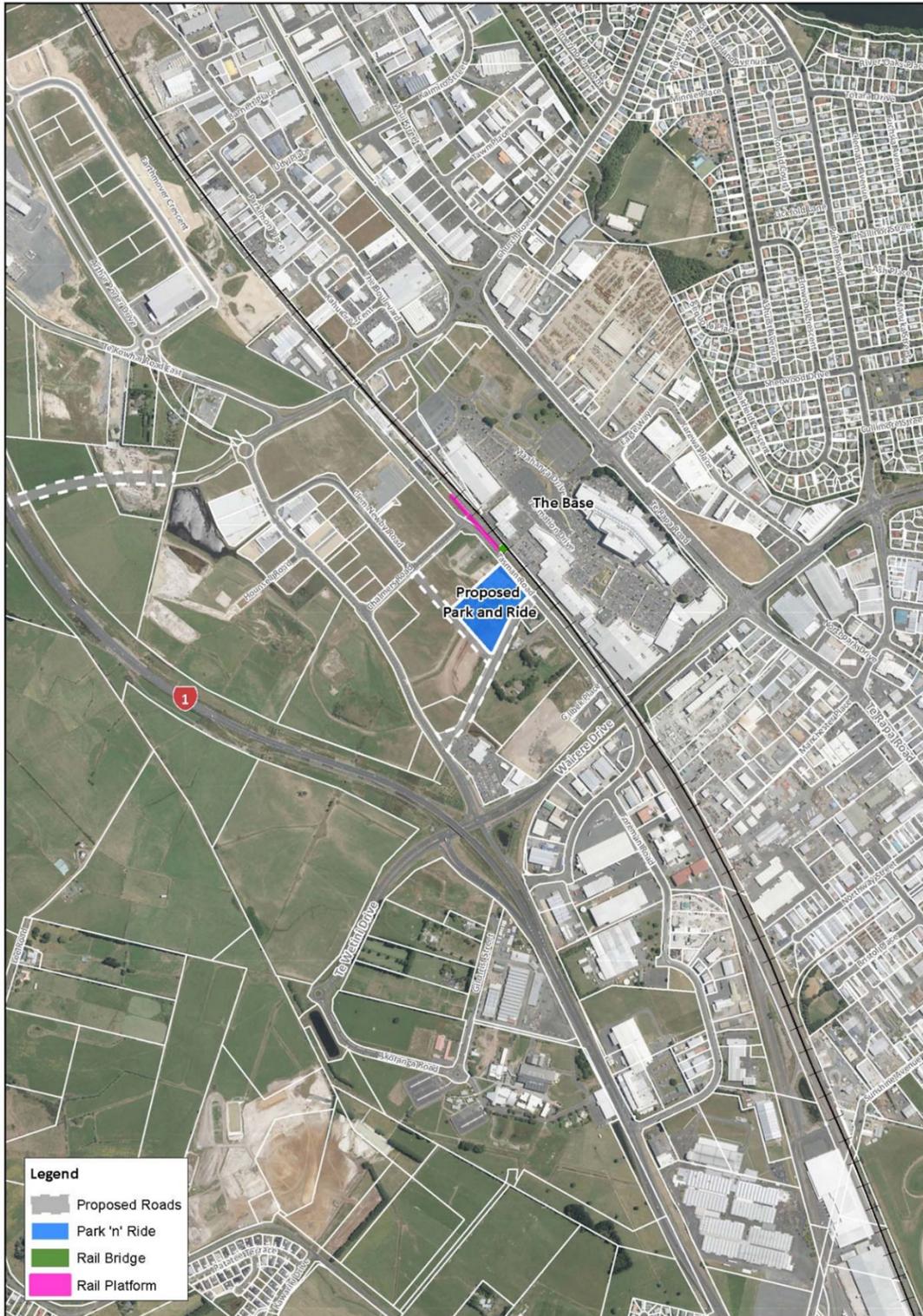
51. Staff considered the following factors under the Significance and Engagement Policy:
- Commencing a Service
  - Level of Financial Consequence
  - Ability to reverse a decision
  - Levels of Public Interest known
52. Based on these factors, staff have assessed that the Option1 has medium significance.

**Engagement**

- 53. Given the medium level of significance and noting the opportunity to engage with the Community through the 2018-28 10-Year Plan, staff recommend that no specific engagement on this matter is required.
- 54. The Council has the option to on-sell this property if it chooses when a report is brought back prior to October 2018.

**Attachments**

- Attachment 1 - Locality Plan
- Attachment 2 - Land to be Acquired
- Attachment 3 - Park and Ride Concept Plan
- Attachment 4 - Government Direction for Transport .





**Attachment 1**

**Item 5**









## Hon Phil Twyford

MP for Te Atatu

Minister of Housing and Urban Development

Minister of Transport



20 NOV 2017

Tēnā koutou,

Thank you for your engagement with the Ministry of Transport over the past 18 months to help inform the development of the Government Policy Statement on land transport 2018 (GPS).

I understand that you are currently developing your Regional Land Transport Plans (RLTP), and the direction of the GPS is key to this process. It is a high priority of mine to ensure the GPS is reviewed quickly and reflects this Government's policies so that you have the certainty you need to finalise your RLTPs.

The priorities of this Government, which I have asked Ministry officials to revise the GPS to take account of, include:

- giving public transport greater priority in cities and expanding the public transport system to support new housing and interregional commuting
- increasing the use of rail to enable efficient passenger and freight use
- supporting regional development
- increasing support for active modes – walking and cycling
- delivering health, safety and environmental improvements
- reducing the environmental impact of transport
- mode neutrality in freight transport planning.

Many of these priorities can be reflected within the current GPS framework, and I have asked the Ministry of Transport to work to achieve this as soon as possible.

I am expecting a revised GPS by the end of 2017, and this will be made available as an engagement draft for you all to consider in early 2018.

There are some priorities that may require more fundamental changes to the scope of the GPS, and also result in changes to local, regional and national planning processes. For example, exploring how rail investment is incorporated within the GPS and the National Land Transport Fund will be the focus of ongoing work.

The process for any fundamental changes to the scope of the GPS is still to be determined, but won't form part of GPS 2018 that will be released next year.

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I am conscious of the need to issue a GPS as soon as practicable, given its importance in influencing transport investment. To help you advance your RLTP development in advance of the GPS 2018 being released, I suggest you consider the areas of Government focus listed above to guide your thinking.

The importance of central and local government collaborating with regards to investment in our transport system cannot be understated and I look forward to working with you as we implement an integrated, multi modal transport system.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Phil Twyford', with a long horizontal line extending to the right.

Hon Phil Twyford  
Minister of Transport

# Council Report

Item 6

**Committee:** Council

**Date:** 08 February 2018

**Author:** Becca Brooke

**Authoriser:** Lee-Ann Jordan

**Position:** Governance Team Leader

**Position:** Governance Manager

**Report Name:** Confirmation of Council Open Minutes - 12 December 2017 (10 Year Plan)

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

That the Council confirm the Open Minutes of the Council Meeting (10 Year Plan) held on 12 December as a true and correct record.

## Attachments

Attachment 1 - Council Unconfirmed Minutes - 12 December 2017 (10 Year Plan) .

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## COUNCIL (10 YEAR PLAN)

### OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 12 December 2017 at 9.38am.

#### 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 R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Vacancy

Staff in Attendance:	Richard Briggs – Chief Executive
	Blair Bowcott – Executive Director Special Projects
	Chris Allen – General Manager City Growth
	Sean Murray – General Manager Venues, Tourism and Major Events
	Sean Hickey – General Manager Communications and Strategy
	Kelvyn Eglinton – General Manager City Growth
	David Bryant – General Manager Corporate
	Lance Vervoort – General Manager Community
	Helen Paki – Business and Planning Manager
	Andy Mannering – Manager Social Development
	Debbie Lascelles – Community Services Manager
	Chelsey Stewart – Project Manager, Strategy
	Nigel Ward – Communications Team Leader
	Julie Clausen – Programme Manager, Strategy
	Jen Baird – Communications Manager
	Stephen Halliwell – Accounting Manager

External Presenters:	Peter Winder (Consultant)
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Governance Staff:	Lee-Ann Jordan – Governance Manager
	Becca Brooke – Governance Team Leader
	Rebecca Watson – Committee Advisor

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*Tame Pokaia (Council Komatua) carried out a blessing and bible reading to open the meeting.*

**1. Apologies**

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

That the apology from Cr Mallett for lateness is accepted.

**2. Confirmation of Agenda**

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

That the agenda is confirmed, noting:

- Following the closure of this Council meeting, the Council would reconvene the 11 December 2017 Council Meeting (carried over from the 6 December 2017 Council Meeting with the 10-Year Plan item).
- Item 6, (*Outcome of Consultation and Recommendation for Future Use – Founders Theatre*) in relation to attachment 3 of the report, additional information was circulated to Elected Members and would be available to the public online after the meeting.
- Item C2 (*Management Lease of Te Rapa Sportsdrome*) would be taken ahead of item C1 (*Business Case for Full Service Contract out of Aquatic Services*).

**3. Declarations of Interest**

No members of the Council declared a Conflict of Interest.

**4. Public Forum**

**Jane Wood (Pukete Neighbourhood House Representative) - Speaking to Public Excluded Item C2 (Management Lease of Te Rapa Sportsdrome).** Ms Wood expressed her disappointment in the process that had been followed by Council in investigating outsourcing the management of the Lease of Te Rapa Sportsdrome. She was against the Sportsdrome management being outsourced.

**5. Waters Study (Water, Wastewater and Stormwater - Sub-regional Collaboration) - Deliberations and Decision post hearings to form a Shared Waters Management Company**

The Executive Director Special Projects introduced Peter Winder (Consultant) and outlined the process that had been undertaken in the lead up to the deliberations and decision regarding Shared Waters Management Company.

Peter Winder outlined the outcome of the submissions received and provided a summary of the issues raised as a result of consultation with the public.

In response to questions from Elected Members, staff covered the following:

- process followed to date, and future process to be undertaken;
- potential savings to be made by Council;
- pro's and con's of the proposed model;
- support from the Government; and
- buy in from other councils.

Elected Members raised concerns around the level and coverage of the public engagement process and noted that more consultation may need to be carried out in the future to satisfy this part of the process.

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

That Hamilton City Council:

- a) approves to proceed to establish a Shared Waters Management Company;
- b) delegates to the members of its Waters Governance Group responsibility to develop and agree with Waipa District Council representatives, by 30 June 2018, the final detail of the establishment of the Shared Waters Management Company for approval by the Councils, including:
  - i. the adoption of the constitution, statement of intent, letter of expectation, shareholders agreement, and shareholders forum
  - ii. the transition process and establishment plan (including project management, oversight and governance)
  - iii. the costs of transition and establishment
  - iv. the cost sharing framework.
- c) directs the Waters Governance Group to engage as appropriate with the Government and the Local Government Commission.
- d) directs the Waters Governance Group to report to each Growth and Infrastructure Committee on its progress.
- e) allocates a total joint budget of \$450,000 for the period 1 January 2018 to 30 June 2018 to support the development of the final detail of the Shared Waters Management Company (noting that this will be split equally between the two Councils and may be refunded from future company operations).
- f) approves the expenditure of up to \$275,000 in 2017/2018 to progress the Shared Waters Management Company establishment project, noting that this cost is unbudgeted and that this resolution supersedes that of 21 September 2017 allocating \$200,000 for the project.

**The motion was put.**

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

**Those against the Motion:** Councillors Pascoe, Tooman and O'Leary.

**The motion was declared carried.**

*Cr Mallett joined the meeting (9.50am) during the above item. He was present when matter was voted on.*

**6. Outcome of Consultation and Recommendation for Future Use - Founders Theatre**

The General Manager Venues, Tourism and Major Events introduced the item, outlining the public engagement process that had been undertaken. He responded to questions from Elected Members concerning the process followed to date.

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

That the Council:

- a) receives the report and the findings of the public consultation;
- b) notes the findings of public engagement;
- c) approves staff to facilitate a discussion with the creative and community sectors to provide an opportunity for them to put forward a Business Case and Financial Proposal to the Council for the creation of a creative/community hub at Founders Theatre no later than the date by which the Waikato Regional Theatre funding and contract has been approved;
- d) authorises the Chief Executive to dispose of and demolish the remaining Founders Theatre buildings and return the land it occupies to green space at an estimated cost of \$802,100, if no Business Case and Financial Proposal for a creative community hub is approved by the Council by 30 June 2018; and
- e) authorises the Chief Executive to choose the best time for the demolition of Founders Theatre provided this is not before the Waikato Regional Theatre funding and contract has been approved.

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

That the Council:

- a) receive the report and the findings of the public consultation;
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and
- c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.

**The Amendment was put.**

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

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

**The Amendment was declared carried.**

**The Amendment as the Substantive Motion was then put and declared carried.  
Cr Mallett Dissenting.**

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

That the Council:

- a) receive the report and the findings of the public consultation;
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and
- c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.

*The meeting adjourned from 11.21am to 11.40am during the discussion of the above item.*

**7. Resolution to Exclude the Public**

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

**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. Business case for full service contact out of Aquatic Services	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Management lease of Te Rapa Sportsdrome	) Official Information and Meetings Act 1987	

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

Item C1.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (b) (ii) Section 7 (2) (h) Section 7 (2) (i)
Item C2.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (b) (ii) Section 7 (2) (h) Section 7 (2) (i)

**The meeting went into a Public Excluded session at 12.12pm.**

**The meeting was declared closed at 3.07pm.**

*Following the closure of this meeting, Council reconvened the Council meeting of 11 December 2017, which was a continuation from the 6 December 2017 Council Meeting.*

# Council Report

**Committee:** Council **Date:** 08 February 2018  
**Author:** Becca Brooke **Authoriser:** Lee-Ann Jordan  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Confirmation of Council Open Minutes - 14 December 2017

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

That the Council confirm the Open Minutes of the Council Meeting held on 14 December 2017 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 14 December 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 14 December 2017 at 9.42am.**

#### 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 R Pascoe
	Cr P Southgate
	Cr L Tooman
	Vacancy

In Attendance:	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
	Blair Bowcott – Executive Director Special Projects
	Fraser McNutt – Acting Manager Planning Guidance
	Robyn Denton – Operations Team Leader
	Maria Barrie – Parks and Recreation Manager
	Luke O'Dwyer – Economic Growth and Planning Manager
	Jeff Neems – Communications Advisor
	Tim Chapman – Treasury/Financial Accountant

External Presenters:	Thomas Gibbons (Chair of Vibrant Hamilton Trust)
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Governance Advisors:	Lee-Ann Jordan – Governance Manager
	Becca Brooke – Governance Team Leader
	Amy Viggers – Committee Advisor

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*Muna Wharawhara carried out a blessing. Bishop Helen-Ann Hartley carried out a short reading.*

*The Mayor acknowledged and thanked Bishop Helen-Ann Hartley for her services to the City and wished her well for her upcoming return to the United Kingdom.*

Council 14 DECEMBER 2017 - OPEN

**1. Apologies**

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

That the apologies from Cr Taylor and Cr Pascoe (for part of the meeting) are accepted.

**2. Confirmation of Agenda**

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

That the agenda is confirmed noting the following:

- the agenda will be flexible to accommodate external presenters and staff in attendance;
- Item 9 (*Vibrant Hamilton Trust*) Attachment 1 and 2 have been circulated under separate cover and the report is to be taken after the public forum to accommodate external presenters; and
- Item 10 (*Application for Temporary Extension to Hamilton Alcohol Control Bylaw International Sevens*) is to be taken prior to 12.30pm to accommodate external presenters.

**3. Declarations of Interest**

No members of the Council declared a Conflict of Interest.

**4. Public Forum**

**Margaret Evans** – spoke to Item 11 (Recommendation from Community and Services Committee - Road Naming - Dame Hilda Ross Place) – Ms Evans expressed TOTI's preference for re-naming Ward St to Dame Hilda Ross Place.

**5. Vibrant Hamilton Trust - Annual Report 2017**

Thomas Gibbons (Chair of Vibrant Hamilton Trust) introduced the report and provided a presentation outlining the role of the trust, current status and future options of the trust. He responded to questions from Elected Members concerning the future of the trust and the view of the trust on the matter.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council receives the report.

**6. Recommendation from Community and Services Committee - Road Naming - Dame Hilda Ross Place.**

The report was taken as read.

**Resolved:** (Deputy Mayor Gallagher/Cr O'Leary)

That the Council:

- a) approves the area on the corner of Ward Street and Worley Place, where the Dame Hilda Ross commemorative artwork is to be located, be named Dame Hilda Ross Plaza;
- b) requests staff bring back a report to the Community and Services Committee on 28 February 2018 on options to upgrade the area on the corner of Ward Street and Worley Place. Where the Dame Hilda Ross commemorative artwork will be located, including concept designs, estimated costs and possible funding sources;
- c) renames the east section of Ward Street between (Victoria Street and Worley Place) as Dame Hilda Ross Place; and
- d) appoints Councillors Southgate and O'Leary to liaise with TOTI on the upgrade, design and launch of Dame Hilda Ross Plaza and Dame Hilda Ross Place, and report back to Council as appropriate.

**Crs Tooman and Bunting Dissenting.**

**7. Application for Temporary Extension to Hamilton Alcohol Control Bylaw (International Sevens)**

The City Safe Unit Manager introduced the report, explaining why staff viewed there was a need for a temporary extension to the Hamilton Alcohol Control Bylaw for the International Sevens. He responded to questions from Elected Members concerning clarification of area to be covered for the alcohol ban and communications plan for letting the public know about the ban. The intention is to make the event safe for the public.

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

That the Council, pursuant to clause 8 of the Hamilton Alcohol Control Bylaw 2015 (the Bylaw), approves the creation of the International Sevens Temporary Alcohol Ban Area (the Area), to which clause 5.1 of the Bylaw will apply from 6am on Saturday 3 February 2018 to 10pm on Sunday 4 February 2018 (inclusive), as if the Area were included in Schedule 1 of the Bylaw, and will encompass the areas shaded in blue on the map at Attachment 2.

**8. Confirmation of Council Minutes - Open - 16 November 2017**

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

That the Council confirm the Open Minutes of the Council Meeting held on 16 November 2017 as a true and correct record.

**9. Confirmation of Elected Member Briefing Notes - Open - 13 November 2017**

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

That the Council confirm the Open Minutes of the Elected Member Briefing held on 13 November 2017 as a true and correct record.

**10. Confirmation of Elected Member Briefing Notes - Open - 30 November 2017**

**Resolved:** (Cr Henry/Cr Casson)

That the Council confirm the notes of the Elected Member Briefing held on 30 November 2017 as a true and correct record.

**11. Chair's Report**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) accepts Cr Bunting's resignation from the role of Deputy Chair of the Community and Services Committee.

**12. Recommendation from Growth and Infrastructure Committee - Treatment Plant Seismic Strengthening Upgrade**

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

That the Council:

- a) approves a total project budget of up to \$1,620,000 including \$1,500,000 capital and \$120,000 operational cost, to seismically strengthen four buildings located at the Pukete Wastewater Treatment Plant and the Wairoa Water Treatment Station; and
- b) notes the unfunded budget will be reported through risks and opportunities.

**13. Recommendation from Growth and Infrastructure Committee - Future Proof Strategy Adoption**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) adopts the Future Proof Strategy – Planning for Growth 2017; and
- c) requests the Futureproof Implementation Committee amends the process for making submissions, to ensure that before any submission is formally submitted by the Futureproof Chair, the content of the submission is discussed and feedback sought with the Futureproof Implementation Committee members, either at the next available meeting or if timeframes do not allow, by email or phone.

**Cr Mallett Dissenting.**

**14. Special Housing Area - Progress Report**

Economic Growth and Planning Manager introduced the report, noting there was a change to the staff recommendation. He also tabled an updated map showing the area of the Rotokauri Special Housing Area (SHA) Expression of Interest application.

He responded to questions from Elected Members concerning SHA applications received to date.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) endorses an expanded application area for the Rotokauri SHA Expression of Interest (EOI), as per late attachment 1 (distributed as a late attachment), and further, authorises the Chief Executive to publicly consult on the expanded application area as per Council’s SHA Policy.

*Cr Pascoe left the meeting (10.30am) during the discussion of the above item. He was not present when the matter was voted on.*

**15. Recommendation from Growth and Infrastructure Committee - Hamilton City Speed Bylaw**

The operations team leader introduced the report noting that Waikato District Council had not yet approved the change to Rotokauri Road and therefore the recommendation was modified to accommodate this.

**Resolved:** (Cr Macpherson/Cr Tooman)

That the Council:

- a) approves the following changes to the Hamilton City Speed Limit Bylaw 2013:

#	Location	Proposed change to bylaw (indicated in red text and underlined)
1	Knox St	<p><b>Amend</b> Schedule 3: Designation Areas and Roads with a speed limit of 30 km/h.</p> <p><b>By the following addition to the schedule:</b>  <u>Knox Street - Victoria Street to Anglesea Street.</u></p>
2	Endeavour Ave	<p><b>Amend</b> Schedule 4: Designation Areas and Roads with a speed limit of 40 km/h.</p> <p><b>By the following addition to the schedule:</b>  <u>Endeavour Avenue - From a point 40m north east of Cashmere Place to a point 95m south east of Spinnaker Drive.</u></p>
3	North City Rd and Borman Rd (at Hector Dr)	<p><b>Amend</b> Schedule 8: Designation Areas and Roads with a speed limit of 80 km/h.</p> <p><b>By the following change to the schedule:</b>                      North City Road - <u>From a point 220m north of Bourn Brook Drive Borman Road</u> to Kay Road.</p> <p><b>Amend</b> Schedule 12: Roads with a variable speed limit</p> <p><b>By the following changes to the schedule:</b></p> <p><b>Hamilton Christian School and Te Totara Primary</b>                      Borman Road: 90m west of Northcity Road to <u>10m 60m</u> east of Hector Drive.</p> <p>Northcity Road: From Borman Road to <u>50m 195m</u> north of Borman Road.</p>
4	Kimbrae Dr	<p><b>Amend</b> Schedule 12: Roads with a variable speed limit</p> <p><b>By the following addition to the schedule</b></p>

		<p><b><u>Rototuna High School</u></b></p> <p><u>Kimbrae Drive: from a point 30m east of the intersection of Bourn Brook Drive extending in an easterly direction to a point 595m east of Bourn Brook Drive.</u></p>
5	Borman Rd and Hare Puke Dr	<p><b>Amend Schedule 12: Roads with a variable speed limit</b></p> <p><b>By the following addition to the schedule</b></p> <p><b><u>Sylvester Primary School</u></b></p> <p><u>Borman Road: from a point 260m west of Hare Puke Drive to a point 110m south east of Hare Puke Drive.</u></p> <p><u>Hare Puke Drive: from a point 95m north of Borman Road to a point 10m north of Wetherby Road.</u></p>
6	Gordonton Road	<p><b>Amend Schedule 12: Roads with a variable speed limit</b></p> <p><b>By the following changes to the schedule</b></p> <p><u>Variable Intersection Speed Zones are subject to the following conditions:</u></p> <ol style="list-style-type: none"> <li><u>1. The speed limit is the limit displayed when the variable speed limit signs are operating and the numerals are displayed.</u></li> <li><u>2. The variable speed limit signs are activated by vehicles turning within the intersection.</u></li> <li><u>3. The variable speed limit applies on the main road(s) of the intersection only.</u></li> <li><u>4. The speed limit is the posted speed limit at all times when the variable speed limit signs are not operating.</u></li> </ol> <p><u>60/80 km/h variable speed limit</u></p> <p><u>Gordonton Road: From a point 120 metres north of Thomas Road and extending in a southerly direction to a point 120 metres south of Thomas Road.</u></p>
7	Rotokauri Rd	<p><b>Amend Schedule 6: Designation Areas and Roads with a speed limit of 60 km/h.</b></p> <p><b>By the addition of the following to the schedule:</b></p> <p><u>Rotokauri Road - From a point 310m west of Kawariki Drive to a point 300m north west of Baverstock Road.</u></p> <p><b>Amend Schedule 8: Designation Areas and Roads with a speed limit of 80 km/h.</b></p> <p><b>By the following change to the schedule:</b></p> <p>Rotokauri Road - <u>From a point 310m west of Karariki Drive to 250m south west of Exelby Road.</u></p> <p><u><del>300m north-west of Baverstock Road to City Boundary</del></u></p>
8	Te Kowhai Rd East	<p><b>Amend Schedule 6: Designation Areas and Roads with a speed limit of 60 km/h</b></p> <p><b>By the removal of the following from the schedule:</b></p> <p><u><del>Te Kowhai Road East – Te Rapa Road Tasman Road</del></u></p> <p><b>Amend Schedule 8: Designation Areas and Roads with a speed limit of 80</b></p>

		km/h. <b>By the removal of the following from to the schedule:</b> <u>Te Kowhai Road East - Tasman Road to end (W)</u>				
9	Baverstock Rd	<b>Amend</b> Schedule 7: Designation Areas and Roads with a speed limit of 70 km/h. <b>By the removal the following from the schedule:</b> <u>Baverstock Road - 1200 m north east of Brymer Road to Brymer Road.</u>				
10	Wairere Dr	<b>Amend</b> Schedule 6: Designation Areas and Roads with a speed limit of 60 km/h. <b>By the following change to the schedule:</b> Wairere Drive: <u>50m 135m</u> north of Ruakura Road to the southern end.  <b>Amend</b> Schedule 8: Designation Areas and Roads with a speed limit of 80 km/h. <b>By the following change to the schedule:</b> Wairere Drive - Arthur Porter Drive to <u>50m 135m</u> north Ruakura Road.				
11	Masters Ave, Silverdale Rd, Barrie Cres and Morris Rd	<b>Amend</b> Schedule 12: Roads with a variable speed limit <b>By the following changes to the schedule</b>  <u>Silverdale Primary School and Hillcrest High School.</u>				
12	Schedule 15 Speed Limit Map	<b>Amend</b> Schedule 15: Hamilton City Speed Limits Map <b>By the removal</b> of the old map from the schedule and replacement with a new map included as part of Attachment 1				
13	Schedule 8: Designation Areas and Roads with a speed limit of 80 km/h	<b>Amend</b> Schedule 8: Designation Areas and Roads with a speed limit of 80 km/h  <b>By the following changes to the schedule:</b>  Brymer Road <u>425m north of Baverstock Road to 75m south of</u> Rotokauri Road <u>to Rotokauri Road.</u>  Exelby Road - Rotokauri Road to <u>340m north west of Lee Road. Te Kowhai Road</u>  Horsham Downs Road - 10m north of North Ridge Drive to <u>155m north of Borman Road. Kay Road</u>  <u>Rotokauri - From a point 310m west of Karariki Drive to 250m south west of Exelby Road. 300m north-west of Baverstock Road to City Boundary</u>				
14	<b>Amend</b> Schedule 11: Roads Located in Neighbouring Authorities included in this bylaw.	<b>Amend</b> Schedule 11: Roads Located in Neighbouring Authorities included in this bylaw. <b>By the following changes to the schedule:</b>				
		<table border="1"> <tr> <td><b>Speed Limit</b></td> <td></td> </tr> <tr> <td><u>50</u></td> <td><u>Brymer Road - 45m west of Farnborough Drive 425m north of Baverstock Road.</u></td> </tr> </table>	<b>Speed Limit</b>		<u>50</u>	<u>Brymer Road - 45m west of Farnborough Drive 425m north of Baverstock Road.</u>
<b>Speed Limit</b>						
<u>50</u>	<u>Brymer Road - 45m west of Farnborough Drive 425m north of Baverstock Road.</u>					

		<u>80</u>	<u>Exelby Road - 340m north west of Lee Road to Te Kowhai Road.</u>
		<u>80</u>	<u>Greenhill Road 1115m east of Gordonton Road (with Waikato District Council)</u>
		<u>80</u>	<u>Horsham Downs Road - Kay Road to 155m north of Borman Road (with Waikato District Council)</u>
		<u>80</u>	<u>Kay Road - Horsham Downs Road to 10m east of Osborne Road (with Waikato District Council).</u>
		<u>100</u>	<u>Kay Road - Osborne Road to River Road (with Waikato District Council)</u>
		<u>50</u>	<u>Rotokauri Road (50km/h) - From city boundary to a point 235m northeast of Bagust Road (with Waikato District Council).</u>
		<u>100</u>	<u>Rotokauri Road - From a point 250m south west of Exelby Road to a point 235m northeast of Bagust Road (with Waikato District Council).</u>
		<u>50</u>	<u>Saxby Road - McDonald Road to end (with Waipa District Council).</u>

- b) approves the following change to the Hamilton City Council Bylaw 2013, noting that it will not come into effect until Waikato District Council resolves to adopt the change.

14	<b>Amend</b> Schedule 11: Roads Located in Neighbouring Authorities included in this bylaw.	<b>Amend</b> Schedule 11: Roads Located in Neighbouring Authorities included in this bylaw.	
		<b>By the following changes to the schedule:</b>	
		<b>Speed Limit</b>	
		<u>80</u>	Rotokauri Road - From a point 250m south west of Exelby Road to a point 235m northeast of Bagust Road (with Waikato District Council).

- c) adopts the Hamilton City Speed Limit Bylaw 2013 (amended 2017) as set out in Attachment 1 of the Growth and Infrastructure Committee meeting of 5 December 2017, with the exception of administrative changes to correct the date of the Council Meeting of 14 December 2017.

**16. Dangerous and Insanitary Buildings Policy - Revised Statement of Proposal**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) revokes that part of paragraph (b) of the resolution for Item 9 from its Meeting of 16 November 2017, approving the Statement of Proposal for the Draft Dangerous and Insanitary Buildings Policy (Attachment 1 of Item 9 in the Agenda for the 16 November 2017 Meeting) for consultation; and
- b) approves the Statement of Proposal for the Draft Dangerous and Insanitary Buildings Policy (Attachment 2 of the staff report) for public consultation between 5 February 2018 to 5 March 2018.

**17. Submission to the Remuneration Authority - Local Government Review (Part 3)**

The Governance Manager introduced the report.

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

That the Council:

- a) approves the draft submission, dated 14 December 2017, to Part 3 of the Remuneration Authority’s consultation document – *Local Government Review*; and
- b) requests that the approved submission be uploaded to the Council’s website.

**18. 2018 East Ward By-election - Order of Candidate Names**

The Governance Manager introduced the report and responded to questions from Elected Members concerning options available for ordering names.

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

That the Council approves that the order of candidate names be arranged on the voting documents for the East Ward by-election, on 17 February 2018, in random order (Option 3), as permitted under clause 31 of the Local Electoral Regulations 2001.

**19. Resolution to Exclude the Public**

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

**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 - 16 November 2017 - Public Excluded ) Good reason to withhold information exists under Section 48(1)(a)  
 ) Section 7 Local Government  
 ) Official Information and  
 ) Meetings Act 1987
  - C2. Confirmation of Elected Member Briefing Notes - Public Excluded - 13 November 2017 )
  - C3. Victoria on the River Public Artwork Proposal
  - C4. Overdue Debtor - Review of Account

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 negotiations Section 7 (2) (i)  
 to prevent the disclosure or use of official Section 7 (2) (j)  
 information for improper gain or improper  
 advantage
- Item C2. to enable Council to carry out commercial Section 7 (2) (h)  
 activities without disadvantage
- Item C3. to prevent the disclosure or use of official Section 7 (2) (j)  
 information for improper gain or improper  
 advantage
- Item C4. to maintain legal professional privilege Section 7 (2) (g)  
 to enable Council to carry out negotiations Section 7 (2) (i)

**The meeting went into a Public Excluded session at 10.54am.**

**The meeting was declared closed at 11.30am**

# Council Report

Item 8

**Committee:** Council **Date:** 08 February 2018  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Chair's Report - 8 February 2018

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

1. That the Council approves \$ 19,200 for the activation of the Victoria on the River open space for the remainder of the 2017/18 summer period.
2. That the Council appoints Deputy Mayor Gallagher to the role of Deputy Chair of the Community and Service Committee in an interim capacity until the full review of the Governance Structure and the by-election are completed.
3. That the Council:
  - a) appoints Cr James Casson to the Single Year Community Grants Allocation Committee;
  - b) appoints Cr Siggie Henry to the Multi Year Community Grants Allocation Committee; and
  - c) appoints Cr Leo Tooman to the University of Waikato Animal Ethics Committee.
4. That the Council approves the 2018 schedule of reports for Council.

## Attachments

Attachment 1 - Chair's Report - 8 February 2018

Attachment 2 - Council - Schedule of Reports 2018 .





# Chair's Report

Welcome back to councillors and staff, I trust that you have all had restful festive break.

## Ministerial Meetings

I led a small delegation from the Council to meet with Minister Twyford and Minister Robertson prior to Christmas.

Minister Twyford, when discussing Special Housing Areas, requested that 40% average of supply by developers under the SHA would ideally be at affordable levels. The Minister noted that SHA areas focusing on affordability targets would more likely to be candidates for involvement in the Kiwi Build programme

Minister Twyford has also responded to our request for a regional fuel tax, and has stated that the Government's intention is that only Auckland will have a regional fuel tax approved this parliamentary term. The Minister acknowledged this is not the outcome we were hoping for.

## Central city park

Development of the Victoria on the River open space was completed by the contractor and staff in January and a very successful community event saw the park opened to the public on Thursday 26 January 2018. I want to say a big thankyou to all those involved in making this important first stage of a modern, attractive, river-facing central city park happen.

To help ensure this space becomes known and as well used as possible by the community, I am proposing that a modest programme of activation be supported by the Council for the remainder of the summer, up until the end of daylight saving hours. Staff have recommended the following, to be used in conjunction with funds donated by Schick Construction for activation of the space:

### Activation Programme 1 Feb – 31 Mar 2018

• Programme of musical performances (1.5 hour duration Thur-Sat evenings and other)	approx. \$8200
• Purchase of compact PA system	approx. \$2000
• Technical equipment hire (pecha kucha etc)	approx. \$1500
• Movie screening – licensing & equipment	approx. \$8000
• Purchase of large outdoor games	approx. \$500
• Staff support (after hours)	approx. \$2000
Total	approx. \$22,000
Contribution from Schick Construction	\$3000
Contribution from Council	\$19,200

The requested funds would be added to the 2017/18 Risks and Opportunities list which is presented at each Finance Committee.

**Recommendations**

That the Council approves \$ 19,200 for the activation of the Victoria on the River open space for the remainder of the 2017/18 summer period.

**Deputy Chair Community and Services committee**

The role needs to be filled as part of the Council’s Governance Structure. The role provides support to Cr Southgate as Chair of the committee. Given the by-election and the 10-year plan discussion, it is appropriate to appoint Deputy Mayor Gallagher to assist Cr Southgate with the Community and Services Committee in the role of Deputy Chair. This would be an interim appointment until the full review of the Governance Structure and the by-election are completed.

**Recommendation**

That the Council appoints Deputy Mayor Gallagher to the role of Deputy Chair of the Community and Service Committee in an interim capacity until the full review of the Governance Structure and the by-election are completed.

**Appointments to other committees**

To fill vacancies in other committees, further appointments are required.

**Recommendation**

That the Council:

- a) appoints Cr James Casson to the Single Year Community Grants Allocation Committee;
- b) appoints Cr Siggie Henry to the Multi Year Community Grants Allocation Committee; and
- c) appoints Cr Leo Tooman to the University of Waikato Animal Ethics Committee

**Schedule of Reports**

**Recommendation**

That the Council approves the 2018 schedule of reports for Council.

Andrew King  
Mayor - Hamilton City Council  
Love Hamilton



Council Report Schedule 2018										
Standard Reports	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Chair's report										
Briefing Notes										
Council Minutes										
Recommendations to Council										
Strategic Reports	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Council Draft Schedule of Reports										
Outcome of Consultation and Recommendation for Future Use - Founders Theatre										
Regulatory Effectiveness and Efficiency Programme										
Petrol Tax										
Governance Structure for the 2016-2019 Triennium										
Housing Infrastructure Fund										
Funding partnership Opportunities for a Second Indoor Court Facility										
Municipal Endowment Fund										
Heritage Plan										
Excite Trust MOU										
Priority Earthquake Prone Buildings										
Waste Management and Minimisation Plan 2018-24										
Vibrant Hamilton Trust (future)										
Election Services re-appointment										
Submission/Legislative Reports	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Electoral Representation Review (inc Maaori Representation)										
Code of Conduct										
Standing Orders										
Stakeholder Liaison Reports	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Policy and Bylaw	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Risk Management Policy 2015										
Delegations to positions Policy 2016										
Corporate Hospitality and Entertainment Policy 2015										
Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy 2014										
Elected Members Support Policy 2017										
Citizens Initiated Referenda Policy 2016										
City Honours Policy 2016										
Significance of Engagemnet Policy 2017										
Business As Usual (BAU) Reports	8-Feb-18	15-Mar-18	19-Apr-18	24-May-18	2-Aug-18	6-Sep-18	11-Oct-18	13-Nov-18	13-Dec-18	Future
Arts Post Seismic Upgrade										
Heritage Fund										
Verandah Café New Lease										
Lido Pool Temp Cover										
Founders Theatre										
10 Year Plan Reports	8-Feb-18	27-Mar-18	15-May-18	31-May-18	28-Jun-18					
10 Year Plan Consultation										
10 Year Plan Hearings report										
10 Year Plan Deliberations										
Adoption of the 10 Year Plan										

# Council Report

Item 9

**Committee:** Council **Date:** 08 February 2018  
**Author:** Julie Clausen **Authoriser:** Sean Hickey  
**Position:** Programme Manager Strategy & Communications **Position:** General Manager Strategy and Communications  
**Report Name:** 10 Year Plan Engagement

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

1. To seek a decision from the Council on the mandatory requirement for contact details in the submission form for the draft 2018-28 10-Year Plan.

## Staff Recommendation

2. That the Council directs staff to make the contact details questions on the submission form for consultation on the draft 2018-28 10-Year Plan mandatory questions (Option b in this report).

## Executive Summary

3. At the 10-Year Plan Council meetings in December 2017, the Council approved a consultation approach consisting of pre-formal engagement and a formal consultation period of 29 March to 30 April 2018.
4. During the December 10-Year Plan Council meetings staff were asked to provide advice as to whether contact information requested from submitters should be mandatory and verified against the electoral roll for a submission to be considered by Council.
5. The Local Government Act (LGA) s78(1) requires that the Council must, during its decision-making process in relation to a matter, consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter. On this basis, views must be considered from people who may live outside the city boundaries and be affected or have an interest in the 10-Year Plan proposals.
6. In some past consultations, the contact details questions have not been mandatory. The response rate varies with the consultation topic and if contact details have been requested. To provide elected members assurance of the submission validity, staff recommend the name and address contact detail questions are mandatory but not verified against the electoral roll.

## Background

7. The Council is required to consult with the community and stakeholders on the 10-Year Plan (LGA s93).

8. At the 10-Year Plan Council meetings in December 2017, the Council approved a four-stage consultation process for the 10-Year Plan as outlined below:

Engagement stage	Timeframe
Pre-formal engagement	February - March 2018
Consultation period	29 March – 30 April 2018
Verbal submissions heard	15 and 16 May 2018
Deliberation on consultation and submissions	31 May 2018 and 1 June 2018

9. The engagement approach proposed seeks to actively encourage and support the community to provide informed submissions on the issues and options in the 10-Year Plan.

**Discussion**

10. During 10-Year Plan Council briefings in December 2017, staff were asked to provide advice as to whether contact information requested from submitters should be mandatory for a submission to be considered by the Council and whether this information could be verified against the electoral roll.
11. The Local Government Act s78(1) requires that the Council must, during its decision-making process in relation to a matter, consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter. This could include persons who live outside the city boundaries but who believe they will be affected by or have an interest in the 10-Year Plan proposals.
12. Consultation submission forms include two sections in addition to the consultation questions:
- 1) **Profile questions** - questions that allow staff to profile the respondents by factors such as age, location, household type and ratepayer status.
  - 2) **Contact details questions** - personal information about the respondent such as name, address, phone and email. Contact details (other than the submitter’s name) are private information and if collected Council must ensure it is not made public and not included in the submission report available to Council as a public document.
13. Mandatory questions are questions that must be completed before the submitter can move to the next question or complete the submission.

**Profile Questions**

14. The individual profile questions proposed for the 10-Year Plan consultation are:

<b>PROFILE QUESTIONS (TELL US ABOUT YOURSELF)</b>	<b>USED TO:</b>
<b>Are you responding as?</b> <ul style="list-style-type: none"> <li>Individual/household</li> <li>Business/organisation</li> <li><i>Other stakeholder interest</i></li> </ul>	Identify if feedback represents an individual view or an organisational view
<b>Where do you live?</b> <ul style="list-style-type: none"> <li>I am a Hamilton city resident, my suburb is (drop down list to choose from)</li> <li>I live outside Hamilton boundary, my district is (drop down list to choose from)</li> </ul>	Identify feedback from Hamilton City residents versus non-city residents
<b>Your age group:</b> <ul style="list-style-type: none"> <li>16-24</li> <li>25-35</li> <li>36-50</li> <li>51-64</li> <li>65-80</li> <li>80+</li> </ul>	Identify age profile of respondents against Hamilton City age profile to assess if the response is representative
<b>Your household situation:</b> <ul style="list-style-type: none"> <li>Living alone</li> <li>Family or couple with dependants (children or other family)</li> <li>Family or couple with no dependants</li> <li>Living with others that are not family</li> </ul>	Identify type of household to provide indication of household size
<b>You live:</b> <ul style="list-style-type: none"> <li>In your home you own in Hamilton</li> <li>In a home you rent in Hamilton</li> <li>Outside Hamilton but you own property in Hamilton</li> <li>Outside Hamilton and don't own property in Hamilton</li> </ul>	Identify feedback from city resident ratepayers versus non-occupier ratepayers

15. Over the last two years the completion of the profile questions has been:

<b>Consultation name</b>	<b>Consultation dates</b>	<b>Number of respondents</b>	<b>% that answered profile questions</b>
Founders Theatre	May 2016	2280	97%
Draft Hamilton Lake Domain Management Plan	October 2016	197	94%
Hamilton's Waste Review	October 2016	2793	96%
Proposed Easter Sunday Shop Trading Policy	March 2017	225	96%
HCC Proposed 2017/18 Annual Plan	April 2017	449	68%
Zoo Plan	April 2017	194	100%
Flagstaff North Playground Survey	June 2017	112	96%
Hamilton City Safety Perceptions Survey 2017	June 2017	536	90%
Speed Limit Bylaw 2013 - Proposed Amendments	August 2017	143	97%
Proposed Waste Management and Minimisation Plan 2018-2024	October 2017	236	98%
What to do with Founders	October 2017	336	97%
Special Housing Area Proposals	November 2017	124	Not asked

16. Profile questions are non-mandatory questions. The options provided have not included a 'do not wish to answer option' but have allowed submitters to move to the next question without selecting any answer option.
17. This information allows staff to provide analysis of the responses to the consultation questions by a range of profiles to assist the elected members in their decision making. The profile questions proposed will provide the ability to identify if the submitter is a Hamilton City resident or not, and if the submitter is ratepayer or not.

**Contact Details Questions**

18. The contact details questions proposed for the 10-Year Plan consultation are:

CONTACT DETAILS QUESTIONS	USED FOR:
<ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Organisation (if applicable and optional)</li> <li>• Phone number (optional)</li> <li>• Email (optional)</li> </ul>	Verification of respondent

19. In past consultations, the inclusion of contact details questions has been determined on a case-by-case basis depending on the nature of the consultation.
20. Over the last two years the completion of the contact details has been:

Consultation name	Consultation dates	Number of respondents	% that provided name details
Founders Theatre	May 2016	2280	only requested if they indicated they wish to speak (5%)
Draft Hamilton Lake Domain Management Plan	October 2016	197	50%
Hamilton's Waste Review	October 2016	2793	only requested if they indicated they wish to speak (45%)
Proposed Easter Sunday Shop Trading Policy	March 2017	225	98%
HCC Proposed 2017/18 Annual Plan	April 2017	449	100%
Zoo Plan	April 2017	194	85%
Flagstaff North Playground Survey	June 2017	112	90%
Hamilton City Safety Perceptions Survey 2017	June 2017	536	Name not asked
Speed Limit Bylaw 2013 - Proposed Amendments	August 2017	143	74%
Proposed Waste Management and Minimisation Plan 2018-2024	October 2017	236	only requested if they indicated they wish to speak (39%)
What to do with Founders	October 2017	336	Name not asked
Special Housing Area Proposals	November 2017	124	65%

21. The options available to Council are:
  - a) Name and address contact details are mandatory and verified against electoral rolls.
  - b) Name and address contact details are mandatory but not verified.
  - c) Name and address contact details are not mandatory.

22. Option a): Name and address contact details are mandatory and verified against electoral rolls.

<b>Advantages</b>	<ul style="list-style-type: none"> <li>- Confidence each submitter is a unique individual and only has provided a single submission.</li> <li>- Allows submitters to be recognised as making a submission.</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>- The cost to verify all submissions will be an additional unbudgeted cost. Based on an assessment of 1000 submissions, the estimated cost would be \$15,000 to \$20,000.</li> <li>- Not all submitters will be on the electoral roll or able to be verified via the electoral roll (eg. there is a confidential electoral roll for people with safety concerns).</li> <li>- May deter or exclude genuine submitters who would otherwise have provided feedback if able to do so anonymously.</li> <li>- Some submitters challenge the 'right' of council to ask for this information and see it as an imposition on their right to provide feedback to Council.</li> </ul>

23. Option b): Name and address contact details are mandatory but not verified.

<b>Advantages</b>	<ul style="list-style-type: none"> <li>- Provides sufficient information to allow staff the ability to undertake high level scans to provide an assessment of the validity of the submitter.</li> <li>- Allows submitters to be recognised as making a submission.</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>- Submitters can still complete the fields with 'non-specific' details.</li> <li>- May deter or exclude genuine submitters who would otherwise have provided feedback if able to do so anonymously.</li> <li>- Some submitters challenge the 'right' of council to ask for this information and see it as an imposition on their right to provide feedback to Council.</li> </ul>

24. Option c): All information is requested but response is voluntary.

<b>Advantages</b>	<ul style="list-style-type: none"> <li>- No barriers for submitters who wish to do so anonymously therefore higher potential numbers of submitters.</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>- Lower assurance that multiple submissions have not been made by individuals.</li> </ul>

25. Staff recommend *Option b)* – *Name and address contact details are mandatory but not verified* as this option provides elected members with confidence that submitters are willing to take responsibility for the content of their submission.

26. It also allows staff to scan the contact detail data to provide an assessment of the validity of the data.

**Financial Considerations**

- 27. The recommended option is a regular operating activity funded through the 10-Year Plan. If the Council selects the option to require validation of contact details against the electoral roll (Option a) there is an un-budgeted expenditure estimated at \$15,000 to \$20,000.

**Legal and Policy Considerations**

- 28. Staff confirm that the staff recommendation in this report comply with the Council’s legal requirements under the Local Government Act.

**Risks**

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

**Significance & Engagement Policy**

**Significance**

- 30. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

**Engagement**

- 31. There is a statutory requirement to consult as per legislation outlined below.
  - Local Government Act s93 – 93G

**Attachments**

There are no attachments for this report.

# Council Report

Item 10

**Committee:** Council  
**Author:** Phil Saunders  
**Position:** Principal Building Advisor  
**Report Name:** Priority Vehicular and Pedestrian Thoroughfares and Routes of Strategic Importance

**Date:** 08 February 2018  
**Authoriser:** Kelvyn Eglinton  
**Position:** General Manager City Growth

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

1. To seek approval for public consultation on priority vehicular and pedestrian thoroughfares and routes of strategic importance in Hamilton between 5 March 2018 to 6 April 2018.

## Staff Recommendation

2. That the Council:
  - a) receives the report; and
  - b) approves the proposal for public consultation on priority vehicular and pedestrian thoroughfares and routes of strategic importance in Hamilton between 5 March 2018 to 6 April 2018.

## Executive Summary

3. Councils are required to identify priority vehicular and pedestrian thoroughfares and transport routes of strategic importance within five years of the legislation changes made to the Building Act 2004 (**Act**) on 1 July 2017.
4. Councils must then consult on these priority vehicular and pedestrian thoroughfares and transport routes of strategic importance.
5. The attached maps identify the priority vehicular and pedestrian thoroughfares and the transport routes of strategic importance.
6. The **Act** requires Councils to carry out a public consultation only and there is no requirement to develop a policy.

## Background and Discussion

7. Councils are required to identify priority vehicular and pedestrian thoroughfares where there are public areas of high pedestrian and traffic numbers.
8. Councils are also required to identify transport routes of strategic importance where an earthquake-prone building could fall onto the road, impede traffic and inhibit an emergency response to the detriment of the community, cause loss of life or make access to emergency care impossible.

9. These must be consulted on using the Special Consultative Procedure under s83 of the Local Government Act 2002 (**LGA**). The consultation documentation will identify the roads or section of roads.
10. Priority vehicular and pedestrian thoroughfares and transport routes of strategic importance will be combined for the purposes of public consultation as recommended by the **MBIE** guidance.
11. The consultation will seek feedback from the public on whether they agree or not with the proposed priority vehicular and pedestrian thoroughfares and transport routes of strategic importance or if they identify other roads that they consider should be included.
12. The attached maps show the priority vehicular and pedestrian thoroughfares and transport routes of strategic importance.

### Next Steps

13. The proposed consultation process will be an online public consultation of the Council's "Have your say" website for 1 month (between 5 March 2018 to 6 April 2018) followed by an opportunity for submitters to present their views in a spoken form in May 2018.
14. All submissions received from the consultation will be presented in a deliberations report to the Council in June 2018.
15. The report will include a list of earthquake-prone buildings that staff have identified as priority buildings (**PBs**). These buildings occur on vehicular and pedestrian thoroughfares and routes of strategic importance.
16. Where an earthquake-prone building collapses it could cause damage to other buildings, fall onto a footpath or road and result in serious damage to other structures, block roads and cause injuries and fatalities. Blocked roads will restrict the ability for emergency services to gain access and get to injured people and transport the injured to hospitals. Therefore, the risk of failure of **PBs** in any earthquake event has more serious outcomes and that is why the timeframe afforded to building owners to upgrade their **PBs** is that much shorter than for other earthquake-prone buildings.
17. The owners of **PBs** will have half the time within which to upgrade their buildings – 12.5 years as compared to 25 years for other earthquake-prone buildings.
18. Staff are preparing a communications plan to inform affected building owners and other key stakeholders of the legislation changes and how they are affected.
19. The communications plan will follow on from the public consultation submissions and findings have been reported back to the Council.
20. The communications plan is also a means to engage with building owners and tenants and to obtain any new information such as engineers' reports that the Council may not have on file. This will assist staff to continue with updating the earthquake-prone building database and maintaining the accuracy of the information.

### Financial Considerations

21. The approximate cost in assessing and identifying priority vehicular and pedestrian thoroughfares and transport routes of strategic importance up to the point of this Council report is \$3,000. This cost includes staff time which is regular operating activity funded through the 10 Year Plan. The ongoing costs to complete the balance of work for the consultation are estimated at an additional \$3,000 to \$5,000 depending on submissions received. In total the costs to develop, and finalise priority buildings is approximately \$6,000 to \$8,000.

## Risks

22. The Council would not meet its legal obligations if it did not carry out the public consultation process for priority vehicular and pedestrian thoroughfares and transport routes of strategic importance.

## Significance & Engagement Policy

23. Given the statutory requirement to consult using the Special Consultative Procedure under s83 of the **LGA**, staff have not considered the key considerations under the Significance and Engagement Policy to assess the recommendation in this report.
24. Under s83 of the **LGA**, a minimum consultation period of one month, a Statement of Proposal (**SOP**) and the opportunity for submitters to present their views in a spoken form to the Council is required. The proposed **SOP** is attached to this report, complies with s83 of the **LGA** and considers guidance material supplied by the **MBIE**.

## Attachments

- Attachment 1 - Priority Buildings: A guide to the earthquake-prone building provisions of the Building Act
- Attachment 2 - Transport Routes of Strategic Importance
- Attachment 3 - Priority Vehicular and Pedestrian Thoroughfares
- Attachment 4 - Statement of proposal - Final Draft - Consultation on vehicular and pedestrian thoroughfares and routes of strategic importance

# GUIDANCE

## Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act





**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

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DATE: JULY 2017 VERSION: 1

DOCUMENT STATUS

PAGE ii

## Contents

<b>1. Introduction</b>	<b>2</b>
<b>2. Scope of this guidance</b>	<b>3</b>
<b>3. Regulatory context</b>	<b>4</b>
3.1 Building Act .....	4
3.2 EPB Methodology .....	5
3.3 URM Securing Requirement .....	5
<b>4. Overview of roles and time frames</b>	<b>7</b>
4.1 Territorial authorities are required to identify priority buildings in set time frames .....	7
4.2 Owners are required to remediate priority buildings in set time frames.....	8
<b>5. Territorial authorities identify priority buildings</b>	<b>9</b>
5.1 Key steps to identifying priority buildings that are potentially earthquake-prone.....	9
5.2 Identifying priority buildings with prescribed definitions.....	10
5.3 Identifying priority buildings with community input .....	16
5.4 Territorial authorities notify affected building owners .....	24
<b>6. Building owners remediate priority buildings</b>	<b>25</b>
6.1 Changing priority building status .....	25
<b>7. Additional advice for building owners</b>	<b>27</b>
7.1 Actions for Crown agency building owners.....	27
<b>Appendices</b>	<b>30</b>
Appendix A: Relevant definitions .....	30
Appendix B: Key information to inform the special consultative procedure.....	32



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

CONTENTS

PAGE 1

## 1. Introduction

The system for identifying and managing earthquake-prone buildings changed on 1 July 2017, when the Building (Earthquake-prone Buildings) Amendment Act 2016 came into force to create Subpart 6A of Part 2 of the Building Act 2004.

The new system ensures the way our buildings are managed for future earthquakes is consistent across the country by creating a single national policy framework. It also provides more information for people using buildings.

The new system categorises New Zealand into three seismic risk areas: high, medium and low, and sets time frames for each of these areas for identifying potentially earthquake-prone buildings and strengthening earthquake-prone buildings. It also introduces a new concept – **priority buildings**, which accelerates these time frames for buildings that are considered to pose a higher risk to life safety, or that are critical to recovery in an emergency. The priority building provisions do not apply in low seismic risk areas.

## 2. Scope of this guidance

This guidance:

- explains the definition of priority buildings and how to apply this, and
- sets out the key roles in identifying and remediating priority buildings.

This guidance does not cover other aspects of the system for [managing earthquake-prone buildings](#) under the earthquake-prone building provisions of the Building Act 2004, broader guidance on risk resilience, or advice on [how to manage buildings after an earthquake event](#).

The audience for this guidance includes:

- territorial authorities, who must identify potentially earthquake-prone buildings categorised as 'priority buildings' in half the time allowed for other potentially earthquake-prone buildings
- building owners, who own buildings that might be determined as earthquake-prone priority buildings, and who will have less time to carry out seismic work on their buildings
- building professionals, who may provide advice to building owners on their obligations under the [Building Act 2004](#).

This guidance should be read in conjunction with:

- Subpart 6A of Part 2 (the earthquake-prone building provisions) of the [Building Act 2004](#)
- the [FPB methodology](#), set under section 133AV of the [Building Act 2004](#)
- the [Building \(Specified Systems, Change the Use, and Earthquake-prone Buildings\) Regulations 2005 \(as amended\)](#)
- the [Building \(Infringement Offences, Fees, and Forms\) Regulations 2007 \(as amended\)](#).

Resource pages found at:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/resources/>



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION TWO: SCOPE OF THIS GUIDANCE

PAGE 3

## 3. Regulatory context

This section includes information on:

- the broad categories of priority buildings and relevant sections in the Building Act
- information on the EPB methodology, a key document for identifying priority buildings
- information on the interface of priority building provisions with the requirement in certain parts of New Zealand to secure unreinforced masonry (URM) parapets and facades.

### 3.1 Building Act

The Building Act 2004 contains the earthquake-prone building provisions.

Section 133AA of the Building Act 2004 sets out the scope of buildings to which the earthquake-prone building provisions apply. All priority buildings must also be within this scope.

Section 133AE of the Building Act 2004 contains the definition of priority buildings. This is also set out in Appendix A of this guidance and includes two broad categories of priority building:

- those that are **prescribed in the Building Act 2004** – these include certain hospital, emergency and education buildings, and
- those that are **described in the Building Act 2004 and determined with community input** – this category includes parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and buildings that could collapse and impede transport routes of strategic importance.
  - Territorial authorities **must** undertake public consultation to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake.
  - Territorial authorities **have discretion** to identify certain buildings for prioritisation. If a territorial authority identifies that there are buildings that could impede transport routes of strategic importance if they were to collapse in an earthquake, the special consultative procedure needs to be undertaken to identify routes for the purpose of prioritising those buildings.

If only part of a building fits the definition of a priority building, then only that part would be considered as a priority building.

See section 5 of this document for detailed information on how to identify these categories of priority buildings.

Table 1 below sets out other sections of the Building Act 2004 which are relevant to identifying and managing priority buildings.

**Table 1: Priority buildings – relevant sections of the Building Act 2004**

Section 133AD	Defines low, medium and high seismic risk areas
Section 133AE	Defines priority buildings (copy provided in Appendix A)
Section 133AF	Describes the territorial authority's role in identifying certain earthquake-prone buildings (copy provided in Appendix A)
Section 133AG	Sets time frames for territorial authorities to identify potentially earthquake-prone buildings (including priority buildings)
Section 133AM	Sets deadlines for owners to complete seismic work on earthquake-prone buildings (including priority buildings)

### 3.2 EPB methodology

Priority buildings should be identified by territorial authorities through application of the EPB methodology, and in the first instance through identification of potentially earthquake-prone buildings via profile categories as set out in the EPB methodology. This process is set out in more detail in section 5 of this document.

### 3.3 URM securing requirement

The Hurunui/Kaikōura Earthquakes Recovery (Unreinforced Masonry Buildings) Order 2017 (the Order in Council) was made under the Hurunui/Kaikōura Earthquakes Recovery Act 2016. It came into force on 28 February 2017 and will be revoked on 31 March 2018.

It only applies in certain council jurisdictions: Wellington City, Hutt City, Marlborough District and Hurunui District. The Order in Council requires that URM buildings on certain streets in these locations with street-facing parapets or facades that have not been secured or strengthened to an acceptable standard be secured within 12 months of the date of notice from the council.

This provision does not replace the provisions for managing earthquake-prone buildings under the Building Act 2004 including priority buildings. Buildings that are required to secure parapets and/or facades under the Order in Council may be earthquake prone, even after the securing work has been completed. These buildings may also come under the priority buildings provisions of the Building Act 2004 if they have a part of a URM building that could fall in an earthquake onto roads or thoroughfares that have sufficient vehicular or pedestrian traffic to warrant prioritisation.



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION THREE: REGULATORY CONTEXT

PAGE 5

Securing work is considered the first stage of strengthening work. If an owner has undertaken strengthening work in excess of the securing requirement set by the Order in Council, and can provide evidence to the territorial authority that the URM facade and/or parapet are no longer earthquake prone, then the (URM) factor that makes it a priority building may have been addressed. If the building does not fall within another category of priority building (eg buildings used for education purposes), it may still be an earthquake-prone building but no longer a priority building. The rest of the building will still be required to be strengthened if it is determined to be earthquake prone under the Building Act 2004. The time frame for remediation in this situation would be the standard time frame for the particular seismic risk area that the building is in rather than the reduced time frame for priority buildings.

## 4. Overview of roles and time frames

This section includes information on:

- time frames for territorial authorities in high and medium seismic risk areas to identify priority buildings
- time frames for owners to remediate, ie strengthen or demolish priority buildings in high and medium seismic risk areas
- when the time frame for remediation may differ.

### 4.1 Territorial authorities are required to identify priority buildings in set time frames

Territorial authorities must identify priority buildings that are potentially earthquake prone in half the time than that allowed for all other buildings. These time frames are set out in section 133AG of the Building Act 2004 and begin from 1 July 2017.

Further detail on identifying priority buildings is provided in section 5 of this document.

**Table 2: Time frames for territorial authorities to identify potentially earthquake-prone buildings**

Seismic risk area	Priority buildings	All other buildings
High	2.5 years	5 years
Medium	5 years	10 years

Note: priority buildings are not required to be identified in low seismic areas, and therefore only the standard time frame of 15 years is applicable for identifying potentially earthquake-prone buildings in these areas.

There may be circumstances when a territorial authority identifies a priority building after the applicable time frame. Territorial authorities can identify a building as potentially earthquake prone under section 133AG(3) of the Building Act 2004 after the applicable time frames above, and at that time, also identify the building as a priority building if it meets the definition set out in section 133AE of the Building Act 2004 (and explained in section 5 of this document).

Territorial authorities are not required to monitor the ongoing use or tenancies of buildings already confirmed as earthquake prone in case of a change to the priority building status of the building. See section 6.1 of this guidance for more information on changing priority building status.



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FOUR: OVERVIEW OF ROLES AND TIME FRAMES

PAGE 7

## 4.2 Owners are required to remediate priority buildings in set time frames

Building owners must undertake the necessary seismic work on any priority buildings determined to be earthquake prone in half the time available for other buildings. Time frames for the necessary seismic work are set out in section 133AM of the Building Act 2004. The applicable time frame will be prescribed on the EPB notice issued to the building owner by the territorial authority, and begins from the date on the notice.

**Table 3: Time frames for owners to remediate earthquake-prone buildings**

Seismic risk area	Priority buildings	All other buildings
High	7.5 years	15 years
Medium	12.5 years	25 years

Note: priority buildings are not required to be identified in low seismic areas, and therefore only the standard time frame of 35 years is applicable for undertaking the necessary seismic work on earthquake-prone buildings in these areas.

For buildings that were issued notices under section 124 of the Building Act 2004 prior to the commencement of the new system on 1 July 2017, the time frame for remediation may differ.

Existing section 124 notices are covered by Schedule 1AA of the Building Act 2004. This requires territorial authorities to determine whether the priority building time frame or the existing deadline for remediation is applicable, based on whichever is shortest. In some cases, a building may be identified as a priority building and be assigned a shorter time frame than stated above.

More information on how to identify priority buildings that have existing section 124 notices is provided in section 5 of this document.

## 5. Territorial authorities identify priority buildings

There are several different starting points for territorial authorities when identifying priority buildings. In some cases, territorial authorities will need to consult their community to help identify certain priority buildings.

This section includes information on:

- the key steps to identifying priority buildings using the EPB methodology (5.1.1)
- checking whether buildings with existing section 124 notices are priority buildings (5.1.2)
- how to identify priority buildings based on their function as either hospital, emergency or education buildings (5.2)
- how to identify priority buildings with community input, including detail on when a special consultative procedure is required (5.3)
- notifying owners of priority buildings (5.4).

Territorial authorities are required to identify potentially earthquake-prone buildings within set time frames. As set out in section 133AG of the Building Act 2004 and explained in section 4 of this document, these time frames are reduced for priority buildings. Territorial authorities are then required to determine whether those buildings determined as earthquake prone require a priority building time frame for remediation, as set out in section 133AM of the Building Act 2004 and explained in section 4 of this document.

### 5.1 Key steps to identifying priority buildings that are potentially earthquake-prone

Territorial authorities may have different starting points for identifying priority buildings, based on the information they hold as a result of their individual earthquake-prone building policies in place before commencement of the new system.

#### 5.1.1 Buildings not yet identified as earthquake prone

Territorial authorities should identify priority buildings using this guidance in conjunction with the EPB methodology, and specifically the requirement to identify potentially earthquake-prone buildings via profile categories.

There are three key steps to identifying priority buildings:

- identifying whether or not the building meets the characteristics of a priority building set out in section 133AE of the Building Act 2004, and explained in sections 5.2 and 5.3 of this document



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 9

- identifying whether or not the building is potentially earthquake prone in accordance with the EPB methodology
- determining whether or not the building or part of the building is earthquake prone using the EPB methodology.

A key part of identifying priority buildings is undertaking the special consultative procedure required under section 133AF of the Building Act 2004 to identify priority thoroughfares and routes, explained in section 5.3 of this document. It is recommended that territorial authorities start with this part of the process.

### **5.1.2 Buildings identified as earthquake prone with existing section 124 notices**

Notices issued under section 124 of the Building Act 2004 prior to 1 July 2017 are subject to the transitional arrangements in Schedule 1AA of the Building Act 2004. This means that buildings or parts of buildings with existing section 124 notices are deemed to be earthquake prone unless they are no longer within scope of the earthquake-prone building provisions, which is set out in section 133AA of the Building Act 2004.

Territorial authorities are required to issue EPB notices for buildings with existing section 124 notices as soon as is reasonably practicable after 1 July 2017. Before issuing these EPB notices, territorial authorities need to check whether any of these buildings are also priority buildings meeting the definitions set out in section 133AE of the Building Act 2004 and explained in sections 5.2 and 5.3 of this document.

The recommended starting point is undertaking the special consultative procedure required to identify priority buildings on certain thoroughfares and routes, set out in section 5.3 of this document.

If a building with an existing section 124 notice is a priority building, the territorial authority needs to consider which time frame is applicable for remediation when issuing the new EPB notice (as detailed in section 4.2 of this document).

## **5.2 Identifying priority buildings with prescribed definitions**

Section 133AE(1)(a) to (d) of the Building Act 2004 details a number of circumstances when certain potentially earthquake-prone buildings and earthquake-prone buildings should be prioritised based on their function.

In this section, more detail is provided on:

- hospital buildings
- emergency buildings
- education buildings.

For buildings that meet one of the prescribed definitions of priority building in section 133AE of the Building Act and explained in sections 5.2.1, 5.2.2 and 5.2.3 of this document, territorial authorities must also:

- identify whether the building is potentially earthquake prone using the profile categories set out in the EPB methodology, and
- determine whether the building or part of the building is earthquake prone, and if so, whether it requires a priority building time frame for remediation, and whether this time frame applies to the whole building or only part of the building.

#### Identifying whether the building is potentially earthquake prone

Where a building is identified as a priority building by way of meeting the definition for hospital building, emergency building or education building set out in section 133AE of the Building Act 2004, the territorial authority must also identify whether the building is potentially earthquake prone using the EPB methodology. The building owner must then be notified in accordance with the requirements set out in section 133AH of the Building Act 2004, explained in section 5.4 of this document.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment.

#### Determining whether the building is an earthquake prone building and requires a priority building time frame for remediation

Upon receipt of an engineering assessment for a potentially earthquake-prone building that also meets the definition of a priority building, the territorial authority must undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building or part of the building is earthquake prone.

If the building or part of the building is determined to be earthquake prone, the territorial authority must assign a priority building time frame for remediation in accordance with section 133AM of the Building Act 2004. This time frame may apply to either part of the building or the building as a whole depending on the extent to which the element which makes the building earthquake prone affects the structure as a whole or only one area (information provided in the engineering assessment). This also needs to be considered alongside information about which area of the building meets the definition of priority building (eg one tenancy in a building or the use of the whole building).

#### 5.2.1 Hospital buildings

Section 133AE(1)(a) of the Building Act 2004 says that a priority building means:

- (a) A **hospital building** that is **likely to be needed in an emergency** (within the meaning of the Civil Defence Emergency Management Act 2002) to provide –
- emergency medical services; or
  - ancillary services that are essential for the provision of emergency medical services.



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 11

**What is a hospital building that is 'likely to be needed in an emergency'?**

Hospital buildings designated for use in an emergency are relative to:

- the national Civil Defence Emergency Management Plans under the Civil Defence Emergency Management Act 2002 (CDEMA) and National Health Emergency Management Plans, and
- the group plan under the CDEMA that covers the particular region in which the hospital is located.

Hospital buildings that meet the definition of priority building will therefore be public buildings on district health board (DHB) land that are necessary for the hospital to provide emergency services in an emergency. Table 4 sets out the extent to which different areas within hospital buildings are likely to be needed in an emergency.

**What does 'provide emergency services' mean?**

There may be variances in the interpretation and application of emergency services depending on the policies of the relevant DHB and the function of the hospital building. It is important for the DHB and the territorial authority to be coordinated in the application of this definition, with consideration given to the specific context.

Territorial authorities should engage with the DHB to ascertain key information about the function of the hospital building to determine if the building is to be prioritised. For example, the department or area of the hospital designated by the DHB to provide emergency medical services, ie where a person should report when in need of emergency medical care, whether at the time of an emergency event (eg an earthquake) or not.

**The building as a whole**

Where a hospital building contains a mixture of services (eg some are emergency medical services and some are patient wards and/or administrative services) the complete building facility will be considered a priority building by virtue of the emergency usage. The exception to this approach is when, from a structural point of view, the structural weakness causing the building to be earthquake prone can be isolated. Engineering assessments will inform the extent to which the structure as a whole is affected by the earthquake-prone elements, and this should be taken into account when determining whether a priority building time frame for remediation applies to the building as a whole or one section.

Table 4 provides some examples of what this means when applied to certain types of hospital buildings.

Type of hospital building	Likely to be included or excluded as a priority building	Reasons
Operating theatre	Included	Used for emergency medical services
Emergency room (ER)	Included	Used for emergency medical services
Integrated Family Health Centre or community services	Excluded	No linkage to emergency medical services or providing emergency services
Maternity ward	This depends on the internal practices of the DHB	Only included if it provides emergency medical services
Mental health facilities	Excluded	No linkage to emergency medical services or providing emergency medical services
Aged residential care facility	Excluded	No linkage to emergency medical services or providing emergency services
Ancillary services	Included, but only those essential for the provision of emergency medical services	For example, a building that holds the back-up power generator for the hospital is likely to be included but a building that serves as a kitchen/laundry or other ancillary service is likely to be excluded
		Facilities such as the pipe connections for heat, steam or power are not in scope of the earthquake-prone building provisions



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 13

### 5.2.2 Emergency buildings

Sections 133AE(1)(b) and (c) of the Building Act 2004 prescribe that a priority building means:

- (b) A building that is likely to be needed in an emergency for use as an **emergency shelter** or **emergency centre**,
- (c) A building that is used to **provide emergency response services** (for example, policing, fire, ambulance, or rescue services).

#### What is an 'emergency shelter'?

An emergency shelter is used by the general public and is designated as such under a territorial authority's civil defence emergency management plan.

Buildings adopted for use by communities in times of need that are not designated under a territorial authority's civil defence emergency management plan are not considered emergency shelters for the purpose of identifying priority buildings.

#### What is an 'emergency centre'?

An emergency centre is used by Civil Defence and Emergency Management for coordination purposes and is designated as such under a territorial authority's civil defence emergency management plan. This includes a local emergency operations centre (EOC) and a regional emergency coordination centre (ECC).

Buildings adopted for use by communities in times of need that are not designated under a territorial authority's civil defence emergency management plan are not considered emergency centres for the purpose of identifying priority buildings.

#### What buildings are considered to provide emergency response services?

Buildings that are used to provide emergency response services are the buildings that enable New Zealand's key emergency services to carry out their job in the event of an emergency.

The distinction needs to be made between training or meeting rooms contained in buildings for firefighters or ambulance staff, and which do not facilitate the provision of emergency response services, and a communications tower, which does.

#### What are civil defence emergency management plans?

These plans are described in the CDEMA. They provide details of territorial authority procedures in the event of an emergency (at any level) such as an earthquake. It is a requirement of the CDEMA that these plans are kept up to date and in operational effect.

### Case study

A community hall has been designated as an emergency shelter with provisions for food, water and back-up electricity for Shaky District Council, which is in a high seismic risk area. The building has been determined as earthquake prone in accordance with the EPB methodology. The owner is required to complete seismic works to ensure the building is no longer earthquake prone within a time frame set by the Council.

This building is a priority building due to its emergency function. The time frame issued by Shaky District Council to the owner of the community hall for seismic work will be 7.5 years (the national time frame for priority earthquake-prone buildings located in a high seismic risk area).

### 5.2.3 Education buildings

Section 133AE(1)(d) of the Building Act 2004 prescribes that a priority building means:

- (d) A building that is **regularly occupied** by at least 20 people and that is used as any of the following:
- (i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989
  - (ii) a registered school or an integrated school (within the meaning of the Education Act 1989)
  - (iii) a private training establishment registered under Part 18 of the Education Act 1989
  - (iv) a tertiary institution established under section 162 of the Education Act 1989.

#### What buildings are used for education purposes?

These include (refer to the Education Act 1989 for definitions):

- early childhood education and care centres
- registered or integrated schools
- private training establishments
- tertiary institutions.

#### Alert:

It is important for building owners to be aware that not all education buildings captured by the definition are owned by or have an affiliation with the Ministry of Education.

Building owners should also be aware of any tenants occupying their buildings that this definition might apply to.



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 15

**What does 'regularly occupied' mean?**

The establishment must have capacity to enrol, or already have enrolled, at least 20 people in a certain building. The building must also be regularly occupied by at least 20 people. Teaching spaces in schools generally have capacity for over 20 people. Determining whether the building is regularly occupied may require consideration of use over an educational 'period', such a school year, a university semester or the length of a course in a particular training establishment, and planned use in the period following.

Another measure may be looking at the intended or capable capacity of a particular course. For example, if a private training establishment has over 20 available spaces on its course, irrespective of how many people attend on any particular day, there is a clear intention and capacity for at least 20 people to regularly occupy the facility.

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### 5.3 Identifying priority buildings with community input

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Sections 133AE(1)(e) and (f) of the Building Act 2004 describe when certain buildings should be prioritised based on community consultation. These are:

- parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and
- buildings that could collapse and impede transport routes of strategic importance.

Territorial authorities **must** undertake public consultation to identify the thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation onto which part of a URM building could fall in an earthquake.

Territorial authorities have **discretion** to identify buildings that have the potential to impede routes of strategic importance if the buildings were to collapse in an earthquake. However, if buildings do need to be identified for this type of prioritisation, the special consultative procedure needs to be undertaken.

Community input is important to decide on the thoroughfares and routes to be prioritised due to the variation in local circumstances between territorial authorities. Undertaking public consultation enables communities to decide the appropriate level of risk to accept as a community, informed by their knowledge of the local economy, portfolio of buildings and their uses.

The special consultative procedure is described under section 83 of the Local Government Act 2002 and is the statutory procedure a territorial authority must follow when making these decisions.

This section provides assistance to identify thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation and transport routes of strategic importance to inform the consultation process. These thoroughfares and routes can be identified simultaneously in the same consultation process.

See Appendix B for supporting information to undertake the special consultative procedure.

**Alert:**

Consultation and identification of any priority buildings as a result must be completed within the priority building time frames provided in section 133AG of the Building Act 2004.

### 5.3.1 Parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation

Section 133AE(1)(e) the Building Act 2004 says that a priority building means:

- (e) Any part of an unreinforced masonry building that could –
- (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda), and
  - (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a).

Territorial authorities must identify parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation using the following key steps. Using the special consultative process to identify any part of a public road, footpath or other thoroughfare:

1. with sufficient vehicular or pedestrian traffic to warrant prioritisation; and
2. on which there are URM buildings or parts of URM buildings that could fall in an earthquake (note: territorial authorities are not required to identify the specific URM buildings in the consultation documentation).

Territorial authorities are then required to:

3. identify whether the URM buildings on those thoroughfares are potentially earthquake prone (within the applicable time frame); and
4. determine if the potentially earthquake-prone building and/or relevant street-facing part is earthquake prone and therefore requires a priority time frame for remediation.

#### Identifying public roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic to warrant prioritisation

Sufficient traffic indicates use, and where the use of an area or building is greater, the exposure to the risk posed by that particular building also increases.

To prepare for the special consultative procedure, territorial authorities can apply the following criteria to identify roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic, upon which they must then consult with their communities.



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 17

Note: thoroughfares meeting the following criteria must also have a URM building located on them whereby there is the potential for a URM part to fall onto the identified thoroughfare.

**High pedestrian areas** (*people not in vehicles*)

Note: high pedestrian areas are those areas where people are concentrated or routes with high foot traffic.

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	City and suburban areas with shops, cafes, restaurants, bars, theatres and malls	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around office buildings or other places of work where there is a concentration of workers	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, train stations, bus stops, car parks	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

**Areas with high vehicular traffic** (people in motor vehicles/on bikes)

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business district streets, well trafficked suburban streets, arterial routes, heavy use bus routes	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours	Busy intersections

**Identifying URM buildings on these thoroughfares**

A URM building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face onto a street or open space).

The EPB methodology sets out street-scape characteristics to assist with identifying URM buildings.

Note: territorial authorities are not required to identify the likelihood or nature of parts of URM buildings falling in earthquakes for the purposes of the special consultative procedure.

If the territorial authority decides that there is no reasonable prospect of any thoroughfare in its district having sufficient traffic and a URM building located on it so as to warrant prioritisation, the criteria in section 133AF(2)(a) of the Building Act 2004 are unlikely to be met. Consultation should be undertaken to finalise this conclusion. The templates introduced in Appendix 2 provide supporting information.

**Priority Buildings**

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 19

### Identifying whether the URM building is potentially earthquake prone

Note: For buildings with an existing section 124 notice, this step is not applicable.

Where a URM building is identified as being one that has a URM part that could fall in an earthquake onto a thoroughfare with sufficient vehicular or pedestrian traffic, the territorial authority must then determine whether the URM building is potentially earthquake prone using the EPB methodology. The building owner must then be notified in accordance with the requirements set out in section 133AH of the Building Act 2004, explained in section 5.4 of this document.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment.

### Determining whether the URM building is an earthquake-prone building and requires a priority building time frame for remediation for the relevant street-facing part

Upon receipt of an engineering assessment for a potentially earthquake-prone URM building located on one of the priority building thoroughfares, the territorial authority should undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building is earthquake prone.

For this type of priority building, only the part of the URM building that has the potential to fall onto the identified priority thoroughfare can be assigned a priority building time frame for remediation.

If the building is **confirmed as earthquake prone**, the territorial authority should undertake the following additional steps to determine whether the relevant part of the building requires a priority building time frame for remediation:

- Consider the part(s) identified as earthquake prone in the engineering assessment report.
- Consider the location of the part(s) identified as earthquake prone in relation to the possibility of it falling onto the identified road, footpath or thoroughfare in an earthquake.
  - If the earthquake-prone part is located in an area of the building where it could fall onto the identified priority thoroughfare, a priority building time frame must be assigned for remediation of that part.
  - If the earthquake-prone part would not fall on the identified priority thoroughfare in an earthquake, standard time frames for remediation apply.

This type of priority building may also meet one of the other categories of priority building prescribed in section 133AE of the Building Act 2004, and explained in section 5.2 of this document, making both the building and the part subject to a priority building time frame for remediation.

### 5.3.2 Buildings on a transport route of strategic importance

Section 133AE(1)(f) of the Building Act 2004 prescribes that a priority building includes:

(f) *A building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.*

Territorial authorities can identify buildings that have the potential to impede a transport route of strategic importance using the following key steps.

Use the special consultative procedure to:

1. identify routes of strategic importance where there are buildings that could impede the route if they were to collapse in an earthquake.

Territorial authorities are then required to:

2. identify whether any buildings located on the routes of strategic importance are potentially earthquake prone in accordance with the EPB methodology
3. determine whether these buildings are earthquake prone and require a priority building time frame for remediation.

#### Alert:

It is not mandatory for a territorial authority to carry out the special consultative procedure to identify these strategic routes in its district. A small rural district for example may choose not to undertake this consultation as there are likely to be multiple options for alternative strategic routes in that area. If a territorial authority does choose to identify these buildings, this will be subject to the special consultative procedure under section 83 of the Local Government Act 2002.

#### Identifying strategic transport routes

Access to, and for, emergency services in emergencies is essential for a number of reasons, including to save lives.

Buildings impeding a strategic transport route in an earthquake could inhibit an emergency response to the detriment of the community, ie loss of life, if timely access to emergency care is not possible.

To prepare for the special consultative procedure, territorial authorities can apply the following criteria to identify transport routes of strategic importance in an emergency, upon which they can then determine whether there are buildings located on these routes that could impede them if they were to collapse in an earthquake. They then need to consult with their communities to finalise these routes to inform which buildings are priority buildings.



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 21

In central business districts, suburban centres and provincial centres:

#### **Emergency routes**

- Routes likely to be used by emergency services in:
  - transiting from their bases to areas of need in a major emergency where there are no alternative routes available, or
  - transiting to central services such as hospitals, where there are no alternative routes available.

These routes may have already been identified for civil defence purposes and could be contained in the district's civil defence emergency management plans.

#### **Alert:**

These routes may be described with different names like 'critical routes' or 'lifeline routes' in civil defence emergency management plans or in the NZTA files.

#### **Identifying whether the routes have buildings on them which could impede the route if they collapsed in an earthquake**

These routes of strategic importance must also have at least one building located on them that would impede the route if it collapsed in an earthquake. Territorial authorities are not expected to determine the likelihood or nature of collapse of buildings that could impede the route.

#### **Identifying whether the building is potentially earthquake prone**

Note: For buildings with an existing section 124 notice, this step is not applicable.

The EPB methodology sets out the types of buildings required to be identified as potentially earthquake prone within the applicable time frames. Once the routes of strategic importance are finalised following consultation, territorial authorities will need to ensure that they apply the profile categories set out the EPB methodology to identify potentially earthquake-prone buildings located on the strategic routes within the time frames allowed for identifying potentially priority buildings in the applicable seismic risk area.

Territorial authorities must also ensure that where a building is identified as potentially earthquake prone and is located on one of the strategic routes, the building owner is notified in accordance with the requirements in section 133AH of the Building Act 2004, and outlined in section 5.4 of this guidance.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment in accordance with the EPB methodology.

The EPB methodology requires engineers to report on the mode of failure of the building being assessed.

### Determining whether or not the building is earthquake prone and requires a priority building time frame for remediation

Upon receipt of an engineering assessment for a potentially earthquake-prone building that is located on a route of strategic importance, the territorial authority should undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building or part of the building is earthquake prone.

If the building is **determined as earthquake prone**, the territorial authority should undertake the following steps to determine whether the building also requires a priority building time frame for remediation:

- Consider whether the likely mode of failure and physical consequence identified in the assessment report indicates that the building has the potential to impede the strategic route if it were to collapse in an earthquake.
  - If the building is considered to have the potential to impede the strategic route, a priority building time frame must be assigned for remediation.
  - If the building is not considered to have the potential to impede the strategic route, a standard time frame for remediation will apply.

#### Case study

Shaky District Council is located in a high seismic risk area and as a result identified several routes of strategic importance using the special consultative procedure.

Shaky District Council determines that a building located on one of the strategic routes is earthquake prone in accordance with the EPB methodology. The building does not meet one of the other definitions of priority building as it is not URM or used as a hospital, emergency or education facility.

When considering which time frame to prescribe for remediation of the building, Shaky District Council notes that the building is set back from the identified strategic route by over four metres. As a result, Shaky District Council does not consider the building has the potential to impede the strategic route if it were to collapse in an earthquake, as key emergency services would still be able to use the route.

This building is not a priority building. The time frame issued by Shaky District Council to the owner of the building for seismic work will be 15 years (the national time frame for non-priority earthquake-prone buildings located in a high seismic zone).



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION FIVE: TERRITORIAL AUTHORITIES IDENTIFY PRIORITY BUILDINGS

PAGE 23

#### **5.4 Territorial authorities notify affected building owners**

Sections 133AH and 133AL of the Building Act 2004 set out the requirements on territorial authorities when they identify a building as potentially earthquake prone and the requirements for issuing EPB notices for earthquake-prone buildings respectively. These sections specify the need to notify the building owner whether the building is also a priority building.

- Territorial authorities are required to identify potentially earthquake-prone buildings within the applicable time frame. The territorial authority must then notify the owner of the building identified and request an engineering assessment from the owner. This request must also state whether the building is a priority building.
- If a territorial authority determines that a building is earthquake prone, the territorial authority must issue an EPB notice, stating whether the building or a part of the building is a priority building. The deadline stated on the EPB notice for completing seismic work will reflect the building's priority status.
- When the territorial authority records the details of the EPB notice and building on the national EPB register, it must also state whether the building is a priority building.

Further information on the above processes can be found in the EPB methodology.

## 6. Building owners remediate priority buildings

Owners of priority buildings located in high seismic risk areas have 7.5 years to strengthen or demolish their building.

Owners of priority buildings located in medium seismic risk areas have 12.5 years to strengthen or demolish their building.

This section includes information on changes in circumstances that may change the status of the priority building.

Building owners of priority buildings are required to remediate their building so that it is no longer earthquake prone in half the time that is permitted for other earthquake-prone buildings. These time frames are set out in section 133AM of the Building Act 2004, explained in section 4.2 of this guidance.

Priority buildings are unlikely to have the prescribed characteristics set out in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (as amended) that would enable the territorial authority to grant an exemption from the requirement to undertake the necessary seismic work.

### 6.1 Changing priority building status

There is nothing explicitly stated in the Building Act 2004 that requires territorial authorities to review the priority building status of a building, unless the building is no longer earthquake prone.

It is accepted however that there will be cases where, over time, an earthquake-prone building will no longer fall within the definition of a priority building due to a change in circumstances, such as occupancy or use changes. For education facilities, this is most likely to occur when private training establishments or in some cases early childhood centres move out of buildings.

If the reason for a building to be prioritised is no longer present, the building owner should be entitled to have this change recognised in terms of the time frames for remediation.

In this situation if the building owner provides new information to the territorial authority and the territorial authority is satisfied with this new information, the priority building status of an earthquake-prone building can be reconsidered by the territorial authority and the EPB notice reissued with standard time frames (ie removing the priority building status). Standard remediation time frames should be applied from the time the notice was issued when the building was determined to be earthquake prone. Any changes will also need to be reflected in the EPB register.



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION SIX: BUILDING OWNERS REMEDIATE PRIORITY BUILDINGS

PAGE 25

### Case study

What if there is an international business school on the 8th floor of a commercial office building that is potentially earthquake prone?

- a) The territorial authority should check to see how many occupants the school has – is it regularly used by more than 20 people? This can be done by contacting the building owner or the tenant directly.
- b) In this situation, at the point when the territorial authority identifies whether the building is potentially earthquake prone, the presence of the business school will mean the building is also a priority building. If the business school still occupies the building when it is determined earthquake prone, a priority building time frame for remediation will apply.
- c) Once subject to an EPB notice, if the business school stops occupying the building, for example if the commercial lease of the business school ends and the owner of the building does not enter into a new lease, the building owner can inform the territorial authority of this new information.
- d) The territorial authority can then consider whether the building is still a priority building. If it is satisfied it no longer falls within the relevant definition in s133AE, the territorial authority can reissue an EPB notice noting that the building is no longer a priority building and changing the time frame for remediation. The territorial authority will also need to amend the EPB register to reflect those changes.

## 7. Additional advice for building owners

This section contains advice on first steps and planning for building owners, including Crown agency building owners.

### Is this likely to apply to you?

Consider whether your building is likely to be identified as potentially earthquake prone by your local territorial authority and, if so, whether it meets one of the definitions of a priority building.

- Location - check the seismic area for your building (if you are in a low seismic zone the priority building provisions do not apply).
- Use - check definitions and explanations in sections 5.2 and 5.3 of this document as this will give you an idea whether your building is likely to be identified as a priority building.

### Start planning

If you think your building is likely to be classified as a priority building, it is important to note that your territorial authority will be identifying your type of building earlier than others.

- Check what engineering information you already have for your building and be prepared to discuss it with council staff.
- Check the relevant time frames to strengthen or demolish your building under the new system.
- Visit the MBIE website for more information for building owners, here:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

### 7.1 Actions for Crown agency building owners

It is recognised that many Crown agency building owners have strengthening programmes already underway and will have a lot of information about their building stock.

It is advised to inform the territorial authority of the information available and work through the information in accordance with the EPB methodology to consider which buildings are likely to be potentially earthquake-prone priority buildings.



#### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

SECTION SEVEN: ADDITIONAL ADVICE FOR BUILDING OWNERS

PAGE 27

**GUIDANCE**

# **APPENDICES**

**Item 10**

**Attachment 1**

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**DATE:** JULY 2017 **VERSION:** 1

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APPENDICES

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PAGE 28

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## Appendix A: Relevant definitions

### 133AE Meaning of priority building

(1) In this subpart, priority building means any of the following that are located in an area of medium or high seismic risk:

- a) a hospital building that is likely to be needed in an emergency (within the meaning of the Civil Defence Emergency Management Act 2002) to provide—
  - i) emergency medical services; or
  - ii) ancillary services that are essential for the provision of emergency medical services;
- b) a building that is likely to be needed in an emergency for use as an emergency shelter or emergency centre;
- c) a building that is used to provide emergency response services (for example, policing, fire, ambulance, or rescue services);
- d) a building that is regularly occupied by at least 20 people and that is used as any of the following:
  - i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989;
  - ii) a registered school or an integrated school (within the meaning of the Education Act 1989); a private training establishment registered under Part 18 of the Education Act 1989;
  - iii) a tertiary institution established under section 162 of the Education Act 1989;
- e) any part of an unreinforced masonry building that could—
  - i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
  - ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a);
- f) a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

DATE: JULY 2017 VERSION: 1

APPENDICES

PAGE 29

- (2) For the purposes of subsection (1)(a) and (b), the likelihood of a building being needed in an emergency for a particular purpose must be assessed having regard to—
  - a) any national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and
  - b) the civil defence emergency management group plan approved under section 48 of the Civil Defence Emergency Management Act 2002 that covers the district in which the building is situated.
- (3) If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building. . .

### 133AF Role of territorial authority in identifying certain priority buildings

- (1) This section applies to a territorial authority whose district includes any area of medium or high seismic risk.
- (2) The territorial authority,—
  - a) for the purpose of section 133AE(1)(e) (prioritising parts of unreinforced masonry buildings), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk—
    - i) onto which parts of an unreinforced masonry building could fall in an earthquake; and
    - ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings; and
  - b) for the purpose of section 133AE(1)(f) (prioritising buildings that could impede a strategic transport route),—
    - i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but
    - ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.
- (3) However, a territorial authority is not required to act under subsection (2)(a) if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in subsection (2)(a)(i) and (ii).
- (4) If a territorial authority is required by subsection (2)(a) or decides under subsection (2)(b) to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under section 133AG(4) for identifying potentially earthquake-prone priority buildings in its district.

## Appendix B: Key information to inform the special consultative procedure

### About the templates

Templates have been developed by the Ministry of Business, Innovation and Employment (MBIE). They are designed to assist territorial authorities to identify certain priority buildings (in accordance with section 133AF(2) of the Building Act 2004), using the special consultative procedure set out in section 83 of the Local Government Act 2002. The templates summarise key information and draft proposals to inform consultation. They are designed to be updated by Councils to reflect Council processes and circumstances.

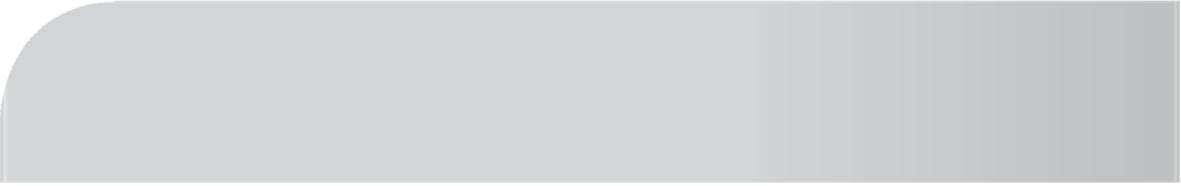
There are two templates, which contain text to support consultation on proposals for *either*:

- **Template one:** for consultation on routes with sufficient traffic **only** (under section 133AF(2)(a)), or
- **Template two:** for consultation on routes with sufficient traffic (under section 133AF(2)(a)) **and** routes of strategic importance (under section 133AF(2)(b)).

Territorial authorities are **not required** to use these templates, and may update and amend the templates as appropriate. Delete any sections that are not relevant to your consultation, and any *advisory text*. Note: these templates are only relevant for territorial authorities in high and medium seismic risk areas.

The templates will be distributed directly to territorial authorities. The templates may also be requested by territorial authorities via email to [EPB@mbie.govt.nz](mailto:EPB@mbie.govt.nz)





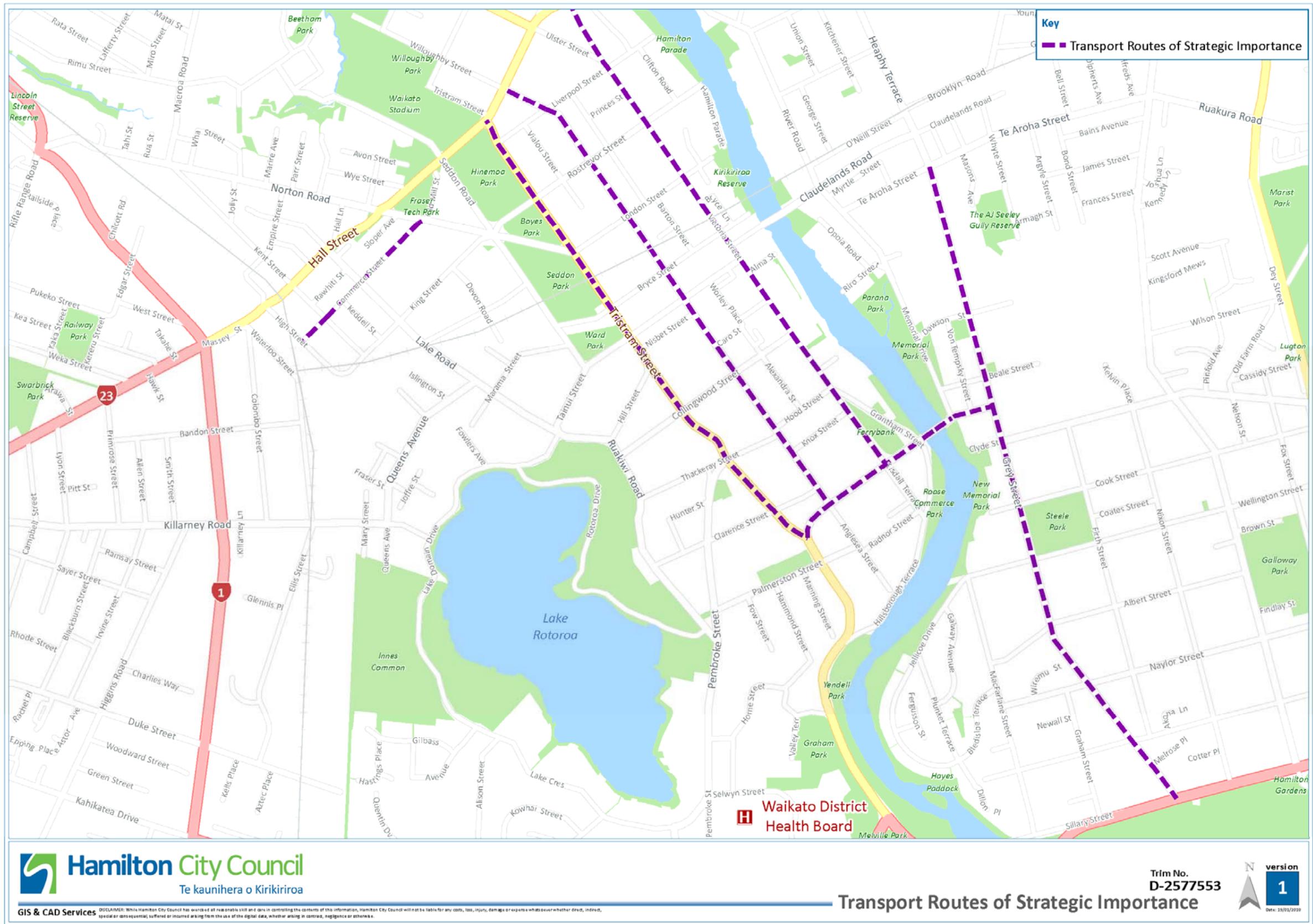
[New Zealand Government](#)

**Item 10**

**Attachment 1**















**KEY**  
 Priority Vehicular and Pedestrian Thoroughfares



GIS & CAD Services  
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# Hamilton East

## Priority Vehicular and Pedestrian Thoroughfares

version  
**1**

Trim No. D-2577352 Date: 19/01/2018

# STATEMENT OF PROPOSAL

## Consultation on priority vehicular and pedestrian thoroughfares and transport routes of strategic importance

### WHAT'S BEING PROPOSED

Hamilton City Council (the Council) is seeking feedback on the proposed thoroughfares with sufficient vehicle and pedestrian traffic and buildings on a transport road of strategic importance.

Your input is required to identify:

1. which thoroughfares have sufficient vehicular or pedestrian traffic to warrant prioritisation, if part of a building were to fall onto them in an earthquake
2. which transport routes of strategic importance would be impeded if buildings collapsed onto them in an earthquake.

Your views on the acceptable level of risk, our buildings, and their uses will inform The Council's decision on which thoroughfares and routes to prioritise.

This consultation is in accordance with section 133AF(2)(a) and 133AF(2)(b) of the Building Act 2004, which require The Council to use the special consultative procedure in section 83 of

the Local Government Act 2002 to identify these priority buildings.

### BACKGROUND

The Building (Earthquake-prone Buildings) Amendment Act 2016 came into force on 1 July 2017. It changes the current system for identifying and remediating earthquake-prone buildings.

The new system ensures the way our buildings are managed in the event of earthquakes is consistent across the country, and provides more information for people using buildings, such as notices on earthquake-prone buildings and a public register. Owners of earthquake-prone buildings will be required to take action within certain time frames depending on the seismic risk area their building is located in. Affected owners will be contacted by The Council.

Hamilton City has been categorised as a medium seismic risk area. This means that The Council must identify potentially earthquake-prone buildings within 10 years, and building owners must strengthen or demolish earthquake-prone buildings within 25 years. More information about the new system can be found at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

Priority buildings pose a high risk to life safety, or are critical to recovery in an emergency. The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency. These buildings are called 'priority buildings'. Priority buildings must be identified and remediated in half the time allowed for other earthquake-prone buildings, to reduce the risks to life safety more promptly. This means that The Council must identify potentially earthquake-prone priority buildings in this district within 5 years, and building owners must strengthen or demolish earthquake-prone priority buildings within 12.5 years.

## PROPOSAL

### Vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation

The Council has applied the following criteria to identify roads, footpaths or other thoroughfares to be prioritised:

#### 1. High pedestrian areas (people not in vehicles)

Description of use	Description of area	Example of application to city or metropolitan area
Areas relating to social or utility activities	Areas where shops or other services are located	City and suburban areas with shops, cafes, restaurants, bars, theatres and malls
Areas relating to work	Areas where concentrations of people work and move around	Areas around office buildings or other places of work where there is a concentration of workers
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, train stations, bus stops, car parks
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located

and

#### 2. Areas with high vehicular traffic (people in motor vehicles/on bikes)

Description of use	Description of area	Example of application to city or metropolitan area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business district streets, well trafficked suburban streets, arterial routes, heavy use bus routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours

and

#### 3. Potential for part of an unreinforced masonry building to fall onto the identified thoroughfare<sup>1</sup>.

The Council seeks your views on whether the following roads, footpaths and other thoroughfares have sufficient traffic to warrant prioritisation. It also seeks your views on whether there are any other thoroughfares that should be included.

Based on there being sufficient traffic and the potential for part of an unreinforced masonry building to fall, The Council proposes the following thoroughfares be prioritised:

1. That section of Victoria Street between Liverpool Street and Anzac Parade.

<sup>1</sup> An unreinforced masonry (URM) building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face onto a street or open space).

2. That section of Anglesea Street between Rostrevor Street and Anzac Parade.
3. That section of Rostrevor Street between Victoria Street and Anglesea Street.
4. The entire length of London Street.
5. That section of Harwood Street between London Street and Rostrevor Street.
6. The entire length of Barton Street.
7. That section of Bryce Street between the Waikato River and Anglesea Street.
8. That section of Ward Street between Victoria Street and Worley Place.
9. That section of Ward Street between Anglesea Street and Tristram Street.
10. The entire length of Alma Street.
11. The entire length of Garden Place.
12. The entire length of Worley Place.
13. The entire length of Ward Lane.
14. The entire length of Caro Street.
15. That section of Collingwood Street between Victoria Street and Anglesea Street.
16. The entire length of Sapper Moore-Jones Place.
17. The entire length of Hood Street.
18. The entire length of Knox Street.
19. That section of Anzac Parade between Victoria Street and Anglesea Street.
20. That section of Hall Street between High Street and Lake Road.
21. That section of Kent Street between Hall Street and High Street.
22. That section of High Street between Hall Street and Commerce Street.
23. That section of Lake Road between Hall Street and Commerce Street.
24. The entire length of Commerce Street.
25. That section of Kent Street between Commerce Street and King Street.
26. That section of Grey Street between Clyde Street and Cook Street.

#### **Buildings on a transport route of strategic importance**

Access to emergency services in emergencies is essential for a number of reasons, including saving lives. Buildings impeding a strategic transport route in an earthquake could inhibit an emergency response to the detriment of the community, ie loss of life, if access to emergency care is not possible.

The Council has applied the following criteria to identify buildings on transport routes of strategic importance in an emergency for prioritisation:

#### **1. Emergency routes**

- a. routes likely to be used by emergency services in:
  - i. transiting from their bases to areas of need in a major emergency, or
  - ii. transiting to central services such as hospitals, where there are no alternative routes available.

#### **with**

2. at least one building located on them that, if it collapsed, would **impede the route**.

The Council seeks your views on whether the following emergency routes should be prioritised. It also seeks your views on whether there are any other routes that should be included.

Based on there being a likelihood of use by emergency services in an emergency and the potential for at least one building to impede the route if it collapsed, The Council proposes the following routes be prioritised:

1. That section of Victoria Street between Mill Street and Anzac Parade.
2. That section of Anglesea Street between Mill Street and Anzac Parade.
3. That section of Tristram Street between Mill Street and Anzac Parade.
4. The entire length of Commerce Street.
5. That section of Grey Street between Te Aroha Street and Cobham Drive.

#### **OPTIONS**

##### **Option A: Approve the proposal**

Under this option, the Council will approve the proposed thoroughfares with vehicle and pedestrian traffic and buildings on a transport road of strategic importance.

## Option B: Approve a revision of the proposal

Under this option, the Council may amend the proposed thoroughfares with vehicle and pedestrian traffic and buildings on a transport road of strategic importance.

### TELL US YOUR THOUGHTS

Before making any final decisions, we'd like to have your input.

You can give us feedback from **5 March 2018 to 6 April 2018**.

#### How to give feedback

There are a number of ways you can give your feedback:

- Fill out a feedback form online at [haveyoursay.hamilton.govt.nz](http://haveyoursay.hamilton.govt.nz)
- Fill out the feedback form included in this Statement of Proposal and send to The Hamilton City Council, Strategy Unit, Private Bag 3010, Hamilton 3240.
- Fill out the feedback form and deliver it to the Municipal Building Reception Lounge or one of Council's libraries.

Feedback forms and the proposed policy are on our website and available from Council libraries and the ground floor reception of Council's Municipal Building in Garden Place.

For any queries please ring 07 838 6699.

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# FEEDBACK FORM

**PROPOSED** Vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation and transport routes of strategic importance.

**We want your feedback on proposals for roads, footpaths and other thoroughfares that should be prioritised. We also want your views on whether there are any other routes that should be included.**

**Tell us what you think.**

- 1. Do you agree with the thoroughfares identified for prioritisation? (If not, please identify which thoroughfares you disagree with and why below).**

Yes

No

(Please print clearly) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. Are there any other thoroughfares that meet the criteria but are not listed? (Please identify which thoroughfares you feel meet the criteria and why below).**

Yes

No

(Please print clearly) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attachment 4**

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**3. Do you agree with the routes identified for prioritisation? (If not, please identify which routes you disagree with and why below).**

- Yes
- No

(Please print clearly) \_\_\_\_\_

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**Item 10**

**4. Are there any other routes that meet the criteria but are not listed? (Please identify which routes you feel meet the criteria and why below).**

- Yes
- No

(Please print clearly) \_\_\_\_\_

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**5. Are you responding as/or representing (tick all that apply)?**

- A building owner
- A building tenant
- A resident
- Other stakeholder interest: \_\_\_\_\_

**6. Can you tell us your age group?**

- 16-24
- 25-35
- 36-50
- 51-64
- 65+

**7. Please provide your contact details (\* required fields)**

Title: Mr / Mrs / Miss / Ms / Dr

\* Name: \_\_\_\_\_

Organisation (where applicable): \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_ Post code: \_\_\_\_\_

\* Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

\* Email: \_\_\_\_\_

**8. Do you wish to be heard in support of your submission or feedback in May 2018?** (This means you will present a summary of your feedback in person to elected representatives)

- No
- Yes

Please complete the contact details section above, and contact Raewyn;  
P: 07 8386537 or E: [haveyoursay@hcc.govt.nz](mailto:haveyoursay@hcc.govt.nz) to confirm your presentation time.

*Note: all feedback/submissions will be treated as public documents, and they may be loaded on to the Council's website with the names and contact details of submitters included.*

**Please get your feedback to us by the 6 April 2018.**

**You can:**

- Complete it online at [haveyoursay.hamilton.govt.nz](http://haveyoursay.hamilton.govt.nz)
- Post the form to Freepost 172189, Strategy Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- Drop it off to the Hamilton City Council Office in Garden Place, any Hamilton City Library.

**Attachment 4**

**Item 10**

# Council Report

Item 11

**Committee:** Council  
**Author:** Nicolas Wells  
**Position:** Strategic Property Unit Manager  
**Date:** 08 February 2018  
**Authoriser:** Kelvyn Eglinton  
**Position:** General Manager City Growth  
**Report Name:** New Lease - Verandah Cafe - Hamilton Lake Domain

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

1. To seek approval for Café Creations Limited (trading as “The Verandah”) to lease Verandah Café located at Hamilton Lake Domain.

## Staff Recommendation

2. That the Council:
  - a) approves a new lease and service level agreement to Café Creations Limited for the Verandah Café at the Hamilton Lake Domain based on the following:
    - (i) Term – six years plus one right of renewal of six years;
    - (ii) Commencement – 28 June 2019;
    - (iii) Rent – Market value at commencement date plus 7.5% commission of total revenue;
  - b) authorises the Chief Executive to execute all instruments required to give effect to this resolution.

## Background and Discussion

3. The Verandah Café is located at Hamilton Lake Domain.
4. When the premises were completed in 2009 the current operator, Café Creations Limited, was awarded the lease and service level agreement after a public tender process.
5. The current operator has a lease since 28 June 2009, for a five-year term, with a further right of renewal of five years. They are in the fourth year of the second five-year term, due to fully expire 27 June 2019.
6. A public request for proposal process was completed in May 2017. There were a few enquiries with only one application received by the incumbent tenant.
7. The application was reviewed by an evaluation team to check the criteria and attributes. The team was represented by Parks, Procurement and Strategic Property. The applicant met all the criteria and attributes required.
8. There are three main changes within the new lease and service level agreement, regarding the length of term, commission rate and methodology, and area of exclusivity.

9. It was agreed that the term of the new lease be extended to a six-year term with a further right of renewal of six years. A total of twelve years going out to June 2031.
10. The area of exclusivity covers a large area currently not including Innes Common. The area will be reduced as shown bordered in black on the attached map.
11. The current commission rate is threshold based. 7% commission applies on the total turnover above \$1,040,000, paid to the Council annually. The turnover has been steadily rising over the last eight years.
12. From commencement of the lease to date, the Council has received \$1.14 million in revenue (base rental and commission).
13. For the new lease, it has been agreed to remove the threshold methodology for calculating the commission payment and instead fix the commission at 7.5% of the total annual gross turnover. There was no difference in the amounts when calculated and it is a simpler method.

### **Options**

14. No options are available for the Council to consider because a public request for proposal process was completed to find a suitable operator. The incumbent was the sole applicant and staff recommend awarding them a new lease and service level agreement.

### **Financial Considerations**

15. From commencement of the lease to date, the Council has received \$1.14 million in revenue (base rental and commission).
16. Based on the average year on year growth over the term of the existing lease it is projected that the Council will receive \$2.45 million in revenue (base rental plus commission) over the full term of the new lease.
17. The Verandah Café is one of the assets of the Domain Endowment. The net income generated by the Café is used to offset Parks and Open Spaces operating costs.

### **Legal and Policy Considerations**

18. Staff confirm that the recommendation complies with the Council's legal and policy requirements.

### **Risks**

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

## **Significance & Engagement Policy**

### **Significance**

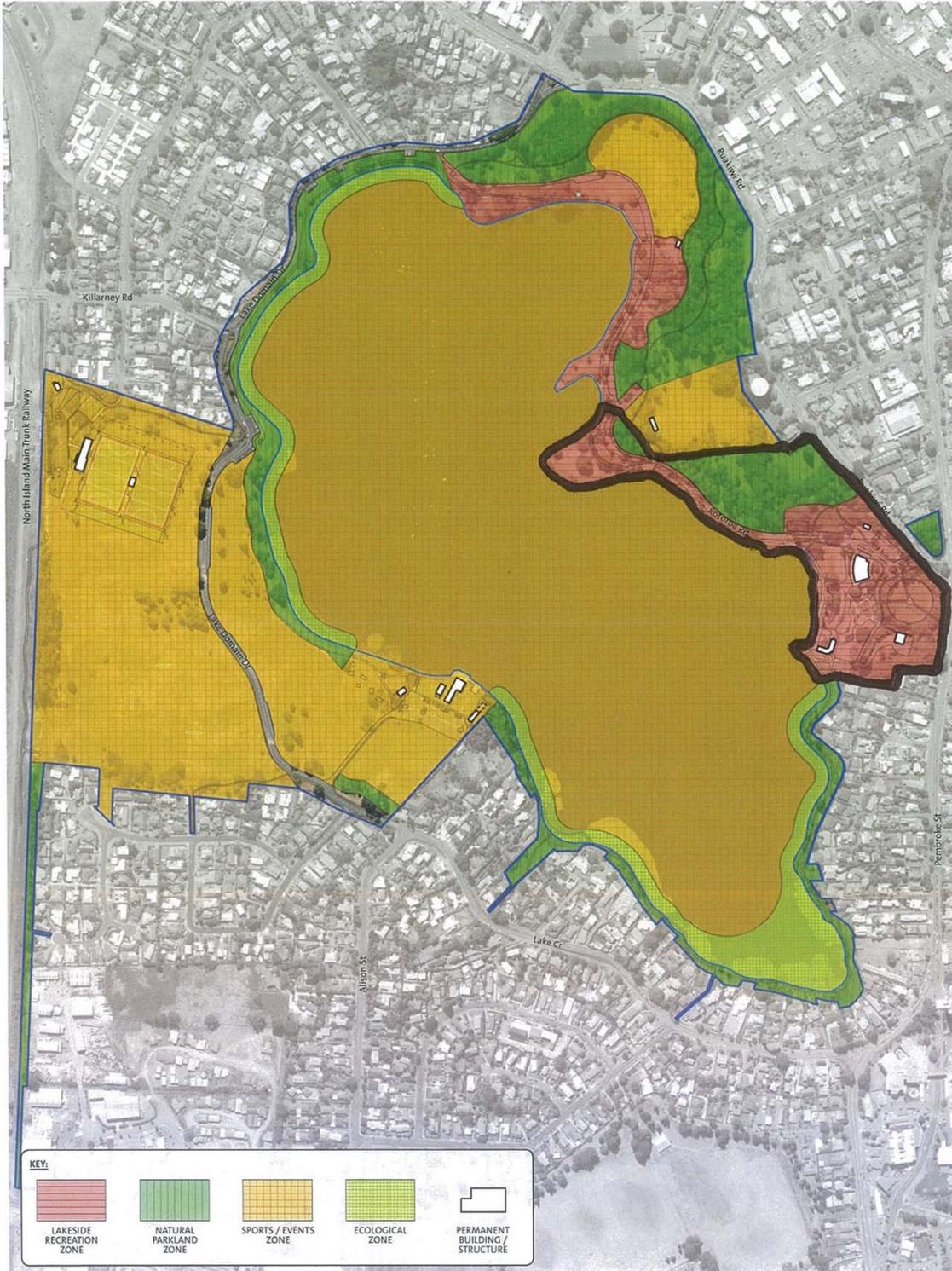
20. Staff considered the following factors under the Significance and Engagement Policy:  
The level of financial consequences of the proposal or decision required.
21. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance.

### **Engagement**

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

### **Attachments**

Attachment 1 - Map - Hamilton Lake Domain .



**KEY:**

LAKESIDE RECREATION ZONE	NATURAL PARKLAND ZONE	SPORTS / EVENTS ZONE	ECOLOGICAL ZONE	PERMANENT BUILDING / STRUCTURE



0 75m
   
 1:2,500 @ A1 / 1:5,000 @ A3
   
 Data Sources: Hamilton City Council, LINZ
   
 Waikato Regional Council WRAPS 2012\*

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HAMILTON LAKE DOMAIN
   
 Management Zones Plan
   
 | Date: 06 March 2017 | Revision: B |
   
 Plan prepared for Hamilton City Council by Boffa Miskell Limited
   
 Project Manager: bryan.sanson@boffamiskell.co.nz | Drawn: B5a | Checked: MHu

# Council Report

Item 12

**Committee:** Council **Date:** 08 February 2018  
**Author:** Richard Briggs **Authoriser:** Kelvyn Eglinton  
**Position:** Chief Executive **Position:** General Manager City Growth  
**Report Name:** Regulatory Efficiency and Effectiveness Programme - half yearly report from Taskforce

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

1. To provide the Council with a progress report from the Project Taskforce on Stage 1 of the Regulatory Efficiency and Effectiveness Programme (REEP) as required by the Stage 1 terms of reference.

## Staff Recommendation

2. That the Council receives the report.

## Executive Summary

3. The objective of the REEP is to streamline the Council's regulatory functions so they are effective, efficient, transparent and customer-focused.
4. Stage 1 of the programme focuses on the provisions of the District Plan (the Plan) and related customer processes. The objectives are to identify any changes necessary where evidence demonstrates that existing provisions are adding costs and delay to the development process without delivering actual resource management or urban planning benefits, and to identify opportunities for improving delivery of Plan-related customer processes.
5. A Project Taskforce was convened and prepared the Stage 1 terms of reference and budget which were approved by Council at its meeting of [1 June 2017](#). A detailed project management plan for Stage 1 was then approved by the Taskforce.
6. The project is currently in the information-gathering stages and is tracking in accordance with the agreed schedule.

## Background

7. The objective of the REEP is to ensure that the Council's regulatory functions are delivered in an effective, efficient and customer-focused manner.
8. Stage One focuses on the provisions of the District Plan and is broken into two sections. Part A looks at the efficiency and effectiveness of the Plan provisions; Part B is aimed at identifying process efficiency improvements from a customer perspective.
9. The terms of reference for Stage 1 (Attachment 1) were approved by the Council on 1 June 2017, with the addition of Councillor Angela O'Leary to the Taskforce.

10. The Taskforce provides direction to the project team, resolves issues, and will make any recommendations to the Council. The Taskforce members are Mayor Andrew King (Chair), Councillor Angela O’Leary, Richard Briggs (Chief Executive), Chris Allen (General Manager City Infrastructure), Kelvyn Eglinton (General Manager City Growth), Tony McLauchlan (external member), and Lachlan Muldowney (external member). The Taskforce meets monthly.
11. A project management plan (Attachment 2) and project schedule (See Attachment 3) were endorsed by the Taskforce in August 2017.
12. The project delivery team consists of Debra Stan-Barton (Project Manager) and Peter Skilton (external project advisor and independent planning consultant) and operates independently from the Council’s resource management planning units to ensure that an unbiased approach is taken to the project.
13. Other Council staff provide project support on an “as needed” basis.
14. The Taskforce is to update the Council on progress, findings and recommendations on a six-monthly basis. The first update was due in December 2017 but was deferred to the February 2018 Council meeting.
15. **Stage 1 Part A: Assessing the efficiency and effectiveness of the rules and methods framework**
16. Part A involves:
- Assessing the rules and methods framework of the Plan in terms of their efficiency and effectiveness in meeting the Plan objectives and policies
  - Identifying any objectives and policies that do not serve a resource management purpose or Council function under the Resource Management Act 1991
  - Recommending changes to provisions when evidence demonstrates that they add cost and delay to the development process without delivering actual resource management or urban planning benefits
  - Analysing the impact of recent (2017) Resource Management Act (RMA) reforms on Plan provisions/resource consenting.
17. Key tasks and progress are as follows:
- |   |                           |
|---|---------------------------|
| • Data Analysis (including impact of RMA reforms) | Completed as per schedule |
| • Stakeholder Engagement – Elected Members        | Completed as per schedule |
| • Stakeholder Engagement – External               | Proceeding and on track   |
| • Stakeholder Engagement – Internal               | Proceeding and on track   |
| • In-depth analysis of evidence base              | Scheduled                 |
18. **Data Analysis**
19. This part of the project involved analysing resource consent and building consent applications, pre-application meeting records and duty planner enquiry records for the research period of 10 July 2014 to 30 June 2017. The Data Analysis Report (Attachment 4) was presented to the Taskforce at their October 2017 meeting.

## 20. Key findings:

- 75% of all developments that applied for building consent did not require associated resource consent.
- 87% of all building consents were processed without any planning issues or hold-ups occurring at building consent stage.
- Many building consents are lodged without identifying (or considering, it would seem) District Plan compliance requirements.
- Resource consent processing is undertaken in accordance with statutory requirements.
- People undertaking residential development within residential zones have the highest potential to be impacted by rules in the District Plan.
- 77% (606) resource consents in the residential zone were required for permitted residential activities that fail to comply with all development controls.
- Lack of knowledge and understanding of District Plan rules by applicants and agents is contributing to delays in resource consent processing and causing roadblocks for development proposals.
- Decisions on a high number (41% (554) of land uses and 49% (242) of subdivisions) of resource consent applications were delayed because further information was requested.
- The data currently available does not provide sufficient information to provide a fully accurate picture of all drivers of resource consent.

21. **Preliminary recommendations to the Taskforce**

That:

- The residential zone rules and city-wide standards are targeted as areas for investigation to identify any unnecessary, unclear or redundant District Plan provisions.
- Consideration be given to making building alterations and additions (currently a listed activity requiring resource consent) in some zones and circumstances permitted activities.
- Further investigation of data (particularly further information requests) associated with the triggers or resource consents in other zones be undertaken.
- Ways for avoiding inadequate or incomplete resource consent and building consent applications be investigated.
- A standardised data entry system for all duty planner enquiries and pre-application meetings be developed.
- Standardised, plain English, information sheets for common enquiries be developed.
- A strategy be developed to assist the community to become better informed about the requirements of the District Plan before application eg You-Tube or study workshops.
- Other Units of Council provide clear points of contact for common enquiries that are not planning related.
- The District Plan be developed into an interactive online tool.

## 22. Funding for these recommendations was included in the LTP discussions but was not supported.

23. **Impact of Resource Management Act Reforms**

24. Key changes to the RMA enacted on 10 October 2017 having the potential to reduce the need for certain resource consent applications relate to “boundary activities” and “marginal and temporary rule breaches”. These are explained in the Data Analysis Report (see para 26 of that report).

25. Key finding:

- A huge change in consent application volumes is not expected as the District Plan has some similar processes in place.

26. **Stakeholder Engagement**

27. As outlined in the Stakeholder Engagement Plan (Attachment 5), the purpose of the stakeholder engagement is to identify Plan provisions perceived as creating issues for users and identify potential options for improving efficiency and effectiveness.

28. Key stakeholders include:

- External District Plan users (applicants and agents)
- Internal District Plan users (Council staff)
- Elected Members
- Advocacy and Partner Groups.

29. **Engagement – External District Plan Users**

30. Questionnaires were sent to every applicant and agent who submitted a resource consent application between 10 July 2014 and 30 June 2017 (1218 in total). The questions related to the nature of their development proposals and decision-making processes, and their understanding and views of the Plan provisions. A Report on External Stakeholder Questionnaires (Attachment 6) was presented to the Taskforce at their November 2017 meeting.

31. One hundred and thirty-one (131) responses were received.

32. Key findings:

- Most developers are aware at an early stage that their proposal requires resource consent.
- Architects/designers are the development professionals most used by developers.
- All respondents make frequent use of Council’s pre-application meeting service; particularly when issues or non-compliances have been previously identified by themselves or by Council staff.
- The most frequent outcomes of duty planner and pre-application meeting interaction with Council are:
  - Respondents becoming aware of matters that they had not previously considered or identified as being issues
  - Changes being made to developments proposals.
- The major impacts of the Plan provisions and resource consent process on development proposals are:
  - Having to engage professionals to prepare additional information
  - Having to amend or redesign proposals
  - Delays in being able to start physical works.

- Generally, agents identified that:
    - Their clients were aware of resource consent requirements
    - They had received further information requests that they considered unnecessary or inappropriate
    - There were occasions when their interpretation of rules differed from those of Council planners
    - They considered some of the Plan information requirements were unnecessary (small and large applicants)
    - They have had resource consent applications exceed statutory timeframes (large developers)
    - They had chosen to amend applications/proposals to avoid time delays and costs involved in challenging the views of Council staff.
  - Most respondents consider the Plan enables development opportunities in Hamilton.
  - Most respondents access the Plan on-line via the Council website.
  - The Plan zones most often identified by respondents as containing inefficient or ineffective provisions were:
    - Residential Zone
    - Business Zone
    - Industrial Zone
    - Special Character Zones.
  - The City-wide sections of the Plan most often identified by respondents as containing inefficient or ineffective provisions were:
    - Landscaping and Screening
    - Three Waters
    - Earthworks and Vegetation Removal.
  - Other Plan sections identified by a number of respondents as containing inefficient or ineffective provisions were:
    - Financial Contributions
    - Waikato River Corridor and Gully Systems.
  - All agents considered there are some words and phrases used the Plan that are currently not defined and should be.
  - There is general consensus among respondents that Plan information requirements should sit in their own independent section of the Plan for ease of access purposes.
  - There is consensus among agents that the Assessment Criteria and Design Guides do not always relate to the reasons why resource consent is required.
33. Thirty-five major applicants and agents indicated that they would be happy to meet with the project team to discuss their responses in more detail. These interviews will be completed by the end of February 2018.

34. **Councillor Interviews**

35. The project team held one-on-one meetings with Councillors to seek feedback on what the community is telling them about the Plan and related processes as well as their own views on these matters. A standardized meeting record sheet was used for recording the discussion and the completed sheet was sent to each Councillor for confirmation of the discussion before finalisation. A Report on Councillor Interviews (Attachment 7) was presented to the Taskforce at their November 2017 meeting.

36. The interviews indicate that:

- Overall, constituents are not making substantial numbers of complaints directly to Councillors about Plan provisions or resource consent processes.
- Many constituent issues raised with Councillors relate to other Council functions or property law matters.
- It is difficult for some constituents to separate the legislative regulatory functions and responsibilities of different Council groups and units. Any issue is seen as a reflection on Council regulatory services as a whole.
- In particular, there seems to be some confusion between Resource Management Act (ie District Plan) requirements and processes, and Building Act requirements and processes.
- One-off applicants have expressed concern regarding the costs associated with obtaining resource consent for small-scale activities as well as difficulty in understanding and applying the Plan provisions.
- The purpose of particular Plan provisions is not always well understood by resource consent applicants.
- Small-scale/one-off applicants would like more assistance from Council staff in preparing their applications and more direction as to what the probable success of their application will be before taking the decision to prepare and lodge.
- A common frustration from resource consent applicants is receiving a request for further information towards the end of the 20-day statutory timeframe.
- There are differing philosophical views amongst Councillors as to what level of control the District Plan should exercise over development and what level of public participation in resource consent decision-making should occur.

37. The information obtained from the interviews will be used as input in forming recommendations to the Taskforce.

38. **Internal District Plan users (Council staff)**

39. A series of facilitated workshops for approximately 44 internal staff from various Council units (Planning Guidance, City Development, City Waters, City Transportation, Parks and Open Spaces, Environmental Health, Building, City Planning and Amorangi Maaori) are scheduled for late January. The workshops will seek staff's views on the effectiveness and efficiency of current provisions and consider the matters raised by users via questionnaires and interviews as well as matters that staff themselves have already identified.

40. **Advocacy and Partner Groups**

41. Findings and recommendations will be discussed with the identified Advocacy and Partner groups Te Haa o te Whenua o Kirikiriroa (THaWK), Waikato Raupatu River Trust, Waikato Regional Council, New Zealand Transport Agency, Property Council, Chamber of Commerce, Master Builders Association and Future Proof.

42. **Stage One Part B: Efficiency assessments from a customer perspective**

43. An independent consultant specialising in customer efficiency processes will be appointed to undertake customer process assessments. The methodology for these assessments will be approved by the Taskforce.

44. **Treaty requirements/implications**

45. Findings and recommendations will be discussed with THaWK who are the iwi group representing local mana whenua with whom Council has a partnership and a service agreement for addressing issues relating to the management of Hamilton's natural and physical resources as well as the Waikato Raupatu River Trust.

46. **Budget**

47. As at the end of December 2017, project costs amounted to \$162,628. This is comprised largely of consultants' costs (\$66,325) and the project manager's costs (\$94,110), but does not include other staff time. The project is tracking according to the budget set in the TOR.

48. **Other Considerations**

49. There are no financial, legal and policy, cultural or sustainability implications in relation to the information provided in this report.

50. There are no risks associated with the information provided in this report.

## Significance & Engagement Policy

### Significance

51. 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

Stakeholder engagement is being undertaken as outlined in the Stakeholder Engagement Plan, which was endorsed by the Taskforce at their 16 August 2017 meeting.

### Attachments

Attachment 1 - Regulatory Effectiveness and Efficiency Programme - Terms of Reference (amended as per 1 June 2017 resolution)

Attachment 2 - REEP Project Plan (Stage 1, Part A) *(Under Separate Cover)*

Attachment 3 - REEP - Project Schedule *(Under Separate Cover)*

Attachment 4 - REEP - Data Analysis Report *(Under Separate Cover)*

Attachment 5 - REEP - Stakeholder Engagement Plan *(Under Separate Cover)*

Attachment 6 - REEP - Report on External Stakeholder Questionnaires *(Under Separate Cover)*

Attachment 7 - REEP - Report on Councillor Interviews *(Under Separate Cover)* .

# Terms of Reference

Regulatory Effectiveness and Efficiency Programme

D-2333125[v2]

## 1 Purpose

To streamline Council's regulatory functions so they are effective, efficient, transparent and customer-focused, resulting in increased confidence in the quality of Council's regulatory performance and providing certainty and clarity of process to business and community.

## 2 Scope

Stage 1 of the programme will consist of:

**Part A:** Assessing the rules and methods framework (including associated standards etc) of the Partly Operative District Plan (PODP) in terms of their efficiency and effectiveness in meeting the objectives and policies in the PODP, and recommending any potential changes to those rules and methods necessary to serve the Purpose set out in section 1 above.

**Part B:** Identifying whether there are;

- a) opportunities for improving the delivery of PODP-related customer processes; and recommending potential changes where appropriate.
- b) Objectives and policies which could be reviewed in order to better serve the Purpose set out in section 1 above; and

Following completion of Stage 1, other regulatory functions will be selected for assessment, dependent on identified needs or legislative requirements.

## 3 Stage 1 Objectives

- To ensure greater efficiency, effectiveness and ease of use of the PODP by jettisoning redundant or unnecessary provisions and clarifying other provisions where necessary to achieve the objectives and policies of the plan.
- To improve the delivery of PODP-related customer processes through customer efficiency assessments.

## 4 Methodology

### 4.1 Part A: Assessing the efficiency and effectiveness of the rules and methods framework

The methodology for implementing Part A of Stage 1 consists of three workstreams, outlined below, followed by recommendations which will be reported to Council for approval.

**Three work streams** - Identifying rules and methods that can be eliminated or improved to ensure the planning framework in the PODP is user-friendly and encourages development and innovation, without compromising the PODP's objectives and policies.

<b>A Formal Monitoring and Evaluation of the PODP (Note 1)</b>	<b>B Already identified issues and inefficiencies</b>	<b>C External Review</b>
Monitor and determine the extent to which the rules and methods efficiently and effectively achieve the objectives and policies of the PODP.	Review the "live" compilation of inefficient or unclear rules and methods identified by staff during the implementation of the PODP in conjunction with external stakeholders.	A group of external customers/ stakeholders will work in conjunction with staff to determine areas of the plan where an efficiency review will result in the best return for effort.

<p>Identify rules and methods that are creating inefficiencies, resource consent processing delays, and additional processing costs without adding to the achievement of the objectives and policies.</p> <p>The assessment is to be informed by monitoring and analysis of data collected by Council’s consenting team, supplemented by consultation with relevant stakeholders in the development and planning community.</p>	<p>Identify superior alternatives or deletion of identified issues through implementation of PODP.</p> <p>Investigate matters and options through discussion and analysis with input from external experts.</p>	<p>Rather than undertake an analysis of the entire plan, sections with the greatest scope for improvement will be identified via a stocktake of a selection of resource consents identified via discussions with external stakeholders.</p> <p>Investigate issues and options through discussion and analysis with input from external experts.</p>
<p><b>D Recommendations</b></p> <ul style="list-style-type: none"> <li>• Staff will make recommendations to the Task Force (see 6. Project Governance) that the PODP should be amended when evidence demonstrates that existing rules and methods add costs and delay to the planning process without delivering actual resource management or urban planning benefits</li> <li>• The Task Force will endorse the recommendations on which rules and methods can be amended, replaced or removed from the PODP to improve the efficiency and effectiveness of the PODP in achieving its objectives and policies</li> </ul>		
<p><b>E Reporting on Findings</b></p> <p>The Task Force will report to Council on the outcomes of the assessment, including any recommended changes to rules and methods in the PODP within twice yearly. This would include discussion of the legislative process required to make any changes to the PODP and related processes. After receiving the report, Council will determine whether to initiate a plan change to address any recommended changes to the rules and methods in the PODP and related processes.</p>		

*Note 1 - The Monitoring and Evaluation Assessment of the rules and methods in achieving the objectives of a district plan is based on data and evidence-based methodology over a twelve-month period commencing June 2017.*

A detailed project plan and timelines will be developed for Part A.

**4.2 Part B: Efficiency assessments from a customer perspective**

An independent consultant specialising in customer efficiency processes will be appointed to undertake customer process assessments. The methodology for undertaking these assessments will be developed by and approved by the Task Force.

## 5 Budget – Stage 1

### Part A - Project Cost

Project management \$150,000

### Direct project costs

• Legal support	\$100,000	
• External resources	\$150,000	
• Research and evidence	\$100,000	
• Engagement	\$50,000	
• Internal Costs	\$100,000	
		<b>\$500,000</b>

### Part B

• Customer efficiency assessments	\$120,000	
		<b>\$120,000</b>

**TOTAL (Est)** \$770,000

2017/18		2018/19	
Stage 1 – Part A	\$325,000	Stage 1 Part A	\$325,000
		Stage 1 Part B	\$120,000

### Note:

- The project costs for Stage 1 will be spread over two financial years as above.
- The internal costs are associated with
  - The secondment of staff to the role of Project Manager
  - Back filling internal secondment
  - Administrative and project management support
- These figures do not include the cost of any plan change processes required to effect changes to the PODP. These figures will form part of the LTP submissions as the scope of the required changes will be known at that stage.

## 6 Project Governance

### Project Task Force

A Task Force will be established to:

- provide guidance and direction to the project team
- resolve strategic and directional issues
- manage high and critical risks for the programme
- make recommendations to Council
- champion the programme and related projects.

The Task Force will have up to 7 members, being:

- The Mayor
- Councillor O'Leary
- Chief Executive
- GM Infrastructure
- GM City Growth
- Up to three external members.

The Task Force will meet on a monthly basis and report back to Council on a 6-monthly basis.

## **7 Programme Implementation**

### **7.1 Project Manager (internal to Council)**

The Project Manager will:

- act as the internal Council co-ordinator across the various units involved within the planning-related regulatory functions of Council
- be the Council link with the Project Advisor and the Task Force
- provide access to Council information and in tandem with the Project Advisor, manage each of the three stages of the assessment and provide technical expertise
- provide access to information to external stakeholders and lead stakeholder sessions with the Project advisor
- gather feedback from the external stakeholders for analysis in tandem with the Project Advisor
- prepare internal reports to the Task Force for meetings
- prepare reports to Council on recommendations of the Task Force.

### **7.2 Project Advisor (external to Council)**

A project advisor will be appointed to ensure the project takes a “customer point of view”. The project advisor will work alongside an internal project manager, external experts and stakeholders to assist in developing:

- identification of required external skills sets as required to fulfil evidential requirements
- technical analysis as per Stages A, B and C (refer Section 2) in tandem with Council , and
- analysis and review of assessment findings with supporting recommendations to the Task Force for reporting to Council.

### **7.3 Stakeholders**

- Iwi
- Property Council and members
- Chamber of Commerce and members
- Master Builders and members
- NZTA and other government agencies eg Housing NZ
- Waikato Regional Council.
- Council Staff
- Other individuals and groups as required

## **8 Timeframe**

It is estimated that the delivery period for Stage 1 will be approximately 18 months. Key milestones and a work schedule will be identified in the project plan.

Recommendations to Council by the Task Force will ultimately need agreement by Council for adoption to the PODP via a formal process.

## **9 Terms of Reference Review**

The terms of reference will be reviewed as required and, at a minimum, every 12 months.

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# Council Report

Item 13

**Committee:** Council **Date:** 08 February 2018  
**Author:** Scott Copeland **Authoriser:** Chris Allen  
**Position:** Procurement Manager **Position:** General Manager City Infrastructure  
**Report Name:** Private Developer Agreements - Change to Council Delegations

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

1. To seek approval to amend Council's delegations to the Growth and Infrastructure Committee and the Chief Executive in relation to Private Developer Agreements, and update the Finance Committee delegations.
2. To seek ratification for Private Developer Agreements executed in accordance with the Procurement Policy (management) which is misaligned with Council Policy.

## Staff Recommendation

3. That the Council:
  - a) ratifies the Private Developer Agreements signed by staff during the current triennium, as scheduled in Attachment 1 of the staff report.
  - b) approves the changes to the Governance Structure, as set out in Attachment 2 of the staff report.
  - c) approves the changes to the Delegations to Positions Policy, as set out in Attachment 3 of the staff report.

## Executive Summary

4. Private Developer Agreements ('PDAs') are contracts between the Council and a developer, for the developer to upsize or deliver infrastructure on behalf of Council in a new subdivision or development that will eventually vest in Council. PDAs are executed where there is benefit for Council in upsizing the level of infrastructure beyond the minimum requirements of the Infrastructure Technical Specification (ITS) to allow for future growth. In these circumstances Council only pay for the difference in cost between the minimum requirements and Council's upsized requirements.
5. There is currently a misalignment between some of the documents that record levels of delegation operating at the Council in relation to approving PDAs.

6. This has resulted in staff approving seven PDAs in accordance with the Procurement Policy that should have been presented to the Growth and Infrastructure Committee for approval. The conflict between the Procurement Policy and the approved Council policy was an oversight. In reviewing this matter, staff believe that the Procurement Policy reflects the most effective approach to the approval of funded PDAs.
7. The relevant PDAs are listed in Attachment 1, for which staff seek the Council's ratification to comply with the current Governance Structure.
8. To rectify this issue for future PDAs, staff recommend Option 3, as detailed in paragraph 26 below, to amend the respective delegations to the Growth and Infrastructure and the Chief Executive to:
  - a. delegate to the Chief Executive the power to approve all PDAs falling within his financial delegated authority, as is the case with any other contract; and
  - b. approve an exception to the current requirement that all contracts with a value exceeding \$250,000 that have not gone to tender fall outside the Chief Executive's delegations, to enable the Chief Executive to approve all PDAs up to \$3 million, whether these have gone to public tender or not;
  - c. note that all PDAs approved by the Chief Executive or staff under financial delegated authority must be reported to the Growth & Infrastructure Committee for noting on a quarterly basis.
9. Staff also recommend a correction to the Finance Committee's delegations to more clearly state that the Finance Committee has the power to approve contracts that fall outside the Chief Executive's delegations or that were not otherwise reserved for the Council or another Committee (refer to page 12, Attachment 2).
10. PDAs relating to unfunded growth projects will be presented to the Council (via Growth and Infrastructure Committee) for approval. This aligns with the process for other unfunded projects.
11. Excerpts from the draft revised [Governance Structure](#) and *Delegations to Positions Policy* (['the Delegations Policy'](#)), which record Council's delegations to its Committees and the Chief Executive respectively, are attached as Attachments 2 and 3 to capture these recommended changes.
12. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

## Discussion

13. There are several levels of delegated authority that operate in Council, including:
  - a. the terms of reference and delegations to Council Committees (the Governance Structure);
  - b. the Council's delegated financial authority to the Chief Executive (the Delegations Policy);
  - c. the Chief Executive's sub-delegated financial authority to staff (the Financial Delegation to Officers Management Policy); and
  - d. the requirements for staff undertaking procurement processes (the Procurement Policy).
14. Some of these documents are currently misaligned in relation to the delegation to approve PDAs.

15. In December 2017, staff discovered that seven PDAs were approved and signed by staff this triennium, in line with the Procurement Policy. However, these approvals fell outside the Chief Executive's (and therefore, staff) delegations under the Delegations Policy (which the Procurement Policy, as a management policy, must follow).
16. Instead, these PDAs listed in Attachment 1 ('staff-signed PDAs') should have been reported to the Growth and Infrastructure Committee, which currently has the delegated power to approve PDAs funded under the Long Term Plan.
17. Staff mistakenly believed that:
  - a. these PDAs fell within the Chief Executive's financial delegated authority **as with any other contract**; and
  - b. their reading of the Growth and Infrastructure Committee's terms of reference supported this.

However, the Delegations Policy excludes from the Chief Executive's delegations those powers reserved for Council Committees (as is currently the case for PDAs).

18. The Procurement Policy also includes an exclusion from the requirement for PDAs to go to tender on the ground they were monopoly situations – that is, only the relevant developer could enter into the contract. In following this policy, two of the staff-signed PDAs (highlighted yellow in Attachment 1) have a contract value higher than the public tender threshold of \$250,000.
19. Staff recommend that all of the staff-signed PDAs be ratified by the Council to comply with the current Governance Structure.

### Options

20. Consistent with the principles of the Governance Structure and Delegations Policy to have as few governance levels as possible, staff advise that it is neither practicable nor efficient for a Council Committee to approve contracts which would otherwise fall within the Chief Executive's delegated authority.
21. Staff have assessed the following options in relation to the approval of PDAs.
22. Option 1: Status Quo
23. This would retain the existing delegation to the Growth and Infrastructure Committee to approve all PDAs funded under the Long Term Plan. Staff advise that this is inconsistent with the delegations the Chief Executive already has in relation to other contracts for funded projects, and there is no reason to process approvals for PDAs differently. There are also practical issues in obtaining approval of PDAs in a timely manner if required to go through the Growth and Infrastructure Committee for approval in all cases.
24. Option 2: Alignment with Chief Executive's financial delegated authority
25. This option would empower the Chief Executive to sign all PDAs within his current financial delegated authority. The Delegations Policy currently records that the Chief Executive is delegated authority to execute contracts on behalf of the Council for:
  - a. Up to \$3 million **and** a total contract term not exceeding 5 years; or
  - b. Up to \$250,000 for contracts not going to tender **and** a total contract term not exceeding 5 years.

This would align with existing delegations for the approval of all other contracts for **funded projects**. The effect of this option would be that the Chief Executive would sign all PDAs within the limits noted above; any PDAs exceeding those limits would need to be presented to the Growth and Infrastructure Committee for approval.

26. Option 3: Extend the Chief Executive's financial delegated authority
27. This option proposes an exception to the current requirement that all contracts with a value exceeding \$250,000 that have not gone to tender fall outside the Chief Executive's delegations, to enable the Chief Executive to approve all PDAs up to \$3 million, whether these have gone to public tender or not.
28. The rationale for excluding PDAs from the public tender threshold is that PDAs are effectively a monopoly situation in that any single PDA can only be concluded with the relevant developer. This means that they cannot be publicly tendered.
29. Staff recommend Option 3, which is reflected in the draft amendments to the Governance Structure (Attachment 2) and Delegations Policy (Attachment 3).
30. Staff further recommend that all PDAs:
  - a. approved by staff under the updated delegated authorities proposed in this report (i.e. if Option 2 or Option 3 are approved by the Council) will now be listed and reported quarterly to the Growth and Infrastructure Committee for noting (refer to page 12 of the track-changed Delegations Policy, Attachment 3). This retains transparency of staff decision-making in relation to PDAs.
  - b. for unfunded growth projects, are presented to the Growth and Infrastructure Committee as a recommendation to full Council to approve, rather than first proceeding through the Finance Committee (as is currently required under the Governance Structure). Refer to page 14 of the track-changed Governance Structure, Attachment 2). This is consistent with both the process for other unfunded decisions and the principle to have as few governance levels as possible.

### **Legal and Policy Considerations**

31. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements. Legal advice confirmed that the ratification of the staff-signed PDAs will not adversely affect their legal standing

### **Risks**

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

### **Significance & Engagement Policy**

33. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance. No public engagement is required.

### **Attachments**

Attachment 1 - Schedule of PDAs to be retrospectively approved

Attachment 2 - Excerpt of draft revised Governance Structure (track-changed)

Attachment 3 - Excerpt of draft revised Delegations to Positions Policy (track-changed) .

### Staff-Signed PDAs (November 2016 – present)

Contract Number	Contract Status	Contract Name	Award Approver	Contract Award Date	Vendor Name	Current Approved Contract Sum
CON 15596	Closed	Trunk Watermain Upsizing Contribution for Horotiu Farms Ltd	Chris Allen - General Manager - City Infrastructure	16/12/2016	Horotiu Farms Ltd	\$ 201,060.72
CON 16167	In Contract	Sylvester Rd Urbanisation	Andrew Parson - City Development Manager	21/11/2016	Sylvester Road Developments Ltd	\$ 93,966.50
CON 16201	In Contract	Hare Puke Dr North Upsizing Contribution	Andrew Parson - City Development Manager	29/11/2016	Glaisdale Property Partnership Ltd	\$ 21,435.90
CON 16349	Closed	Landsdale Wastewater Main Upsizing Contribution	Chris Allen - General Manager City Infrastructure	22/06/2017	Landsdale Development Ltd	\$ 309,190.92
CON 16350	In Contract	Landsdale Collector Road Upsizing Contribution	Chris Allen - General Manager City Infrastructure	22/06/2017	Landsdale Development Ltd	\$ 145,292.71
CON 17139	Closed	North Ridge Drive Water and Wastewater Upsizing Contribution	Chris Allen - General Manager City Infrastructure	17/11/2017	Jennian Investments Ltd	\$ 145,139.54
CON 17185 A	In Contract	North City Road Upgrade Stage 1 - Kirkdale Developer Agreement	Richard Briggs - Chief Executive	19/09/2017	Kirkdale Investments Ltd	\$ 2,300,000.00

## Finance Committee

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

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### Purpose:

The Finance Committee is responsible for:

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

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

### Terms of Reference:

1. To monitor Council's financial strategy, and performance against that strategy.
2. To monitor Council's financial and non-financial performance against the Council's 10 Year Plan.
3. To approve deferred capital expenditure.
4. To develop and monitor policy related to the following matters:
  - a) financial management;
  - b) revenue generation;
  - c) procurement and tendering; and
  - d) the appointment and remuneration of directors of CCOs and COs.
5. To monitor the probity of processes relating to policies developed by the Finance Committee.
6. To provide clear direction to Council's CCOs and COs on Council's expectations, including feedback on draft statements of intent.
7. To receive six-monthly reports of Council's CCOs and COs, including on board performance.

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

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

- Approval of:
  - Appointments to, and removals from, CCO and CO boards; and
  - A mandate on Council's position in respect of remuneration proposals for CCO and CO board members to be presented at Annual General Meetings.
- Approval of letters of expectation for each CCO and CO.
- Approval of statements of intent for each CCO and CO.
- Approval of proposed major transactions of CCOs and COs.
- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO or CO.
- Approval of operating and/or capital expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
  - contravenes the Council's Financial Strategy and/or annual budgeted surplus; or
  - significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
  - impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.
- Approval of contractual and other arrangements for supply and services, and revenue generating contracts, which:
  - exceed the Chief Executive's delegations, but
  - excludeing contracts or arrangements that are reserved for the Council or another Committee's approval.
- ~~Approval of Private Development Agreements recommended by the Growth and Infrastructure Committee.~~
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund or the Domain Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

Commented [BS1]: PDAs for Unfunded Growth Projects to be recommended directly to the Council by the Growth and Infrastructure Committee.

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

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

**Oversight of Policies:**

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

## Growth and Infrastructure Committee

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

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### Purpose

The Growth and Infrastructure Committee is responsible for:

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

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

### Terms of Reference:

1. To monitor and provide advice on the development and implementation of urban growth and development strategies, land use, and spatial plans in line with national policy requirements.
2. To provide direction on strategic priorities for core city infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
3. To provide direction and monitor Council's approach to development contributions.
4. To assess proposals for Private Developer Agreements that exceed the Chief Executive's delegations or for Unfunded Growth Projects<sup>2</sup> and, if appropriate for Unfunded Growth Projects, to recommend such agreements to the Finance Committee-Council for approval.

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<sup>2</sup> 'Unfunded Growth Projects' are defined in the Growth Funding Policy as:

- a. not funded projects;
- b. funded projects but which are proposed to commence earlier than the sequencing and timing established in the Long Term Plan; and/or
- c. funded projects but which are now proposed to occur beyond the scale, scope and cost prescribed or anticipated for those projects in the Long Term Plan.

- 5. To provide advice on the development and implementation of the 30 Year Infrastructure Plan.
- 6. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for spatial planning, joint infrastructure and shared services (for example, Future Proof, Regional Transport Committee).
- 7. To consider the impacts of land use and urban development on the environment.
- 8. To enhance Hamilton's economic position by promoting Hamilton as a business-friendly and business-enabled city and providing advice on strategic initiatives, plans, projects and potential major developments relating to economic and business development.
- 9. To provide clear direction on Council's strategic priorities to organisations and groups, for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.
- 10. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.

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

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

Commented [BS2]: Not required – Covered under Common Delegations to Committees In Governance Structure (para 15, p.10)

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

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

Commented [BS3]: As above – covered In Common Delegations to Committees.

**Oversight of Policies**

- *Business Improvement District (BID) Policy*
- *Connections and Charging Policy for Three Waters Policy*
- *Development Contributions Policy*

- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Growth Funding Policy*
- *Hamilton Gateways Policy*
- *Sale and Disposal of Council Land Policy*
- *Speed Management Policy*
- *Streetscape Beautification and Verge Maintenance Policy*

## Financial Delegations

- The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows<sup>2</sup>:

### Expenditure Type – Refer to Terms of Delegation below

Unexpended Budget - (Operating and Capital)	Overspends/Unbudgeted (Operating and Capital)	Capex – B/Fwd	Contracts	Purchase/Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions
Limited to the approved budget	\$250,000	\$500,000	\$3,000,000  Total contract term not exceeding 5 years including renewals  For contracts not going to tender: \$250,000 (subject to same restriction above on contract term).	\$3,000,000	\$10,000	\$500,000 for weather-tight building claims (leaky buildings)  \$250,000 for all other legal proceedings	Limited to the approved budget	\$1,500,000

### Notes:

- There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis.
- The \$250,000 delegated financial limit for contracts not going to tender shall not apply for Private Developer Agreements, which can be signed off by the Chief Executive up to the general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals). A 'Private Developer Agreement' is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council.

### Expenditure Types – Terms of Delegation

#### Unexpended Budget

- Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

#### Overspend and Unbudgeted

<sup>2</sup> The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

#### *Capex – Capital Expenditure Brought Forward*

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

#### *Contracts*

6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.
9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
  - a. execute the contract (other than those contracts required to be signed under the Council's seal);
  - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
  - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.
10. If a contract has been approved under this Policy or by management delegation:
  - a. the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice<sup>3</sup>;
  - b. a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.

11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee<sup>4</sup>.

<sup>3</sup> For management delegations, refer to Council's Management Policy - *Financial Delegations to Officers*.

11.12. All Private Developer Agreements approved by the Chief Executive or management under delegated authority are to be reported to the Growth and Infrastructure Committee for noting on a quarterly basis.

#### *Purchase/Sale of Land*

12.13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.

13.14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

#### *Debt Write-off*

14.15. The delegated financial authority limit applies on a 'per debtor' basis.

15.16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts<sup>5</sup>, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

#### *Legal Proceedings*

16.17. The delegated financial authority is determined on a per proceeding basis.

17.18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.

18.19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

#### *Financial Operation*

19.20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

<sup>4</sup> Refer to the *Governance Structure*.

<sup>5</sup> Refer to the *Management Policy – Financial Delegations to Officers*

#### *Development Contributions*

~~20.21.~~ Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next Growth and Infrastructure Committee meeting.

~~21.22.~~ For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

#### *Waiver of Council Fees & Charges*

~~22.23.~~ Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**

- a. the waiver and the amount are recorded and available for audit purposes;
- b. the circumstances of the specific waiver will not create a precedent;
- c. the act of waiving such fees and charges reflects 'good citizen' conduct;
- d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section ~~2322.~~

## 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 Public Excluded Minutes - 12 December 2017 (10 Year Plan)	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of Council Public Excluded Minutes - 14 December 2017	)	
C3. Major Event Opportunity for Hamilton		
C4. Contract for Electoral Services for 2019 Triennial Elections		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)