

## Notice of Meeting:

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

**Date:** Thursday 2 August 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
	Cr R Hamilton

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

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

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Lee-Ann Jordan  
Governance Manager

**27 July 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*

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**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

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

**4 Public Forum**

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

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

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

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation Council Open Minutes - 26 June 2018

<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 26 June 2018 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 26 June 2018

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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 Tuesday 26 June 2018 at 9.30am.

#### 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
	Cr R Hamilton

In attendance:

- Richard Briggs – Chief Executive
- Lance Vervoort – General Manager Community
- Sean Hickey – General Manager Strategy and Communication
- Chris Allen – General Manager City Infrastructure
- Jen Baird – General Manager City Growth
- Sean Murry – General Manager Venues Tourism and Major Events
- David Bryant - General Manager Corporate
- Blair Bowcott - Executive Director Special Projects
- Paul Bowman - Team Leader Economic Growth
- Elizabeth McKnight - Project Manager
- Clare Douglas - Intermediate Planner
- Muna Wharawhara – Amorangi Maaori
- Nicola Walsh – Communication Advisor
- Shelley Monrad – Senior Planner
- Andrew Parsons – Waters Manager
- Jackie Collier – Strategic Manager Infrastructure
- Fraser McNutt – Planning Guidance Manager
- Jason Cargo – Key Account Manager
- Nicolas Wells – Strategic Property Manager
- Jason Harrison - Transportation Manager
- Nigel Ward – Acting Communications Manager

Luke O'Dwyer – Beca Consultant  
Lachlan Muldowney – Lawyer for Hamilton City Council

Governance Staff: Lee-Ann Jordan – Governance Manager  
Becca Brooke – Governance Team Leader  
Amy Viggers – Committee Advisor

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Muna Wharawhara carried out a blessing and the Reverend Stephen Black carried out a reading to open the Council Meeting.

Deputy Mayor Gallagher acknowledged the passing of Koro Wetere, former MP, and spoke of his large contribution to the Waikato region and New Zealand. A minutes silence was observed in recognition of Koro Wetere.

1. **Apologies**  
**Resolved:** (Mayor King/Cr Macpherson)

That the apologies for Deputy Mayor Gallagher and Cr Casson for early departure were accepted.

2. **Confirmation of Agenda**  
Elected Members raised concerns that the Audit New Zealand Report concerning the Central City Park report was not included in the agenda as previously advised.

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

That the agenda is confirmed noting that the debate will be 2 minutes with an extension of 1 minute if required.

**Cr Pascoe Dissenting.**

3. **Declarations of Interest**

Cr Pascoe declared an interest in Item 9 (Special Housing Area Application – Te Awa Lakes) and would not take part in the discussion, debate or vote on the item.

4. **Public Forum**

No members of the public wished to speak.

5. **Confirmation of Council Open Minutes - 24 May 2018**

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

That the Council confirm the Open Minutes of the Council Meeting held on 24 May 2018 as a true and correct record, noting the amendment of the voting record for Item 12 (Gambling Policy) to include Cr Bunting who was present at the time.

6. **Confirmation of Elected Member Briefing Notes - Open - 22 May 2018**

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

That the Council confirm the open notes of the Elected Member Briefing held on 22 May 2018 as a true and correct record.

**7. Confirmation of Elected Member Briefing Notes - Open - 7 June 2018**

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

That the Council confirm the open notes of the Elected Member Briefing held on 7 June 2018 as a true and correct record.

**8. Confirmation of Elected Member Briefing Notes - Open - 12 June 2018**

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

That the Council confirm the open notes of the Elected Member Briefing held on 12 June 2018 as a true and correct record.

*Cr Pascoe previously declared a conflict of interest in relation to the below matter (Special Housing Area Application – Te Awa Lakes). He left the meeting (9.47am) prior to the item starting, and was not present when the matter was voted on.*

**9. Special Housing Area Application - Te Awa Lakes**

A video recording of the meeting in relation to this item can be found [here](#)

The following groups spoke to the Te Awa Lakes Special Housing Area application:

- **Ministry of Education**

Alison Harold (Manager Education Network) and Sharon Walker (Infrastructure Manager) spoke against the Special Housing Area (SHA) application. They noted that without sufficient lead in time, the Ministry of Education would have difficulty planning for sufficient schooling provision in the area. They responded to questions from Elected Members concerning the Ministries strategy for providing adequate schooling in high growth areas.

- **Habitat for Humanity – Central North Island**

Nic Greene (General Manager) spoke in support of the SHA application. He noted that from a social perspective the area was well suited to a residential development and would help address housing shortage and affordability concerns.

- **Sport Waikato**

Matthew Cooper (CEO) spoke in support of Te Awa Lakes development concept. He noted that he was particularly supportive of the housing affordability requirement within the application, that the development would help address the current lack of housing in Hamilton, and the vibrant social neighbourhood provisions within the design.

- **Waikato Regional Economic Development Agency (REDA)**

Dallas Fisher (Chair of REDA) spoke to his presentation. He noted REDA was supportive of the Te Awa Lakes development because of the community focus incorporated within the design and because development would support tourism, growth, and economic

development in the area. He responded to questions from Elected Members concerning his views on the possible effects of changing the zoning of the area from industrial to residential.

- **Fosters Construction**

Leonard Gardner (Foster Group Commercial Manager) spoke in support of the SHA application. He commented that he thought there was enough industrial land already available in Hamilton to address any industrial land requirements. He responded to questions from Elected Members concerning the location of the development and reverse sensitivity concerns.

- **Waikato Regional Council**

Mark Tumura (Manager Integration and Infrastructure) and Darion Embling (Integrated Catchment Management) spoke against the SHA application. They noted that the proposed development failed to meet a number of requirements for SHAs, including that it was not in alignment with existing strategic plans for the area. They raised concerns around the likelihood of negative impacts on the environment as a direct result of the proposed development, specifically in relation to bio security concerns for the river. It was noted that increased resource would be required to monitor and control these factors. They responded to questions from Elected Members concerning bio security and environmental concerns.

- **AFFCO New Zealand Limited and Open Country Dairy Limited (ODC)**

Garry Venus (Consultant) spoke against the SHA application on behalf of AFFCO and ODC. He noted that should the proposed development go ahead, future plans for expansion and growth for both AFFCO and ODC would be negatively impacted. His view was that the proposed development should go through a private plan change process given the significance of the decision and potential impact to surrounding businesses. Mr Venus commented that it was critical to retain the current provision for industrial land in the outskirts of the city to enable and plan for future industrial growth and economic development in the area. He responded to questions from Elected Members concerning reverse sensitivity issues.

- **Fonterra**

Scott Nelson (Commercial Operations Manager) introduced Daniel Minhinnick (Partner Russell McVeagh) Mark Crisp (Director of NZ Manufacturing) and Alan Van der Nagel (Director New Zealand Manufacturing). They noted their overall support for provision of more affordable housing developments in Hamilton, however they were not supportive of this particular SHA application as the location would negatively impact Fonterra's ability to expand and develop in the future and created reverse sensitivity issues. They also noted that the development was not in alignment with Council's current strategic plans and believed that this particular development should be considered through the appropriate RMA process due to the complex issues involved. They expressed concerns that approval of the SHA application would undermine the commitment Council had given to the District Plan. They responded to questions from Elected Members concerning reverse sensitivity

issues, traffic concerns, and potential economic effects.

- **Ports of Auckland**

Mark Arbuthnot (Bentley & Co), representing Ports of Auckland, spoke against the SHA application. He expressed concerns that the proposed development would negatively impact existing businesses in the area and hinder future industrial growth. He noted that there were also concerns around reverse sensitivity issues and that the proposed development did not align with Council's current strategic plans. He responded to questions from Elected Members concerning reverse sensitivity issues.

*The meeting adjourned 11.35am to 11.50am.*

- **Mana Whenua Group**

Sunny Karanga introduced Carolyn Hopa, Dennis Mariu and Norm Hill (Boffa Miskell) and provided a presentation in support of the Te Awa Lakes SHA application. They noted their support of the proposal particularly as it was in alignment with the Waikato Tainui Environmental Plan which focused on the health and wellbeing of the people and the land. They also commented on the collaborative approach to partnership taken by Perry's. They responded to questions from Elected Members concerning Waikato Tainui's priorities around a affordable housing and creating healthy vibrant communities with good outcomes for their people.

- **Perry Group (Applicants)**

Lale Ireremea and John Oliver outlined the Special Housing Area process and consultation undertaken to date by the Perry Group. They introduced Simon Perry who noted in his opinion, that Council would not be losing industrial land as the land in question was not suitable to be used as industrial land, instead Council would gain residential land that was needed to meet housing demands. They responded to questions from Elected Members concerning the Special Housing Areas process, reverse sensitivity concerns, and the qualifying design process.

*The meeting adjourned 12.52pm to 1.40pm.*

Luke O'Dwyer (Consultant) and Lachlan Muldowney (Lawyer for Hamilton City Council) spoke to the staff report. They noted that the process followed for this Special Housing Area application was in accordance with the legislation and policy set in place by the Government. They acknowledged that some negative effects were present for the development but these could be appropriately managed.

The Lawyer for Hamilton City Council outlined the draft Private Developers' Agreement and noted infrastructure, yield, and affordability issues would be addressed during the next stage of the process when the Private Developers' Agreement was drafted.

They responded to questions from Elected Members concerning how potential reverse sensitivity concerns could be addressed through building specifications, a no complaints covenant, and specifications around the Special Housing Area process.

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

That the Council:

- a) receives the report;
- b) considers the analysis presented and all other relevant information provided to it regarding the proposed Te Awa Lakes Special Housing Area;
- c) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Te Awa Lakes Special Housing Area has prescribed criteria as follows:
  - i) the maximum calculated height of dwellings shall be 10m and no more than 2-3 storeys;
  - ii) the SHA shall deliver a minimum yield of 1000 dwellings;
  - iii) the SHA shall not contain less than 40% of the total yield for affordable dwellings as defined in the Stage 1 PDA.
- d) in its recommendation to the Minister, further recommends that the criteria set out in resolution c) above be adopted by the Minister as criteria to be prescribed for this Special Housing Area.
- e) delegates the Chief Executive the power to negotiate and enter the Stage 1 PDA and report back to Council for decision prior to proceeding with Stage 2 PDA on behalf of Council;
- f) instructs the Chief Executive investigate the Operative District Plan provisions relating to the Te Rapa North Industrial Zone to determine the merits of a plan change to accelerate the release of the deferred industrial zoned land at Te Rapa North, having regard to the approved Special Housing Area and to receive a report back on this issue by no later than September 2018; and
- g) requests the Chief Executive undertake and report back to Council no later than September 2018 on progressing the following actions:
  - investigating the long-term employment land needs for the future of Hamilton, taking into account land currently outside of the existing City boundary,
  - developing a comprehensive future land release programme for residential and employment land.

**Crs Mallett and Tooman Dissenting.**

***The meeting adjourned 3.00pm to 3.20pm.***

*Cr Pascoe re-joined the meeting during the above adjournment.*

**10. Transfer of Easement - Gifting of Land - Shakespeare Avenue**

The Strategic Property Manager took the report as read. He responded to questions from Elected Members concerning delays that lead to the request for a transfer of land from Te Runanga o Kirikiriroa.

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

That the Council:

- a) approves the partial surrender of the encumbrance over the land described first in the schedule and the contemporaneous registration of a new encumbrance (with identical terms to the existing encumbrance) over the land described second in the schedule; and
- b) delegates the Chief Executive to give effect to this resolution.

#### **SCHEDULE**

**FIRST** All that land contained in Certificate of Title 241894 South Auckland Registry legally described as Lot 100 Deposited Plan South Auckland 6684 comprising 498 square metres more or less and physically located at 14 Shakespeare Avenue, Hamilton (shown in pink on Attachment 1).

**SECOND** All that land contained in Certificate of Title SA41B/835 South Auckland Registry legally described as Part Lot 37 Deposited Plan South Auckland 6684 comprising 1,529 square metres more or less and physically located at 13 Shakespeare Avenue, Hamilton (shown in green on Attachment 1).

*Item 13 (Notice of Motion from Cr Casson in relation to the 9<sup>th</sup> floor balustrade) and Item 14 (Notice of Motion from Cr O'Leary in relation to Online Voting) were taken next to accommodate the availability of Elected Members.*

#### **13. Notice of Motion from Cr Casson in relation to the 9th floor balustrade**

The report was taken as read. Staff responded to questions from Elected Members concerning the quotes that had been received and the previous voting outcome.

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

That the Council revoke the resolution of Council made at the 16<sup>th</sup> November 2017 Ordinary Council meeting that:

“Council approves up to \$25,000 for the replacement for the replacement of the 9<sup>th</sup> floor desk balustrade with safety glass.”

**Mayor King Dissenting.**

#### **14. Notice of Motion from Cr O'Leary in relation to online voting**

Cr O'Leary outlined her notice of motion. The Governance Manager responded to questions from Elected Members concerning clarification on the motion, steps in the process to consider an online voting trial and costs.

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

That the Council:

- a) confirms its interest in exploring participating in an online voting trial for the 2019 local authority elections;

- b) requests the Chief Executive further investigate the consideration and costs of undertaking an online voting trial for the whole city and options for a sub-set of voters for the 2019 local authority elections;
- c) report back Council on 2 August 2018 for further consideration noting that any online trial would be conditional on the following:
  - i. upon the Local Electoral Bill being enacted;
  - ii. regulations being made under the Local Electoral Regulations 2001 authorising the Council to undertake a trial of online voting;
  - iii. technical compliance protocols for a trial (including security and assurance) being developed by the Department of Internal Affairs and implemented and reviewed by the Electoral Officer and staff;
  - iv. agreement with Waikato Regional Council and Waikato District Health Board on the allocation of costs for undertaking a trial;
  - v. agreement with a provider to undertake the trial on behalf of the Council; and the Council resolving to undertake a trial of online voting in accordance with regulations;
  - vi. Council resolution to proceed.

**Cr Mallett Dissenting.**

*Deputy Mayor Gallagher left the meeting (3.34pm) during the above item. He was not present when the matter was voted on.*

**12. Delegations under the Housing Accords and Special Housing Areas Act**

The Planning Guidance Unit Manager took the report as read. He responded to questions from Elected Members concerning whether there were currently any accredited Elected Members, the risk of judicial review in implementing an Accord Territorial Authority Panel and the cost associated with Elected Members becoming accredited commissioners.

**Action:** *The Chief Executive undertook to provide further information on training options and associated costs.*

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

That the Council:

- a) receives the report;
- b) establishes an Accord Territorial Authority Panel (ATA Panel) with the Terms of Reference set out as Attachment 1 to the report; and
- c) delegates its powers and functions under the Housing Accords and Special Housing Areas Act 2013 (the **HASHAA**) authority to the Chief Executive to be exercised, in accordance with the Terms of Reference (attachment 1 of this report).

**Crs Pascoe and Casson Dissenting.**

*Deputy Mayor Gallagher re-joined the meeting (4.18pm) at the conclusion of the above item. He was not present when the matter was voted on.*

**11. Cost Savings for the 2018-28 10-Year Plan**

The Chief Executive took the report as read. He responded to questions from Elected Members concerning specifics around cost saving initiatives such as the establishment of a New Capital Delivery Group, how the savings would be reported to council and feedback received from Audit NZ. He noted that he would encourage and challenge Elected Members to be forward thinking around more innovative ideas.

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

That the Council:

- a) receives the report;
- b) endorses the approach highlighted in this report for achieving \$94m in savings as forecast in the 10-Year Plan; and
- c) requests the Chief Executive report to the Finance Committee with an update on progress by December 2018.

**An extension of time was moved at 5.10pm at the conclusion of the above item.**

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

That the meeting extend beyond 6 hours as per standing order 3.2.7

**The meeting adjourned 5.10pm to 5.25pm**

*Cr Casson retired from the meeting during the above adjournment.*

**15. Recommendation from Growth and Infrastructure Committee - Central City Parking Trial**

The report was taken as read.

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

That the Council approves the current Central City Parking Trial continue for a further 12 months until 30<sup>th</sup> June 2019, with staff to report back to Council by April 2019 with an updated review of the trial.

**Crs Mallett, Tooman, and Henry Dissenting.**

**16. Recommendation from Community and Services Committee - Regional Community Facilities Funding Framework**

The report was taken as read.

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

That the Council works with the Mayoral Forum to explore the development of a Regional Facilities Contestable Fund relating to the direct provision of funding for facilities with cross-boundary benefits.

**Cr Mallett Dissenting.**

**17. Recommendation from Community and Services Committee - Clarence Street Theatre Trust**

The report was taken as read.

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

That the Council approves the unbudgeted funds of \$28,615.88 + GST be paid to the Clarence Street Theatre Trust towards roof repairs.

18. **Recommendation from Community and Services Committee - Open Spaces Provision Policy**

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

That the Council approves the Open Spaces Provision Policy.

**Cr Mallett Dissenting.**

19. **Local Government New Zealand (LGNZ) Annual General Meeting 2018 - Remits for Consideration.**

The report was taken as read. Staff responded to questions from Elected Members concerning the various LGNZ remits.

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

That the Council approves the **'Drug testing in the Community' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Those for the Motion :** Deputy Mayor Gallagher, Councillors Pascoe, Mallett, Bunting, Southgate, Taylor and Hamilton.

**Those against the Motion:** Mayor King, Councillors Tooman, O'Leary, Macpherson and Henry.

**The Motion was declared carried.**

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

That the Council approves the **'HCV – Rural Roads Policy' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Mayor King Dissenting.**

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

That the Council approves the **'Heritage Buildings' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Mayor King and Cr Mallett Dissenting**

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

That the Council approves the **'Climate Change – advocate to banks' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Those for the Motion :** Deputy Mayor Gallagher, Councillors Henry, O'Leary, Bunting, Southgate, Taylor, Macpherson and Hamilton.

**Those against the Motion:** Mayor King, Councillors Mallett, Tooman, and Pascoe.

**The Motion was declared carried.**

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

That the Council approves the **'Climate Change Adaptation Fund' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

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

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

**The Motion was declared carried.**

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

That the Council approves the **'Local Alcohol Policies' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Cr Mallett Dissenting.**

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

That the Council approves the **'Biofuels' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

**Those for the Motion :** Deputy Mayor Gallagher, Councillors Henry, O'Leary, Southgate, Bunting, Macpherson, Taylor and Hamilton.

**Those against the Motion:** Mayor King, Councillors Mallett, Tooman and Pascoe.

**The Motion was declared carried.**

**Resolved:** (Crs O’Leary/Henry)

That the Council approves the **‘Walking the talk – single use plastics’ be supported** by Council’s delegate at the 2018 Local Government NZ AGM.

**Mayor King and Cr Mallett Dissenting.**

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

That the Council approves the **‘A mandatory register of cooling towers’ be supported** by Council’s delegate at the 2018 Local Government NZ AGM.

**Mayor King and Cr Henry Dissenting.**

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

That the Council approves the **‘Copper in brake pads’ be supported** by Council’s delegate at the 2018 Local Government NZ AGM.

**Mayor King, Crs Mallett and Pascoe Dissenting**

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

That the Council approves the **‘Reducing the waste stream’ be supported** by Council’s delegate at the 2018 Local Government NZ AGM.

**Mayor King and Cr Mallett Dissenting.**

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

That the Council approves the **‘Tyres stewardship’ be supported** by Council’s delegate at the 2018 Local Government NZ AGM.

**Mayor King Dissenting.**

**20. Change to Contract 16433 - Finance Project Lead 2018-28 10-Year Plan**

The General Manager Corporate took the report as read. He responded to questions from Elected Members concerning the length and amount of the contract. It was confirmed that the funds were budgeted.

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

That the Council:

- a) receives the report; and
- b) approves an increase to the Approved Contract Sum for Contract 16433 to \$275,000.00 (previously approved as \$240,000.00)

**Cr Henry Dissenting.**

**21. Resolution to Exclude the Public**

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

**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 Elected Member Briefing Notes - Closed - 22 May 2018	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of Elected Member Briefing Notes - Closed - 12 June 2018	) 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 enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting went into a public excluded session at 5.45pm.**

**The meeting was declared closed at 5.46pm.**

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation Council Open Minutes - 28 June 2018

<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 28 June 2018 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 28 June 2018

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## Council 2018-28 10-Year Plan Adoption OPEN MINUTES

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**Minutes of a meeting of the Council 2018-28 10-Year Plan Adoption held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 28 June 2018 at 9.35am.**

**PRESENT**

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

In Attendance:

Richard Briggs - Chief Executive  
Sean Hickey – General Manager Strategy and Communication  
David Bryant – General Manager Corporate  
Sean Murray – General Manager Venues, Tourism and Major Events  
Chris Allen – General Manager City Infrastructure  
Blair Bowcott – Executive Director Special Projects  
Jen Baird – General Manager City Growth  
Helen Paki – Business and Planning Manager Community  
Stephen Halliwell – Accounting Manager  
Paul Gower – Programme Manager Growth and Assets  
Andrew Parsons – City Development Manager  
Chelsey Stewart – Project Manager 10 Year Plan  
Nigel Ward – Communications Team Leader  
Nicola Walsh – Communications Advisor  
Greg Carstens – Acting Unit Manager Economic Growth and Planning  
Nathan Dalgety – Team Leader Growth Funding and Analytics  
Stafford Hodgson – Senior Strategic Policy Analyst

Leon Pierterse and Liz Tuck - Audit NZ Representatives  
Mark Renner – Lawyer for Hamilton City Council  
Lachlan Muldowney – Lawyer for Hamilton City Council  
Peter Winder – Consultant  
Dallas Fisher – Waikato Means Business Chair

Governance Staff: Lee-Ann Jordan – Governance Manager  
Becca Brooke – Governance Team Leader  
Amy Viggers – Committee Advisor

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Tame Pokaia Carried out a blessing and the Reverend Phil Wilson carried out a reading to open the Council Meeting.

### 1. Apologies

There were no apologies.

### 2. Confirmation of Agenda

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

That the agenda is confirmed noting the following:

- a) debate will be 2 minutes with an extension of 1 minute if required with the exception of Item 8 (10-Year Plan Approval) and Item 10 (Housing Infrastructure Fund Loan Agreement) debate which will be 5 minutes with no extensions;
- b) a replacement page 554 (Page 1 of Item 9 Rates Resolution to Set and Assess Rates for 2018/19) was circulated to Elected Members prior to the meeting;
- c) Item 16 (resolution to exclude the public) followed by Item C2 (Potential legal matters relating to the draft Development Contributions Policy) are to be taken after Item 6 (Waikato Means Business Verbal Update); and
- d) Item 12 (Chair's Report – 28 June 2018) followed by Item 14 (Resolution to exclude the Public) are to be taken after Item 15 (Waikato Plan Review).

### 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

### 4. Public Forum

**John Dobson** (Hamilton Gardens Development Trust Representative) – Spoke to Item 8 (2018-28 10 Year Plan Adoption) and noted the Hamilton Gardens Development Trust's strong support for the Hamilton Gardens proposal.

**Irene Strangwick** (Netherville Retirement Village Representative) – Spoke to Item 8 (2018-28 10 Year Plan Adoption). She spoke against a rate increase and expressed concerns that residents of the Netherville Retirement Village paid for infrastructure services especially rubbish collection within the village on top of rates to Hamilton City Council. A petition was presented by the residents in relation to rates, particularly around rubbish and infrastructure.

**Ron Pengelly** - Spoke against Item 8 (2018-28 10 Year Plan Adoption) and Item 10 (Rates Resolution to Set and Assess Rates for 2018/19). He explained his calculations of the rates were increases and disputed Councils' calculation and stated the average increase of 9.7%. He felt rate payers were being misled about the increase and the calculation process and that the large rates increase was unfair.

**5. Confirmation of Council Open Minutes - 31 May 2018 to 5 June 2018**

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

That the Council confirm the Open Minutes of the Council Meeting held on 31 May 2018 to 5 June 2018 as a true and correct record, noting a correction on page 14 of the agenda for the voting of the Transport resolution to show– Cr Macpherson being **against** the motion and Cr Casson **for** the motion.

**6. Waikato Means Business Verbal Update**

Dallas Fisher (Waikato Means Business Chair) provided a verbal update, accompanied by a presentation, in relation to Waikato Means Business and the Waikato Plan. He responded to questions from Elected Members concerning the programme plan for the following three months and the benefits to Hamilton from being a part of the Waikato Plan and Waikato Mean Business.

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

That the Council receives the verbal report.

*The meeting went into a public excluded session Item C2 (Potential legal matters relating to the draft Development Contributions Policy prior to taking Item 7 (Development Contributions Policy 2018/19 Adoption) in the open agenda.*

**16. Resolution to Exclude the Public**

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

**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 for the passing of this resol
C2. Potential legal matters relating to the draft Development Contributions Policy	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)

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

Item C2.	to maintain legal professional privilege	Section 7 (2) (g)
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*Cr Taylor left the meeting (10.34am) during the discussion of the above item. He was not present when the matter was voted on. Cr Taylor rejoined the meeting during the below Public Excluded session of the meeting.*

**The meeting went into a public excluded session from 10.35am to 11.23am.**

**7. Development Contributions Policy 2018/19 Adoption**

Staff tabled tracked changes to the draft Development Contributions Policy. The tracked changes document is attached to these minutes as **appendix 1**.

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

That the Council adopts the proposed Development Contributions Policy 2018/19, with an operative date of 1 July 2018, noting the removal of the Realised Household Unit Equivalent (HUE) factor from its proposed development contributions policy 2018/19, reflected in the updated Schedules 1, 2, 3 and 7 on agenda pages 65-72, and the removal of paragraphs 9.24-9.26 on agenda page 48. *(Tracked changes attached as appendix 1 to these minutes)*

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

**The meeting adjourned 11.25am to 11.35am.**

**8. 2018-28 10-Year Plan Adoption**

The General Manager Communications and Strategy introduced the report. He noted that since the Council agenda had been released, Audit NZ had completed its review of the 10-Year Plan and subsequently had recommended changes, which were tabled at the meeting. A summary of changes document is attached to these minutes as **appendix 2**. An updated version of the 2018-28 10 Year Plan was circulated to Elected Members.

Audit NZ representatives responded to questions from Elected Members on the outcome of their review and recommendations.

The Accounting Manager explained other changes to the 10-Year Plan as outlined in the summary of changes and responded to questions from Elected Members.

***Other Minor changes to the report and plan were noted by Elected Members as below:***

- *Page 190, paragraph 17 of the agenda, date should be 26 June – not 26 July.*
- *Hamilton Gardens Targeted Rate was incorrectly sitting in the Parks budget and was not referenced to continue past year three. This would be updated in the final version of the 2018-28 10-Year Plan document. Audit NZ confirmed this was not a material change.*

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

That the Council:

- a) receive the report;
- b) adopts the following policies:
  - (i) Revenue and Financing Policy (Attachment 3);
  - (ii) Rating Policy (Attachment 4);
  - (iii) Remissions and Postponements Policy (Attachment 5); and

- (iv) Funding Needs Analysis (Attachment 6).
- c) authorise the Mayor and Chief Executive to sign the Audit NZ Letter of Representation on behalf of the Council;
- d) adopts the 2018-28 10-Year Plan (Volumes 1 and 2) with the \$7m identified for the purchase of buildings for Central City Park reallocated to general property purchases in relation to the River Plan.

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

That the Council:

- a) receive the report;
- b) adopts the following policies:
  - (i) Revenue and Financing Policy (Attachment 3);
  - (ii) Rating Policy (Attachment 4);
  - (iii) Remissions and Postponements Policy (Attachment 5); and
  - (iv) Funding Needs Analysis (Attachment 6).
- c) authorise the Mayor and Chief Executive to sign the Audit NZ Letter of Representation on behalf of the Council;
- d) adopt the 2018-28 10-Year Plan (Volumes 1 and 2).

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Councillors Mallett, Macpherson, Bunting, Taylor and Hamilton.

**Those against the Amendment:** Councillors Pascoe, Tooman, O'Leary, Casson, Henry and Southgate.

**The Amendment was declared carried.**

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

**Those for the Amendment as the Substantive Motion:** Mayor King, Deputy Mayor Gallagher, Councillors Pascoe, Mallett, Tooman, Macpherson, Bunting, Casson, Taylor and Hamilton.

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

**The Amendment as the Substantive Motion was declared carried.**

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

That the Council:

- a) receive the report;
- b) adopts the following policies:
  - (i) Revenue and Financing Policy (Attachment 3);

- (ii) Rating Policy (Attachment 4);
  - (iii) Remissions and Postponements Policy (Attachment 5); and
  - (iv) Funding Needs Analysis (Attachment 6).
- c) authorise the Mayor and Chief Executive to sign the Audit NZ Letter of Representation on behalf of the Council;
- d) adopt the 2018-28 10-Year Plan (Volumes 1 and 2).

*The meeting adjourned 12.21pm to 12.24pm.*

**9. Rates Resolution to Set and Assess Rates for 2018/19**

The Accounting Manager took the report as read.

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

That Council:

- a) receives the report;
- b) sets and assesses the rates for the 2018/19 financial year (1 July 2018 to 30 June 2019) in accordance with the **Rates Resolution for the 2018/19 Financial Year** (as required by the Local Government (Rating) Act 2002) as set out in paragraphs 7 - 66 below; and
- c) as part of this resolution, states the due dates for payments and authorises penalties to be added to unpaid rates, as set out in paragraphs 63 - 66 below.

*The meeting adjourned 1.32pm to 2.25pm.*

**10. Housing Infrastructure Fund (HIF) Loan Agreement**

The Executive Director Special Projects introduced the report and outlined the process followed for the Housing Infrastructure Fund Loan to reach this final request for approval. Staff responded to questions from Elected Members concerning the loan facility agreements terms, including the retrospective quarterly drawdown clause, repayment dates, and annual progress reports.

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

That the Council:

- a) approves the Housing Infrastructure Fund loan facility agreement in the form attached to this report;
- b) delegates the Chief Executive the authority to:
  - i. make any final changes to the Housing Infrastructure Fund loan facility agreement (included in Attachment 1) that are deemed reasonably appropriate and that are not materially inconsistent with the terms outlined in this report and the Detailed Business Case; and
  - ii. sign the final Housing Infrastructure Fund loan facility agreement on behalf of Council;
- c) delegates the Chief Executive the authority to award the consultancy contract to investigate and design the strategic transport gateway infrastructure (bridge and other transport components that connect Cobham Drive to Peacocke Road as set out in the approved Detailed Business Case for the Peacocke Housing Infrastructure Fund) for a total

contract value not exceeding \$13.0m plus GST;

- d) delegates the Chief Executive the authority to award the consultancy contract to investigate and design the strategic wastewater gateway infrastructure (wastewater pump station, storage and pressure main to Crosby Road area as set out in the approved Detailed Business Case for the Peacocke Housing Infrastructure Fund) for a total contract value not exceeding \$8.0m plus GST;
- e) delegates the Chief Executive the authority to direct appoint The Property Group for all expert matters relating to infrastructure and recreation/park related property purchase or disposal for the Peacocke Growth Cell area for a total contract value not exceeding \$1.0m plus GST;
- f) notes that a monitoring and reporting framework for the Peacocke Growth Cell investment programme (including the Housing Infrastructure Fund) be presented to the Finance Committee on 28 August 2018 (as part of a new reporting process for delivery of the Council capital programme), taking into account the reporting obligations outlined in the Housing Infrastructure Fund facility agreement.

**Those for the Motion:**

Mayor King, Deputy Mayor Gallagher, Councillors Pascoe, Mallett, O'Leary, Macpherson, Southgate, Taylor and Hamilton.

**Those against the Motion:**

Councillors Tooman, Bunting, Casson and Henry.

**The Motion was declared carried.**

**11. Changes to support delivery of 10-Year Plan capital programme**

The General Manager City Infrastructure introduced the report and explained that a new group was to be created to manage and report on the full capital projects portfolio, as well as look for project delivery efficiencies.

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

That the Council:

- a) receives the report;
- b) requests the General Manager City Infrastructure to work with the Chairperson, Deputy Chairperson of Finance Committee and the GM Corporate who is also the Principal Advisor to the Finance Committee to develop an appropriate reporting process for delivery of the capital programme; and
- c) requests staff report back to the next Finance Committee meeting on 28 August 2018.

*Cr Mallett retired from the meeting (3.58pm) during the discussion of the above item. He was not present when the matter was voted on.*

*Cr Hamilton left the meeting (3.58pm) during the discussion of the above item. He was not present when the matter was voted on.*

**15. Waikato Plan Review**

The Executive Director Special Projects and Peter Winder (Consultant) introduced the report and outlined findings from the review of the Waikato Plan. They responded to questions from Elected Members concerning benefits of the plan for Hamilton City Council, membership of the leadership group, and implications if Hamilton City Council was to withdraw from the plan.

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

That the Council:

- a) supports in principle the recommendations of the McGredy Winder report to amend the Waikato Plan Leadership Group Terms of Reference and to re-shape the project management, programme development, business case and funding arrangements for the Waikato Plan;
- b) confirms that Hamilton City Council will continue to participate in the Waikato Plan subject to the substantive recommendations of the McGredy Winder report being supported and adopted by the other partner councils, stakeholders and the Waikato Plan Leadership group;
- c) delegates to the Chief Executive to commence immediate negotiations with other partner councils, stakeholders and the Waikato Plan Leadership Group to implement the amendments and agree a transition for the Waikato Plan in accordance with the substantive recommendations of the McGredy Winder report;
- d) notes that under the model proposed in the McGredy Winder Report that Hamilton City Council makes no financial contribution to the core project manager, programme and business case development of the Waikato Plan;
- e) notes that should the other partner councils, stakeholders and Waikato Plan Leadership Group not agree with the substantive recommendations of the McGredy Winder report and that if a transition plan is not finalised in a timely manner to the satisfaction of the CE, that the decision for Hamilton City Council to withdraw from the Waikato Plan will come back to Council for approval by September 2018;
- f) confirms HCC's representative on the Leadership Group as being Mayor or Mayor's Nominee;
- g) notes that amended Terms of Reference for the Waikato Plan Leadership Group (as per the McGredy Winder Report) will come back to Council for approval in due course; and
- h) requests that as part of the negotiations (described in C above) the CE negotiate to reduce the membership of the Waikato Plan Leadership Group significantly.

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

That Council completely withdraws from the Waikato Plan.

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Councillors Macpherson, Bunting and Taylor.

**Those against the Amendment:** Deputy Mayor Gallagher, Councillors Pascoe, Tooman, O'Leary, Casson, Henry, Southgate and Hamilton.

**The Amendment was declared lost.**

**The Motion was then put and declared carried unanimously.**

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

That the Council:

- a) supports in principle the recommendations of the McGredy Winder report to amend the Waikato Plan Leadership Group Terms of Reference and to re-shape the project management, programme development, business case and funding arrangements for the Waikato Plan;
- b) confirms that Hamilton City Council will continue to participate in the Waikato Plan subject to the substantive recommendations of the McGredy Winder report being supported and adopted by the other partner councils, stakeholders and the Waikato Plan Leadership group;
- c) delegates to the Chief Executive to commence immediate negotiations with other partner councils, stakeholders and the Waikato Plan Leadership Group to implement the amendments and agree a transition for the Waikato Plan in accordance with the substantive recommendations of the McGredy Winder report;
- d) notes that under the model proposed in the McGredy Winder Report that Hamilton City Council makes no financial contribution to the core project manager, programme and business case development of the Waikato Plan;
- e) notes that should the other partner councils, stakeholders and Waikato Plan Leadership Group not agree with the substantive recommendations of the McGredy Winder report and that if a transition plan is not finalised in a timely manner to the satisfaction of the CEO, that the decision for Hamilton City Council to withdraw from the Waikato Plan will come back to Council for approval by September 2018;
- f) confirms HCC's representative on the Leadership Group as being Mayor or Mayor's Nominee;
- g) notes that amended Terms of Reference for the Waikato Plan Leadership Group (as per the McGredy Winder Report) will come back to Council for approval in due course; and
- h) requests that as part of the negotiations (described in C above) the CEO negotiate to reduce the membership of the Waikato Plan Leadership Group significantly.

*Cr Hamilton re-joined the meeting (4.03pm) during the discussion of the above item. He was present when the matter was voted on.*

***An extension of time was moved at 4.36pm during the discussion of the above item.***

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

*That the meeting extends beyond 6 hours as per Standing Order 3.2.7.*

***The meeting adjourned 5.03pm to 5.18pm during the discussion of the above item.***

### **13. Extension of Chief Executive Delegations during July 2018**

The Governance Manager introduced the report. Staff responded to questions from Elected Members on the likelihood of any major issues arising in July and the process for ensuring Council visibility of any decisions made under this delegation.

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

That the Council extends the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) to include all of Council's responsibilities, duties, and powers currently retained by Council or delegated to Council's standing committees (except the District Licensing Committee), subject to the following conditions:

- a) The extended delegations will have effect only for the period from 1 July 2018 to 31 July 2018 (extended delegation period);
- b) The extended delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002;
- c) The Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the 2 August 2018 Council meeting;
- d) The Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
- e) Where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, consult with the Mayor and/or Deputy Mayor (subject to their availability); and
- f) The Chief Executive must report all matters relating to this extended delegation to the Council at the 2 August 2018 meeting.

12. **Chair's Report - 28 June 2018**

The Chair took the report as read.

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

That the Council:

- a) receives the report;
- b) appoints Cr Ryan Hamilton as Deputy Chair of the Community and Services Committee;
- c) appoints Keiran Horne as Deputy Chair of the Audit and Risk Committee; and
- d) approves the amendments to the CEO Review Committee as outlined in the Chairs report.

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

That the Council:

- a) receives the report;
- b) appoints Cr James Casson as Deputy Chair of the Community and Services Committee;
- c) appoints Keiran Horne as Deputy Chair of the Audit and Risk Committee; and
- d) approves the amendments to the CEO Review Committee as outlined in the Chairs report.

**The Amendment was put.**

**Those for the Amendment:** Councillors Tooman, Casson and Henry.

**Those against the Amendment:** Mayor King, Deputy Mayor Gallagher  
Councillors Gallagher, Pascoe, O’Leary,  
Macpherson, Bunting, Southgate, Taylor  
and Hamilton.

**The Amendment was declared lost.  
The Motion was then put and declared carried.**

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

That the Council:

- a) receives the report;
- b) appoints Cr Ryan Hamilton as Deputy Chair of the Community and Services Committee;
- c) appoints Keiran Horne as Deputy Chair of the Audit and Risk Committee; and
- d) approves the amendments to the CEO Review Committee as outlined in the Chairs report.

**Cr Casson Dissenting.**

**14. Resolution to Exclude the Public**

**Resolved:** (Mayor King/Cr O’Leary)

**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 for the passing of this resol
C1. Chief Executive Employment Matters	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)

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

Item C1. to protect the privacy of natural persons Section 7 (2) (a)

**The meeting went into a Public Excluded session at 6.05pm.**

**The meeting was declared closed at 6.40pm.**

## Appendix 1

This effect is estimated to have some impact on future development, and therefore for the purposes of projecting revenue for the 10-Year Plan, Council has made an adjustment to this effect into its modelling.

9.16 Effects of uncertainty

9.17 Revenue forecasting has a high margin of error due to substantial underlying assumptions including economic outlook and projections, growth projections, undeterminable developer and market behaviour, the property market volatility and unpredictability, and other wider considerations including government policy changes.

9.18 This uncertainty impacts Council's debt to revenue calculations and consequent capacity for borrowing to finance growth. Council has attempted to strike a balance in its forecasts, based on historical levels of revenue and the best information that it has available about likely future revenues, but with a view to conservatism.

9.19 If Council had included an allowance for reduced development due to high charges, it would have reduced revenue in the model and increased charges to an extent.

9.20 **Methodology for relating costs of community facilities to units of demand.**

9.21 The purpose of Council's methodology is to enable it to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term.

9.22 It achieves this outcome by first identifying the total cost of the capital expenditure that it expects to incur in respect of these community assets to meet increased demand resulting from growth.

9.23 Next it identifies the share of that expenditure attributable to each unit of demand. It does this by using the units of demand by which the impact of growth has been assessed. To identify those units of demand Council takes account of a wide data set of information which informs it on the estimated rates of development in the City.

~~9.24 Then it takes account of historical information to determine what proportion of that overall development creates demand on Council's assets, thus identifying the units of demand by which the impact of growth has been assessed. Those units of demand are then used to determine the appropriate share of expenditure that the development community must pay for. This proportion, on average across the city for all activities, is calculated at 86.1%.~~

~~9.25 Effects of uncertainty~~

~~9.26 Projected development HUEs will not perfectly align with actual paying HUEs of future development. The effect of this is that where the actual paying HUEs of future development are higher than assumed realised HUEs, revenue will be higher than anticipated. This increased revenue will be included in future model updates and the charges will reduce accordingly, and vice versa.~~

~~9.279.24 Supply of land~~

~~9.289.25 The supply and capacity of development land is assumed to be constrained by the current and future availability of infrastructure – whether planned to be provided by Council or likely to be able to be provided by developers.~~

## Appendix 1

### 21. SCHEDULE 1 – DEVELOPMENT CONTRIBUTION CHARGES

For further guidelines on how to use the charge schedules below to estimate a development contribution, please refer to the [“How to Estimate a DC charge”](#) information sheet.

*Table 1 – Residential development contribution payable in each catchment (excl. GST)*

	Reserves	Stormwater	Transport	Wastewater	Water	Total
<b>Large Residential</b>	<b>Charge per lot, dwelling or unit title, inclusive of Citywide components</b>					
Citywide	1,505		3,439	3,033	5,278	13,255
Infill East	1,546		3,793	11,128	6,766	23,233
Infill West	1,546		3,793	12,632	6,766	24,737
Peacocke 1	4,107		8,970	13,964	6,901	33,942
Peacocke 2	6,748		13,227	14,253	6,901	41,129
Rotokauri	3,653		19,896	4,691	7,021	35,261
Rototuna	2,958		14,293	5,723	9,276	32,250
Ruakura	1,505		5,715	7,043	7,251	21,514
Te Rapa North	1,505		3,439	3,033	24,179	32,156
Temple View	1,505		3,439	8,358	9,073	22,375
SW - Citywide		22				22
SW - Chartwell		238				238
SW - City Centre		1,367				1,367
SW - Hamilton East		342				342
SW - Kirikiriroa		1,904				1,904
SW - Lake Rotokauri		50,580				50,580
SW - Mangaheka		10,789				10,789
SW - Mangakotukutuku		6,530				6,530
SW - Mangaonua		1,758				1,758
SW - Ohote		3,047				3,047
SW - Otama-ngenge		174				174
SW - Peacocke		3,318				3,318
SW - River North		22				22
SW - Rotokauri West		760				760
SW - St Andrews		30				30
SW - Te Awa o Katapaki		9,666				9,666
SW - Te Rapa Stream		7,581				7,581
SW - Temple View		432				432
SW - Waitawhiriwhiri		389				389
SW - Western Heights		22				22
WW - East				1,534		1,534
WW - West				3,834		3,834
<b>Standard Residential</b>	<b>Charge per lot, dwelling or unit title, inclusive of Citywide components</b>					
Citywide	1,167		2,666	2,351	4,091	10,275
Infill East	1,199		2,940	8,626	5,245	18,010
Infill West	1,199		2,940	9,792	5,245	19,176
Peacocke 1	3,184		6,954	10,825	5,350	26,313
Peacocke 2	5,231		10,253	11,049	5,350	31,883
Rotokauri	2,832		15,423	3,637	5,443	27,335
Rototuna	2,293		11,080	4,436	7,191	25,000
Ruakura	1,167		4,430	5,460	5,621	16,678
Te Rapa North	1,167		2,666	2,351	18,743	24,927
Temple View	1,167		2,666	6,479	7,033	17,345
SW - Citywide		17				17
SW - Chartwell		184				184
SW - City Centre		1,060				1,060
SW - Hamilton East		265				265
SW - Kirikiriroa		1,476				1,476
SW - Lake Rotokauri		39,209				39,209
SW - Mangaheka		8,364				8,364
SW - Mangakotukutuku		5,062				5,062
SW - Mangaonua		1,363				1,363
SW - Ohote		2,362				2,362
SW - Otama-ngenge		135				135
SW - Peacocke		2,572				2,572
SW - River North		17				17
SW - Rotokauri West		589				589
SW - St Andrews		23				23
SW - Te Awa o Katapaki		7,493				7,493
SW - Te Rapa Stream		5,877				5,877
SW - Temple View		335				335
SW - Waitawhiriwhiri		301				301
SW - Western Heights		17				17
WW - East				1,189		1,189
WW - West				2,972		2,972

## Appendix 1

Table 1 – Continued

	Reserves	Stormwater	Transport	Wastewater	Water	Total
<b>Two Bed</b>	<b>Charge per lot, dwelling or unit title, inclusive of Citywide components</b>					
Citywide	804		1,838	1,621	2,821	7,084
Infill East	827		2,027	5,948	3,617	12,419
Infill West	827		2,027	6,752	3,617	13,223
Peacocke 1	2,195		4,795	7,464	3,689	18,143
Peacocke 2	3,607		7,070	7,618	3,689	21,984
Rotokauri	1,952		10,635	2,508	3,753	18,848
Rototuna	1,581		7,640	3,059	4,958	17,238
Ruakura	804		3,055	3,765	3,876	11,500
Te Rapa North	804		1,838	1,621	12,924	17,187
Temple View	804		1,838	4,467	4,849	11,958
SW - Citywide		12				12
SW - Chartwell		127				127
SW - City Centre		731				731
SW - Hamilton East		183				183
SW - Kirikiriroa		1,018				1,018
SW - Lake Rotokauri		27,035				27,035
SW - Mangaheka		5,767				5,767
SW - Mangakotukutuku		3,491				3,491
SW - Mangaonua		939				939
SW - Ohote		1,629				1,629
SW - Otama-ngeenge		93				93
SW - Peacocke		1,773				1,773
SW - River North		12				12
SW - Rotokauri West		406				406
SW - St Andrews		16				16
SW - Te Awa o Katapaki		5,167				5,167
SW - Te Rapa Stream		4,052				4,052
SW - Temple View		231				231
SW - Waitawhiriwhiri		208				208
SW - Western Heights		12				12
WW - East				820		820
WW - West				2,049		2,049
<b>One Bed</b>	<b>Charge per lot, dwelling or unit title, inclusive of Citywide components</b>					
Citywide	557		1,272	1,122	1,953	4,904
Infill East	572		1,403	4,117	2,503	8,595
Infill West	572		1,403	4,673	2,503	9,151
Peacocke 1	1,520		3,318	5,166	2,553	12,557
Peacocke 2	2,496		4,893	5,273	2,553	15,215
Rotokauri	1,351		7,360	1,736	2,597	13,044
Rototuna	1,094		5,288	2,117	3,432	11,931
Ruakura	557		2,114	2,606	2,683	7,960
Te Rapa North	557		1,272	1,122	8,945	11,896
Temple View	557		1,272	3,092	3,356	8,277
SW - Citywide		8				8
SW - Chartwell		88				88
SW - City Centre		506				506
SW - Hamilton East		127				127
SW - Kirikiriroa		705				705
SW - Lake Rotokauri		18,712				18,712
SW - Mangaheka		3,991				3,991
SW - Mangakotukutuku		2,416				2,416
SW - Mangaonua		650				650
SW - Ohote		1,127				1,127
SW - Otama-ngeenge		64				64
SW - Peacocke		1,227				1,227
SW - River North		8				8
SW - Rotokauri West		281				281
SW - St Andrews		11				11
SW - Te Awa o Katapaki		3,576				3,576
SW - Te Rapa Stream		2,805				2,805
SW - Temple View		160				160
SW - Waitawhiriwhiri		144				144
SW - Western Heights		8				8
WW - East				568		568
WW - West				1,418		1,418

## Appendix 1

Table 2 – Non-residential development contribution payable in each catchment (excl. GST)

	Reserves	Stormwater	Transport	Wastewater	Water	Total
<b>Commercial</b>	<b>Charge per 100m2 floor area (site area for Stormwater)</b>					
Citywide			5,332	1,192	1,613	8,137
Infill East			5,880	4,373	2,068	12,321
Infill West			5,880	4,965	2,068	12,913
Peacocke 1			13,907	5,488	2,110	21,505
Peacocke 2			20,506	5,602	2,110	28,218
Rotokauri			30,846	1,844	2,146	34,836
Rototuna			22,160	2,249	2,836	27,245
Ruakura			8,860	2,768	2,217	13,845
Te Rapa North			5,332	1,192	7,391	13,915
Temple View			5,332	3,285	2,773	11,390
SW - Citywide		7				7
SW - Chartwell		71				71
SW - City Centre		408				408
SW - Hamilton East		102				102
SW - Kirikiriroa		568				568
SW - Lake Rotokauri		15,080				15,080
SW - Mangaheka		3,217				3,217
SW - Mangakotukutuku		1,947				1,947
SW - Mangaonua		524				524
SW - Ohote		908				908
SW - Otama-ngege		52				52
SW - Peacocke		989				989
SW - River North		7				7
SW - Rotokauri West		227				227
SW - St Andrews		9				9
SW - Te Awa o Katapaki		2,882				2,882
SW - Te Rapa Stream		2,260				2,260
SW - Temple View		129				129
SW - Waitawhiriwhiri		116				116
SW - Western Heights		7				7
WW - East				603		603
WW - West				1,507		1,507
<b>Industrial</b>	<b>Charge per 100m2 floor area (site area for Stormwater)</b>					
Citywide			2,399	703	856	3,958
Infill East			2,646	2,578	1,097	6,321
Infill West			2,646	2,927	1,097	6,670
Peacocke 1			6,258	3,235	1,119	10,612
Peacocke 2			9,228	3,302	1,119	13,649
Rotokauri			13,881	1,087	1,139	16,107
Rototuna			9,972	1,326	1,504	12,802
Ruakura			3,987	1,632	1,176	6,795
Te Rapa North			2,399	703	3,921	7,023
Temple View			2,399	1,936	1,471	5,806
SW - Citywide		5				5
SW - Chartwell		52				52
SW - City Centre		298				298
SW - Hamilton East		75				75
SW - Kirikiriroa		415				415
SW - Lake Rotokauri		11,022				11,022
SW - Mangaheka		2,351				2,351
SW - Mangakotukutuku		1,423				1,423
SW - Mangaonua		383				383
SW - Ohote		664				664
SW - Otama-ngege		38				38
SW - Peacocke		723				723
SW - River North		5				5
SW - Rotokauri West		166				166
SW - St Andrews		7				7
SW - Te Awa o Katapaki		2,106				2,106
SW - Te Rapa Stream		1,652				1,652
SW - Temple View		94				94
SW - Waitawhiriwhiri		85				85
SW - Western Heights		5				5
WW - East				355		355
WW - West				888		888

## Appendix 1

Table 2 – Continued

Retail	Reserves	Stormwater	Transport	Wastewater	Water	Total
	Charge per 100m <sup>2</sup> floor area (site area for Stormwater)					
Citywide			7,331	979	1,324	9,634
Infill East			8,085	3,590	1,698	13,373
Infill West			8,085	4,076	1,698	13,859
Peacocke 1			19,122	4,506	1,732	25,360
Peacocke 2			28,196	4,599	1,732	34,527
Rotokauri			42,414	1,514	1,762	45,690
Rototuna			30,470	1,846	2,328	34,644
Ruakura			12,183	2,273	1,820	16,276
Te Rapa North			7,331	979	6,068	14,378
Temple View			7,331	2,697	2,277	12,305
SW - Citywide		7				7
SW - Chartwell		71				71
SW - City Centre		408				408
SW - Hamilton East		102				102
SW - Kirikiriroa		568				568
SW - Lake Rotokauri		15,080				15,080
SW - Mangaheka		3,217				3,217
SW - Mangakotukutuku		1,947				1,947
SW - Mangaonua		524				524
SW - Orote		908				908
SW - Otama-ngeenge		52				52
SW - Peacocke		989				989
SW - River North		7				7
SW - Rotokauri West		227				227
SW - St Andrews		9				9
SW - Te Awa o Katapaki		2,882				2,882
SW - Te Rapa Stream		2,260				2,260
SW - Temple View		129				129
SW - Waitawhiriwhiri		116				116
SW - Western Heights		7				7
WW - East				495		495
WW - West				1,237		1,237

### **Note 1 – Charges for non-residential developments**

Non-residential charges are average charges for a typical development per 100m<sup>2</sup> GFA (Site area for stormwater).

Non-residential developments will be charged in accordance with the average number of household unit equivalents of demand generated by the category into which they fall. These will be calculated by using the factors given in Schedule 4 below.

The retail transport factor operates on sliding scales, so the applicable charges for a retail development will differ from those shown here.

A more precise estimate of the development contributions payable for any particular development can be provided by Council on request.

In assessing HUEs for mixed-use developments such as a retirement village or a combined industrial and commercial development, a separate assessment will be made for all residential, retail, commercial and industrial components of the development.

### **Note 2 – Assessment of Reserves component through resource consent applications**

At its sole discretion and on a case by case basis Council may take land of dollar value equivalent to the required reserves development contribution rather than money, as a condition of resource consent in accordance with and subject to Council's District Plan.

There is no charge for reserves on non-residential developments.

### **Note 3 – GST**

Development contributions are calculated exclusive of Goods and Services Tax (GST). GST will be added at the rate prevailing at the time of payment after the calculation of any contributions required under this Policy.

## Appendix 1

**Note 4 – Full methodology (s106(3) LGA)**

The full methodology demonstrating how the calculations have been made for the contributions in this schedule is available from Council upon request.

**Note 5** – The stages at which development contributions are required (s198, 202(1)(b) LGA) are set out in section 10

**Note 6 – Producer Price Index adjustments**

Council will at its sole discretion and in accordance with s106(2B-2C) LGA, increase development contribution charges annually based at the Producers Price Index Outputs for Construction rate provided by Statistics New Zealand.

Appendix 1

22. SCHEDULE 2 – GROWTH-RELATED CAPITAL EXPENDITURE

Table 3 – Growth related capital expenditure by Council Activity Group (\$000s)

Note 1 – Historical capex refers to capital expenditure incurred before 1 July 2017, and future capex refers to capital expenditure specified in the 2018-28 10-Year Plan.

Growth Related Capital Expenditure (\$000s)	Total Capex Including Subsidies	Total Subsidies & Operating Revenue	Total Capex Net Subsidies	DC Capex	DC Interest	Total Cost DC Funded Capex	% DC Funded	% Rates Funded	% Other Sources
<b>Total Reserves</b>	<b>144,098</b>	<b>(586)</b>	<b>143,512</b>	<b>99,108</b>	<b>21,954</b>	<b>121,062</b>	<b>69%</b>	<b>31%</b>	<b>0%</b>
<b>Citywide</b>	<b>73,165</b>	<b>(100)</b>	<b>73,065</b>	<b>41,127</b>	<b>5,892</b>	<b>47,018</b>	<b>56%</b>	<b>44%</b>	<b>0%</b>
2018 10-Year Plan	54,077		54,077	31,939	3,240	35,179	59%	41%	0%
Historical	19,088	(100)	18,988	9,188	2,652	11,840	48%	51%	1%
<b>Infill</b>	<b>4,256</b>	<b>(486)</b>	<b>3,769</b>	<b>1,313</b>	<b>(254)</b>	<b>1,059</b>	<b>31%</b>	<b>58%</b>	<b>11%</b>
Historical	4,256	(486)	3,769	1,313	(254)	1,059	31%	58%	11%
<b>Peacocke</b>	<b>669</b>		<b>669</b>	<b>537</b>	<b>722</b>	<b>1,258</b>	<b>80%</b>	<b>20%</b>	<b>0%</b>
Historical	669		669	537	722	1,258	80%	20%	0%
<b>Peacocke 1</b>	<b>2,987</b>		<b>2,987</b>	<b>2,545</b>	<b>(213)</b>	<b>2,332</b>	<b>85%</b>	<b>15%</b>	<b>0%</b>
2018 10-Year Plan	2,987		2,987	2,545	(213)	2,332	85%	15%	0%
<b>Peacocke 2</b>	<b>35,573</b>		<b>35,573</b>	<b>30,495</b>	<b>10,193</b>	<b>40,688</b>	<b>86%</b>	<b>14%</b>	<b>0%</b>
2018 10-Year Plan	35,573		35,573	30,495	10,193	40,688	86%	14%	0%
<b>Rotokauri</b>	<b>2,772</b>		<b>2,772</b>	<b>2,323</b>	<b>3,179</b>	<b>5,502</b>	<b>84%</b>	<b>16%</b>	<b>0%</b>
2018 10-Year Plan	647		647	544	306	850	84%	16%	0%
Historical	2,125		2,125	1,780	2,873	4,653	84%	16%	0%
<b>Rototuna</b>	<b>24,676</b>		<b>24,676</b>	<b>20,768</b>	<b>2,436</b>	<b>23,204</b>	<b>84%</b>	<b>16%</b>	<b>0%</b>
2018 10-Year Plan	6,536		6,536	5,498	(1,629)	3,869	84%	16%	0%
Historical	18,140		18,140	15,270	4,065	19,335	84%	16%	0%
<b>Total Stormwater</b>	<b>206,681</b>	<b>(1,661)</b>	<b>205,020</b>	<b>180,315</b>	<b>113,083</b>	<b>293,398</b>	<b>87%</b>	<b>12%</b>	<b>1%</b>
<b>SW - Chartwell</b>	<b>343</b>		<b>343</b>	<b>302</b>	<b>(57)</b>	<b>246</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	245		245	218	(56)		89%	11%	0%
Historical	98		98	85	(1)	84	86%	14%	0%
<b>SW - City Centre</b>	<b>1,188</b>		<b>1,188</b>	<b>1,051</b>	<b>665</b>	<b>1,717</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	612		612	544	69	613	89%	11%	0%
Historical	577		577	507	597	1,104	88%	12%	0%
<b>SW - Citywide</b>	<b>799</b>		<b>799</b>	<b>550</b>	<b>221</b>	<b>771</b>	<b>69%</b>	<b>31%</b>	<b>0%</b>
Historical	799		799	550	221	771	69%	31%	0%
<b>SW - Eureka</b>							<b>0%</b>	<b>0%</b>	<b>0%</b>
2018 10-Year Plan							0%	0%	0%
<b>SW - Hamilton East</b>	<b>982</b>		<b>982</b>	<b>871</b>	<b>(148)</b>	<b>722</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	856		856	762	(169)	593	89%	11%	0%
Historical	125		125	109	20	129	87%	13%	0%
<b>SW - Kirikiriroa</b>	<b>3,984</b>		<b>3,984</b>	<b>3,493</b>	<b>1,990</b>	<b>5,482</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	1,957		1,957	1,742	(80)	1,661	89%	11%	0%
Historical	2,027		2,027	1,751	2,070	3,821	86%	14%	0%
<b>SW - Lake Rotokauri</b>	<b>136,712</b>	<b>(1,661)</b>	<b>135,051</b>	<b>120,123</b>	<b>82,243</b>	<b>202,366</b>	<b>88%</b>	<b>11%</b>	<b>1%</b>
2018 10-Year Plan	128,344		128,344	114,227	74,988	189,214	89%	11%	0%
Historical	8,368	(1,661)	6,707	5,896	7,256	13,152	70%	10%	20%
<b>SW - Mangaheka</b>	<b>6,112</b>		<b>6,112</b>	<b>5,429</b>	<b>6,182</b>	<b>11,611</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	5,719		5,719	5,090	5,794	10,885	89%	11%	0%
Historical	392		392	338	388	726	86%	14%	0%
<b>SW - Mangakotukutuku</b>	<b>25,317</b>		<b>25,317</b>	<b>22,521</b>	<b>12,030</b>	<b>34,550</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	24,571		24,571	21,868	11,408	33,276	89%	11%	0%
Historical	746		746	652	622	1,275	87%	13%	0%
<b>SW - Mangaonua</b>	<b>737</b>		<b>737</b>	<b>652</b>	<b>10</b>	<b>662</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	612		612	544	(37)	507	89%	11%	0%
Historical	125		125	108	47	155	86%	14%	0%
<b>SW - Ohote</b>	<b>343</b>		<b>343</b>	<b>302</b>	<b>1,039</b>	<b>1,341</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	245		245	218	654	872	89%	11%	0%
Historical	98		98	85	385	469	86%	14%	0%
<b>SW - Otama-ngenge</b>	<b>184</b>		<b>184</b>	<b>159</b>	<b>61</b>	<b>220</b>	<b>86%</b>	<b>14%</b>	<b>0%</b>
Historical	184		184	159	61	220	86%	14%	0%
<b>SW - Peacocke</b>	<b>5,000</b>		<b>5,000</b>	<b>4,448</b>	<b>3,351</b>	<b>7,798</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	4,902		4,902	4,363	3,261	7,623	89%	11%	0%
Historical	98		98	85	90	175	86%	14%	0%
<b>SW - River North</b>	<b>167</b>		<b>167</b>	<b>145</b>	<b>21</b>	<b>166</b>	<b>87%</b>	<b>13%</b>	<b>0%</b>
2018 10-Year Plan							0%	0%	0%
Historical	167		167	145	21	166	87%	13%	0%
<b>SW - Rotokauri West</b>	<b>343</b>		<b>343</b>	<b>302</b>	<b>336</b>	<b>639</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan	245		245	218	195	413	89%	11%	0%
Historical	98		98	85	141	226	86%	14%	0%
<b>SW - St Andrews</b>	<b>1,199</b>		<b>1,199</b>	<b>1,064</b>	<b>(550)</b>	<b>515</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	1,101		1,101	980	(514)	466	89%	11%	0%
Historical	98		98	85	(35)	49	86%	14%	0%

Appendix 1

Growth Related Capital Expenditure (\$000s)	Total Capex Including Subsidies	Total Subsidies & Operating Revenue	Total Capex Net Subsidies	DC Capex	DC Interest	Total Cost DC Funded Capex	% DC Funded	% Rates Funded	% Other Sources
<b>SW - Te Awakapaki</b>	<b>20,041</b>		<b>20,041</b>	<b>16,048</b>	<b>4,083</b>	<b>20,130</b>	<b>80%</b>	<b>20%</b>	<b>0%</b>
2018 10-Year Plan	15,131		15,131	11,799	566	12,365	78%	22%	0%
Historical	4,910		4,910	4,249	3,516	7,765	87%	13%	0%
<b>SW - Te Rapa Stream</b>	<b>651</b>		<b>651</b>	<b>573</b>	<b>1,276</b>	<b>1,849</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
2018 10-Year Plan							0%	0%	0%
Historical	651		651	573	1,276	1,849	88%	12%	0%
<b>SW - Temple View</b>	<b>98</b>		<b>98</b>	<b>85</b>	<b>219</b>	<b>304</b>	<b>86%</b>	<b>14%</b>	<b>0%</b>
Historical	98		98	85	219	304	86%	14%	0%
<b>SW - Templeview</b>	<b>122</b>		<b>122</b>	<b>109</b>	<b>177</b>	<b>286</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	122		122	109	177	286	89%	11%	0%
<b>SW - Waitawhiriwhiri</b>	<b>1,992</b>		<b>1,992</b>	<b>1,763</b>	<b>(59)</b>	<b>1,704</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	1,223		1,223	1,089	(316)	773	89%	11%	0%
Historical	768		768	675	257	931	88%	12%	0%
<b>SW - Western Heights</b>							<b>0%</b>	<b>0%</b>	<b>0%</b>
2018 10-Year Plan							0%	0%	0%
<b>SW - Otama</b>	<b>367</b>		<b>367</b>	<b>327</b>	<b>(7)</b>	<b>319</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	367		367	327	(7)	319	89%	11%	0%
<b>Total Transport</b>	<b>741,745</b>	<b>(228,974)</b>	<b>512,771</b>	<b>300,765</b>	<b>118,434</b>	<b>419,199</b>	<b>41%</b>	<b>29%</b>	<b>31%</b>
<b>Citywide</b>	<b>377,125</b>	<b>(129,208)</b>	<b>247,918</b>	<b>125,350</b>	<b>42,140</b>	<b>167,490</b>	<b>33%</b>	<b>33%</b>	<b>34%</b>
2018 10-Year Plan	251,859	(112,181)	139,678	88,570	12,955	101,525	35%	20%	45%
Historical	125,266	(17,027)	108,240	36,780	29,185	65,965	29%	57%	14%
<b>Infill</b>	<b>20,543</b>	<b>(5,242)</b>	<b>15,301</b>	<b>6,146</b>	<b>1,236</b>	<b>7,382</b>	<b>30%</b>	<b>45%</b>	<b>26%</b>
2018 10-Year Plan	14,964	(5,242)	9,722	3,068	(805)	2,263	21%	44%	35%
Historical	5,579		5,579	3,078	2,041	5,119	55%	45%	0%
<b>Peacocke</b>	<b>736</b>	<b>(37)</b>	<b>699</b>	<b>323</b>	<b>346</b>	<b>670</b>	<b>44%</b>	<b>51%</b>	<b>5%</b>
Historical	736	(37)	699	323	346	670	44%	51%	5%
<b>Peacocke 1</b>	<b>9,748</b>	<b>(4,251)</b>	<b>5,497</b>	<b>4,219</b>	<b>(153)</b>	<b>4,066</b>	<b>43%</b>	<b>13%</b>	<b>44%</b>
2018 10-Year Plan	8,715	(4,177)	4,537	3,419	(375)	3,045	39%	13%	48%
Historical	1,033	(74)	959	800	222	1,022	77%	15%	7%
<b>Peacocke 2</b>	<b>149,556</b>	<b>(58,272)</b>	<b>91,285</b>	<b>60,160</b>	<b>19,517</b>	<b>79,677</b>	<b>40%</b>	<b>21%</b>	<b>39%</b>
2018 10-Year Plan	149,356	(58,272)	91,085	60,068	19,420	79,488	40%	21%	39%
Historical	200		200	93	96	189	46%	54%	0%
<b>Rotokauri</b>	<b>83,490</b>	<b>(8,085)</b>	<b>75,405</b>	<b>55,928</b>	<b>39,366</b>	<b>95,294</b>	<b>67%</b>	<b>23%</b>	<b>10%</b>
2018 10-Year Plan	72,491	(7,984)	64,507	47,605	27,474	75,080	66%	23%	11%
Historical	11,000	(102)	10,898	8,323	11,891	20,214	76%	23%	1%
<b>Rototuna</b>	<b>77,229</b>	<b>(14,770)</b>	<b>62,460</b>	<b>40,155</b>	<b>13,626</b>	<b>53,781</b>	<b>52%</b>	<b>29%</b>	<b>19%</b>
2018 10-Year Plan	58,823	(13,097)	45,726	27,272	338	27,610	46%	31%	22%
Historical	18,406	(1,672)	16,734	12,883	13,288	26,171	70%	21%	9%
<b>Ruakura</b>	<b>23,316</b>	<b>(9,109)</b>	<b>14,207</b>	<b>8,482</b>	<b>2,357</b>	<b>10,839</b>	<b>36%</b>	<b>25%</b>	<b>39%</b>
2018 10-Year Plan	22,413	(9,109)	13,304	7,819	1,889	9,707	35%	24%	41%
Historical	903		903	664	468	1,132	73%	27%	0%
<b>Te Rapa North</b>							<b>0%</b>	<b>0%</b>	<b>0%</b>
2018 10-Year Plan							0%	0%	0%
<b>Total Wastewater</b>	<b>347,655</b>	<b>(500)</b>	<b>347,155</b>	<b>260,948</b>	<b>105,754</b>	<b>366,702</b>	<b>75%</b>	<b>25%</b>	<b>0%</b>
<b>Citywide</b>	<b>90,188</b>		<b>90,188</b>	<b>59,743</b>	<b>38,189</b>	<b>97,932</b>	<b>66%</b>	<b>34%</b>	<b>0%</b>
2018 10-Year Plan	29,091		29,091	25,845	10,114	35,959	89%	11%	0%
Historical	61,097		61,097	33,898	28,075	61,974	55%	45%	0%
<b>Infill</b>	<b>827</b>		<b>827</b>	<b>714</b>	<b>673</b>	<b>1,386</b>	<b>86%</b>	<b>14%</b>	<b>0%</b>
Historical	827		827	714	673	1,386	86%	14%	0%
<b>Infill East</b>	<b>41,521</b>	<b>(250)</b>	<b>41,271</b>	<b>35,045</b>	<b>1,063</b>	<b>36,109</b>	<b>84%</b>	<b>15%</b>	<b>1%</b>
2018 10-Year Plan	41,521	(250)	41,271	35,045	1,063	36,109	84%	15%	1%
<b>Infill West</b>	<b>61,953</b>	<b>(250)</b>	<b>61,703</b>	<b>35,444</b>	<b>5,205</b>	<b>40,649</b>	<b>57%</b>	<b>42%</b>	<b>0%</b>
2018 10-Year Plan	61,953	(250)	61,703	35,444	5,205	40,649	57%	42%	0%
<b>Peacocke</b>	<b>49,979</b>		<b>49,979</b>	<b>44,437</b>	<b>11,881</b>	<b>56,318</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	48,176		48,176	42,877	10,008	52,885	89%	11%	0%
Historical	1,803		1,803	1,560	1,873	3,433	87%	13%	0%
<b>Peacocke 1</b>	<b>3,608</b>		<b>3,608</b>	<b>3,197</b>	<b>93</b>	<b>3,290</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	2,472		2,472	2,200	(109)	2,091	89%	11%	0%
Historical	1,137		1,137	997	202	1,199	88%	12%	0%
<b>Peacocke 2</b>	<b>27,802</b>		<b>27,802</b>	<b>24,744</b>	<b>11,021</b>	<b>35,765</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	27,802		27,802	24,744	11,021	35,765	89%	11%	0%
<b>Rotokauri</b>	<b>4,520</b>		<b>4,520</b>	<b>4,006</b>	<b>3,175</b>	<b>7,181</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	3,169		3,169	2,821	2,063	4,883	89%	11%	0%
Historical	1,351		1,351	1,185	1,112	2,298	88%	12%	0%
<b>Rototuna</b>	<b>16,668</b>		<b>16,668</b>	<b>10,525</b>	<b>4,218</b>	<b>14,742</b>	<b>63%</b>	<b>37%</b>	<b>0%</b>
2018 10-Year Plan	9,914		9,914	4,598	(909)	3,690	46%	54%	0%
Historical	6,754		6,754	5,926	5,126	11,052	88%	12%	0%
<b>Ruakura</b>	<b>7,836</b>		<b>7,836</b>	<b>6,973</b>	<b>3,147</b>	<b>10,120</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	7,809		7,809	6,950	3,126	10,076	89%	11%	0%
Historical	27		27	24	20	44	88%	12%	0%
<b>Temple View</b>	<b>3,346</b>		<b>3,346</b>	<b>1,339</b>	<b>5,213</b>	<b>6,552</b>	<b>40%</b>	<b>60%</b>	<b>0%</b>
2018 10-Year Plan	1,675		1,675	645	1,392	2,037	39%	61%	0%
Historical	1,671		1,671	694	3,820	4,514	42%	58%	0%

## Appendix 1

Growth Related Capital Expenditure (\$000s)	Total Capex Including Subsidies	Total Subsidies & Operating Revenue	Total Capex Net Subsidies	DC Capex	DC Interest	Total Cost DC Funded Capex	% DC Funded	% Rates Funded	% Other Sources
<b>WW - East</b>	<b>21,465</b>		<b>21,465</b>	<b>19,000</b>	<b>8,000</b>	<b>27,000</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	13,209		13,209	11,756	615	12,371	89%	11%	0%
Historical	8,255		8,255	7,244	7,385	14,629	88%	12%	0%
<b>WW - West</b>	<b>17,942</b>		<b>17,942</b>	<b>15,781</b>	<b>13,877</b>	<b>29,658</b>	<b>88%</b>	<b>12%</b>	<b>0%</b>
Historical	17,942		17,942	15,781	13,877	29,658	88%	12%	0%
<b>Total Water Supply</b>	<b>184,610</b>	<b>(13)</b>	<b>184,596</b>	<b>123,182</b>	<b>62,477</b>	<b>185,659</b>	<b>67%</b>	<b>33%</b>	<b>0%</b>
<b>Citywide</b>	<b>122,531</b>		<b>122,531</b>	<b>78,485</b>	<b>47,495</b>	<b>125,979</b>	<b>64%</b>	<b>36%</b>	<b>0%</b>
2018 10-Year Plan	32,808		32,808	28,879	3,706	32,584	88%	12%	0%
Historical	89,724		89,724	49,606	43,789	93,395	55%	45%	0%
<b>Infill</b>	<b>21,324</b>		<b>21,324</b>	<b>10,454</b>	<b>3,088</b>	<b>13,542</b>	<b>49%</b>	<b>51%</b>	<b>0%</b>
2018 10-Year Plan	17,873		17,873	8,678	1,066	9,744	49%	51%	0%
Historical	3,450		3,450	1,776	2,022	3,798	51%	49%	0%
<b>Peacocke</b>	<b>9,227</b>		<b>9,227</b>	<b>8,210</b>	<b>1,715</b>	<b>9,925</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	8,472		8,472	7,540	1,148	8,688	89%	11%	0%
Historical	755		755	670	567	1,237	89%	11%	0%
<b>Rotokauri</b>	<b>3,697</b>	<b>(13)</b>	<b>3,684</b>	<b>3,069</b>	<b>3,123</b>	<b>6,192</b>	<b>83%</b>	<b>17%</b>	<b>0%</b>
2018 10-Year Plan	1,988		1,988	1,611	1,140	2,751	81%	19%	0%
Historical	1,709	(13)	1,696	1,458	1,983	3,441	85%	14%	1%
<b>Rototuna</b>	<b>21,060</b>		<b>21,060</b>	<b>17,908</b>	<b>834</b>	<b>18,741</b>	<b>85%</b>	<b>15%</b>	<b>0%</b>
2018 10-Year Plan	15,967		15,967	14,210	(1,165)	13,045	89%	11%	0%
Historical	5,093		5,093	3,697	1,999	5,696	73%	27%	0%
<b>Ruakura</b>	<b>3,382</b>		<b>3,382</b>	<b>3,010</b>	<b>620</b>	<b>3,630</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
2018 10-Year Plan	3,365		3,365	2,994	611	3,606	89%	11%	0%
Historical	18		18	16	9	25	89%	11%	0%
<b>Te Rapa North</b>	<b>2,401</b>		<b>2,401</b>	<b>1,171</b>	<b>1,642</b>	<b>2,813</b>	<b>49%</b>	<b>51%</b>	<b>0%</b>
2018 10-Year Plan	2,401		2,401	1,171	1,642	2,813	49%	51%	0%
<b>Temple View</b>	<b>987</b>		<b>987</b>	<b>876</b>	<b>3,961</b>	<b>4,837</b>	<b>89%</b>	<b>11%</b>	<b>0%</b>
Historical	987		987	876	3,961	4,837	89%	11%	0%
<b>Grand Total</b>	<b>1,624,789</b>	<b>(231,734)</b>	<b>1,393,055</b>	<b>964,318</b>	<b>421,701</b>	<b>1,386,019</b>	<b>59%</b>	<b>26%</b>	<b>14%</b>

Attachment 1

Item 6

## Appendix 1

### 23. SCHEDULE 3 – CHARGE CALCULATION WORKED EXAMPLE

- 3.1 The calculation of each charge in Schedule 1 is the aggregation of individual project charges in each catchment for each activity in accordance with the formula in section 8 above. Due to the number of projects, showing the calculations for every project is not practicable.
- 3.2 The following exercise illustrates how the charges are calculated at a project level, prior to being aggregated to a catchment and activity level, with the catchment and activity being Rototuna Transport in this example.
- 3.3 Table 4 below shows the method of calculation for the specified project, where NPV is the net present value of the capital expenditure and growth at the assumed interest rate. NPV calculations are used solely to account for interest incurred on development contributions funded projects. No discount is applied for risk or uncertainty..

Table 4 –development charge calculation worked example

Project : C9310221N-Road 1328.4 Horsham Downs Road Rototuna						Interest Rate (r)	DC Charge for Future Years	
Year	(000's)	(000's)	(000's)	(000's)		4.6%		
t	HR	HC	Cost <sub>t</sub>	$\frac{(NPV(Cost_t) + HC)}{HR}$	HUE <sub>t</sub>	NPV(HUE <sub>t</sub> )	DC <sub>t</sub>	DC <sub>t</sub> = DC <sub>t</sub>
NPV:				645		3,996		
2019	203	0	0		375	375	\$161.35	
2020					357	341		\$161.35
2021					339	310		\$161.35
2022					338	295		\$161.35
2023					380	317		\$161.35
2024					374	299		\$161.35
2025					384	293		\$161.35
2026			454	332	389	284		\$161.35
2027			226	158	366	255		\$161.35
2028			537	358	345	230		\$161.35
2029					368	235		\$161.35
2030					394	240		\$161.35
2031					362	211		\$161.35
2032					310	173		\$161.35
2033					211	112		\$161.35
2034					3	1		\$161.35
2035					6	3		\$161.35
2036					6	3		\$161.35
2037					6	2		\$161.35
2038					3	1		\$161.35
2039					6	2		\$161.35
2040					6	2		\$161.35
2041					6	2		\$161.35
2042					3	1		\$161.35
2043					6	2		\$161.35
2044					3	1		\$161.35
2045					3	1		\$161.35
2046					3	1		\$161.35
2047					3	1		\$161.35
2048					0	0		\$161.35
2049					3	1		\$161.35
2050					0	0		\$161.35
2051					3	1		\$161.35
2052					0	0		\$161.35
2053					3	1		\$161.35
2054					0	0		\$161.35
2055					0	0		\$161.35

## Appendix 1

### 27. SCHEDULE 7 – GROWTH FORECASTS

Table 8 – Forecast annual supply growth (household unit equivalents or “HUE’s”)

Growth Rates (HUEs)	Activity	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Citywide	Reserves	1,173	1,220	1,235	1,240	1,196	1,174	1,271	1,334	1,306	1,241
	Transport	2,039	2,039	2,045	1,999	1,920	1,837	1,948	2,001	1,972	1,890
	Wastewater	1,393	1,426	1,437	1,431	1,378	1,347	1,448	1,510	1,481	1,413
	Water	1,337	1,373	1,385	1,382	1,331	1,302	1,402	1,465	1,436	1,369
Infill	Reserves	525	532	516	483	432	381	369	369	356	349
	Transport	1,114	1,011	948	869	823	759	796	801	794	770
	Wastewater	675	653	624	581	528	478	478	480	468	457
	Water	638	623	597	556	504	454	451	452	440	430
Infill East	Reserves	294	308	310	296	248	216	209	206	198	192
	Transport	585	540	482	441	392	322	329	267	364	324
	Wastewater	366	361	348	327	279	241	239	222	240	225
	Water	349	349	339	319	271	235	232	218	230	217
Infill West	Reserves	231	224	206	187	184	165	160	163	158	157
	Transport	528	471	465	428	431	437	466	534	430	445
	Wastewater	309	292	275	254	250	238	239	258	228	232
	Water	289	274	258	237	233	219	219	234	210	212
Peacocke	Reserves	139	152	190	248	319	424	519	559	543	475
	Transport	145	160	199	257	327	424	519	559	543	475
	Wastewater	140	153	192	250	320	424	519	559	543	475
	Water	140	153	191	249	320	424	519	559	543	475
Peacocke 1	Reserves	139	152	190	247	56					
	Transport	139	152	190	247	56					
	Wastewater	139	152	190	247	56					
	Water	139	152	190	247	56					
Peacocke 2	Reserves	0	0	0	1	263	424	519	559	543	475
	Transport	6	8	8	9	271	424	519	559	543	475
	Wastewater	1	1	1	2	264	424	519	559	543	475
	Water	1	1	1	2	264	424	519	559	543	475
Rotokauri	Reserves	29	33	36	38	35	24	11	19	39	76
	Transport	125	123	127	129	126	114	90	95	115	151
	Wastewater	56	59	62	63	61	50	34	42	61	98
	Water	48	51	55	56	54	43	28	35	55	92
Rototuna	Reserves	310	268	238	236	291	294	310	317	294	274
	Transport	375	357	339	338	380	374	384	389	366	345
	Wastewater	325	288	261	259	311	313	327	335	312	291
	Water	322	284	256	254	307	309	324	331	308	287
Ruakura	Reserves	160	227	247	223	107	34	48	56	58	53
	Transport	266	374	418	386	242	138	134	131	124	122
	Wastewater	186	263	290	264	142	61	72	78	78	74
	Water	179	253	278	253	132	54	65	72	72	68
Te Rapa North	Reserves	1	1	1	1	1	2	1	1	1	1
	Transport	6	5	5	5	5	6	5	6	5	5
	Wastewater	3	2	2	2	2	4	2	3	2	2
	Water	2	2	2	2	2	3	2	2	2	2
Temple View	Reserves	7	7	6	10	11	14	13	12	15	12
	Transport	9	9	10	14	17	22	21	20	25	22
	Wastewater	8	8	7	11	13	16	15	14	17	15
	Water	8	8	7	11	12	15	15	14	17	14
SW - Chartwell	Stormwater	64	83	84	78	46	36	30	43	42	33
SW - City Centre	Stormwater	43	92	74	73	73	75	81	75	82	78
SW - Citywide	Stormwater	1,181	1,538	1,554	1,531	1,444	1,405	1,505	1,566	1,544	1,441
SW - Hamilton East	Stormwater	186	180	135	119	102	90	85	80	76	78
SW - Kirikiriroa	Stormwater	107	258	304	283	168	116	144	142	140	128
SW - Lake Rotokauri	Stormwater	30	33	36	38	35	24	11	19	45	75
SW - Mangaheka	Stormwater	0	23	16	21	20	31	32	33	33	33
SW - Mangakotukutuku	Stormwater	182	191	228	278	237	250	261	332	359	361
SW - Mangaonua	Stormwater	123	68	65	57	30	5	5	5	5	0
SW - Ohote	Stormwater	0	0	0	0	0	0	0	0	0	0

## Appendix 1

Growth Rates (HUEs)	Activity	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
SW - Otama-ngenge	Stormwater	149	194	184	172	257	289	292	285	252	232
SW - Peacocke	Stormwater	0	0	0	0	107	201	283	251	205	136
SW - River North	Stormwater	0	0	0	0	0	0	0	0	0	0
SW - Rotokauri West	Stormwater	0	0	0	0	0	0	0	0	0	0
SW - St Andrews	Stormwater	15	54	55	38	44	20	47	45	40	43
SW - Te Awa o Katapaki	Stormwater	250	212	226	228	179	119	121	130	138	131
SW - Te Rapa Stream	Stormwater	0	0	6	11	3	21	0	2	8	1
SW - Temple View	Stormwater	9	9	10	9	11	14	13	13	16	15
SW - Waitawhiriwhiri	Stormwater	74	157	143	142	137	135	123	135	126	125
SW - Western Heights	Stormwater	0	0	0	0	9	1	1	1	2	0
WW - East	Wastewater	878	913	900	852	996	1,040	1,157	1,194	1,173	1,066
WW - West	Wastewater	515	512	537	578	382	307	291	317	309	347

**Note 1** - The above forecasts form part of a more complex growth model used in the calculation of charges, and which is available for inspection by request to Council.

**Note 2** - The HUE figures shown above represent the realised component of growth forecasts that relate to new or additional demand placed on Council's network.

**Note 3** - Refer to section 9.3 and 9.20 for further information on growth forecasts and Realised HUE projections.

## Appendix 2

### SUMMARY OF CHANGES TO THE 10-YEAR PLAN: TABLED AT 28 JUNE 2018 10-YEAR PLAN COUNCIL MEETING

This change summary identifies those changes made between the version of the 10-Year Plan distributed in the 22 June 2018 agenda and the final audited version tabled at the Council meeting of 28 June 2018.

The 10-Year Plan and its underlying information has been through several audit stages. The final stage, due to time restraints, has been ongoing since the release of the 28 June 2018 Council meeting agenda on 22 June 2018. This means any adjustments requested by AuditNZ in the last stage of their review have not been able to be incorporated and presented until now.

The vast majority of adjustments requested by AuditNZ have been small corrections to calculations or model inputs, administrative corrections or specific wording or formatting.

Even small corrections to a common variable such as inflation or debt will run across most, if not all, of the figures and graphs in the 10-Year Plan. One updated figure may be the result of a number of background changes to the calculations behind it. None of the changes set out in the table below are inconsistent with or of significant impact on the decisions made by the Council during deliberations on the 10-Year Plan on 31 May and 1 June 2018.

Table one is colour coded: Green for changes that were of greater interest to AuditNZ and more substantial, blue for those that were a result of routine corrections requested by AuditNZ and white for inconsequential routine updates or corrections made by staff.

#### Changes were requested by Audit NZ in the following areas:

AuditNZ requested changes in the following areas:

1. Capital adjustments
  - Reclassification of NZTA subsidy:
    - some capital expenditure needed to be reclassified as NZTA subsidy
    - an increase in NZTA subsidy for Ruakura roading projects in 2024/25
  - Update to Ring Rd and Resolution Dr projects (increase in capital contributions in 2018/19)
  - Funding brought forward for under veranda lighting replacement project (CE10080 – brought forward from 2020/21 to 2018/19)
  - Inflation correction required on the following:
    - CE15105 – Increased capacity of wastewater network Rototuna
    - CE10009 – ArtsPost earthquake strengthening, and
    - CE10158 – Replacement of fleet vehicles (Increases in 2019/20, 2020/21, 2024/25 – 2027/28 and decreases from 2021/22 – 2023/24)
2. Operating
  - Correction required on depreciation on vested assets (decrease in 2018/19 and increase from 2019/20 – 2027/28)
  - Update required for Ring Road loss on sale of assets (increase in 2020/21)
  - Reclassification of fair value benefit and discount unwinding HIF loan (increase in revenue and increase in expense across all years)
  - Inflation correction required (increase in expenditure from 2019/20 – 2027/28)
  - Consequential changes to finance costs to reflect above changes (increase 2018/19 – 2027/28)
3. Balance Sheet
  - Consequential changes to debt to reflect the above changes.

It is the above changes that are behind most of the updates to the 10-Year Plan (as indicated in blue shading in Table 1 below).

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Table 1: Detailed change register: Changes made from 22 – 27 June 2018

10-Year Plan reference (Page refers to version in the 22 June 2018 Council agenda).	Change	Reason
<b>Volume 1: 10-Year Plan</b>		
<b>Listening to our community</b>		
Where does the money go? Graph Page 11	The following activities figures have changed in the graph: <ul style="list-style-type: none"> <li>- Transport</li> <li>- Wastewater</li> <li>- Parks and Recreation</li> <li>- Water Supply</li> <li>- Venues, Tourism and Major Events</li> <li>- Arts and Community</li> <li>- Visitor Attractions</li> <li>- Stormwater</li> <li>- Planning and Development</li> <li>- Rubbish and Recycling</li> <li>- Safety</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
<b>Services we provide</b>		
Prospective Democracy Services Funding Impact Statement Page 20	Change date in title to 2018-2028 The following figures have changed: <ul style="list-style-type: none"> <li>- General rates years 2018/19-2019/20, 2021/22-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2019/20, 2021/22-2027/28</li> <li>- Payments to staff and suppliers years 2021/22, 2023/24-2027/28</li> <li>- Total application of operating funding years 2021/22-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2019/20, 2021/22-2027/28</li> <li>- To replace existing assets years 2021/22-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Venues, Tourism and Major Events Funding Impact Statement Page 23	The following figures have changed: <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2020/21-2027/28</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.

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	<ul style="list-style-type: none"> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	
<p>Prospective Visitor Attractions Funding Impact Statement</p> <p>Page 26</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2021/22, 2023/24-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2021/22, 2023/24-2027/28</li> <li>- Payments to staff and suppliers years 2020/21-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To improve the level of service years 2021/22-2023/24</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective Arts and Community Funding Impact Statement</p> <p>Page 29</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2019/20-2027/28</li> <li>- Total application of operating funding years 2019/20-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2020/21-2027/28</li> <li>- Total sources of capital funding years 2020/21-2027/28</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>

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<p>Prospective Parks and Recreation Funding Impact Statement</p> <p>Page 32</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2020/21-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To replace existing assets years 2021/22-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective Safety Funding Impact Statement</p> <p>Page 35</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2019/20, 2021/22-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2019/20, 2021/22-2027/28</li> <li>- Payments to staff and suppliers years 2020/21-2027/28</li> <li>- Total application of operating funding years 2020/21-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2020/21-2027/28</li> <li>- To replace existing assets years 2021/22-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective City Planning and Development Funding Impact Statement</p> <p>Page 38</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2020/21-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19, 2020/21-2027/28</li> <li>- Total sources of capital funding years 1,2020/21-2027/28</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>

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<p>Prospective Water Supply Funding Impact Statement Page 42</p>	<p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Local authorities fuel tax, fines, infringements and other receipts year 2022/23</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To replace existing assets years 2019/20-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective Wastewater Funding Impact Statement Page 45</p>	<p>Change date in title to 2018-2028</p> <p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Local authorities fuel tax, fines, infringements and other receipts year 2026/27</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To meet additional demand years 2023/24-2025/26</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective Stormwater Funding Impact Statement Page 49</p>	<p>Change date in title to 2018-2028</p> <p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>

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	<ul style="list-style-type: none"> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	
<p>Prospective Transport Funding Impact Statement Page 53</p>	<p>Change date in title to 2018-2028 The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Local authorities fuel tax, fines, infringements and other receipts years 2019/20, 2022/23, 2024/25-2027/28</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Subsidies and grants for capital expenditure years 2018/-19, 2024/25</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To meet additional demand years 2023/24, 2025/26</li> <li>- To replace existing assets years 2018/19, 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>
<p>Prospective Rubbish and Recycling Funding Impact Statement Page 56</p>	<p>Change date in title to 2018-2028 The following figures have changed:</p> <ul style="list-style-type: none"> <li>- General rates years 2018/19-2027/28</li> <li>- Targeted rates years 2018/19-2019/20</li> <li>- Total operating funding years 2018/19-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19, 2020/21, 2021/22, 2024/25, 2026/27-2027/28</li> <li>- Total sources of capital funding years 2018/19, 2020/21, 2021/22, 2024/25, 2026/27-2027/28</li> <li>- To replace existing assets years 2020/21-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>

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	- Surplus/(deficit) of capital funding years 2018/19-2027/28	
<b>List of Capital Projects</b>		
List of capital projects Pages 59-65	Remove Year 1, Year 2, etc from the table	Formatting - Not required and inconsistent with the rest of the 10 Year Plan document.
List of capital projects Pages 59-65	<ul style="list-style-type: none"> <li>- CE19020 Hamilton Zoo improvement programme</li> <li>- CE19028 Collection acquisition fund</li> <li>- CE10011 Museum activity building renewals</li> <li>- CE10115 Replacement of wastewater treatment plant assets 2026/27</li> <li>- CE19050 Increase capacity WW central network 2020/21</li> <li>- CE19025 Smart Hamilton Initiatives 2026/27</li> <li>- CE10053 Tenancy inducement renewals 2025/26 &amp; 2027/28</li> <li>- CE10009 ArtsPost</li> </ul>	Minor adjustments to figures as a result of rounding corrections.
<b>Financial Matters</b>		
<b>Financial Strategy</b>		
Table 3: Everyday costs and revenues (Balancing the books) Page 68 (final version Page 67)	The balancing the books figures have changed which slightly changed the graph.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Table 5: Capital expenditure Page 69	Table 5: Capital Expenditure - all figures in have been updated.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
<b>Significant Forecasting Assumptions</b>		
Debt to Revenue: 15% higher than forecast growth graph & Balancing the Books: 15% higher than forecast growth graph Page 80 (final version Page 81)	The graphs have been updated to reflect adjustments to financials.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Debt to Revenue: 15% lower than forecast growth graph & Balancing the Books: 15% lower than forecast growth graph Page 81	The graphs have been updated to reflect adjustments to financials.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.

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<p>Savings assumption Page 74</p>	<p>Content added:</p> <p><b>Risk and Sensitivity</b></p> <p><b>Savings</b></p> <p><i>We have budgeted for annual savings for the first 6 years of the 10-Year Plan with a total value of \$10.4M (see table right).</i></p> <p><i>These savings are permanent reductions, which have the effect of reducing the budget in each of the following years, resulting in the total ten year budget reducing by \$94.5 million. This 10-Year Plan assumes these savings will be realised.</i></p> <p><i>We expect to make these savings through efficiencies, strategic procurement, smart business practices, innovation and transformation. It is our intention that savings will be achieved without changing the services the community receives.</i></p> <p><i>Given the size and diversity of our activities, along with opportunities to partner with central and other local government, business and the community, we are confident these can be achieved.</i></p> <p><b>Risk and Sensitivity</b></p> <p><i>We have identified that the majority of these savings will be generated from two areas:</i></p> <ul style="list-style-type: none"> <li>• <i>Managing staff numbers, including by delaying filling vacant positions</i></li> <li>• <i>Developing procurement and operational initiatives in our capital programme which are not presently available.</i></li> </ul> <p><i>The probability we will be able to achieve savings differs for each area above.</i></p> <p><i>Actively managing vacancies creates opportunities to save on personnel costs. We have a history of achieving savings in this manner. Additionally, as we drive innovation and new ways of delivering community outcomes we expect that the cost of some current positions that become vacant over the ten year period will contribute to these savings as these positions will no longer be required. As a result, we have a high level of confidence that we will achieve 40% of the budgeted savings from the management of staff numbers including by delaying filling vacant positions without reducing service levels.</i></p> <p><i>We are forecasting our biggest ever capital programme and with that comes new opportunities to gain efficiencies through scale and new procurement opportunities. We are rethinking the way we currently deliver our capital programme to drive a focus on realising these opportunities. This means new assets are likely to cost us less while still delivering</i></p>	<p>The Office of the Auditor General as part of its review requested more detail on the level of confidence of achieving the savings targets identified in the Plan.</p> <p>They also requested more information on the potential impacts if they were not met.</p>
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	<p><i>planned service levels. Because of this opportunity we have estimated 48% of the planned savings in operational costs will come from reduced interest and depreciation costs. We have observed larger councils achieving procurement efficiencies which we are yet to access. We recognise that to realise these savings will have some challenges and therefore note a moderate degree of risk in achieving them.</i></p> <p><i>In the case that we are unable to achieve all of our savings targets there will be consequences that could affect rates, service levels or capital expenditure. However, we have decided that we will not allow service levels to be reduced in this 10-Year Plan and that this principle is prioritised over the achievement of savings.</i></p> <p><i>We have modelled the impact of only achieving the savings from managing staff numbers. The impact of this would be an increase in our debt to revenue ratio, over the 230% limit from years 2020/21 to 2024/25. The change on our ratio could reach 233% well within LGFA borrowing limits of 250%. To stay within our financial strategy limits in all years we could increase city rates by an additional 1% in 2020/21 or decrease unsubsidised capital spending by \$5M per annum in 2020/21 and 2021/22.</i></p> <table border="1" data-bbox="555 699 1559 965"> <thead> <tr> <th></th> <th>18/19</th> <th>19/20</th> <th>20/21</th> <th>21/22</th> <th>22/23</th> <th>23/24</th> <th>24/25</th> <th>25/26</th> <th>26/27</th> <th>27/28</th> <th>10 Year Total</th> </tr> </thead> <tbody> <tr> <td>Annual additional savings in operating expenses (\$000)</td> <td>\$4,000</td> <td>\$2,044</td> <td>\$1,044</td> <td>\$1,067</td> <td>\$1,092</td> <td>\$1,117</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$10,364</td> </tr> <tr> <td>Cumulative Savings (\$000)</td> <td>\$4,000</td> <td>\$6,132</td> <td>\$7,312</td> <td>\$8,536</td> <td>\$9,828</td> <td>\$11,170</td> <td>\$11,440</td> <td>\$11,730</td> <td>\$12,020</td> <td>\$12,330</td> <td>\$94,498,</td> </tr> </tbody> </table>		18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	10 Year Total	Annual additional savings in operating expenses (\$000)	\$4,000	\$2,044	\$1,044	\$1,067	\$1,092	\$1,117	\$0	\$0	\$0	\$0	\$10,364	Cumulative Savings (\$000)	\$4,000	\$6,132	\$7,312	\$8,536	\$9,828	\$11,170	\$11,440	\$11,730	\$12,020	\$12,330	\$94,498,	
	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	10 Year Total																											
Annual additional savings in operating expenses (\$000)	\$4,000	\$2,044	\$1,044	\$1,067	\$1,092	\$1,117	\$0	\$0	\$0	\$0	\$10,364																											
Cumulative Savings (\$000)	\$4,000	\$6,132	\$7,312	\$8,536	\$9,828	\$11,170	\$11,440	\$11,730	\$12,020	\$12,330	\$94,498,																											
<b>Forecast Financial Statements</b>																																						
<p>Prospective Statement of Comprehensive Revenue and Expense Page 82</p>	<p>The following figures have been updated:</p> <ul style="list-style-type: none"> <li>- Other revenue years 2018/19-2027/28</li> <li>- Capital revenue years 2018/19,2023/24 – 2025/26, 2027/28</li> <li>- Total revenue years 2018/19-2027/28</li> <li>- Depreciation and amortisation expense years 2018/19-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Operating and maintenance costs years 2020/21, 2021/22</li> <li>- Professional costs years 2019/20-2027/28</li> <li>- Total expenses years 2018/19-2027/28</li> <li>- Losses year 2020/21</li> <li>- Surplus/(deficit) years 2018/19-2027/28</li> <li>- Total comprehensive revenue and expense years 2018/19-2027/28</li> </ul>	<p>Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.</p>																																				

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Prospective Statement of Changes in Equity Page 83	Consequential Changes flowing through from Statement of Comprehensive Revenue Operating Surplus Correction of Revaluation Reserve opening balance in 2018/19 and consequential impacts.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Statement of Comprehensive revenue and expense Page 82	Figures Updated: <ul style="list-style-type: none"> <li>- Finance costs</li> <li>- Total expenses</li> <li>- Operating surplus/(deficit)</li> <li>- Surplus/(deficit)</li> <li>- Total other comprehensive revenue and expense</li> <li>- Total comprehensive revenue and expense</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Changes in Equity Page 83	Figures Updated: <ul style="list-style-type: none"> <li>- Operating surplus/(deficit)</li> <li>- Balance at end of year</li> <li>- Equity balance at 30 June</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Balancing the books measure Page 84	Figures Updated: <ul style="list-style-type: none"> <li>- Surplus/(deficit)</li> <li>- Other items not considered everyday operating expenses</li> <li>- Balancing the books surplus/(deficit)</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Statement of Financial Position Page 85	Figures Updated: <ul style="list-style-type: none"> <li>- Property, plant and equipment</li> <li>- Total non-current assets</li> <li>- Total assets</li> <li>- Net assets</li> <li>- Total equity attributable to Hamilton City Council</li> <li>- Total equity</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Prospective Statement of Cash Flows Page 86	Figures Updated: <ul style="list-style-type: none"> <li>- Interest paid</li> <li>- Purchase of property, plant and equipment</li> <li>- Total</li> <li>- Net cash flow from investing activities</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Note 2: Rates Page 94	Rates remission accounting policy has been updated to reflect actual policy.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Note 6: Other Revenue Page 97	New accounting policy has been added for Fair Value Gains. Figures updated.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary – particularly that relating to HIF.

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Note 8: Capital revenue Page 98	Figures updated.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Note 10: Depreciation and amortisation expense by activity Page 100	Figures updated.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Note 11: Finance Costs Page 101	New accounting policy has been added for Fair Value Discount Unwinding. The following figures have been updated: - Fair value discount unwinding year 2018/19-2027/28 (note this is a new row added to the table) - Total finance costs years 2018/19-2027/28	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary – particularly that relating to HIF.
Note 13: Investment in associates and subsidiaries Page 104	New line added for “Total investment in CCOs and other entities” and figures added for 2017/18 and years 2018/19-2027/28	Additional information included for completeness.
Note 14: Borrowings Page 104	New accounting policy added for Housing Infrastructure Fund Loan Net debt as a multiple of cash flow (target <15) figures have changed Figures updated	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary – particularly that relating to HIF.
Note 16: Reconciliation between prospective statement of comprehensive revenue and expense and prospective funding impact statement Page 108	Figures updated New line added beneath Housing Infrastructure Fund – fair value benefit: - Housing Infrastructure Fund – fair value discount unwinding	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary – particularly that relating to HIF.
Note 17: Operating Funding Variance by Activity New note after page 108	A new note is to be added following note 16 on page 108 (the new note will be page 109) Note 17: Operating Funding Variance by Activity	Statutory requirement identified by AuditNZ
<b>Disclosure Statement</b>		
Debt Servicing Benchmark Page 112	The figures behind the graph have updated and flow through to the graphs.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Balanced Budget Benchmark & Essential Services Benchmark Page 111	The figures behind the graph have updated and flow through to the graphs.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.
Disclosure Statement Page 112	Debt servicing benchmark graph formatted with bold line indicating 15%.	Format adjusted at audit request for legal compliance.

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## Appendix 2

<b>Council Funding Impact Statement and Rating Information</b>								
Prospective Whole of Council Funding Impact Statement Page 120	<p>“Internal charges and overheads recovered” line is replaced by “Interest and dividends from investments”.</p> <p>Change date in title to 2018-2028</p> <p>The following figures have changed:</p> <ul style="list-style-type: none"> <li>- Interest and dividends from investments years 2018/19-2027/28</li> <li>- Local authority fuel tax, fines, infringement fees and other receipts years 2018/19-2027/28</li> <li>- Total operating funding years 2019/20, 2020/21, 2024/25-2027/28</li> <li>- Payments to staff and suppliers years 2019/20-2027/28</li> <li>- Finance costs years 2018/19-2027/28</li> <li>- Total application of operating funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of operating funding years 2018/19-2027/28</li> <li>- Increase/(decrease) in debt years 2018/19-2027/28</li> <li>- Total sources of capital funding years 2018/19-2027/28</li> <li>- To meet additional demand years 2023/24-2025/26</li> <li>- To improve the level of service years 2021/22-2023/24</li> <li>- To replace existing assets years 2018/19-2027/28</li> <li>- Increase/(decrease) in reserves years 2018/19-2027/28</li> <li>- Total applications of capital funding years 2018/19-2027/28</li> <li>- Surplus/(deficit) of capital funding years 2018/19-2027/28</li> </ul>	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.						
<b>Council Controlled Organisations</b>								
CCO section Page 123	The Local Government Funding Agency (LGFA) overview has had all financial forecasts and financial performance targets updated.	The final LGFA Statement of Intent was received 22 June 2018 and therefore updated figures have been included.						
<b>Revenue and Financing Policy</b>								
Table 1: Summary of funding sources by activity Page 130	The table has been updated to reflect the correct funding sources per activity as a result of revised financial strategy. <i>See attachment 1</i>	Consequential to Council’s decisions on rating, especially transitioning and not balancing the books.						
Table 4: Other Targeted Rate Types Page 135	<table border="0"> <tr> <td style="vertical-align: top;">           1. <b>COMMERCIAL AND OTHER CATEGORY NON-METERED WATER SUPPLY</b> </td> <td style="vertical-align: top;">           Water Distribution and Water Treatment and Storage activities.         </td> <td style="vertical-align: top;">           Fixed amount per <del>SUIP-rating unit</del> with water supplied or available.         </td> </tr> <tr> <td style="vertical-align: top;">           2. <b>SERVICE USE - WATER</b> </td> <td style="vertical-align: top;">           Water Distribution and Water Treatment and Storage activities.         </td> <td style="vertical-align: top;">           Fixed amount per <del>property-SUIP</del> for connected land used for certain purposes as defined in the <del>Rating Policy</del> <b>Funding Impact Statement</b>.         </td> </tr> </table>	1. <b>COMMERCIAL AND OTHER CATEGORY NON-METERED WATER SUPPLY</b>	Water Distribution and Water Treatment and Storage activities.	Fixed amount per <del>SUIP-rating unit</del> with water supplied or available.	2. <b>SERVICE USE - WATER</b>	Water Distribution and Water Treatment and Storage activities.	Fixed amount per <del>property-SUIP</del> for connected land used for certain purposes as defined in the <del>Rating Policy</del> <b>Funding Impact Statement</b> .	Correction of terminology and consistency with Rates resolution.
1. <b>COMMERCIAL AND OTHER CATEGORY NON-METERED WATER SUPPLY</b>	Water Distribution and Water Treatment and Storage activities.	Fixed amount per <del>SUIP-rating unit</del> with water supplied or available.						
2. <b>SERVICE USE - WATER</b>	Water Distribution and Water Treatment and Storage activities.	Fixed amount per <del>property-SUIP</del> for connected land used for certain purposes as defined in the <del>Rating Policy</del> <b>Funding Impact Statement</b> .						

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	<p>3. SERVICE USE - REFUSE Refuse Collection Activity. Fixed amount per <del>property-SUIP</del> for connected land used for certain purposes as defined in the <a href="#">Funding Impact Statement..Rating Policy</a>.</p> <p>4. SERVICE USE - SEWERAGE Wastewater Collection and Wastewater Treatment and Disposal activity. <del>Fixed amount per property and a</del> rate per dollar of land value and a rate per dollar of capital value for connected land used for certain purposes as defined in the <a href="#">Funding Impact Statement</a>.</p>	
<b>Summary of Significance and Engagement Policy</b>		
Page 136	Sentence added: <i>The full policy can be found on our website under Policies, Bylaws and legislation or <a href="#">here</a>.</i>	Legislative requirement.
<b>Volume 2: Infrastructure Strategy</b>		
<p>Figure 17: Water Supply Activity Funding <a href="#">Page 35</a></p> <p>Figure 23: Wastewater Activity Funding <a href="#">Page 39</a></p> <p>Figure 29: Stormwater Activity Funding <a href="#">Page 43</a></p> <p>Figure 35: Transport Activity Funding <a href="#">Page 48</a></p> <p>Figure 39: Parks and Open Spaces Activity Funding <a href="#">Page 53</a></p> <p>Figure 47: Community and Events Activities funding <a href="#">Page 58</a></p>	The figures behind the donut graph have updated and flow through to the graph.	Updates are a consequence of a combination of AuditNZ requests noted on page 1 of this summary.

## Appendix 2

### Attachment 1: Revenue and Financing Policy – Table 1: Summary of funding sources by activity s.101(3)(a) only

Updated Table (as per Attachment 3 page 428 of the agenda)

Activity	User Charges	Grants, subsidies & other	Investment Income	Financial Contributions	Development Contributions	Reserve Funds	Borrowing	General Rates	Targeted Rates
Community Development	x	x	✓	x	x	x	✓	✓	✓
Libraries	✓	✓	x	x	x	x	✓	✓	✓
Theatre	x	x	x	x	x	x	✓	✓	✓
City Planning	✓	x	x	x	x	x	✓	✓	✓
Planning Guidance	✓	x	x	x	x	x	✓	✓	✓
Building Control	✓	x	x	x	x	x	✓	x	x
Claudlands	✓	x	✓	x	x	x	✓	✓	✓
FMG Stadium	✓	x	✓	x	x	x	✓	✓	✓
Seddon Park	✓	x	✓	x	x	x	✓	✓	✓
iSite	✓	x	x	x	x	x	✓	✓	✓
Tourism and Events Funding	x	x	x	x	x	x	✓	✓	✓
Hamilton Gardens	✓	x	x	x	x	x	✓	✓	✓
Waikato Museum	✓	✓	x	x	x	x	✓	✓	✓
Hamilton Zoo	✓	✓	✓	x	x	x	✓	✓	✓
Animal Education and Control	✓	x	x	x	x	x	✓	✓	✓
Environmental Health	✓	x	x	x	x	x	✓	✓	✓
Alcohol Licensing	✓	x	x	x	x	x	x	x	x
Public Safety	✓	x	x	x	x	x	✓	✓	✓
Civil Defence	x	x	x	x	x	x	✓	✓	✓
Governance and Public Affairs	✓	x	x	x	x	x	✓	✓	✓
Partnership with Maaori	x	x	x	x	x	x	✓	✓	✓
Community Parks	x	x	✓	x	x	x	✓	✓	✓
Natural Areas	x	✓	x	x	x	x	✓	✓	✓
Streetscapes	x	x	x	x	x	x	✓	✓	✓
Sports Parks	✓	x	✓	x	x	x	✓	✓	✓
Cemeteries and Crematorium	✓	✓	x	x	x	✓	✓	✓	✓
Pools	✓	x	✓	x	x	x	✓	✓	✓
Indoor Recreation	x	x	✓	x	x	x	✓	✓	✓
Landfill Site Management	x	x	x	x	x	x	✓	✓	✓
Refuse Collection	✓	x	✓	x	x	x	✓	✓	✓
Waste Minimisation	x	✓	x	x	x	x	✓	✓	✓
Stormwater Network	✓	x	x	x	x	x	✓	✓	✓
Transport Network	✓	✓	✓	x	x	✓	✓	✓	✓
Parking Management	✓	x	x	x	x	x	✓	✓	✓
Wastewater Treatment and Disposal	✓	x	x	x	x	x	✓	✓	✓
Wastewater Collection	✓	x	x	x	x	x	✓	✓	✓
Water Treatment and Storage	x	x	x	x	x	x	✓	✓	✓
Water Distribution	✓	x	x	x	x	x	✓	✓	✓

Previous version in 10-Year Plan (Attachment 1 page 322 of the agenda)

Activity	User Charges	Grants, subsidies & other	Investment Income	Financial Contributions	Development Contributions	Reserve Funds	Borrowing	General Rates	Targeted Rates
Community Development	✓	✓	✓	x	x	x	x	✓	x
Libraries	✓	✓	x	x	x	x	x	✓	x
Theatre	x	x	x	x	x	x	x	✓	x
City Planning	✓	x	x	x	x	x	x	✓	x
Planning Guidance	✓	x	x	x	x	x	x	✓	x
Building Control	✓	x	x	x	x	x	x	✓	x
Claudlands	✓	x	✓	x	x	x	x	✓	x
FMG Stadium	✓	x	✓	x	x	x	x	✓	x
Seddon Park	✓	x	✓	x	x	x	x	✓	x
iSite	✓	x	x	x	x	x	x	✓	x
Tourism and Events Funding	✓	x	x	x	x	x	x	✓	x
Hamilton Gardens	✓	x	x	x	x	x	x	✓	✓
Waikato Museum	✓	✓	x	x	x	x	x	✓	x
Hamilton Zoo	✓	✓	✓	x	x	x	x	✓	x
Animal Education and Control	✓	x	x	x	x	x	x	✓	x
Environmental Health	✓	x	x	x	x	x	x	✓	x
Alcohol Licensing	✓	x	x	x	x	x	x	✓	x
Public Safety	✓	x	x	x	x	x	x	✓	x
Civil Defence	x	x	x	x	x	x	x	✓	x
Governance and Public Affairs	✓	x	x	x	x	x	x	✓	x
Partnership with Maaori	x	x	x	x	x	x	x	✓	x
Community Parks	x	x	✓	x	x	x	x	✓	x
Natural Areas	x	✓	x	x	x	x	x	✓	x
Streetscapes	x	x	x	x	x	x	x	✓	x
Sports Parks	✓	x	✓	x	x	x	x	✓	x
Cemeteries and Crematorium	✓	✓	x	x	x	✓	x	✓	x
Pools	✓	✓	✓	x	x	x	x	✓	x
Indoor Recreation	x	x	✓	x	x	x	x	✓	x
Landfill Site Management	x	x	x	x	x	x	x	✓	x
Refuse Collection	✓	x	✓	x	x	x	x	✓	x
Waste Minimisation	x	✓	x	x	x	x	x	✓	x
Stormwater Network	✓	x	x	x	x	x	x	✓	x
Transport Network	✓	✓	✓	x	x	✓	x	✓	✓
Parking Management	✓	x	x	x	x	x	x	✓	x
Wastewater Treatment and Disposal	✓	x	x	x	x	x	x	✓	x
Wastewater Collection	✓	x	x	x	x	x	x	✓	x
Water Treatment and Storage	x	x	x	x	x	x	x	✓	x
Water Distribution	✓	x	x	x	x	x	x	✓	✓

Item 6

Attachment 1

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Chair's Report - 02 August 2018

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

That the Council approves the use section 80 of the Local Government Act 2002 to not enforce clause 68 of the public place policy to allow mobile shops to operate as a part of a council permitted event in the Central City.

## Attachments

Attachment 1 - Chair's Report - 02 August 2018



# Chair's Report

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I trust that councillors and staff have enjoyed a meeting free July after signing off the 10-year plan.

## **Hamilton to Auckland Rail**

There have been ongoing discussions about the Hamilton- Auckland train. NZTA, KiwiRail and Waikato Regional Council have been working closer to ensure there is service available next year.

A further verbal update to follow.

## **Ieper**

As part of my recent personal overseas trip I took up the invitation from the City of Ieper In Belgium to visit and participate in a number of functions as part of the relationship Hamilton City has with Ieper under a City to City Relationship MoU. This relationship, which started in 2007 and became more formal with the signing of the MoU in 2013, was founded through the historic events of World War 1, with Ieper being the area in which many Hamilton and Waikato soldiers perished. The people of Ieper have cared for our fallen for the past 100 years and The Last Post Association have acknowledged those who weren't found at 8pm every night at the Menin Gate for the last 90 years.

The relationship was forged through the efforts of former Councillor Peter Bos and the former Mayor of Ieper Luc Dehaene. To ensure that this special relationship endures into the future it was time for new contacts to be formed. Deputy Chief Executive, Lance Vervoort, accompanied my family and I during the visit and we both had formal and informal meetings with Ieper City representatives during a busy 3 days.

We attended the official 90th Anniversary function of the Last Post Association with many dignitaries from the UK, Australia and other Commonwealth countries. This was concluded with those attending marching up the main road behind the Australian Army band and participating in a very moving ceremony, in front of several thousand people, at the Menin Gate. Buglers played the Last Post and amongst other speeches there was also the reading of the Exhortation to the dead and the Kohima Epitaph. I was honored to lay a wreath at this ceremony and on the next night to read the Exhortation.

There were visits to the Ieper City Council building to meet the Mayor Jan Durez and Councillor Dieter Deltour, the Commonwealth War Graves Commission and to a number of notable battle sites where thousands of men, women and horses from Hamilton and the Waikato were involved in the horrific battles of that part of the Western Front. A visit to The In Flanders Field Museum allowed us to strike up a good relationship with the Director, Piet Chielans, resulting in strong prospects of future collaboration between this institution and our own Waikato Museum.

One highlight of the trip was the opening and naming ceremony for a new park that has been established on the picturesque part of the old ramparts and moat area of Ieper City. To further acknowledge and enhance the relationship between the two cities, the park has been named Hamilton Park and several native New Zealand trees are being planted in the park.

This is a real honour for our city to have this park named after it and highlights the importance the people of leper put on the relationship with Hamilton.

Ieper City Council representatives have been invited to visit Hamilton and attend our 100th Armistice Day commemoration in Memorial Park in November this year. Discussions will continue on how the relationship can be further leveraged in relation to economic benefits as well as cultural, social and spiritual benefits.

#### **Public Places policy**

Currently, under the Council's Public Places Policy mobile shops are not permitted to operate in the Central City.

Current council legal advice states that clause 68 of the Council's Public Places Policy mobile shops are not permitted to operate in the Central City and the policy does not explicitly express an exemption to this.

To allow staff to permit mobile shops for events in the central city, council may use section 80 of the Local Government Act 2002. Section 80 gives council the ability to make decisions that may be inconsistent with a policy.

The inconsistency would be permitting mobile shops in the central city.

The reason for the inconsistency is by allowing mobile shops as part of a council permitted event, it will ensure events in the Central City can better generate vibrancy and activity.

There is a limited number of events that this would apply, staff estimate 4-6 events a year. (I.E Balloons over Waikato 'city burn').

Legal advice has stated that using section 80 will enable the Council to accommodate mobile shops as part of a council permitted event without needing to undertake a costly review of both the Policy and Public Places Bylaw as they are reviewed together.

The Policy can then remain unamended with a full review at its scheduled date (Feb 2021) and within staff's existing work programme.

Staff have previously managed events well with mobile traders through the permitting process. This decision does not require any changes to staff delegation.

#### **Recommendation**

That the Council approves the use section 80 of the Local Government Act 2002 to not enforce clause 68 of the public place policy to allow mobile shops to operate as a part of a council permitted event in the Central City.

Andrew King  
Mayor - Hamilton City Council  
Love Hamilton

# Council Report

Item 8

**Committee:** Council **Date:** 02 August 2018  
**Author:** David Bryant **Authoriser:** Andrew King  
**Position:** General Manager Corporate **Position:** Mayor  
**Report Name:** Audit New Zealand Report: Proposed Central City Park

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

1. To inform the Council on the outcome of the review by Audit New Zealand into aspects of decision-making in relation to the proposed Central City Park (also referred to as the Victoria on the River precinct extension).

## Staff Recommendation

2. That the Council receives the report.

## Executive Summary

3. At the Council meeting of 21 September, Council received a verbal report from the Mayor in the public excluded section of the meeting regarding a proposal for an extension to the Victoria on the River precinct, referred to as the Central City Park.
4. The Council resolved to receive a report from the Chief Executive at the 16 November 2017 Council meeting on the potential purchase of Victoria Street properties adjacent to the proposed Central City Park and the vendors' willingness to sell.
5. Subsequently questions were raised in the media about the Chief Executive's actions in relation to the Council resolution and the implications of those actions.
6. The Chief Executive engaged Audit New Zealand on 23 March 2019 to undertake a review the 21 September 2017 Council resolution in relation to the instructions to the Chief Executive and his actions in respect of those instructions.
7. Given the Chief Executive was a subject of this review, the Chair of Council's Audit and Risk Committee and the General Manager Corporate were asked to take responsibility for coordinating with Audit New Zealand.
8. Initial estimates of the timing for the final report anticipated that the report might be available around 23 May 2018 however this was later updated to anticipate the presentation of the final report to the Council at the meeting of either 26 June 2018 or 28 June 2018.
9. Audit New Zealand provided a draft report to the General Manager Corporate on 31 May 2018 for comment on matters of fact and accuracy by relevant staff and the Mayor.
10. Feedback was provided to Audit New Zealand separately by those staff and the Mayor between 7 June 2018 and 10 July 2018.

11. The report was not ready in time for the June 2018 Council meetings.
12. Audit New Zealand provided their final report dated 10 July 2018 to Mayor King by email on 11 July 2018.
13. The final Audit New Zealand report is appended to this report as Attachment 1.
14. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background

15. At the 21 September 2017, the Council resolved:
 

*That the Council:*

  - a) *receives the verbal report;*
  - b) *notes that the Chief Executive will report back to the 16 November 2017 Council meeting on the potential purchase of 266 through to 220 (inclusive) Victoria Street, including market valuations and an indication on the vendors willingness to sell; and*
  - c) *notes that the Chief Executive will report back to the 16 November 2017 Council meeting on a draft design for a park in this area and an estimated cost.*
16. The Chief Executive presented a report in the publicly excluded section of the 16 November 2017 meeting of Council to address the Council resolution of 21 September 2017.
17. The Council resolved:
 

*That the Council:*

  - a) *Receives the report;*
  - b) *Approves \$50,000 for the development of concept designs by Edwards White Architects for an extended Victoria on the River precinct; and*
  - c) *Notes that a project proposal for an extended Victoria on the River precinct will be considered at the 6 December 2017 10-Year Plan Council meeting.*
18. Despite these matters being contained within a public excluded Council agenda item, the instructions given to the Chief Executive and his actions in accordance with those instructions became the subject of questioning by the media and members of the public.
19. The Chief Executive commissioned a review by Audit New Zealand on 23 March 2018. The scope of the review included matters relating to the Governance decision-making process and the Chief Executive's actions in executing the resolution of Council. The scope is described in the Audit New Zealand report (attachment 1).
20. The Chief Executive presented a verbal report at the Council meeting of 27 March 2018. In this report, he advised Council that the Audit New Zealand review had been commissioned and recommended the Council approve the release of the public excluded report and minutes in relation to the Victoria on the River Precinct from the Council meeting on 21 September 2017 and the Council meeting of 16 November 2017. The Council resolved to release this material to the public.
21. The Audit New Zealand report (attachment 1) outlines the process the Audit New Zealand reviewer undertook to collate relevant information, prepare the report and make their findings.

## Discussion

### Financial Considerations

22. The total cost to complete the review by Audit New Zealand is \$35,052.50.
23. This cost is covered from existing budgets within the 2017/18 and 2018/19 financial years.
24. There are no financial implications in relation to this matter beyond the cost of engaging Audit New Zealand to undertake the review.

### Legal and Policy Considerations

25. Staff confirm that this matter, complies with the Council's legal and policy requirements.

### Risks

26. There are no known risks associated with Audit New Zealand's findings as set out in their report of 10 July 2018.
27. There is a high level of media and public interest in this matter.

## Significance & Engagement Policy

### Significance

28. Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report have low significance.

### Engagement

29. Given the low level of significance, no engagement is required on this matter.

## Attachments

Attachment 1 - Audit NZ Central City Park Review Report July 2018



H600 SA8

AUDIT NEW ZEALAND  
Mana Arotake Aotearoa

10 July 2018

Level 6, 280 Queen Street  
PO Box 1165, Auckland 1140

Andrew King  
Mayor  
Hamilton City Council  
Private Bag 3010  
Hamilton 3240

Dear Andrew

**Review of aspects of decision-making related to the proposed Central City Park  
(previously referred to as the extension of the Victoria on the River precinct)**

Attached is our report on the findings of our review of aspects of the decision-making of Hamilton City Council on a proposal to extend the Victoria on the River precinct (now known as the Central City Park).

Our overall conclusions are that:

- The resolutions directing the actions of the Chief Executive were reasonably clear.
- The Chief Executive acted on the Council's instructions to the extent that he believed prudent, and was achievable in the timeframe.
- We have identified no material advantage provided to the property owners the Chief Executive spoke to as a result of those discussions.
- The process followed to develop the Central City Park proposal was different to the processes used to develop other significant LTP proposals. However, the process reflected the urgency and the commercial sensitivity of the matter. The debate on the concept was robust, enabling Councillors to express any concerns.
- There may have been a blurring of the roles of governance and management in the development of the proposal subsequent to the 21 September Council meeting.

Further details of the scope of our review and our conclusions, recommendations, and findings related to each aspect we reviewed are included in the report.

A business unit of the Controller and Auditor-General | [www.auditnz.govt.nz](http://www.auditnz.govt.nz)

HCC VOTR report

If there are any aspects that you wish to discuss further, please contact me by phone on (021) 222-8602, or e-mail [Lyn.Daken@auditnz.govt.nz](mailto:Lyn.Daken@auditnz.govt.nz).

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Lyn Daken  
Associate Director Specialist Audit and Assurance Services

Cc: Paul Connell, Chair of Audit and Risk Committee  
Leon Pieterse, Audit Director

Attachment 1

Item 8

Report on a review of aspects of decision-making  
related to the proposed Central City Park  
(previously the Victoria on the River precinct extension)

July 2018

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## Background

In a public excluded meeting on 21 September 2017 (the minutes of which have now been released publicly), the Council discussed a proposal for extending the Victoria on the River (VOTR) precinct, with the possibility of including such a project in HCC's 2018-2028 Long-Term Plan (the LTP). The minutes record that Council instructed the Chief Executive to "report back to the 16 November 2017 Council meeting on the potential purchase of [various properties], including market valuations and an indication on the vendors' willingness to sell ... [and] on a draft design for a park in this area and an estimated cost".

Questions have subsequently been raised in the media about the Chief Executive's actions and the implications of those actions. HCC wished to review the matters to assess whether:

- The instructions provided to the Chief Executive were consistent with good practice in consulting on matters that are commercially sensitive and that have the potential to confer advantage to third parties.
- The Chief Executive has acted in accordance with those instructions.

In addition, HCC wished to understand whether the Chief Executive's actions may have conferred an unfair advantage to some third parties.

## Scope

Our review was designed to assist HCC to achieve the above objectives. Our review examined:

- The decision-making processes of the Council; to determine whether the instructions provided to the Chief Executive were consistent with good practice and whether the appropriate legislative requirements (specifically the application of the Local Government Official Information and Meetings Act 1987) and Council policies were observed in the discussions on the matter.
- The actions of the Chief Executive; to determine whether he acted in accordance with the instructions provided to him by the Council, and whether he appropriately reported the results of his actions back to the Council.
- The timeline of events, including of any property transfers in the area of interest, to determine whether there has been a material advantage provided to any third party as a result of the matters.
- Any other matters that arose during our review that were relevant to the issue.

### ***What our review did not cover***

We completed our review to assess whether the processes undertaken were consistent with HCC's policies and procedures, and good practice. It is HCC's responsibility to assess its legal obligations and obtain any legal advice as may be necessary.

In addition, our review was not intended to cover any consequential social media coverage of the issues, nor compliance with Council's social media policies.

### **Approach**

In completing this review, we:

- Reviewed documentation on the VOTR project, the Waikato Regional Theatre project and the Central City Park (CCP) concept and discussed the projects with staff, as background material for us to understand the extent of the proposed CCP project and its implications for the properties in the area (see appendix 1 Background material).
- Reviewed the minutes of the meetings at which the proposal to extend VOTR was discussed. We also reviewed a transcript of those meetings, to understand the context of the minuted resolutions.
- Interviewed relevant parties, including: the Mayor; three Councillors who had raised concerns about the matter; the Chief Executive; and the two property owners that the Chief Executive consulted. We offered all Councillors the opportunity to speak with us during the review. However, only the three Councillors that had formally raised concerns took up the offer.
- Reviewed other material that was provided to us and was relevant to this review, including: written communications between the Chief Executive and property owners; internal communications between Councillors and the Chief Executive on the matter; media statements on the matter; HCC's communications policies; property transaction information and any relevant company registration information.

### **Our expectations**

To enable us to undertake our work we expected that HCC:

- Made available to us all information that we requested or that was in its possession and relevant to our engagement.
- Advised us of any circumstances that arose during the course of our work that may have been material to and significant in relation to our work.

### **Standard terms of Audit New Zealand assurance engagements**

Our proposal sets out the standard terms that apply to all Audit New Zealand assurance engagements.

## Overall conclusions

The resolutions directing the actions of the Chief Executive were reasonably clear.

The Chief Executive acted on the Council's instructions to the extent that he believed prudent, and was achievable in the timeframe.

We have identified no material advantage provided to the property owners the Chief Executive spoke to as a result of those discussions.

The process followed to develop the Central City Park proposal was different to the processes used to develop other significant LTP proposals. However, the process reflected the urgency and the commercial sensitivity of the matter. The debate on the concept was robust, enabling Councillors to express any concerns.

There may have been a blurring of the roles of governance and management in the development of the proposal subsequent to the 21 September Council meeting.

## Detailed findings

### 1 The decision-making processes of the Council

#### *Conclusions*

The process followed to develop the Central City Park proposal for inclusion in the Consultation Document on the draft 2018-28 Long Term Plan (the LTP) was different to the processes used to develop other significant proposals for inclusion in the LTP.

Despite the different process, the debate that occurred allowed Councillors to express their concerns about providing initial approval for development of the idea. It also provided an opportunity for Councillors to vote for or against the proposed resolutions, or propose amendments to the resolutions to apply a different process to developing the proposal.

On 21 September the Council provided direction to the Chief Executive on the actions it required. The Mayor subsequently met with property owners (at the invitation of the Chief Executive), and briefed the architect on the "vision" to be captured in the concept designs. There may therefore have been a blurring of the roles of governance and management in the development of the proposal post the 21 September meeting.

We noted that the concept designs and the cost information were developed in parallel. Due to the timelines for the development of the proposal for inclusion in the LTP, the design and the financial information were not brought together before the 6 December meeting when the proposal was to be discussed. This meant that the concept designs depicted an activated park, but the costing produced represented a passive park concept.

The use of the provisions in the Local Government Official Information and Meetings Act 1987 (section 48(1)(a)) to discuss the Mayor's proposed extension of the VOTR precinct in "public excluded" sessions was in our view appropriate.

### ***Recommendations***

It may be helpful in future for HCC to develop guidelines around the information that should be included in proposals put forward for Councillors to consider, whether this is for inclusion in future LTPs, for any amendments to this (currently draft) LTP, or any other reason. Such guidance may include requirements to:

- identify how the proposal fits with other strategies and plans adopted by HCC;
- define minimum levels of financial information to be provided on the implications of the proposal; and
- identify a process for dealing with urgent matters or opportunities.

In addition, it may be useful for HCC to develop clear guidance on the boundary between governance and management that makes it clear where accountability lies and "who" is responsible for "what"<sup>1</sup>.

### ***Findings***

#### *Initiation of the 21 September meeting*

The Mayor has been open about his vision of opening the city centre to the river. He has spoken publicly of this vision on a number of occasions during his term as a Councillor and more recently as Mayor (including in his Mayoral campaign material). However, in the workshops and discussions that had been held to begin the process of the development of the LTP there had been no indications of an intention to include a proposal for the development of a park in the central city, up till the Public Excluded item on 21 September 2017.

We understand that the Chief Executive initiated the item in the 21 September 2017 Council meeting. The trigger for this item was a concern around public speculation about HCC's potential interest in Victoria Street properties. The concern arose following the tangible progress on VOTR and the acceptance of the site for the proposed new Waikato Regional Theatre, combined with the Mayor's informal discussions in public about his vision for the area. The concern was that speculation could lead to possible adverse commercial implications should HCC decide, in future, to act on the Mayor's vision.

The meeting on 21 September was therefore an opportunity for:

- the Mayor to share his vision for the area with the Councillors;

<sup>1</sup> For useful discussion on this matter see "Elected Members' Governance Handbook 2016", Local Government New Zealand, and "Working the board-CEO Boundary", Boardworks International.

- the Mayor to seek initial support from the Council as a whole for the idea of a public open space in the area; and
- Council as a whole to consider developing a proposal for a public open space in the area for inclusion in the LTP.

The drafted resolution was to enable HCC staff to assess the willingness of property owners to sell their properties and, if they were willing, what it would likely cost HCC to purchase them. In addition, to provide some concept design drawings of the possible park development and the potential costs of the development.

*Use of meeting confidentiality*

As these discussions had an element of commercial sensitivity, the Local Government Official Information and Meetings Act 1987 (section 48(1)(a)) was used to take the discussion of the item in a Public Excluded session. In our view, this was an appropriate use of those provisions.

*The 21 September decision-making process*

We noted that the process used to discuss the Mayor's vision with Councillors, and subsequently to develop the vision into a proposal for inclusion in the LTP, was different to the processes used for other significant LTP proposals. In other proposals, Councillors had the opportunity to discuss whether a proposal should be included in the LTP, and the scope of the proposal, through a series of LTP workshops with specialist HCC staff on hand to provide details of possible costs and other implications. This latter approach is consistent with the guidance provided to Elected Members by Local Government New Zealand (LGNZ) in its "Elected Members' Governance Handbook 2016" which states, "Typically management will organise workshops that enable elected members to identify issues that should be considered in developing the LTP...". This approach is an effective way to gain support for the content of the LTP that Council as a whole will adopt.

In this case there was a need to act quickly: information was available that properties in the area were changing hands (260, 226 and 220 Victoria Street had all changed hands in early 2017) and there may have been an opportunity for HCC to secure some or all of the properties between VOTR and the proposed Waikato Regional Theatre site, if Council agreed to include a proposal in the LTP.

Therefore, the Mayor's vision was brought to Council with less specific information framing the possibility of a proposal. The discussion at the meeting focussed on the need to understand if the vision was one that the Council wanted to pursue, and then to provide authority to staff to determine its initial feasibility, and develop concept designs and costings for further consideration by Council.

The transcript of the 21 September meeting and our discussions indicated that Councillors were surprised by the informality of the discussion. They raised concerns about:

- the lack of information available about the possible proposal, including the possible costs and how it may be funded;
- how the idea of a park in that area fit with the strategies that had previously been developed for the City (including the Central City Transformation Plan and the Waikato River Plan;
- the Mayor's disclosure that discussions had been held informally about fundraising for a possible park in that area; and
- the discussions that may already have been held about property in the area (including the Mayor's disclosure that he had held discussions on the willingness of a party to purchase properties in the short term "and hold them for the city" to facilitate the future development of the area).

However, in the circumstances Council considered the issues and adopted a resolution providing the Chief Executive with clear directions as to how he should proceed. Despite the concerns raised, the resolutions were adopted without amendment.

#### *Process to develop the proposal*

Bringing the vision of a possible central city park to Councillors on 21 September was consistent with the Mayor's responsibility to lead the development of the LTP. Once the Council had made the decision to seek the initial feasibility, design and costings of a possible park development in this area, we expected that management would develop a proposal for presentation back to the Council as a whole. This expectation is consistent with the LGNZ handbook, that "Councillors are operating in an area where the formal legal and administrative responsibility for handling day-to-day affairs is vested in a chief executive with the elected members having a largely "hands off" or "arm's-length" monitoring relationship"<sup>2</sup>.

We noted that the Mayor continued to have a role in the development of the proposal, separate from the Council as a whole. The Chief Executive invited the Mayor to discuss "his vision" with the two property owners and the Mayor briefed the architect (without HCC staff present) on the "vision" to be captured in the concept designs.

The boundary between governance and management is a critical issue and is often a difficult one to determine with precision. It is the responsibility of both governance and management to manage this boundary. In this case, management had been delegated the responsibility for developing the initial feasibility, design and costing. If management needed additional input about the scope or direction of the proposal, in our view this should have been sought from the Council as a whole. We acknowledge the Mayor has a different view of this issue.

<sup>2</sup> LGNZ Elected Members' Governance Handbook 2016, page 20

*Processes to produce the concept design and costings*

We reviewed the process for engaging the architect to produce concept designs for a park in the area. The architect was suggested by the Mayor on the basis of them having been engaged previously for the VOTR project. Council endorsed this suggestion in the 16 November resolution. The architect was then engaged using a sole source procurement approach. We understand the decisions related to the engagement of the architect were taken because of the urgency in providing concept designs for Council's consideration of the proposed Central City Park during the Long-Term Plan debate, and may have been appropriate in the circumstances. However, there was no check of the firm's capability to produce concept designs for the style of park that was being proposed (where there may have been differences in the concept from VOTR).

We understand the Mayor briefed the architect as to the vision that should be represented in the concept designs. In our view, the briefing of the architect was a management responsibility. If it was determined that the Mayor was the most appropriate party to describe the vision for the architect to capture, in our view some management representation should have been present to inform the LTP proposal development.

The concept designs produced were different to the "passive park" vision that the Mayor had originally shared with Councillors on 21 September. The concept designs produced were for an "activated" park space (including some commercial development in the park space), which may have been influenced by the Mayor's discussions with the two property owners (that had been arranged by the Chief Executive).

The work by staff to develop the financial estimates for the proposed park was undertaken in parallel to the development of the concept drawings by the architect. The concept designs produced by the architect were not available to staff in preparing the financial information for presentation to Council at the 6 December meeting, when the proposal was to be discussed. As a consequence, the costings presented to Council at the 6 December meeting included elements for a passive park:

- the estimated costs to purchase all of the properties between VOTR and the proposed Waikato Regional Theatre site;
- an allowance for the demolition of the buildings; and
- estimates for the development and maintenance of the "passive park" concept.

There were no estimates of the costs to provide the "activated" park space depicted in the concept drawings.

## 2 The instructions to the Chief Executive

### *Conclusion*

The 21 September resolution providing the “instructions” to the Chief Executive, in our view, was clear. However, it appears inconsistent with some of the discussion at the Council meeting. That may have led to some differences in understanding.

### *Recommendation*

Care be taken in drafting resolutions to ensure they are clear about Council’s instructions and consistent with Council’s intentions, and enable Council to hold management to account in giving effect to the resolutions.

### *Findings*

The 21 September minutes of the Public Excluded item relating to the VOTR precinct (subsequently made public) state:

“That the Council:

b) notes that the Chief Executive will report back to the 16 November 2017 Council meeting on the potential purchase of 266 through to 220 (inclusive) Victoria Street, including market valuations and an indication on the vendors willingness to sell; and

c) notes that the Chief Executive will report back to the 16 November 2017 Council meeting on a draft design for a park in this area and an estimated cost.”

The transcript of the meeting shows that the intent of item b) of the resolution was to allow staff to talk to the owners of the properties between VOTR and the proposed new Waikato Regional Theatre site to assess their willingness to sell to HCC, and if so at what price. The transcript shows that the Councillors intended that the Chief Executive would present a report to Council on 16 November on the possibility of HCC securing the properties and at what cost.

However, the resolution refers to “market valuations”, which could be interpreted quite differently to the price at which a property owner would sell to HCC. Market valuations may have been able to be obtained through the engagement of a Registered Valuer rather than discussions with property owners.

The discussion at the 21 September meeting focussed on the scope and nature of the permission that Council was providing to the Chief Executive in discussing the properties, rather than the design and costing. However, the resolution is clear that Council had directed the Chief Executive to provide a draft design and costing at the 16 November meeting.

### 3 The actions of the Chief Executive

#### *Conclusion*

In terms of item b) of the resolution, the Chief Executive held discussions with two property owners, at which point he identified that it was not prudent to continue to have discussions with any property owners. The Chief Executive verbally reported to Council on 16 November on the discussions he had held with the two property owners. The written report included a schedule of property owners and their current rating valuation (not a market valuation, or an indication of the price the owner's would require to sell their property). In our view, this fulfilled the Chief Executive's responsibilities to the extent he was able in the time available.

In terms of item c) of the resolution, the Chief Executive did not provide a draft design and estimated costs for a park in his report on 16 November. Instead the Chief Executive reported on a proposed process for securing a draft concept design and estimated costs for the Council meeting of 6 December.

#### *Findings*

##### *Consultation with property owners*

On 22 September (the day after the Council meeting), the Chief Executive contacted two parties that owned properties on Victoria Street in the area concerned, by telephone. The rationale provided for selecting those owners was that:

- One had been consulted during the VOTR development, as they owned properties adjacent to VOTR, and had offered to sell these properties to HCC in the past (Mr Stark).
- The second had recently purchased two properties at the Embassy Park end of Victoria Street and had also offered HCC the opportunity to purchase them (Mr Gardner).

Our interviews confirmed that these telephone calls identified a difference of vision for the area between VOTR and the proposed Waikato Regional Theatre site, and that the two property owners concerned had been discussing their vision for the area with other relevant property owners. The Chief Executive noted the property owners appeared to have taken steps already to drive their vision of the area and were intending to continue to do so.

The Chief Executive identified a risk of developing a potential environment of "competition" should he continue to discuss "willingness to sell" with other property owners while there was a different vision for the area already being discussed with them. He then ceased all discussions related to property in the area.

We found no indications that the Chief Executive agreed that the property owners he spoke with would approach other property owners in the area to discuss their willingness to sell. Similarly, we found no indications that the Chief Executive gave any authority to the property owners he spoke with, to approach any other property owners on behalf of HCC.

Our interviews confirmed that there were no agreed actions to be undertaken from these telephone calls. However, the Chief Executive arranged a meeting on 5 October between himself, the Mayor and the two property owners to discuss aspects of the differences and similarities in the visions. It is unclear why this meeting was considered necessary in relation to the instructions the Chief Executive had been given. Our interviews confirmed that there were no agreed actions from the meeting.

#### *Report to Council on 16 November*

The Chief Executive provided a report to Council identifying the property owners and rating valuations of all the properties between 266 and 220 Victoria (but no “market” assessment and no indications of the prices these owners may require before agreeing to sell). A verbal report accompanied the written report, identifying the property owners the Chief Executive had spoken to. However, the Chief Executive does not appear to have explained why he selected those two property owners and why he stopped at just those two.

The 16 November report did not include a draft design or costings for the development of a park. It was explained to us that because of the differing views on the best development for the park, the Chief Executive was unclear about which design to progress. In addition, given that the discussions had identified the two property owners were keen to drive their vision for the area, there was a lack of clarity about who would be leading the park design (Council or the two property owners). However, this explanation was not made clear at the 16 November meeting.

## **4 Property transactions and possible material advantage**

We are aware of allegations about whether the Chief Executive’s discussions with the two property owners resulted in a material advantage to them in property transactions in the area. We are also aware of allegations specifically related to a company registered by the property owners on 20 November 2017. We therefore looked into these specific issues.

### ***Conclusion***

To the extent possible, we have identified that no material advantage has accrued to date to either of the property owners that the Chief Executive spoke with, as a result of those conversations.

The risk related to material advantage in property transactions has been mitigated now that the proposal to establish a Central City Park has been made public and included in the consultation document on the draft 2018-28 Long Term Plan.

### ***Recommendation***

To avoid any further allegations relating to future possible advantage provided to third parties, HCC needs to apply a robust approach to any activity to establish, develop, or “activate” a Central City Park. In particular, HCC should be able to demonstrate that all processes adhere to its procurement policies and appropriately consider any conflict of interest matters that may apply.

### ***Findings***

#### *The property transactions*

With the exception of 222 Victoria Street, all of the Victoria Street property purchases involving the two property owners that the Chief Executive spoke to, were entered into well before the Chief Executive spoke with them (see Appendix 2). Therefore, there is no possibility that these transactions resulted from the Chief Executive’s discussions with the two property owners. In addition, both property owners are on record as having previously offered all of the properties owned by them between VOTR and the proposed Waikato Regional Theatre site to HCC to purchase (on terms favourable to HCC).

222 Victoria Street was purchased by Foster Construction after the Chief Executive spoke to Mr Gardner (a Director and shareholder of Foster Construction). 222 Victoria Street is located between two other properties that were purchased by Foster Construction in June 2017. In July 2017, Mr Gardner offered to sell those two properties to HCC at the price Foster Construction paid for them. In the 21 September meeting, Council declined to purchase the two properties.

Mr Gardner advised HCC that should it decline to take up the purchase, then Foster Construction would develop the properties for the benefit of the Theatre project. We understand that Foster Construction’s purchase of 222 Victoria Street was to complete the ownership of this block of buildings to enable them to develop the block for the benefit of the Theatre project. It is reasonable to conclude that the purchase of 222 Victoria Street was the result of Council declining to purchase the two flanking properties from Mr Gardner, not the result of Mr Gardner’s discussions with the Chief Executive.

#### *The property developers’ new company*

We are aware that the two property owners that the Chief Executive spoke with, jointly registered a company on 20 November 2017: VOTR2 WRT Limited. To the best of our knowledge, this company has not yet purchased any properties within the relevant area.

We were told that a verbal agreement to establish this company dates back to a conversation between the two property owners during the period that 260 Victoria Street was being sold (in a liquidation sale). The two property owners both lodged bids for the property. During the liquidation sale, the two property owners identified they held a similar vision for the Victoria Street area between VOTR and the proposed Waikato Regional Theatre site. They agreed that it would not benefit that vision if they continued to compete

for properties in the area as they became available for sale. We understand they agreed to establish a joint company to complete any further purchases and hold them for the benefit of the eventual development of that area.

Public records show the sale date for 260 Victoria Street was 16 August 2017. Therefore, we can reasonably date the discussions about the establishment of this company as having occurred prior to any conversations the Chief Executive had with either property owner. The actual date of registration of the company occurred much later than the discussions they held.

## Appendix 1: Background material

We reviewed material related to the developments occurring along Victoria Street as background to understand the area and to provide context for the extent of the proposed Central City Park.

### Victoria on the River (VOTR)

In 2009 HCC purchased a piece of land on the river side of Victoria Street between and behind 266 and 280, from the Brian Perry Charitable Trust. The sale and purchase agreement imposed a number of obligations on HCC, including a requirement to include 24 carparks within the development of the property for the benefit of the owner of the adjacent Riverbanks building. The owner of that building is a local property developer Matt Stark (Stark Property Limited).

The sale and purchase agreement also included a significant benefit to HCC should it include a public space within the development, within five years of the purchase.

HCC considered a number of options to develop the site over the following five year period, including working with several organisations to develop a commercial building on the site. In late 2014, Council realised that the commercial development of the site was not progressing and instead instructed management to “conduct further development and investigation and report back on a new plan to develop the site as a wholly developed public space with significant river attributes and access that will enable neighbouring easements and entitlements to be provided and most notably the provision of off-street car parking and access” (27 November 2014). This was the beginning of the Victoria on the River project as it exists today.

During the years of attempting to secure a viable commercial development of the site, HCC had engaged with the owner of the Riverbanks building to enable the incorporation of the car parking requirements into the development. The owner was therefore aware of the change in direction that HCC had undertaken in moving from a commercial development to a public space development. In late 2014, Mr Stark offered to transfer a recently entered sale and purchase agreement for 266 Victoria Street to HCC. On 4 December 2014, HCC’s Finance Committee considered this offer, and a similar offer from the then owner of 260 Victoria Street to purchase that property. Both of these properties lay at the entrance to the VOTR site (on the south side), and the VOTR precinct extended behind both of these properties. HCC declined these offers at that time.

In December 2015 Council approved the budget for the VOTR site development. Edwards White Architects had produced the concept drawings for the park. VOTR was opened in early 2018.

### The Waikato Regional Theatre project

In March 2016, HCC closed the Founders Theatre. The Momentum Waikato Community Foundation (Momentum) approached HCC on 8 July 2016 to offer to work on a “Waikato Regional Theatre” concept, including finding an appropriate site for this theatre. On 28 July 2016 Council accepted Momentum’s offer and approved a budget of \$100,000 towards the cost of developing the concept designs, business case and on-going operating model, and identifying a location. Council also

signalled a commitment in principle to a contribution towards the cost of the build. The Chair of Momentum is Leonard Gardner. Mr Gardner is also a Director and shareholder in Foster Construction.

Momentum established a Committee to investigate a site for the new Theatre. This Committee considered 32 sites and recommended the new theatre be established on a site owned by the Plaw family interests – a block of land on Victoria Street between Embassy Park and Sapper Moore Jones Place (the Hamilton Hotel site).

In its report to Council dated July 2017, Momentum identified the preferred option for the proposed theatre, concept plans, initial costings for the development, a proposed governance structure and business model, and the proposed timeline for the development. In addition, the report included personal disclosures from Mr Gardner that Foster Construction had:

- purchased 198 Victoria Street to secure the whole of the block for the theatre project, and transferred this to the Plaw family interests; and
- contracted to purchase 220 and 226 Victoria Street (on the north side of Embassy Park) for the benefit of the Theatre project.

The report included an offer to transfer the sale and purchase agreements of 220 and 226 to HCC. Council received the Momentum report at its August meeting, and referred it to management to consider HCC's response, to be brought back to the 21 September 2017 meeting. At its meeting on 21 September 2017, Council declined to purchase these properties.

## Appendix 2: Timeline of key dates

21 September 2017	Council meeting at which the Mayor proposal for an extension to the Victoria on the River precinct was discussed. The Chief Executive was provided with authority to progress the development of a proposal.
22 September 2017	The Chief Executive telephones two property owners.
5 October 2017	The Chief Executive and the Mayor met with the two property owners to discuss the different visions for the area between VOTR and the proposed Waikato Regional Theatre site.
18 October 2017	Council meeting.
16 November 2017	Council meeting at which the Chief Executive reported on his actions for developing the proposal.
November 2017	Mayor briefed the Architect on the vision for the concept design (without HCC staff present).  Staff developed the cost information on a “passive park” concept.
6 December 2017	Council meeting to discuss the LTP – at which the proposal to create a Central City Park was adopted for inclusion in the Consultation Document on the 2018-28 LTP.

### Appendix 3: Timeline of property transactions

The following are the property transactions within the area identified as the proposed Central City Park (that is, between 266 and 220 Victoria Street), entered into by the two property owners that the Chief Executive consulted.

Date	Property	Activity
December 2014	266 Victoria Street	Matt Stark (and one other) entered into a conditional sale and purchase agreement. Noted that he expressed a willingness to transfer this agreement to HCC which was declined.  Settlement occurred 25 November 2015.
June 2017	226 Victoria Street 220 Victoria Street	Purchased by Foster Construction. Leonard Gardner offered these properties to HCC in a personal disclosure attached to the July 2017 Momentum report to Council on the proposed Waikato Regional Theatre.
June 2017	260 Victoria Street	Both Matt Stark and Leonard Gardner bid for this property in a liquidation sale. Matt Stark secured the property. We understand settlement occurred in August 2017.
October 2017	222 Victoria Street	Purchased by Foster Construction.
20 November 2017		VOTR2 WRT Limited registered – Directors and Shareholders: Matt Stark and Leonard Gardner.

# Council Report

<b>Committee:</b>	Council	<b>Date:</b>	02 August 2018
<b>Author:</b>	Lee-Ann Jordan	<b>Authoriser:</b>	David Bryant
<b>Position:</b>	Governance Manager	<b>Position:</b>	General Manager Corporate
<b>Report Name:</b>	Online Voting Trial Update		

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

- To inform the Council on progress related to an online voting trial.
- To seek direction regarding Hamilton City Council's participation in an online voting trial with other councils.

## Staff Recommendation

- That the Council:

### EITHER

- approves, in principle, the Council participating in an online voting trial in the 2019 local authority elections for a subset of electors, subject to the following conditions:
    - the Local Electoral Matters Bill and subsequent regulations being passed in time to procure and implement an online voting solution;
    - all risks, including security risks, being appropriately managed to the satisfaction of the Council;
    - agreement with the Waikato Regional Council and Waikato District Health Board on the participation and allocation of costs for an online voting trial;
    - the costs of an online voting trial being acceptable to the Council;
    - appointment of a provider to undertake the trial on behalf of the Council; and
    - the Council giving final approval for a trial to proceed.
  - delegates the Chief Executive:
    - to enter into an agreement with other participating territorial authorities to work together to select a provider and run an online voting trial for the 2019 local authority elections (subject to the conditions in paragraph 3(a) above);
    - to propose a subset of electors, in consultation with Elected Members, for the purpose of an online voting trial; and
- b) notes that paragraphs 3(a) and (b) above do NOT commit the Council to participating in a trial for online voting at the 2019 local authority elections.

OR

4. That the Council confirms that it is not interested in participating in an online voting trial in the 2019 local authority elections.

### Executive Summary

5. The [Local Electoral Matters Bill](#), and proposed accompanying regulations, will empower local authorities to participate in a trial of online voting for the 2019 local authority elections and onwards. The legislation is expected to be enacted by November 2018.
6. At its meeting on 26 June 2018, the Council requested staff further investigate the opportunity to participate in an online voting trial. This was with a view to providing the Council with information on the status of necessary pre-conditions, costs, timing and other considerations associated with a trial.
7. This report addresses the Council resolution of 26 June 2018 by providing an overview of sector discussions on this topic and information regarding a council-led approach to the online voting trial. This approach, initiated by Auckland City Council, is supported by about 8 councils across New Zealand at the time of writing this report, with the final number of participating councils to be confirmed by mid-August 2018.
8. The participating councils are intending to enter into an agreement which sets out the phased work programme, proposed timeline and resources to deliver an online trial for the 2019 local authority elections:
  - a. phase 1 would include the completion of a Request for Proposal (RFP) to identify and select a preferred provider to undertake the online voting trial on behalf of these councils.
  - b. Auckland City Council have provided an estimate of \$95,000 for Phase 1 work, with the allocation and clarification of costs to be discussed at the 27 July workshop. Should the Council approve, in principle, participating in an online voting trial, it would need to contribute a share of these initial costs; the amount to be agreed.
  - c. participating councils could exit from the agreement during, or at the end of, Phase 1 should they not wish to proceed further.
9. There appears to be strong support from councils nationally for the introduction of online voting. Additionally, there is high recognition of the potential risks to robust election outcomes and voter confidence from increasingly constrained postal services and perceptions that local electoral systems are out-dated and not voter-friendly.
10. There is also a keen awareness that any online voting trial is critically dependent on timely, enabling legislation and regulations as well as the willingness of individual councils to initiate processes to determine the feasibility of a trial, in the absence of a central government or national sector-led approach (or funding).
11. Joining with other interested local authorities is the only realistic mechanism for the Council to assess the feasibility of a trial (for the 2019 local elections or beyond) given the potential risks and costs involved. In turn, the robustness of the preliminary work to be undertaken requires the participation of a reasonable number of councils.
12. Councils nationally are well aware of the need for the trial to ensure votes can be captured and recorded such that the integrity of the voting process is maintained; the failure of the system to capture or ensure the security of data and votes would result in a significant loss of public and central government confidence in online voting and delay its introduction further.
13. It is important to note that the purpose of the Local Electoral Matters Bill is to modernise the local authority electoral system and put in place a more enduring platform for voting in local authority elections including the application of new technologies.

14. The local government sector agencies also continue to explore other opportunities to modernise the local electoral systems, such as the length of the voting period and the timing of polling day. As other mechanisms to improve the local electoral systems are evaluated, staff will bring these matters to the Council for consideration.
15. Given the governance nature of the issues in this report, staff believe it is appropriate for the Council to select its preferred option. However, staff note there are benefits in participating in Phase 1 of the council-led approach, irrespective of whether the Council ultimately chooses to be involved in an online voting trial or not.
16. Staff consider the matters in this report have low significance and the recommendations comply with the Council's legal requirements. Should the Council agree to join the other participating councils in the proposed 2019 trial, the significance of this matter may need to be reviewed depending on the outcome of the Phase 1 work (particularly as to cost and number of electors affected by the trial).

## Discussion

17. **The Purpose of the Local Electoral Matters Bill**
18. The purpose of the [Local Electoral Matters Bill](#) is to modernise the local authority electoral system to better support local democracy. This includes a range of objectives aimed at putting in place a more enduring platform for voting in local elections, including the application of new technologies.
19. If passed, the Bill will enable local authorities to participate in a trial of online voting in 2019 and beyond. Online voting has been lawful since 2001; however there are no regulations allowing online voting.
20. The Bill seeks to amend the Local Electoral Act 2001 to allow local authorities to choose from alternative voting methods and for a voting method to be offered to a specific subset of electors at an election for the purpose of a trial.
21. The Bill will also allow local authorities to access information essential to enable online voting systems (such as date of birth information to authenticate electors).
22. The Bill will also amend the Electoral Act 1993 to enable electors' age group information to be used for the purpose of research relating specifically to participation in local elections. This change would be beneficial in trialling new voting methods using age group demographics; and it ensures local authorities can access information to better understand voter turnout to inform it efforts to improve voter participation.
23. **What has happened (in brief):**
24. At its meeting on 26 June 2018, the Council resolved:
 

*That the Council:*

  - a) *confirms its interest in exploring participating in an online voting trial for the 2019 local authority elections;*
  - b) *requests the Chief Executive further investigate the consideration and costs of undertaking an online voting trial for the whole city and options for a subset of voters for the 2019 local authority elections;*
  - c) *report back to the Council on 2 August 2018 for further consideration noting that any online trial would be conditional on the following:*
    - i. *upon the Local Electoral Bill being enacted;*
    - ii. *regulations being made under the Local Electoral Regulations 2001 authorising the Council to undertake a trial of online voting;*

- iii. technical compliance protocols for a trial (including security and assurance) being developed by the Department of Internal Affairs and implemented and reviewed by the Electoral Officer and staff;
- iv. agreement with Waikato Regional Council and Waikato District Health Board on the allocation of costs for undertaking a trial;
- v. agreement with a provider to undertake the trial on behalf of the Council; and the Council resolving to undertake a trial of online voting in accordance with regulations;
- vi. Council resolution to proceed.

25. The [report to the Council on 24 May 2018](#) on online voting set out the background to this issue. This included the fact that:
- a. In 2016 the then Cabinet decided not to proceed with a trial of online voting.
  - b. Since 2017, a working group of selected councils with representation from Local Government New Zealand (LGNZ), the Society of Local Government Managers (SOLGM) and the Department of Internal Affairs (DIA) has been working to assess the feasibility of a joint *national* procurement of an online voting provider; and to investigate the technical architecture required for local authorities to provide online voting.
  - c. The working group's findings indicate there would be substantial costs to local authorities in using a single internationally-recognised online voting provider for a nationwide trial at local elections. These costs for a "gold-plated level of service" nationally, could be in the order of \$5.5m to \$5.9m.
  - d. In early 2018, the new Government confirmed that no funding would be provided towards the costs of an online voting trial in the 2018/19 financial year. Consequently, the national procurement approach proposed by the working group will not proceed.
  - e. Local Government New Zealand (LGNZ) and the Society of Local Government Managers (SOLGM) have subsequently adopted advocacy and support roles, choosing to facilitate communication between central government, sector bodies and local authorities.
  - f. Local authorities, individually or collectively, are expected to manage the procurement and implementation of an online voting solution if one is to be pursued.

**What's happening now:**

- 26. A consortium of councils, coordinated through Auckland City Council, is developing an approach to an online voting trial which will see the development of a Request for Proposal (RFP) to identify suitable providers of online voting services. Wellington City Council and Tauranga City Council are the other metro councils involved at this stage.
- 27. This group aims to initiate a procurement process to identify suitable vendors, undertake due diligence on vendors, assess their ability to meet the requirements of the RFP, understand any challenges to the feasibility of delivering a trial for 2019 and get an accurate estimate of the cost of a trial.
- 28. A workshop for participating councils is being held on Friday, 27 July 2018. Staff will provide a verbal update on the conclusions from this workshop at the Council meeting.
- 29. A working assumption is that more participants to the RFP will ensure better pricing from vendors.
- 30. The consortium's premise for participation is that a council 'is in until it opts out' and there are a couple of go/no go points for participating councils individually and collectively built into the process.

31. Further assumptions to date include:
- a joint initiative reduces the risk of several independently-run trials to fail;
  - it is a more effective way to run a coordinated public information campaign;
  - there are economies of scale to be achieved with consequential efficiencies for staff workloads and cost savings;
  - participating councils will contribute funding and staff resource (see paragraph 33);
  - the vendor search will be conducted internationally and nationally - the two New Zealand providers of election services (Electionz and Independent Election Services) are welcome to participate; and
  - it will be for each council to determine the subset of electors who would be able to participate in an online voting trial.
32. To join the consortium, a council must resolve in principle to participate in the online trial (agreement is subject to all the conditions our Council noted in its resolution of 24 May 2018) and formalise their participation by signing a Participation Agreement. The deadline for joining this agreement is expected to be mid-August 2018 to enable Phase 1 work to commence. Should the Council wish to join this group, an 'in principle decision' would need to be resolved at this meeting.
33. Likely costs of a trial cannot be accurately estimated until several factors are confirmed, including the number of voters who would participate in a trial and the security protocols with which local authorities (and their selected provider) would need to comply.
34. Similarly, the cost of participating in the RFP depends on the number of councils who choose to participate, which is expected to be confirmed between writing this report and the Council meeting. Auckland City Council have provided an indicative (total) estimate of \$95,000 for completing Phase 1, though this is expected to be clarified at the 27 July workshop.

#### **Other trials**

35. To date there is no clear indication that any council is considering running their own independent trial for online voting.
36. Given the likely involvement of the two national election services providers (Electionz and Independent Electoral Services Ltd) in the council-led RFP (if it proceeds), there may be little appetite from suppliers and councils for a fragmented approach which could increase risks for all trials.

#### **Other Sector Updates**

37. At the SOLGM Committee Advisors' conference on 4 and 5 July 2018, a report on online voting focused on a recap of the work and findings of the working group and the council-led initiative (referred to by SOLGM as 'the Club approach').
38. New information included Tauranga's decision to possibly join the council-led approach and Rotorua Lakes decision to exit. The conference participants also offered information that spoke to the risks posed by a declining level of postal services: for example, in the recent Tauranga By-election, 800 postal votes were received *after* polling closed (though were posted before the closing date) and were therefore not counted.

39. Discussion points from the Democracy Managers Forum on 20 July 2018 indicated unanimity regarding the need to introduce online voting as soon as possible and the benefits of this alternative method which were seen to be:
- providing an effective alternative to slower, increasingly less-reliable postal voting;
  - ensuring election systems are more inclusive and address the needs of particular voting groups;
  - making election systems more voter-facing and enabling them to engage with local democracy in the manner most convenient to them; and
  - demonstrating local government's commitment to modernising its election systems.
40. The Forum noted strong concerns regarding:
- the impact on voter turnout and the implications for robust voting outcomes given declining levels of postal services;
  - increased costs for the 2019 Elections, primarily driven by increased charges from New Zealand Post;
  - uncertainty around timing of enabling legislation and consequential regulations (noting that DIA's involvement with participating councils will ensure the development of regulations will be relatively streamlined);
  - the impacts of this timing on effective implementation of a trial; and
  - cost of providing an online voting trial.
41. The 24 May 2018 Council report set out the advantages and disadvantages of participating in an online voting trial in more detail.

#### **Regional Councils and District Health Boards**

42. Territorial authorities participating in a trial of online voting would need their associated Regional Council and District Health Board to be on board to ultimately participate in the trial. A trial could not take place without their support.
43. In May 2018, the Waikato Regional Council and Waikato DHB provided initial views on this matter:
- Waikato Regional Council tentatively supported an online voting trial, though had concerns on the low number of territorial authorities taking part and potential cost; and
  - Waikato DHB suggested this would not be a priority in terms of funding, without dismissing the participation in a trial altogether.
44. The Mayor of Auckland City Council sent a letter to the Minister of Local Government on 16 July 2018, noting the concerns of a number of territorial authorities on the willingness of DHBs to participate in a trial. The letter requests the Minister's assistance in discussing this matter with the Minister of Health.

#### **Options**

45. The reasonable and viable options open to the Council at this stage are as follows:
46. ***Option 1 – Approve, in principle, to the participation in an online voting trial for the 2019 local authority elections subject to certain conditions being satisfied (paragraph 3(a) above).***
- a. If this option is selected, staff would recommend that the Council joins the other participating councils in exploring this matter further until the completion of the proposed RFP process (i.e. Phase 1 work).
  - b. Staff would provide regular updates to Elected Members and report back to the Council following the conclusion of Phase 1 (end of October 2018), at which point the Council would decide whether or not to proceed with a trial at the 2019 local authority elections.

- c. This option enables the Council to continue to participate in the discussions and preliminary investigations on online voting trials (with other participating councils) and, if the conditions are met and circumstances are appropriate, be in the position to take part in a trial at the 2019 elections or later (without any obligation to do so). It would be difficult for the Council to undertake its own feasibility of an online voting trial without incurring significant costs. Its participation in the initial work (i.e. Phase 1) would also strengthen the robustness of this work for future use.
- d. Participation at the project initiation stage would require additional resource – both financial and staff time. The exact amount would be determined alongside other participating councils, with the estimated cost for completing Phase 1 at around \$95,000 in total (i.e. to be confirmed and allocated between the participating councils). Some authorities have also expressed concerns as to the tight timeframe to implement a trial for the 2019 local authority elections, given the enabling legislation is not expected to be in place until November 2018 and the lack of central government funding.
- e. It is expected that participating councils will determine their respective subset of electors to be the subject of the online voting trial during Phase 1. It would be helpful to be part of the discussions with other councils in assessing the advantages and disadvantages of different options. To this end, staff recommend (as part of Option 1) that the Chief Executive is delegated to determine the proposed subset of electors for a trial based on these discussions and contemporaneous feedback from Elected Members. The Council would retain the final decision on any proposed subset of electors when the staff report back following the completion of Phase 1.

47. **Option 2 – Not participate in an online voting trial for the 2019 local authority elections**

- a. If this option is selected, the Council would not join the other participating councils in the Phase 1 work to find a preferred supplier to undertake a trial.
- b. Staff would continue to maintain a watching brief on this issue and update Elected Members on further developments as they come to hand, noting that availability of information may be more restricted for non-participating local authorities.
- c. There are no additional resource or cost implications arising from this option – i.e. the status quo. However, it would result in the Council not being able to readily participate in the ongoing discussions on an online voting trial with those councils proceeding with Phase 1 work for the 2019 elections (even if the Council later decides not to proceed with a trial).
- d. Staff understand that it is unlikely that a local authority would be invited to join the participating councils *after* the completion of Phase 1 work, if it had not contributed to that initial work.
- e. This option would still enable the Council to explore participating in a trial of online voting after the 2019 local authority elections, though the initial feasibility work would still need to be undertaken at that time.

**Financial Considerations**

- 48. The financial implications of participating in an online voting trial in 2019 have yet to be confirmed with any degree of certainty. This would be clarified during the Phase 1 work undertaken by participating councils, as noted earlier. Such costs would be included in a report to the Council towards the end of the year, should the Council approve participating in a trial in principle.

49. Should Option 1 be approved (see paragraph 46 above), the Council would need to contribute to the costs for participating in Phase 1 as are noted in paragraph 46(d) above; the Council's proportion of which would need to be agreed with other participating councils. Staff conservatively estimate this would be no more than 25% of the total costs, given the other local authorities participating at the time of writing this report.

### Legal and Policy Considerations

50. The ability for the Council to carry out a trial of online voting, whether at the 2019 local authority elections or later, is dependent on:
- a. the enactment of the Bill and regulations, and additional technical requirements (if any) required by the Government. It is understood that draft regulations have already been completed and a security regulations policy is expected towards the end of August 2018.
  - b. the formal support from both the Waikato Regional Council and Waikato DHB, without which the Council would not be included in the relevant regulations permitting the participation in a trial. Further discussions with both WRC and WDHB would be required as part of the Phase 1 work, should the Council decide to participate in a trial, in principle, at this meeting (i.e. Option 1).
  - c. the selection of a subset of electors and appointment of a supplier to undertake the online voting trial on behalf of the Council. These matters would be determined by the Council as part of a later staff report, should Option 1 be approved by the Council.

### Sustainability Considerations

51. The Council's Sustainability Principles include the following:
- The Council includes environmental, economic, social and cultural considerations in its decision-making criteria.*
52. Some local authorities, including Auckland City Council, have expressed significant concerns with the sustainability of the current postal voting system for local authority elections given:
- the declining service of New Zealand's postal service in recent years, affecting the timely delivery and receipt of voting papers;
  - the use and functionality of online services to meet an increasing range of societal requirements; and
  - the environmental impact of producing and delivering paper voting documents.

There is a degree of inevitability that the public will demand online voting in the near future, and all local government will need to be in a position to respond.

### Risks

53. There are minimal risks in the Council agreeing, in principle, to participate in an online voting trial given the Council would NOT be obligated to proceed with a trial at this stage:
- a. the costs and staff time used towards the initial phase of work, should the Council elect not to proceed with the 2019 trial when an update report is presented later in the year.
  - b. the legislation and regulations are not enacted in a timely manner to enable a trial to take place in 2019. However, the work undertaken in Phase 1 will still be useful for any future online voting trial to take place.

54. The risks for the Council to decide not to participate in an online voting trial at this stage (i.e. Option 2) is as follows:
- a. the Council will not be able to obtain meaningful updates on the proposed trial from participating councils due to confidentiality provisions in the Participation Agreement.
  - b. it will be a lost opportunity to share the costs and required resources across a number of councils (including Auckland and Wellington) in undertaking the initial investigations and RFP, which would need to be borne at a later date should the Council proceed with a trial then.
  - c. The efficacy of the Phase 1 work is likely to reduce if there is an insufficient number of local authorities participating (even if they choose not to proceed beyond this stage).
55. Other advantages and disadvantages of participating in an online voting trial are explored in paragraphs (37 and 38 above) and the 24 May 2018 staff report.

### **Significance & Engagement Policy**

56. 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 engagement is required at this stage.

### **Attachments**

There are no attachments for this report.

# Council Report

Item 10

**Committee:** Council

**Date:** 02 August 2018

**Author:** Alice Morris

**Authoriser:** Jen Baird

**Position:** City Planning Policy Team  
Leader

**Position:** General Manager City Growth  
Leader

**Report Name:** Heritage and Character Management - Proposed Plan Change

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

1. To seek approval to undertake all actions required to prepare a plan change to the Operative District Plan ('District Plan') to update the provisions pertaining to the protection of Hamilton's heritage and character.

## Staff Recommendation

2. That the Council approves the preparation of a plan change to the Operative District Plan to update the provisions pertaining to the protection of heritage and character of the city.

## Executive Summary

3. The focus of the plan change will be to:
  - update the existing heritage inventories
  - review planning provisions to ensure new development and repurposing of heritage sites and buildings are sustainably managed to protect the city's heritage for future generations whilst ensuring growth
  - ensure Maori cultural values and sites are appropriately addressed
  - review the planning provisions for existing character areas and determine if additional areas should be included.
4. The Council is obligated under the Local Government Act ('LGA') and the Heritage New Zealand Pouhere Taonga Act ('NZHPTA') to recognise historical and cultural heritage and the value it has in telling New Zealand's story.
5. The Council is required under the Resource Management Act ('RMA') to recognise and provide for matters of national importance. Of specific relevance to heritage and character are:
  - Section 6(e): the relationship of Maori with their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga
  - Section 6(f): the protection of historic heritage from inappropriate subdivision, use and development, and
  - Section 7(c) the maintenance and enhancement of amenity values.
6. The Council undertook an extensive review of Hamilton's listed heritage stock as part of the development of the 1999 proposed district plan. The final list of items for protection was confirmed in 2001. That list has not substantially changed.

7. The 2010 district plan review, due to financial constraints, reviewed only the ranking criteria and updated the heritage inventory on each of the listed buildings accordingly. The revised ranking criteria are aligned with the preferred approach supported by Heritage New Zealand ('HNZ'). Neither were there were any changes to the existing character provisions.
8. The 2016 Hamilton Heritage Plan's (['Heritage Plan'](#)) five goals, associated actions and deliverables build on the statutory protection mechanisms the Council implements. The deliverable of focus in this report is the review and updating of the heritage and character components of the District Plan.
9. In achieving this deliverable:
  - A scoping study of the Victoria Street south area has been prepared, and presented to Elected Members at the 30 November 2017 briefing
  - A thematic study of Hamilton is being finalised
  - There is a review of the existing heritage provisions in the District Plan
  - A stocktake of known archaeological sites has been undertaken.
10. The next phase is to prepare plan change documents, including background reports and to consult with owners, occupiers, iwi, key stakeholders and statutory bodies, along with establishing a working party.
11. Only the Council can resolve to publicly notify a plan change; and only once notified will the direction set out in the plan change have legal or regulatory effect under the formal RMA processes.
12. Staff have not considered the matter under the Significance and Engagement Policy given the legal requirement to consult.

## Background

13. The city's significant built and cultural heritage has been under the protection of the Council's planning processes for the past 50 years. The extent of the number of identified buildings, sites and structures, and character areas has evolved over that period.
14. The Council is also obligated under the LGA and the HNZPTA to recognise historical and cultural heritage and the value it has in telling New Zealand's story.
15. The Council is required under the RMA to address Maori culture and traditions through ancestral lands, water, sites, waahi tapu and other taonga (s.6(e)), protect heritage from inappropriate subdivision, use and development (s.6(f), and the maintenance and enhancement of amenity values (s.7(c)).
16. The Council achieves this through:
  - identifying specific character areas and applying amenity focussed provisions in the district plan (e.g. Claudelands, Hamilton East, Hayes Paddock, Frankton, Temple View)
  - maintaining a heritage inventory
  - giving a heritage classification to specific buildings, structures and sites through the district plan
  - Scheduling archaeological and culturally significant sites
  - providing planning provisions that enable the retention, protection and adaptive re-use of listed heritage buildings and sites
  - providing incentives to support the owners of listed heritage items
  - implementing the vision and actions adopted by Council in the 2016 Hamilton Heritage Plan.

17. Council staff also ensure that Council is meeting its obligations through:
- engaging at both regional and national level on heritage
  - aiding owners of listed heritage buildings and sites
  - managing the Heritage Fund and liaising with those receiving funding
  - training and engaging directly with owners of listed heritage items and
  - supporting Council-led projects relating to the listed heritage buildings owned by Council (e.g. Arts Post, Frankton Railway Hall).
18. The Heritage Plan's key focus is with:
- avoiding the loss of the city's heritage
  - reviewing the city's heritage stock to ensure the most significant buildings, sites and structures are protected
  - the Council leading by example and supporting the owners of listed heritage items in recognition of the community good they undertake through living in, using and maintaining these city taonga for all to treasure.
19. Its goals have a specific focus on:
- Identification and protection of heritage through ensuring the District Plan is up to date
  - The city is enhanced through the management of its character areas
  - The City's heritage and character elements are utilised to promote and enhance the economic benefit they add to the vibrancy of the city.
20. To date, the following work has been completed or is underway in accordance with the Heritage Plan deliverables:
- a scoping study to identify the character elements of Victoria Street south has been completed. The outcomes were presented in full to the elected members at the 30 November 2017 briefing.
  - a thematic study (the qualitative analysis of the different themes of Hamilton's heritage) has been drafted
  - a desktop study of the current heritage management via District Plan provisions has been completed.
  - an archaeological review of New Zealand Archaeological Association's ('NZAA') known sites and the scheduled sites in the district plan has been undertaken.
21. The next phase is to undertake consultation (public, stakeholders and elected member briefings) and the background research documentation to inform and assist with the preparation of formal planning documents. Note that the final draft plan change will be subject to full Council scrutiny, and adoption before formal notification.

## Discussion

22. The proposed work to be undertaken in the formation of a draft plan change will focus on character amenity and heritage importance.
23. Investigations and research will identify the cultural, character, architectural form, and setting of locations throughout the city that are considered important to continue to tell Hamilton's story. There will be a strong focus on the ongoing use of heritage as a resource to enable the stimulation of the city's vitality and vibrancy, while ensuring Council continues to also achieve its statutory obligations.
24. The focus of any planning provisions will be informed through the outcomes of the background work presently occurring and the outcomes of consultation and workshopping processes proposed to be undertaken as part of the project.

25. The anticipated outcome of preparing the draft plan change will be:
- enhancement of the character and heritage provisions in the District Plan
  - heritage inventories and Schedules 8A and 8B continue to be relevant and robust
  - district plan provisions comprehensively protect, manage and ensure adaptive reuse of the city's identified heritage and character areas.
26. Through the preparation of the draft plan change, staff will consult with owners, occupiers, iwi, key stakeholders and statutory bodies, along with establishing a 'working party' to assist with understanding community wishes and the Council's statutory obligations.

### Options

27. Staff have assessed that there are two reasonable and viable options for the Council to consider:
- Option 1: Prepare the plan change documentation and undertake consultation.
  - Option 2: Do nothing.
28. Staff recommend Option 1. Not undertaking the plan change will mean the potential for:
- Further loss of heritage, and
  - Character areas remain exposed to potential loss of buildings and architectural features that collectively contribute to the uniqueness and significance to the city.

### Financial Considerations

29. The expenditure undertaken to date in the preparation of the Thematic Study and Victoria Street Scoping Study was funded through the 2017/18 Economic Growth and Planning budget.
30. The full analysis of the character areas, heritage inventories and planning provisions will be undertaken during the 18/19, 19/20 financial years. The allocated budget (excluding internal costs) is \$200,000.00. The completion of the required work will require input from archaeological, heritage, cultural, economic and legal expertise.
31. Staff would be seeking resolution to notify the plan change during the 20/21 financial year. The allocated budget of \$78,300 is for notification, the review of and addressing matters raised in submissions, a public hearing and legal costs.
32. Noting that the above costs are an estimate and will be refined following the receipt of information relating to the actual number of new heritage/cultural sites to be investigated and the matters raised through submissions.

### Legal and Policy Considerations

33. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

### Risks

34. If the preparation of the plan change is not approved:
- the protection of Hamilton's heritage remains limited to those items and sites listed in Schedules 8A and B of the 2016 Operative District Plan, and
  - the city's character areas and overall amenity are in danger of being eroded through unsympathetic redevelopment and demolition.

## **Significance & Engagement Policy**

### **Significance**

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

### **Engagement**

36. There is a statutory requirement to consult as per legislation outlined below.
37. Consultation will be undertaken in accordance with the Resource Management Act.

### **Attachments**

There are no attachments for this report.

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Trent Fowles **Authoriser:** Eeva-Liisa Wright  
**Position:** Compliance Manager **Position:** General Manager  
 Infrastructure Operations  
**Report Name:** Refuse Transfer Station & Hamilton Organic Centre - Proposed Increase of Gate Fees 2018/19

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

1. To inform the Council on the notified gate fee increases at the Refuse Transfer Station by Waste Management Ltd.
2. To seek approval of Hamilton Organic Centre gate fee increase by Waste Management Ltd to offset increase operational costs.
3. To confirm whether Council wishes to subsidise the proposed gate fee increases at the Refuse Transfer Station and Hamilton Organic Centre.

## Staff Recommendation

4. That the Council:
  - a) receives the report;
  - b) notes the increase in Refuse Transfer Station gate fees proposed by Waste Management to be implemented 3 August 2018 and declines the opportunity to offer a Council funded subsidy of these gate fees; and
  - c) approves the increase in Hamilton Organic Centre gate fees proposed by Waste Management to be implemented 3 August 2018 and declines the opportunity to offer a Council funded subsidy of these gate fees.

## Executive Summary

5. Waste Management have formally notified Hamilton City Council of a proposed annual increase in gate fees at the Refuse Transfer Station and the Hamilton Organic Centre in accordance with the provisions within the respective lease agreements.
6. The date of the last gate fee increase at the Refuse Transfer Station and Hamilton Organic Centre was 1 July 2017.
7. Refuse Transfer Station and Hamilton Organic Centre gate fees are proposed to increase to recover costs associated with increased operational costs for the management of the retrospective sites, and will come into effect 3 August 2018. Staff consider these increases to be appropriate.

8. Under its lease agreement for the two sites, Council has the opportunity to consider a subsidy of the Refuse Transfer Station and/or Hamilton Organic Centre gate fees if the effects of the increase are deemed to be adverse to the community.
9. Staff do not recommend a subsidy for either the Refuse Transfer Station or HOC gate fees on the basis that the notified increase is a true cost of this service that should be borne by the end user, and, that there is sufficient price incentive for consumers between the HOC and RTS gate fees.
10. The Refuse Transfer Station and Hamilton Organic Centre gate fees will remain comparable to alternate facilities in the region.

## Background

### 11. Refuse Transfer Station

12. Waste Management (WM) had a Deed of Lease with Hamilton City Council (HCC) that provides a mechanism for charges to Refuse Transfer Station (RTS) gate fee charges.
13. Clause 16.6 of the Deed of Lease between Council and WM states:

*The tenant shall not increase, amend or alter the gate fee payable by the public for the disposal of car or trailer/van /ute loads of refuse without first providing written notice to the Landlord at least 10 weeks prior to the date the new fees are to become effective and discussing and justifying the fee increase to the Landlord.*

*The Landlord shall have the option of subsidising the fee payable by the public to keep the advertised fees at a lower level. Any such subsidy shall be confidential to the parties and shall not be disclosed to the public.*

14. WM has advised HCC, on the 5 July 2018, of a proposed increase to the public gate fees for the drop off of rubbish at the RTS.

### 15. Hamilton Organic Centre

16. In November 2016 H G Leach & Company Limited sold its plant and operation at the Hamilton Organic Centre (HOC) to WM, the current provider of Hamilton's kerbside rubbish and recycling services and operator at the RTS. As part of the sale transaction all site related leases and contracts were assigned to WM.
17. Clause 11 of the Agreement to Provide Service (Contract Number 08053) between HCC and WM provides a mechanism for changes to HOC gate fees and states:

*Where revised gate fees are proposed, HCC shall be notified and approval obtained prior to adopting the new fee structure. In considering the proposed gate fees HCC shall not unreasonably withhold approval.*

*In considering the proposed fee structure, or at any time thereafter, HCC may choose to subsidise proposed gate fees in the interest of promoting waste minimisation. The conditions of any such subsidy shall be agreed between the parties but any subsidised gate fee will not exceed 90% of the fees for the disposal at the refuse transfer station.*

*Where new fees are proposed HCC shall notify the Operator of a decision within 8 weeks. If such approval is not available within 8 weeks, the parties shall meet to resolve any differences between them regarding the revised gate fees.*

18. WM had advised HCC, on the 24 May 2018, of a proposed increase to the gate fees for the drop off of organic material at the HOC. The 8-week timeframe was negotiated to be extended to the 2 August 2018 to allow for a decision from the Council meeting.

## Discussion

19. **Proposed New Refuse Transfer Station Gate Fee Charges**
20. The proposed changes to the RTS gate fees are to be effective from 3 August 2018. The last change to gate fees occurred 1 July 2017.
21. The proposed increased gate fees are as follows:

Load Measurement	Current fee	New fee (3 August 2018)	Price increase	Percentage Increase
Bag drop off (per bag)	\$4.30	\$4.80	\$0.50	11.5%
Cars	\$16.30	\$17.00	\$0.70	4.3%
Vans & Utilities	\$40.00	\$42.00	\$2.00	5.0%
Small Trailers (up to 300kgs)	\$45.00	\$47.00	\$2.00	4.4%
Other Trailers & Trucks (per tonne)	\$170.00	\$178.00	\$8.00	4.7%

22. The increase is variable for bags, cars, vans and utilities as well as trailers and trucks due to rounding for ease of cash handling.
23. The proposed gate fee increase is in line with the average fee increase that occurred for each load measurement over the past 8 years. Historical trends of the RTS fee changes can be seen in attachment one.
24. The proposed gate fee increases are a reflection of the actual increased costs incurred with operating the transfer station. The increase in operational cost is not linked to CPI or any other industry index. They are primarily as a result of an increase in landfill disposal costs, including the following changes:
- Consistent with the aims of the Waste Minimisation Act, the New Zealand government's international agreements and the regulations of the Emissions Trading Scheme (ETS) have contributed to increasing costs in purchasing new credits.
  - Over the past year the New Zealand Emission Trading Units has increased from \$15 per tonne to over \$20 per tonne.
  - Another major contributor is the increase in fuel costs. Between June 2017 and June 2018, the price of diesel has increased approximately 46%, resulting in a much higher cost when transporting waste to the landfill.
25. Staff have reviewed the gate fees increases and are satisfied that they are justifiable. They are in line with what other Councils and service providers are charging. Cost comparisons are outlined in Attachment two.
26. WM operate in a competitive environment with other private waste providers located in Hamilton, so market forces are in effect.
27. **Proposed New Hamilton Organic Centre Gate Fees**
28. The proposed changes to the HOC gate fees are to be effective from 3 August 2018. The last change to gate fees occurred 1 July 2017.

29. The proposed new and increased gate fees are as follows:

Load Measurement	Current fee	Proposed New fee		Proposed Fee Increase	Proposed Percentage Fee Increase
		3 August 2018	Proportion of proposed 2017/18 RTS gate fee (<90%)		
Cars (Boot Only)	\$9.00	\$10.00	61%	\$1.00	11%
Car (Commercial volumes)	New charge	\$16.00	Set charge versus volumetric for RTS		
Vans & Utilities	\$20.00	\$22.00	55%	\$2.00	10%
Small Trailers	\$20.00	\$22.00	49%	\$2.00	10%
Small Trailers (high Sides)	New charge	\$25.00	Set charge versus volumetric for RTS		
Tandem trailer small	\$29.00	\$31.00	Set charge versus volumetric charge at RTS	\$2.00	6.9%
Tandem trailer large	\$35.00	\$37.00	Set charge versus volumetric charge at RTS	\$2.00	5.7%
Public Truck (per tonne)	\$90.00	\$95.00	Set charge versus volumetric charge at RTS	\$5.00	5.3%
Commercial Truck (per tonne)	\$68.00	\$73.00	42%	\$5.00	7.4%

30. Two new proposed charges have been added to the gate fees, these are:

- Car (commercial volumes), this fee provides a mechanism for charging commercial users who utilise cars versus vans/utilities or trailers.
- Small trailers (high sides), such trailers can hold significant more volume than a low sided trailer, the proposed new charge seeks to recover the true cost of processing the additional volume.

31. The proposed gate fee increases are a reflection of rising fuel costs, increased labour rates and subcontractor processing costs.

32. Staff have reviewed the gate fee increases and are satisfied that they are justifiable. They are in line with what other Councils and service providers are charging. Cost comparisons are outlined in Attachment three.

33. WM operate in a competitive environment with other private green waste services located in Hamilton and the subregion, so market forces are in effect.

34. The HOC gate fees are not a Council fee or charge. Under the lease agreement Council is required to approve gate fee increases and may consider the implementation of a subsidy.

35. **Consideration of Council subsidising Hamilton Organic Centre gate fees**

36. HCC has not subsidised the HOC gate fee previously, however there is the ability to provide funding via the Waste Minimisation Levy to provide a financial subsidy.

37. A subsidy of the HOC gate fee aligns with the objective three in Hamilton’s current Waste Management and Minimisation Plan, specifically:

*Objective 3 – All Hamiltonians have access to affordable and resilient waste and resource recovery services.*

**Options**

38. 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). The options are set out in the table below.

Option 1	<ul style="list-style-type: none"> <li>• Proposed Refuse Transfer Station gate fee increases are implemented on 3 August 2018, with no Council funded subsidy of these gates fees.</li> <li>• Proposed Hamilton Organic Centre gate fees implemented on 3 August 2018, with no Council funded subsidy of these gate fees</li> </ul>
Option 2	<ul style="list-style-type: none"> <li>• Proposed Refuse Transfer Station gate fee increases are implemented on 3 August 2018, with provision of a Council funded subsidy of these gates fees.</li> <li>• Proposed Hamilton Organic Centre gate fees implemented on 3 August 2018, with provision of a Council funded subsidy of these gate fees.</li> </ul>

39. Staff recommend option 1, for the following reasons:
40. A subsidy of the RTS gate fees is not recommended on the basis that the notified increase is a true cost of this service that should be borne by the end user and, that the provision of a subsidy does not support Council’s obligation under the Waste Minimisation Act 2008 to encourage and promote waste minimisation.
41. The proposed gate fee increases for public drop off of green waste at the HOC still remain affordable to the residents of Hamilton whilst enabling the HOC to remain commercially viable.
42. A subsidy of the HOC gate fees is not recommended on the basis that the notified increase is a true cost of this service that should be borne by the end user and, that there is sufficient price incentive for consumers between the RTS and HOC gate fees to ensure that green waste disposal is not diverted to landfill
43. **Financial Considerations**
44. Should a subsidy be provided to maintain the existing gate fees at the RTS, the expected financial impact in 2018/19 is estimated to be approximately \$100,000.
45. Should a subsidy be provided to maintain the existing gate fees at the HOC, the expected financial impact in 2018/19 is estimated to be up to approximately \$75,000.
46. There is no current provision within 2018-28 10 Year Plan for the provision of a subsidy to offset increased RTS or HOC gate fees.

**Legal and Policy Considerations**

47. Staff confirm that proposed increase of the RTS and HOC gate fee complies with the Council’s legal and policy requirements in particular the Waste Management and Minimisation Plan.

## Sustainability Considerations

48. Sustainability Principle 10 - *Council works with its communities to minimise the production of waste and maximise opportunities to recycle*, is supported by maintaining a differential between the RTS and HOC gate fees. This encourages the diversion of green waste from the RTS to the HOC.

## Risks

49. Public Perception

For those who use the RTS and HOC facilities regularly and frequently, the gate fee increases will undoubtedly be received negatively, as any such increases are treated. However, for the occasional user the price increase is relatively small and unlikely to create a negative perception.

50. The RTS and HOC gate fees are not a Council fee or charge however the 2018/19 gate fees will be advertised on Councils website in parallel with Councils Fees and Charges.

51. Increased Illegal dumping

In general, the majority of illegal dumping within Hamilton is small in scale (e.g.: kerbside collection related) and tends to be behavioural and not linked to cost. This risk is managed by ongoing compliance activities (education and enforcement). The risk of the increased illegal dumping as a result of increased fees at the RTS is low as most offending is due to behaviour versus cost of gate fees.

## Significance & Engagement Policy

### Significance

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

### Engagement

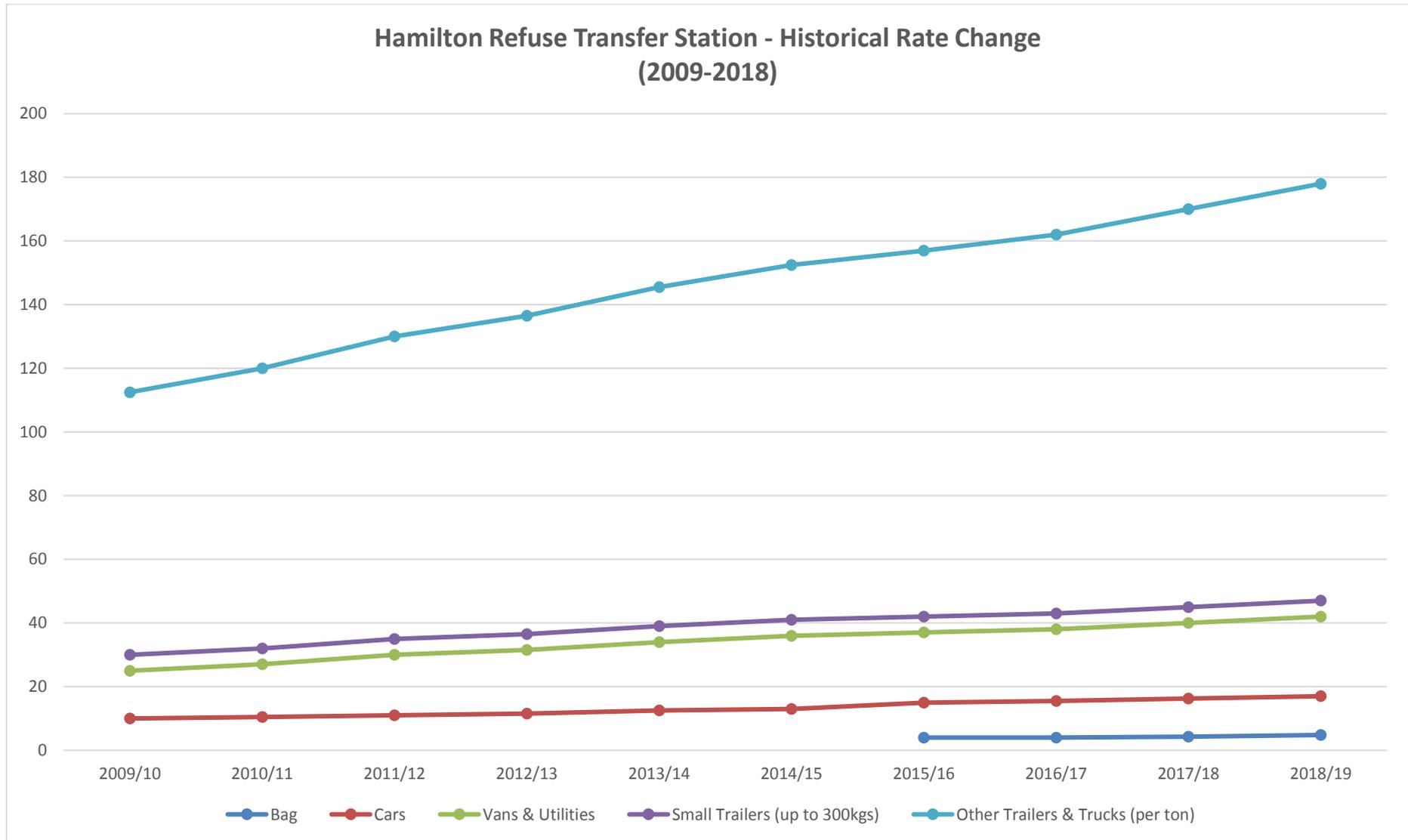
53. Given the low level of significance determined, the engagement level is low. No engagement is required.

## Attachments

Attachment 1 - Historical Trend of Gate Fee increases for the Hamilton Refuse Transfer Station (2009-2018)

Attachment 2 - Comparison of Hamilton Refuse Transfer Station's Gate Fees against other Transfer Stations (2018)

Attachment 3 - Comparison of Hamilton Organic Centre's Gate Fees against other sites (2018)



Hamilton Refuse Transfer Station - Comparison of Transfer Station gate fees July 2018

Territorial Authority	Bag	Small trailer	Public \$/tonne
Hamilton Refuse Transfer Station – 03/08/18	\$4.80	\$47.00	\$178.00
Waikato District Council	\$5.00	\$55-60	\$180.00
Waipa District Council, Te Awamutu (Waste Management)	\$5.00	\$70.00	
Waipa District Council, Cambridge (EnviroWaste)	\$10		\$219
Hauraki District Council	\$3.20	\$47.80	\$159.20
Matamata-Piako District Council	\$2.00		\$167
Otorohanga District Council	\$4.00	\$45 per m3	
Taupo District Council		\$30.00	\$120.00
Thames Coromandel District Council	\$3.00		\$170.00
Rotorua Lakes Council		\$35.00	\$153.00
Tauranga City Council			\$209.50
Christchurch City Council			\$253.40
Hastings District Council		\$40.00	\$188.60
Whakatane District Council	\$4.00	\$48.00	\$242.00
Kawerau District Council			\$200.00

Item 11

Attachment 2

Hamilton Organic Centre - Comparison of Gate Fees July 2018

Attachment 3

Item 11

Territorial Authority	Small trailer/van/ute	Public \$/tonne	\$/m3
Hamilton Organic Centre – 03/08/18	\$22.00	\$95.00	
Waikato District Council	\$25.00 - \$40.00	\$110.00	
Waipa District Council Te Awamutu (Waste Management)	\$60		
Waipa District Council Cambridge (EnviroWaste)		\$178.00	
Hauraki District Council	\$33.40	\$111.50	
Matamata-Piako District		\$73.00	
Otorohanga District	\$30.00		\$30.00
Taupo District Council	\$12.00	\$50.00	
Thames-Coromandel District Council		\$102.00	\$24.00
Rotorua Lakes Council	\$25.00	\$75.00	
Tauranga City Council		\$108.00	
Christchurch City Council		\$107.50	
Hastings District Council	\$20.00	\$96.60	

# Council Report

Item 12

**Committee:** Council **Date:** 02 August 2018  
**Author:** Phil Saunders **Authoriser:** Jen Baird  
**Position:** Principal Building Advisor **Position:** General Manager City Growth  
**Report Name:** Proposed Priority Vehicular and Pedestrian Thoroughfares and Transport Routes of Strategic Importance

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

1. To seek the Council's approval of the proposed priority vehicular and pedestrian thoroughfares and transport routes of strategic importance.

## Staff Recommendation

2. That the Council approves the proposed priority vehicular and pedestrian thoroughfares and transport routes of strategic importance (as per Attachments 1-4).

## Background and Discussion

3. 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.
4. The risk of failure of Priority Buildings in an earthquake has more serious outcomes as they are either in areas of high foot/vehicle traffic or may restrict the ability for emergency services to gain access and get to injured people and transport the injured to hospitals.
5. The timeframe under the Building Act 2004 (**the Act**) for building owners to upgrade their Priority Buildings is therefore shorter (12.5 years) than for other earthquake-prone buildings (25 years).
6. To determine Priority Buildings, the Act requires the Council first to:
  - identify priority vehicular and pedestrian thoroughfares where there are public areas of high pedestrian and traffic numbers (**thoroughfares**); and
  - 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 (**routes**).
7. Once identified, these proposed thoroughfares and routes must be consulted on using the Special Consultative Procedure (**SCP**) under s83 of the Local Government Act 2002 (**LGA**).
8. Following the SCP, the Council is required to present a Statement of Proposal, consult on the proposed policy for one month and provide the opportunity for submitters to present their views in a spoken form.

9. At the 8 February 2018 Council meeting, the proposed thoroughfares and routes identified were approved for public consultation between 5 March 2018 and 6 April 2018 (refer to pages 91-142 of the [Agenda](#)).
10. The consultation sought feedback from the public on whether they agreed or not with the proposed thoroughfares and routes and/or if there were any other thoroughfares and routes that the Council should consider.
11. The consultation resulted in seven (7) written responses in total with no respondents wanting to be heard.
12. All respondents indicated that they were residents in Hamilton with only one respondent indicating that they were a tenant of a building as well.
13. The majority of the respondents agreed with both the thoroughfares and routes identified although some further suggestions were made, which have been addressed in the attached maps.
14. The earthquake-prone buildings that staff have determined as Priority Buildings on the proposed thoroughfares and routes are listed in Attachment 5.
15. The Council's approval of the proposed thoroughfares and routes will enable staff to inform relevant building owners of how they are affected.
16. Staff will also engage with building owners and tenants 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 building database and maintaining the accuracy of the information.
17. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements and that there no known risks associated with the decisions required for this matter.
18. The approximate cost for the thoroughfare and route identification process leading up to and including this report is \$5,000. This cost includes staff time which is funded through regular operating activity.
19. All consultation has been completed in accordance with the statutory requirement to consult using s83 of the LGA. For the purposes of this report, the significance level is low and therefore no further consultation is required.

## **Attachments**

Attachment 1 - Priority Vehicular and Pedestrian Thoroughfares

Attachment 2 - Earthquake Prone Priority Buildings and Priority Vehicular and Pedestrian Thoroughfares

Attachment 3 - Transport Routes Of Strategic Importance

Attachment 4 - Draft Priority Building List 3







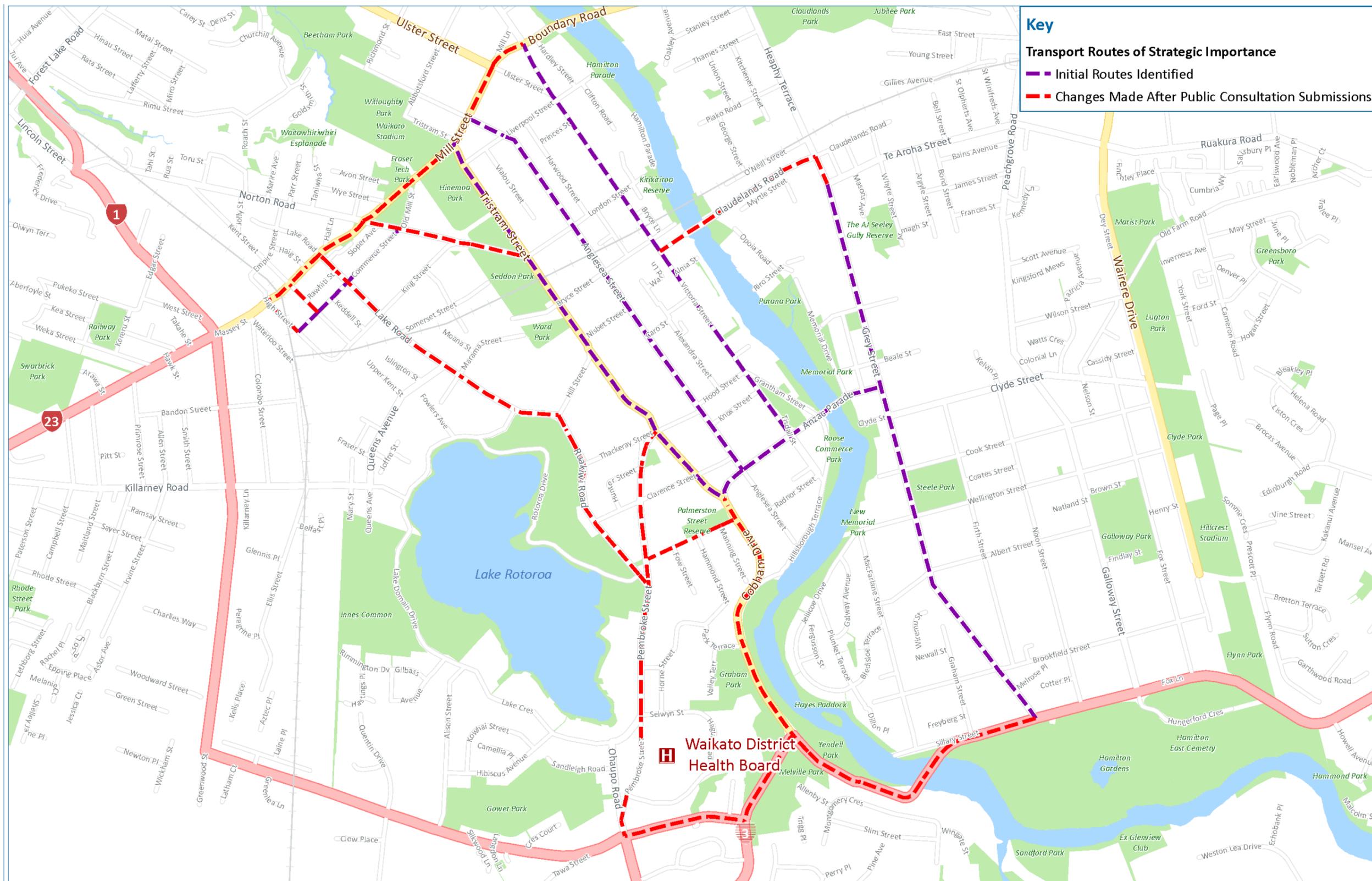












**Key**

**Transport Routes of Strategic Importance**

- Initial Routes Identified
- Changes Made After Public Consultation Submissions





Street No	Street Name	Street Type	Suburb	Town/City	Address Comment
6	Alma	Street	Hamilton Central	Hamilton	6-6A Alma St
8	Alma	Street	Hamilton Central	Hamilton	8 Alma St
116	Anglesea	Street	Hamilton Central	Hamilton	Court House
181	Anglesea	Street	Hamilton Central	Hamilton	181 Anglesea St
236	Anglesea	Street	Hamilton Central	Hamilton	236-236A Anglesea St
441	Anglesea	Street	Hamilton Central	Hamilton	Waikato Secondhand Centre
300	Barton	Street	Hamilton Central	Hamilton	Gates Optometrist
44	Bryce	Street	Hamilton Central	Hamilton	44 Bryce St
27	Collingwood	Street	Hamilton Lake	Hamilton	27 Collingwood St
32	Commerce	Street	Frankton	Hamilton	32 Commerce St
53	Commerce	Street	Frankton	Hamilton	53 Commerce St
71	Commerce	Street	Frankton	Hamilton	71 Commerce St
108	Commerce	Street	Frankton	Hamilton	108 Commerce St
124	Commerce	Street	Frankton	Hamilton	124 Commerce St
128	Commerce	Street	Frankton	Hamilton	128 Commerce St
149	Commerce	Street	Frankton	Hamilton	149 Commerce St
161	Commerce	Street	Frankton	Hamilton	161 Commerce St
171	Commerce	Street	Frankton	Hamilton	171 Commerce St
199	Commerce	Street	Frankton	Hamilton	199 Commerce St
202	Commerce	Street	Frankton	Hamilton	Frankton Post Office
205	Commerce	Street	Frankton	Hamilton	205 Commerce St
210	Commerce	Street	Frankton	Hamilton	210 Commerce St
225	Commerce	Street	Frankton	Hamilton	221-229 Commerce St
2	Garden	Place	Hamilton Central	Hamilton	Pascoe's building (also known as Frear's)
359	Grey	Street	Hamilton East	Hamilton	359 Grey Street
371	Grey	Street	Hamilton East	Hamilton	371 Grey St
375	Grey	Street	Hamilton East	Hamilton	375 Grey St
379	Grey	Street	Hamilton East	Hamilton	379 Grey
381	Grey	Street	Hamilton East	Hamilton	381 Grey St
393	Grey	Street	Hamilton East	Hamilton	393 Grey St
40	High	Street	Frankton	Hamilton	40 High St - Frankton Hotel
15	Hood	Street	Hamilton Central	Hamilton	15 Hood St

17	Hood	Street	Hamilton Central	Hamilton	17 Hood St
29	Hood	Street	Hamilton Central	Hamilton	29 Hood St
33	Hood	Street	Hamilton Central	Hamilton	33 Hood St
94	London	Street	Hamilton Central	Hamilton	94 London St
81	Victoria	Street	Hamilton Central	Hamilton	81 Victoria St
109	Victoria	Street	Hamilton Central	Hamilton	109 Victoria St
120	Victoria	Street	Hamilton Central	Hamilton	Artspost building
170	Victoria	Street	Hamilton Central	Hamilton	170 Victoria St
198	Victoria	Street	Hamilton Central	Hamilton	198 Victoria St
206	Victoria	Street	Hamilton Central	Hamilton	206 Victoria St
207-211	Victoria	Street	Hamilton Central	Hamilton	Metropolis
213-217	Victoria	Street	Hamilton Central	Hamilton	217 Victoria St - Grocotts Building
220	Victoria	Street	Hamilton Central	Hamilton	220 Victoria St
221	Victoria	Street	Hamilton Central	Hamilton	Alexandra Building
231	Victoria	Street	Hamilton Central	Hamilton	231 Victoria St
303	Victoria	Street	Hamilton Central	Hamilton	303 Victoria St
260	Victoria	Street	Hamilton Central	Hamilton	260 Victoria St - Victoria Buildings
325	Victoria	Street	Hamilton Central	Hamilton	325 Victoria St
331-335	Victoria	Street	Hamilton Central	Hamilton	331-335 Victoria St
341	Victoria	Street	Hamilton Central	Hamilton	341 Victoria St
357	Victoria	Street	Hamilton Central	Hamilton	357 Victoria St Pascoes Building/also 2 Garden Place
530	Victoria	Street	Hamilton Central	Hamilton	Oxford Chambers
540	Victoria	Street	Hamilton Central	Hamilton	540 Victoria St
581	Victoria	Street	Hamilton Central	Hamilton	581 Victoria St
641	Victoria	Street	Hamilton Central	Hamilton	641 Victoria St
651	Victoria	Street	Hamilton Central	Hamilton	651 Victoria St
728	Victoria	Street	Hamilton Central	Hamilton	Biddy Mulligans Irish Pub
742-750	Victoria	Street	Hamilton Central	Hamilton	Accident and Medical Centre
801	Victoria	Street	Hamilton Central	Hamilton	801 Victoria St
803	Victoria	Street	Hamilton Central	Hamilton	803 Victoria St
937	Victoria	Street	Hamilton Central	Hamilton	937 Victoria St
19	Ward	Street	Hamilton Central	Hamilton	19 Ward St (Actually 19 Ward Lane the ex-Granary)
125	Ward	Street	Hamilton Central	Hamilton	125 Ward St

136	Ward	Street	Hamilton Central	Hamilton	
137	Ward	Street	Hamilton Central	Hamilton	137 Ward St
138	Ward	Street	Hamilton Central	Hamilton	
140	Ward	Street	Hamilton Central	Hamilton	
158	Ward	Street	Hamilton Central	Hamilton	158 Ward St
11	Worley	Place	Hamilton Central	Hamilton	11 Worley Place

# Council Report

Item 13

**Committee:** Council **Date:** 02 August 2018  
**Author:** Riki Manarangi **Authoriser:** Jen Baird  
**Position:** Corporate Policy Specialist **Position:** General Manager City Growth  
**Report Name:** Open Air Burning Bylaw - Adoption of Revised Bylaw

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

1. To seek the Council's approval to adopt the revised Open Air Burning Bylaw (**revised Bylaw**) which has been updated to remove provisions now covered under legislation.

## Staff Recommendation

2. That the Council approves the adoption of the revised Open Air Burning Bylaw (Attachment 2).

## Background and Discussion

3. The Council adopted the existing [Open Air Burning Bylaw](#) (**existing Bylaw**) on 26 February 2015.
4. The existing Bylaw was considered the most appropriate mechanism for enabling the Council to exercise its control over the lighting of fires in the open air in Hamilton.
5. The existing Bylaw was adopted in response to a New Zealand Fire Service (**NZFS**) request for a Council bylaw as to enable fire risks to be mitigated during times of high fire risk.
6. Recent legislative changes, by introduction of the [Fire and Emergency New Zealand Act 2017](#) (**FENZ Act**), established the Fire Emergency Services New Zealand (**FENZ**) which replaces NZFS.
7. The FENZ Act also moves responsibilities relating to fire bans from the Council to FENZ.
8. The effect of the legislative change means that provisions other than conditions for lighting fires and nuisance fires need to be removed from the Bylaw.
9. At the 24 May 2018 Council meeting, the Council resolved for staff to bring a revised Bylaw to the 2 August 2018 Council meeting for adoption (refer to pages 7-8 of the minutes [here](#)).
10. [Section 152B](#) of the Local Government Act 2002 (**LGA**) allows the existing Bylaw to be amended by Council resolution and without consultation as long as only inconsistencies now covered under the FENZ Act are removed.
11. Staff have met with FENZ to discuss the implications of the legislative changes in relation to the existing Bylaw.
12. Staff instructed the City Solicitor to review the legislative changes and remove only inconsistencies with the FENZ Act (refer to Attachment 1 for a tracked changed version and Attachment 2 for a clean version).

## Item 13

13. The City Solicitor confirms that the revised Bylaw is now compliant with the requirements under the FENZ Act.
14. Staff recommend that the Council adopt the revised Bylaw on the advice of the City Solicitor that the Bylaw is now legally compliant.
15. If the Council do not adopt the revised Bylaw, the Council will have a Bylaw that incorrectly states powers that the Council no longer has.
16. The staff and legal costs up to and including this report are approximately \$2,700. This is a regular operating activity funded through the 10-Year Plan.
17. There are no known risks associated with the decisions required for this matter.
18. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.
19. As above, under s152B of the LGA, the Council is not required to consult on the revised Bylaw prior to adoption. Staff therefore have not applied the Significance and Engagement Policy.

### **Attachments**

Attachment 1 - Open Air Burning Bylaw - Revised Bylaw (Tracked Changed Version)

Attachment 2 - Open Air Burning Bylaw - Revised Bylaw (Clean Version)

**Hamilton City Council**  
**BYLAWS**



Approved By: Council	Date <del>Adopted</del> : <b>Adopted</b> : 26 February 2015
Date In Force: 5 March 2015	Review Date: 5 March 2020 ( <u>revised 2 August 2018 removing FENZ Act inconsistencies</u> )

**HAMILTON OPEN AIR BURNING BYLAW 2015**

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002 and any amendments to that act.

- 1. PREAMBLE----- 2
- 2. SHORT TITLE ----- 2
- 3. PURPOSE----- 2
- 4. DEFINITIONS ----- 2
- 5. CONDITIONS FOR THE LIGHTING OF FIRES ----- 3
- ~~6. FIRE BANS ----- 3~~
- ~~6~~7. AUTHORISED OFFICER MAY EXTINGUISH FIRES ----- 4
- ~~7~~8. POWERS OF ENTRY ----- 4
- ~~8~~9. PENALTIES AND OFFENCES ----- 4

## Hamilton City Council BYLAWS

### 1. PREAMBLE

- 1.1. This bylaw is made under powers given to Hamilton City Council by the Local Government Act 2002. It applies to Hamilton City.

### 2. SHORT TITLE

- 2.1. This bylaw may be cited as the Hamilton Open Air Burning Bylaw.

### 3. PURPOSE

- 3.1. The purposes of this bylaw is to protect and maintain public health and safety by:
- a) Enabling Council to exercise control over the lighting of fires in the open air and to prevent fires in the open causing a nuisance; and by
  - b) Preventing the spread of fires in periods of extremely dry weather.

### 4. DEFINITIONS

- 4.1. In this bylaw except where inconsistent with the context:

<b>Acceptable means of fire suppression</b>	Means a hose connected to a reticulated water supply or another effective means of fire suppression having regard to the type and size of fire.
<b>Authorised officer</b>	Means any person authorised under the Local Government Act 2002 to exercise the powers in clause 7 of this bylaw. Includes the employees and officers of <a href="#">the New Zealand Fire Service</a> and <a href="#">Emergency New Zealand</a> and enforcement officers appointed by Waikato Regional Council under the Resource Management Act 1991. Includes Enforcement Officer.
<b>Barbecue</b>	Means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.
<b>Brazier</b>	Any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
<b>Combustible material</b>	Includes but is not limited to any materials, rubbish or any other matter which is flammable or capable of being burnt or consumed by fire
<b>Enforcement officer</b>	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against the Local Government Act 2002, including enforcement of Council's bylaws.
<b>Fire ban</b>	Means the period of time, whether fixed or indefinite, during which the lighting of fires in the open air is prohibited in accordance with 6.1.
<b>Incinerator fire</b>	Means a fire within an incinerator.
<b>Incinerator</b>	Means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.
<b>Nuisance</b>	Any smoke, odour, debris or fumes produced by a fire in such quantity or of such nature as to cause unreasonable inconvenience or annoyance or harmful effects to any person.

## Hamilton City Council BYLAWS

- Occupier** Means in relation to any premise, any owner, tenant, agent, manager, foreperson or other person who appears to the Authorised Officer to be acting in the general management or control of the premise.
- Open air** Means in the open whether on or above ground level in any area of Hamilton.
- In relation to fires, means otherwise than:-
- (a) within a fireplace (including any enclosed fireproof place or incinerator ) constructed and maintained in a dwelling or other structure to the approval of the public or local authority having jurisdiction to issue the relevant permit to build such dwelling or structure or to authorise the construction or installation of the fireplace;
  - (b) Within a barbeque, brazier, or incinerator;
  - (c) A traditional cooking fire.
- Premises** Means any private land that is occupied or unoccupied.
- Traditional cooking fire** Means a hangi, umu or similar outdoor fire for the sole purpose of food preparation using traditional cooking methods.

### 5. CONDITIONS FOR THE LIGHTING OF FIRES

5.1. A person must not light any fire at any time in the open air, or within a barbecue, brazier or incinerator, or burn a traditional cooking fire under the following conditions:

- a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
  - I. A danger to any person or property; or
  - II. Out of control or spread beyond the boundaries of the premises on which it is lit; or
  - III. A nuisance beyond the boundaries of the premises on which it is lit; or to:-
  - IV. Deposit ash or other debris beyond the boundaries of the premises on which it is lit;
- b) Without continuous supervision being maintained at all times; or
- c) Without an acceptable means of fire suppression being available at all times or
- d) In breach of any Act or regulation (including any rule in a district or regional plan under the Resource Management Act 1991).

5.2. A person must not light any fire at any time in the open air, including a traditional cooking fire, within three metres of any part of a building, tree, hedge, fence or any other combustible material. This clause does not apply to barbecues, braziers or incinerators.

### ~~6. FIRE BANS~~

~~6.1. The Council or the Chief Executive Officer may, at any time when it considers it necessary due to the level of risk of fire, prohibit the lighting of fires in the open air for any specified period of time, within all or any part of Hamilton within the city boundary.~~

## Hamilton City Council BYLAWS

~~6.2. The Council must give public notice of any fire ban made under clause 6.1 by any effective means.~~

~~6.3. Effective means includes notification on Council's website or publication of notices in a newspaper.~~

~~6.4. Upon giving public notice, the Council may, at any time, vary or cancel any fire ban made under clause 6.1.~~

~~6.5. A person must not light any fire in the open air in a time and place where a fire ban is in effect. For clarity, a fire ban does not apply to a barbeque, brazier, incinerator fire or a traditional cooking fire.~~

~~6.6. No person, being the occupier of premises, shall cause, permit or suffer the lighting or continued burning of a fire in the open air in a time or place where a fire ban is in effect.~~

### **7.6. AUTHORISED OFFICER MAY EXTINGUISH FIRES**

~~7.1.6.1.~~ Where a fire has been lit or allowed to burn in breach of clause 5.1 or clause 5.2; ~~or during a fire ban in breach of clause 6.5; or 6.6,~~ an authorised officer may:

- a) direct the occupier of premises on which the fire is located, or the person who lit the fire, to immediately extinguish the fire; and
- b) obtain such assistance that may be reasonably necessary to ensure the safety of any person or to protect the property or any other property.

~~7.2.6.2.~~ Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, does not comply with an authorised officer's direction under clause ~~6.7.1.a~~ to extinguish the fire, the authorised officer may extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the property, or any other property. The function of extinguishing fires under clause ~~6.7.2~~ is delegated to [the New Zealand Fire Service Fire and Emergency New Zealand](#).

~~7.3.6.3.~~ An authorised officer exercising the power under clause ~~7.6.2~~ may obtain such assistance as is reasonably necessary.

~~7.4.6.4.~~ Pursuant to section 187 of the Local Government Act 2002, where an authorised officer has extinguished a fire pursuant to clause ~~7.6.2~~, the Council may recover costs incurred by Council associated with extinguishing the fire from the person to whom the direction was made.

### **8.7. POWERS OF ENTRY**

~~8.1.7.1.~~ An enforcement officer may enter land for the purpose of detecting a breach of this bylaw if the officer has reasonable grounds for suspecting that a breach of the bylaw is occurring on the land. Before entering the land the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry.

~~8.2.7.2.~~ An enforcement officer may enter land without notice for a purpose authorised by this bylaw if there is sudden emergency causing or likely to cause loss of life or injury to a person; or damage to property; or damage to the environment; or there is danger to any works or adjoining property.

Note, *This note does not form part of the bylaw:* Members of [the New Zealand Fire Service Fire and Emergency New Zealand](#) have powers of entry under the [Fire Service Act 1975 Fire and Emergency New Zealand Act 2017](#).

## Hamilton City Council BYLAWS

### 9.8. PENALTIES AND OFFENCES

9.1.8.1. A person commits a breach of this bylaw who:

- a) Burns a fire in contravention of clause 5.1 or clause 5.2;
- ~~b) Burns a fire in contravention of clause 6.5 or 6.6~~
- ~~e)b) Fails to comply with a direction given under clause 6.7.1.a~~

9.2.8.2. Pursuant to section 239 and 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000.

9.3.8.3. Pursuant to section 229 of the Local Government Act 2002, any person who obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this bylaw commits an offence and is liable on conviction to a fine not exceeding \$5,000.

9.4.8.4. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this bylaw.

**Hamilton City Council  
BYLAWS**

The COMMON SEAL of the HAMILTON CITY COUNCIL  
was hereunto affixed in the presence of:

Councillor: \_\_\_\_\_

Councillor: \_\_\_\_\_

Chief Executive: \_\_\_\_\_

**Hamilton City Council  
BYLAWS**



<b>Approved By: Council</b>	<b>Date Adopted: 26 February 2015</b>
<b>Date In Force: 5 March 2015</b>	<b>Review Date: 5 March 2020 (revised 2 August 2018 removing FENZ Act inconsistencies)</b>

**HAMILTON OPEN AIR BURNING BYLAW 2015**

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002 and any amendments to that act.

- 1. PREAMBLE----- 2
- 2. SHORT TITLE ----- 2
- 3. PURPOSE----- 2
- 4. DEFINITIONS ----- 2
- 5. CONDITIONS FOR THE LIGHTING OF FIRES ----- 3
- 6. AUTHORISED OFFICER MAY EXTINGUISH FIRES ----- 4
- 7. POWERS OF ENTRY ----- 4
- 8. PENALTIES AND OFFENCES ----- 4

## Hamilton City Council BYLAWS

### 1. PREAMBLE

- 1.1. This bylaw is made under powers given to Hamilton City Council by the Local Government Act 2002. It applies to Hamilton City.

### 2. SHORT TITLE

- 2.1. This bylaw may be cited as the Hamilton Open Air Burning Bylaw.

### 3. PURPOSE

- 3.1. The purposes of this bylaw is to protect and maintain public health and safety by:
- a) Enabling Council to exercise control over the lighting of fires in the open air and to prevent fires in the open causing a nuisance; and by
  - b) Preventing the spread of fires in periods of extremely dry weather.

### 4. DEFINITIONS

- 4.1. In this bylaw except where inconsistent with the context:

<b>Acceptable means of fire suppression</b>	Means a hose connected to a reticulated water supply or another effective means of fire suppression having regard to the type and size of fire.
<b>Authorised officer</b>	Means any person authorised under the Local Government Act 2002 to exercise the powers in clause 7 of this bylaw. Includes the employees and officers of Fire and Emergency New Zealand and enforcement officers appointed by Waikato Regional Council under the Resource Management Act 1991. Includes Enforcement Officer.
<b>Barbecue</b>	Means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.
<b>Brazier</b>	Any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
<b>Combustible material</b>	Includes but is not limited to any materials, rubbish or any other matter which is flammable or capable of being burnt or consumed by fire
<b>Enforcement officer</b>	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against the Local Government Act 2002, including enforcement of Council's bylaws.
<b>Fire ban</b>	Means the period of time, whether fixed or indefinite, during which the lighting of fires in the open air is prohibited in accordance with 6.1.
<b>Incinerator fire</b>	Means a fire within an incinerator.
<b>Incinerator</b>	Means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.
<b>Nuisance</b>	Any smoke, odour, debris or fumes produced by a fire in such quantity or of such nature as to cause unreasonable inconvenience or annoyance or harmful effects to any person.

## Hamilton City Council BYLAWS

- Occupier** Means in relation to any premise, any owner, tenant, agent, manager, foreperson or other person who appears to the Authorised Officer to be acting in the general management or control of the premise.
- Open air** Means in the open whether on or above ground level in any area of Hamilton.
- In relation to fires, means otherwise than:-
- (a) within a fireplace (including any enclosed fireproof place or incinerator ) constructed and maintained in a dwelling or other structure to the approval of the public or local authority having jurisdiction to issue the relevant permit to build such dwelling or structure or to authorise the construction or installation of the fireplace;
  - (b) Within a barbeque, brazier, or incinerator;
  - (c) A traditional cooking fire.
- Premises** Means any private land that is occupied or unoccupied.
- Traditional cooking fire** Means a hangi, umu or similar outdoor fire for the sole purpose of food preparation using traditional cooking methods.

### 5. CONDITIONS FOR THE LIGHTING OF FIRES

5.1. A person must not light any fire at any time in the open air, or within a barbecue, brazier or incinerator, or burn a traditional cooking fire under the following conditions:

- a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
  - I. A danger to any person or property; or
  - II. Out of control or spread beyond the boundaries of the premises on which it is lit; or
  - III. A nuisance beyond the boundaries of the premises on which it is lit; or to:-
  - IV. Deposit ash or other debris beyond the boundaries of the premises on which it is lit;
- b) Without continuous supervision being maintained at all times; or
- c) Without an acceptable means of fire suppression being available at all times or
- d) In breach of any Act or regulation (including any rule in a district or regional plan under the Resource Management Act 1991).

5.2. A person must not light any fire at any time in the open air, including a traditional cooking fire, within three metres of any part of a building, tree, hedge, fence or any other combustible material. This clause does not apply to barbecues, braziers or incinerators.

### 6. AUTHORISED OFFICER MAY EXTINGUISH FIRES

6.1. Where a fire has been lit or allowed to burn in breach of clause 5.1 or clause 5.2 an authorised officer may:

## Hamilton City Council BYLAWS

- a) direct the occupier of premises on which the fire is located, or the person who lit the fire, to immediately extinguish the fire; and
  - b) obtain such assistance that may be reasonably necessary to ensure the safety of any person or to protect the property or any other property.
- 6.2. Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, does not comply with an authorised officer's direction under clause 6.1.a to extinguish the fire, the authorised officer may extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the property, or any other property. The function of extinguishing fires under clause 6.2 is delegated to Fire and Emergency New Zealand.
- 6.3. An authorised officer exercising the power under clause 6.2 may obtain such assistance as is reasonably necessary.
- 6.4. Pursuant to section 187 of the Local Government Act 2002, where an authorised officer has extinguished a fire pursuant to clause 6.2, the Council may recover costs incurred by Council associated with extinguishing the fire from the person to whom the direction was made.

### 7. POWERS OF ENTRY

- 7.1. An enforcement officer may enter land for the purpose of detecting a breach of this bylaw if the officer has reasonable grounds for suspecting that a breach of the bylaw is occurring on the land. Before entering the land the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry.
- 7.2. An enforcement officer may enter land without notice for a purpose authorised by this bylaw if there is sudden emergency causing or likely to cause loss of life or injury to a person; or damage to property; or damage to the environment; or there is danger to any works or adjoining property.

*Note, This note does not form part of the bylaw:* Members of Fire and Emergency New Zealand have powers of entry under the Fire and Emergency New Zealand Act 2017.

### 8. PENALTIES AND OFFENCES

- 8.1. A person commits a breach of this bylaw who:
- a) Burns a fire in contravention of clause 5.1 or clause 5.2;
  - b) Fails to comply with a direction given under clause 6.1.a
- 8.2. Pursuant to section 239 and 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000.
- 8.3. Pursuant to section 229 of the Local Government Act 2002, any person who obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this bylaw commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- 8.4. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this bylaw.

**Hamilton City Council  
BYLAWS**

The COMMON SEAL of the HAMILTON CITY COUNCIL  
was hereunto affixed in the presence of:

Councillor: \_\_\_\_\_

Councillor: \_\_\_\_\_

Chief Executive: \_\_\_\_\_

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Becca Brooke **Authoriser:** Lee-Ann Jordan  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Governance Structure 2016-19 - Mid-Term Review

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

1. To seek approval for minor changes recommended by staff to Council's 2016-19 Governance Structure following the mid-term review.
2. To seek approval for proposed changes to the Audit and Risk Committee terms of reference as per the recommendation from the 14 June 2018 Audit and Risk Committee meeting.

## Staff Recommendation

3. That the Council:
  - a) approves the changes to the Governance Structure recommended by staff, as set out in attachment 1 of the report; and
  - b) approves the recommendation of by the Audit and Risk Committee to its terms of reference, as set out in attachment 1 of the report.

## Executive Summary

4. At the 9 November 2016 Inaugural Council Meeting, the 2016-19 Governance Structure was approved with Mayor King indicating his intention to review the Governance Structure mid way through the 2016-19 Triennium.
5. Mayor King carried out his review in June 2018, resulting in some minor changes including appointing Cr Hamilton as Deputy Chair to the Community and Services Committee, appointing Keiran Horne as Deputy Chair to the Audit and Risk Committee and reducing the membership of the CE Review Committee. These changes were approved at the 26 June 2018 Council meeting - minutes [here](#).
6. Following Mayor King's initial review of the Governance Structure, staff have recommended some further changes, with the view to provide more clarity and context.
7. In addition to the above staff recommendations, the Audit and Risk Committee have separately reviewed and recommended some changes to its terms of reference.
8. Both the recommendations from staff and from the Audit and Risk Committee are set out in the draft revised Governance Structure document which is attachment 1 of this report.

## Discussion

9. The recommended changes to the Governance Structure are summarised below, with full tracked changes set out in attachment 1 of this report.
10. **Recommended changes to the Community and Services Committee**
11. The changes recommended to the Community and Services Committee terms of reference include:
  - incorporating and placing more emphasis on environmental and sustainability issues for Council and the wider community.
  - a name change for the Committee to the Community, Services and Environment Committee, to better reflect the Councils' environmental and sustainability responsibilities.
  - to provide a mechanism for the Council to align and monitor its sustainability principles and actions.
12. **Recommended changes to the Audit and Risk Committee**
13. The changes recommended to the Audit and Risk Committee terms of reference enable the Committee to appropriately monitor the Council's compliance with legislation and the effectiveness of its internal and external audit process. The Committee is also recommending the second external appointee act as Deputy Chair of the Committee.
14. **Other Changes**
15. Other recommended changes include:
  - further clarity on the creation and approval of taskforces
  - specifying alignment to the financial strategy
  - addition of the Speed Limits Bylaw to the Regulatory and Hearings Committee
  - updating position names.

## Legal and Policy Considerations

16. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.
17. The proposed changes mitigate the minor risk for decision makers by providing clarification (e.g. for taskforces) or further enabling decision making (e.g. for the Speed Limit Bylaw).

## Risks

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

## Significance & Engagement Policy

19. 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 - Draft Revised Governance Structure 2016-19 - July 2018 - Tracked Changes



# **Governance Structure**

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

**2016-19 Triennium**

**Adopted by Council on**

**9 November 2016**

Last Updated: 26 July 2018

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# Introduction

## Governance Structure

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

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

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

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

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

- **Common delegations**

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

- **Specific delegations**

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

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

## The Role of the Mayor

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

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

## Ambiguity and Conflict

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

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

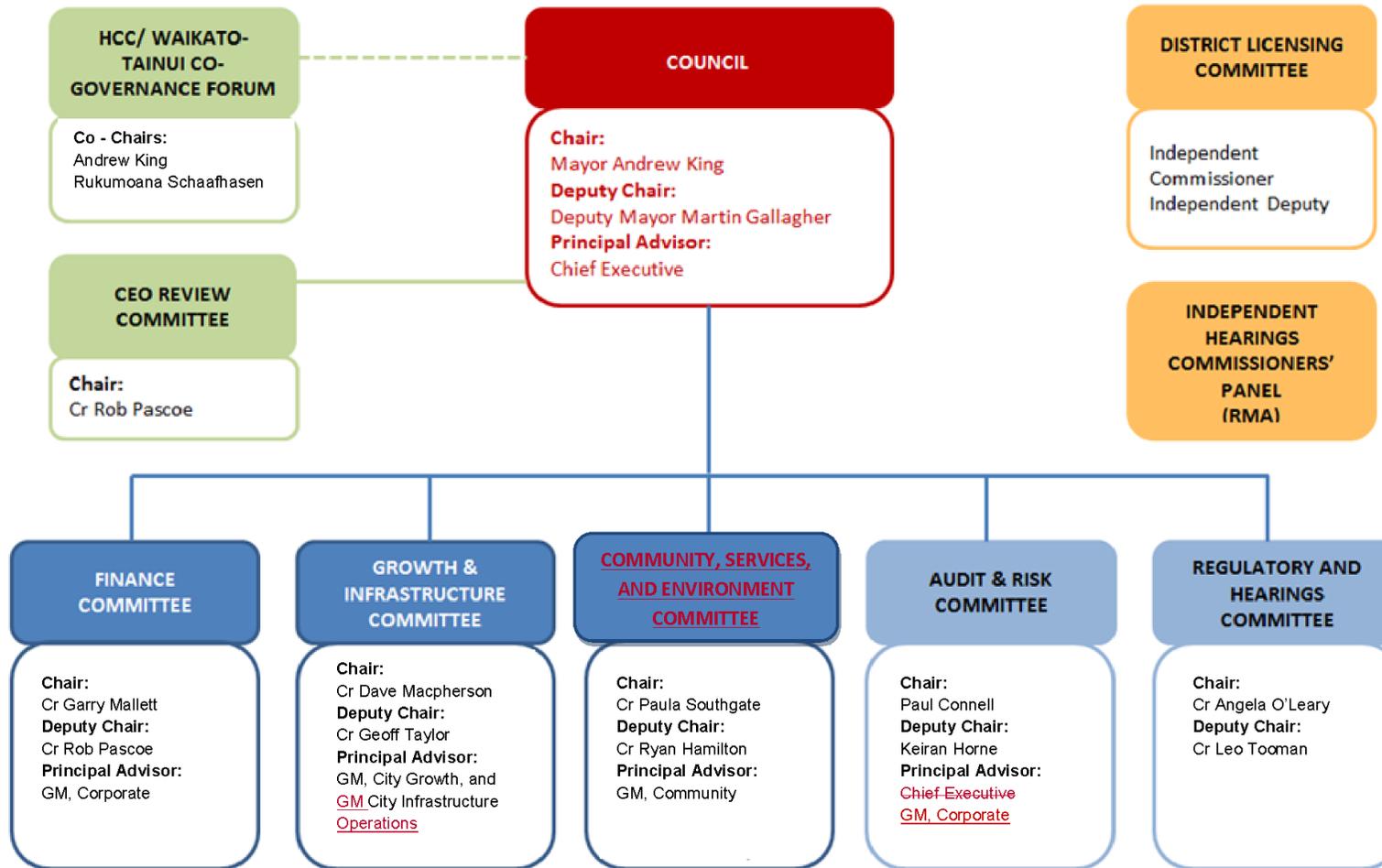
## Interpretation

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



# Council and Committees of Council

## Committee Structure and Appointments – 2016-2019



## Council

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

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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.
- h)i) Approval of all Council and Committee taskforces and their terms of reference.

**Oversight of Policies:**

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

## Common Delegations

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

### General Principle

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

These Committees will:

### Strategy, plans and policy

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

### Bylaws

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

### Consultation and engagement

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

### Submissions and legislation

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

**Projects and programmes**

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

**Contracts**

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

**Other**

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

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

## Finance Committee

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

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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.
-

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
  - exclude contracts or arrangements that are reserved for the Council or another Committee's approval.
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund or the Domain Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

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

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

**Oversight of Policies:**

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

## Growth and Infrastructure Committee

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

---

### Purpose

The Growth and Infrastructure Committee is responsible for:

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

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

### Terms of Reference:

1. To monitor and provide advice on the development and implementation of urban growth and development strategies, land use, and spatial plans in line with national policy requirements.
2. To provide direction on strategic priorities for core city infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
3. To provide direction and monitor Council's approach to development contributions.
4. To assess proposals for Private Developer Agreements that exceed the Chief Executive's delegations for Unfunded Growth Projects<sup>2</sup> and, if appropriate for Unfunded Growth Projects, to recommend such agreements to the 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 10 Year 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 10 Year 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 any proposal to stop any road, including hearing and considering any written objections on such matters.
- Approval of funding for Business Improvement District(s) and Hamilton and Waikato Tourism.

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

- Adoption of the 30 Year Infrastructure Plan to Council.
- Approval of additional borrowing to Finance Committee.
- Approval of city boundary changes to Council.
- The Committee may make recommendations to Council and other Committees

**Oversight of Policies**

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

## Community, ~~and~~ Services, and Environment Committee

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

### Purpose

The Community, ~~and~~ Services, and Environment Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and its communities.
  2. Governance of recreational, event, and community facilities and amenities.
  3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
  4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
  5. Funding to benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.
- 5-6. Advise Council on the best ways to improve Hamiltonian's quality of life environmentally, socially, culturally and economically by protecting and enhancing the local environment.

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

### Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.

4. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
5. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a. implementation of Government requirements;
  - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
10. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
11. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
12. To make decisions on event sponsorship applications in accordance with the Event Sponsorship Policy and within the approved budget, and monitor any grants made to external organisations under that policy.
13. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for the environment, public art, recreational and community facilities and amenity.
14. 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.
- 14.15. To monitor Councils sustainability principles and actions.

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

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

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

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

**Oversight of Policies:**

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

## Audit and Risk Committee

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

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### Purpose:

The Audit and Risk Committee is responsible for:

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

**The Committee is delegated the following Terms of Reference and powers:**

### Terms of Reference:

*External Audit*

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1. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
2. Recommend to Council the terms and arrangements for the external audit programme.
3. Review the effectiveness of the Annual Plan audit and 10 Year Plan audit.
4. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

*Internal Audit*

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

*Other Matters*

9. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks and report 6 monthly to Council.
10. Review the effectiveness of the systems for monitoring the Council's compliance ~~with laws (including governance legislation, regulation, policy and guidelines (including health and safety), and associated government policies), Council's own standards, and best practice guidelines, including on health and safety,~~
11. Engage with internal and external auditors on any specific one-off audit assignments.
12. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
13. To review the Risk Management Policy and recommend to Council revisions to the policy for adoption.
14. Review and monitor integrity of interim and annual reports and recommend to Council for adoption.
- 12-15. Review and monitor business continuity planning.

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

- The Committee has no decision-making powers.

- The Committee may make recommendations to the Council and/or the Chief Executive, as appropriate.

**Special Notes:**

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- Council appoints two external members of the committee, one of whom shall be Chair and other will be Deputy Chair. External members shall have a broad range of skills and experience including accounting or audit experience; the terms of the appointment to be recorded in a contract. External member contracts are to be reviewed and assessed six (6) months after each triennial election.
- ~~Council appoints the external members of the committee; the terms of the appointment to be recorded in a contract. External member contracts are to be reviewed and assessed six (6) months after each triennial election.~~
- The Chief Executive and Internal Auditor are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- The Chairperson shall review the travel and other reimbursed expenses of the Chief Executive and confirm compliance with Council policies. This information will be provided to the Chairperson on a six-monthly basis.
- The Chief Executive and the Principal Advisor shall be responsible for drawing to the committee's immediate attention any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud or malpractice.
- The chairperson shall present an annual Audit and Risk Self Review to Council summarising the committee's activities during the year and any related significant results and findings.

**Oversight of Policies:**

- *Risk Management Policy*

## CEO Review Committee

<b>Reports to:</b>	The Council
<b>Chairperson:</b>	Cr Rob Pascoe
<b>Membership:</b>	Mayor Andrew King
<b>Meeting frequency:</b>	As required
<b>Quorum:</b>	Two members

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

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

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

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

### **Special Notes:**

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

## Regulatory and Hearings Committee

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

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### Purpose

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

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

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

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

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

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

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

**Special Notes:**

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

## District Licensing Committee

**Reports to:** The Council

**Chairperson:** External appointee – Sara Brown

**Membership (external appointees):**

Patsi Davies

John Gower

Brett McEwan

Jennie McFarlane (Alternate Commissioner)

Tegan McIntyre (Alternate Commissioner)

**Meeting frequency:** As required

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

### Purpose

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

### Terms of Reference:

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

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

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

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

- This Committee may make recommendations to Council

**Special Notes:**

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

## Independent Hearings Commissioners' Panel

**Reports to:** Council

**Chairperson:** As appropriate

**Membership - with up to three sitting at any one time (including the Chairperson, if required):**

William Wasley

Simon Berry

Murray Kivell

Rebecca Macky

Russell De Luca

Richard Knott

Alan Withy

Alan Bickers

Mark Farnsworth

Loretta Lovell

Any Hamilton City Councillor who is a Ministry for the Environment accredited RMA Commissioner

**Meeting frequency:** As required

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**Purpose:**

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

**The Panel is delegated the following Terms of Reference and powers:**

**Terms of Reference:**

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

**Special Notes:**

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

## Accord Territorial Authority Panel (ATA Panel)

**Reports to:** Council

**Chairperson:** As appropriate

**Membership - no fewer than three sitting at any one time (including the Chairperson, if required):**

Any Hamilton City Councillor who is a Ministry for the Environment accredited RMA Commissioner

Sitting in combination with not less than two of any of the following individuals:

Simon Berry  
Murray Kivell  
Rebecca Macky  
Russell De Luca  
Richard Knott  
Alan Withy  
Alan Bickers  
Mark Farnsworth  
Loretta Lovell

**Meeting frequency:** As required

**Purpose:**

To undertake certain hearings and regulatory functions under the Housing Accords and Special Housing Areas Act 2013 ('HASHAA')

**Pursuant to s90 of HASHAA Council delegated to the ATA Panel its functions and powers as an authorised agency under the following Terms of Reference:**

**Terms of Reference:**

1. Council hereby establishes an Accord Territorial Authority Panel (ATA Panel) comprised of the individuals listed above.
2. Establishing the membership of each individual ATA Panel to hear and determine the matters set out in clause 4 is hereby delegated to the General Manager City Growth.
3. Membership shall be comprised of individuals drawn from the list of available members set out above, and shall include 1 Hamilton City Councillor who is a Minister for the Environment accredited RMA commissioner.
4. Each individual ATA Panel selected in accordance with clause 2 shall have power to hear and decide any of the following HASHAA matters:
  - a. An application for a resource consent or change to conditions of resource consent; or
  - b. A Notice of Objections

5. Each individual ATA Panel shall have all the functions and powers under the HASHAA relevant to the matter to be heard from the date of selection being confirmed by the General Manager City Growth until the final decision is delivered by the ATA Panel.
6. Each individual ATA Panel shall have the power to select a hearings chairperson; and give the chair person, if one is selected, a casting vote.
7. If a quorum of three members cannot be established to form an individual ATA Panel to hear and determine a matter with an acceptable timeframe, the General Manager City Growth will advise the Chief Executive who will, under delegated authority, take the steps necessary to have the matter heard and determined by one or more of the above approved RMA commissioners.

**Special Notes:**

- The Commissioners' decisions are reported to Council for information and monitoring of the District Plan and Special Housing Area Policy.



# Appointments

# Council Organisations and Council Controlled Organisations

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## Waikato Local Authority Shared Services (WLASS)

**Reports to:** Finance Committee  
**Membership:** Blair Bowcott, Executive Director Special Projects

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

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

## New Zealand Local Government Insurance Corporation Ltd

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

## Rototuna Indoor Recreation Centre Trust

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Council may elect two representatives  
 Paula Southgate  
 Lance Vervoort, General Manager Community

## Vibrant Hamilton Trust Inc

**Reports to:** Finance Committee  
**Membership:** Thomas Gibbons (Chair)  
 Mayor Andrew King  
 Lynette Flowers  
 Malcolm Brooker  
 Lance Vervoort, General Manager Community

## Waikato Innovation Park Ltd & Innovation Waikato Ltd

**Reports to:** Finance Committee  
**Membership:** No Council representation

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**Waikato Regional Airport Ltd**

**Reports to:** Finance Committee

**Membership:** No Council Representation

## Joint Organisations and Advisory Groups

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

**Reports to:** Council

**Frequency:** Minimum of three times a year

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

### Hamilton Public Transport Joint Committee

**Reports to:** Growth and Infrastructure Committee

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

### Waikato Regional Transport Committee

**Reports to:** Growth and Infrastructure Committee

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

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

**Reports to:** Community, ~~and Services~~, and Environment Committee

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

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

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

### Waikato Plan Joint Committee

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

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

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

### Waikato Water Study Governance Group

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

### Lake Rotokauri Advisory Committee

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

### People's Project

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

### Single-year Community Grants Allocation Committee

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Chair of Community, ~~and~~ Services, and Environment Committee – Cr Paula Southgate  
 Cr James Casson

### Multi-year Community Grants Allocation Committee

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Chair of Community, ~~and~~ Services, and Environment Committee – Cr Paula Southgate  
 Cr Siggie Henry

### University of Waikato Animal Ethics Committee

The Terms of Reference and Membership of this Committee can be found here:  
[http://www.waikato.ac.nz/data/assets/pdf\\_file/0006/128454/CommitteeDirectory.pdf](http://www.waikato.ac.nz/data/assets/pdf_file/0006/128454/CommitteeDirectory.pdf)

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Cr Leo Tooman

### Sports Ambassador

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Cr Rob Pascoe

### Traffic Institute of New Zealand (Trafinz)

**Reports to:** Growth and Infrastructure Committee  
**Membership:** Cr Leo Tooman

### Creative Communities Scheme Assessment Committee

**Reports to:** Community, ~~and~~ Services, and Environment Committee  
**Membership:** Cr Siggie Henry  
 Cr Angela O'Leary

**Regional Public Transport Plan Development Subcommittee**

**Reports to:** Growth and Infrastructure Committee

**Membership:** Cr Macpherson  
Cr Tooman  
Cr Taylor

**LGNZ Zone Two**

**Reports to:** Council

**Membership:** Deputy Mayor Martin Gallagher  
Cr Macpherson  
Cr Southgate

**Waste Minimisation Contestable Fund Assessment Panel**

**Reports to:** Growth and Infrastructure Committee

**Membership:** Cr Henry

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

Date	Section	Amendment/Addition/Deletion	Authorisation
14.12.2016	Council Organisations and Council Controlled Organisations	Vibrant Hamilton Trust membership updated – Lance Vervoort added	Council resolution 13.12.2016
22.03.2017	Council Organisations and Council Controlled Organisations	Bair Bowcott, Executive Director Special Projects as the appointed Director of Waikato Local Authority Shared Services Ltd.	Council resolution 09.03.2017
22.03.2017	Joint Organisations and Advisory Groups	Regional Public Transport Plan Development Subcommittee representatives of HCC to be Crs Macpherson, Tooman, and Taylor.	Council resolution 09.03.2017
08.06.2017	Council and Committees of Council	Amendment to the Finance Committee's delegation.	Council resolution 04.05.2017
08.06.2017	Council Organisations and Council Controlled Organisations	Paula Southgate appointed to the Rototuna Indoor Recreation Centre Trust Board.	Council resolution 01.06.2017
03.07.2017	Council and Committees of Council	Amendment to the Finance Committee's delegation.	Council resolution 29.06.2017
03.07.2017	Council and Committees of Council	Keiran Horne replaced as external member of the Audit and Risk Committee.	Council resolution 29.06.2017
01.09.2017	Council and Committees of Council	Community and Services Deputy Chair Cr Philip Yeung replaced by Cr Mark Bunting	Council resolution 24.08.2017
24.01.2018	Council and Committees of Council	Community and Services Deputy Chair Cr Mark Bunting vacated role of Deputy Chair	Council resolution 14.12.2017
24.01.2018	Joint Organisations and Advisory Groups	Zone Two representatives	Council resolution 21.09.2017
24.01.2018	Joint Organisations and Advisory Groups	Waste Minimisation Contestable Fund Assessment Panel	Growth and Infrastructure resolution 21.09.2017

Date	Section	Amendment/Addition/Deletion	Authorisation
08.02.2018	Council and Committees of Council	Finance and Growth and Infrastructure Committee delegations updated in relation to private developer agreements	Council resolution 08.02.2018
08.02.2018	Joint Organisations and Advisory Groups	Cr Casson appointed to Single Year Community Grants Allocation Committee  Cr Henry appointed to Multi Year Community Grants Allocation Committee  Cr Tooman appointed to the University of Waikato Ethics Committee  Deputy Mayor, Martin Gallagher appointed as Deputy Chairman of Community and Services Committee	Council resolution 08.02.2018
22.02.2018	Council Organisations and Council Controlled Organisations	Hamilton Properties Ltd. dissolved	Council resolution 21.09.2017
29.06.2018	Council and Committees of Council	Formation of an Accord Territorial Authority Panel	Council resolution 26.06.2018
29.06.2018	Council and Committees of Council	Cr Ryan Hamilton appointed as Deputy Chair of the Community and Services Committee;  Keiran Horne appointed as Deputy Chair of the Audit and Risk Committee.  CEO Review Committee membership reduced to the Chair Cr Pascoe and the Mayor.	Council resolution 28.06.2018

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

**Task Force Group/Hearings Panel – *Insert Name***

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

Notes:

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

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Nicolas Wells **Authoriser:** Jen Baird  
**Position:** Strategic Property Unit Manager **Position:** General Manager City Growth  
**Report Name:** Municipal Endowment - Sale of Land - 79 Norton Road

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

- To seek the Council's approval to sell municipal endowment land at 79 Norton Road, Hamilton.

## Staff Recommendation

- That the Council:
  - approves selling the land described in the schedule by a competitive, transparent open-market process (option 1 of this report);
  - authorises the Chief Executive to give effect to this resolution; and
  - notes that the net proceeds of sale will be credited to the Municipal Endowment Fund Reserve.

## SCHEDULE

**First** All that land described as an Estate in Fee Simple comprising Lot 3 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1420 of 794 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

**Second** All that land described as an Estate in Fee Simple comprising Lot 4 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1421 of 61 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

**Third** All that land described as an Estate in Fee Simple comprising Lot 5 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1422 of 615 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

**Fourth** All that land described as an Estate in Fee Simple comprising Lot 6 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1423 of 814 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

## Background

3. The Hamilton City Council owns land originally acquired by endowment from the Crown to be held by the Council for the purposes of Municipal Endowment Fund (MEF) - the proceeds from which are used to reduce the rates requirement of Hamilton.
4. The original MEF lands were encumbered with perpetual ground leases (the Council owned the land but all the improvements and the controlling interest in the land were owned by the lessee).
5. The Council has maintained a long-standing policy of selling its freehold interest in the MEF land to the lessee (because the yields from perpetual ground leases are so low).

## Discussion

6. The land at 79 Norton Road was leased by the Council to the Crown (Department of Corrections) for a 21-year term starting on 30 September 2008 and expiring on 30 September 2029.
7. In 2015 the Department of Corrections advised that they were seeking to rationalise their operations in Hamilton by exiting various satellite sites and concentrating all their activities in new premises in London Street.
8. Accordingly, on 1 September 2015 the Crown surrendered their perpetual interest in the land and entered into a new two-year lease expiring on 1 September 2017.
9. A further one-year right of renewal was not exercised by the Department of Corrections. From 1 September 2017 until 30 June 2018 they had a monthly lease while they negotiated the sale of the improvements, and transfer of the lease, to a community services provider.
10. The Department of Corrections has now exited the site. There is no alternative lessee.

## Options

11. Staff have assessed that there are two reasonable and viable options for the Council to consider.
12. **Option 1.** Sell the land on the open market to the highest bidder.
13. **Option 2.** Retain the land and seek a new tenant on the best possible terms.
14. Staff recommend Option 1 because the land is not required and sale will increase the return to the MEF consistent with the principles of endowment.
15. If the recommendation is not approved then the Council should retain the land and seek a new tenant on the most advantageous terms.

## Financial Considerations

16. In accordance with Council's policy the current value of the land based on an unencumbered freehold title excluding lessee improvements has been assessed by a registered at \$1,250,000 plus GST (if any).
17. All proceeds from the sale of MEF land are credited to the MEF Reserve.
18. The ground lease on the land generates a 4.6% annual return of \$58,000. Estimated nett sale proceeds of \$1,200,000 will generate a 5.5% annual return of \$66,000.
19. The current balance of the MEF Reserve is \$28,639,293.
20. The current annual Hamilton City Council rates are \$11,840.

**Legal and Policy Considerations**

- 21. Staff confirm that the staff recommendation complies with the Council’s legal and policy requirements.

**Risks**

- 22. Option 1. There is a low risk that the property remains unsold.
- 23. Option 2. There is a risk that the property remains untenanted for longer than expected.

**Significance & Engagement Policy**

- 24. 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 and no engagement is required.

**Attachments**

Attachment 1 - 79 Norton Road - Aerial Photograph

Attachment 2 - 79 Norton Road - Certificates of Title





COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier **SA9D/1420**  
Land Registration District **South Auckland**  
Date Issued 10 December 1968

**Prior References**  
SA5D/921

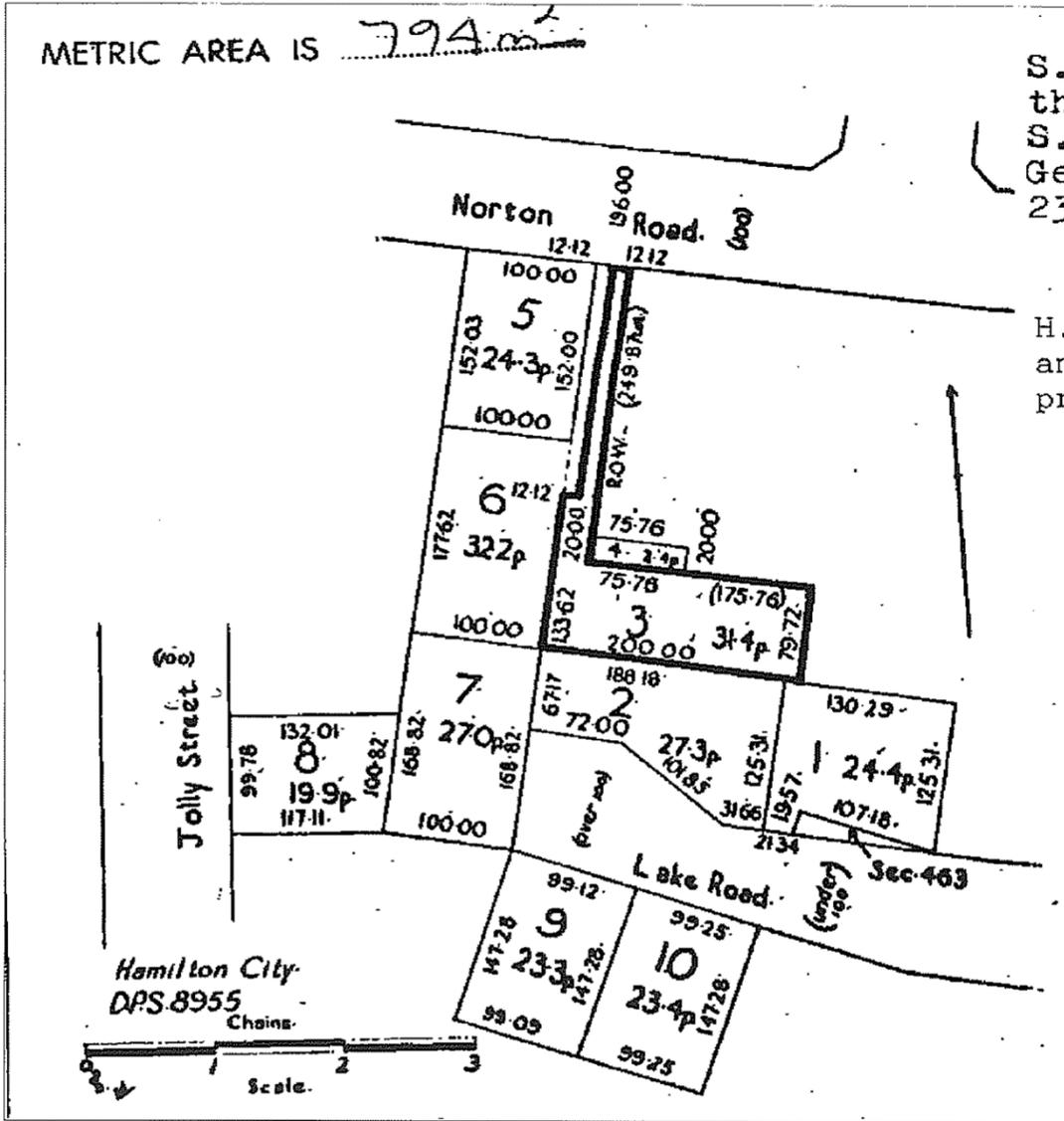
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**Estate** Fee Simple  
**Area** 794 square metres more or less  
**Legal Description** Lot 3 Deposited Plan South Auckland  
8955

**Proprietors**  
The Hamilton City Council

---

**Interests**  
S409744 Lease to Her Majesty The Queen Term 21 years commencing on 1.12.1966 and extended to 30.11.2008 -  
11.7.1968 at 2.50 pm (Renewal Covenant)  
H765471 Variation of Lease S409744 and extension of term to 30.11.2008 - 30.11.1987 at 9.21 am





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

Search Copy



**Identifier** SA9D/1421  
**Land Registration District** South Auckland  
**Date Issued** 10 December 1968

**Prior References**  
SA5D/921

---

**Estate** Fee Simple  
**Area** 61 square metres more or less  
**Legal Description** Lot 4 Deposited Plan South Auckland  
8955

**Proprietors**  
The Hamilton City Council

**Interests**

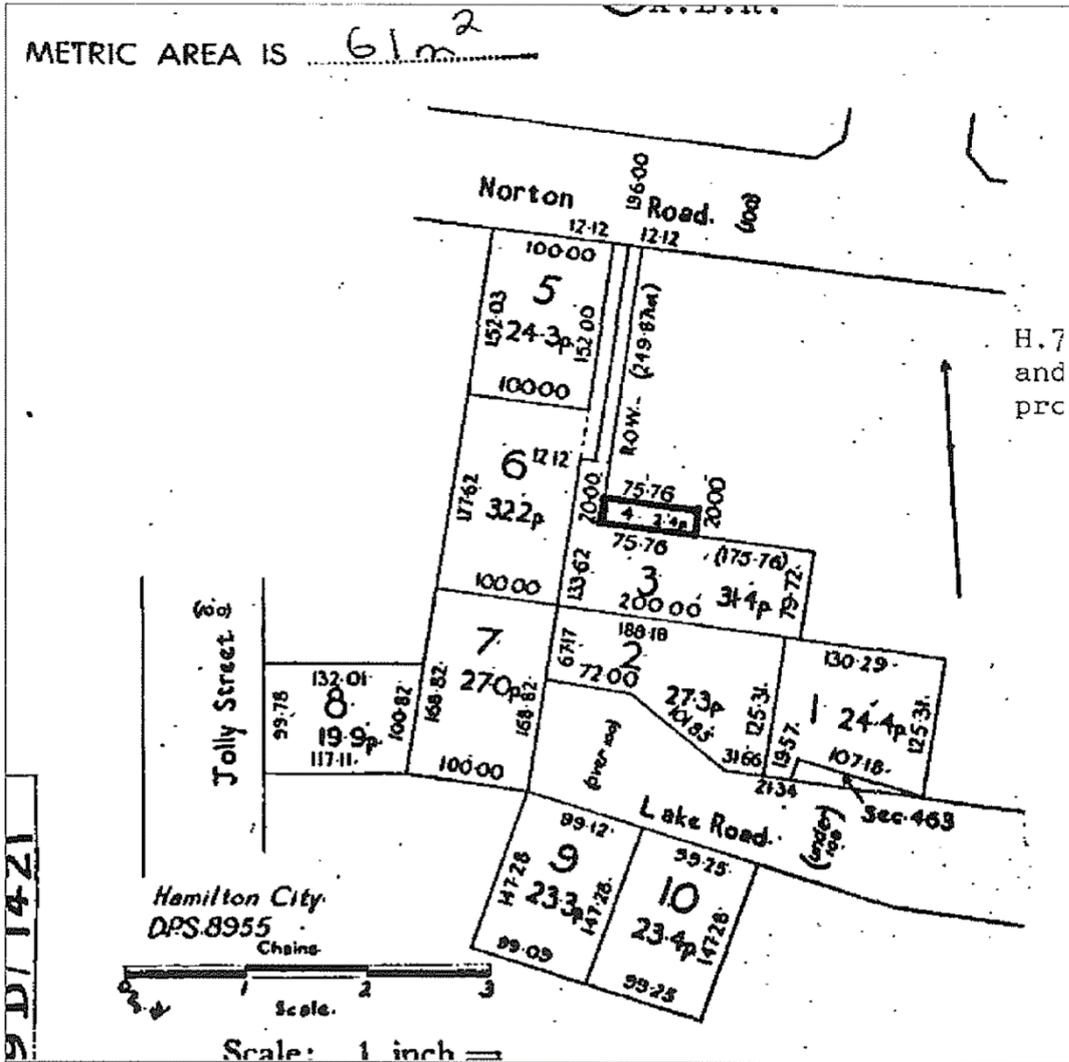
S409744 Lease to Her Majesty The Queen Term 21 years commencing on 1.12.1996 and extended to 30.11.2008 - 11.7.1968 at 2.50 pm (Renewal Covenant)  
H765471 Variation of Lease S409744 and extension of term to 30.11.2008 - 30.11.1987 at 9.21 am

*Transaction Id*  
*Client Reference tharris001*

*Search Copy Dated 29/05/18 10:47 am, Page 1 of 2*  
*Register Only*

Identifier

SA9D/1421



Item 15

Attachment 2



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

Search Copy



**Identifier** SA9D/1422  
**Land Registration District** South Auckland  
**Date Issued** 10 December 1968

**Prior References**  
SA5D/921

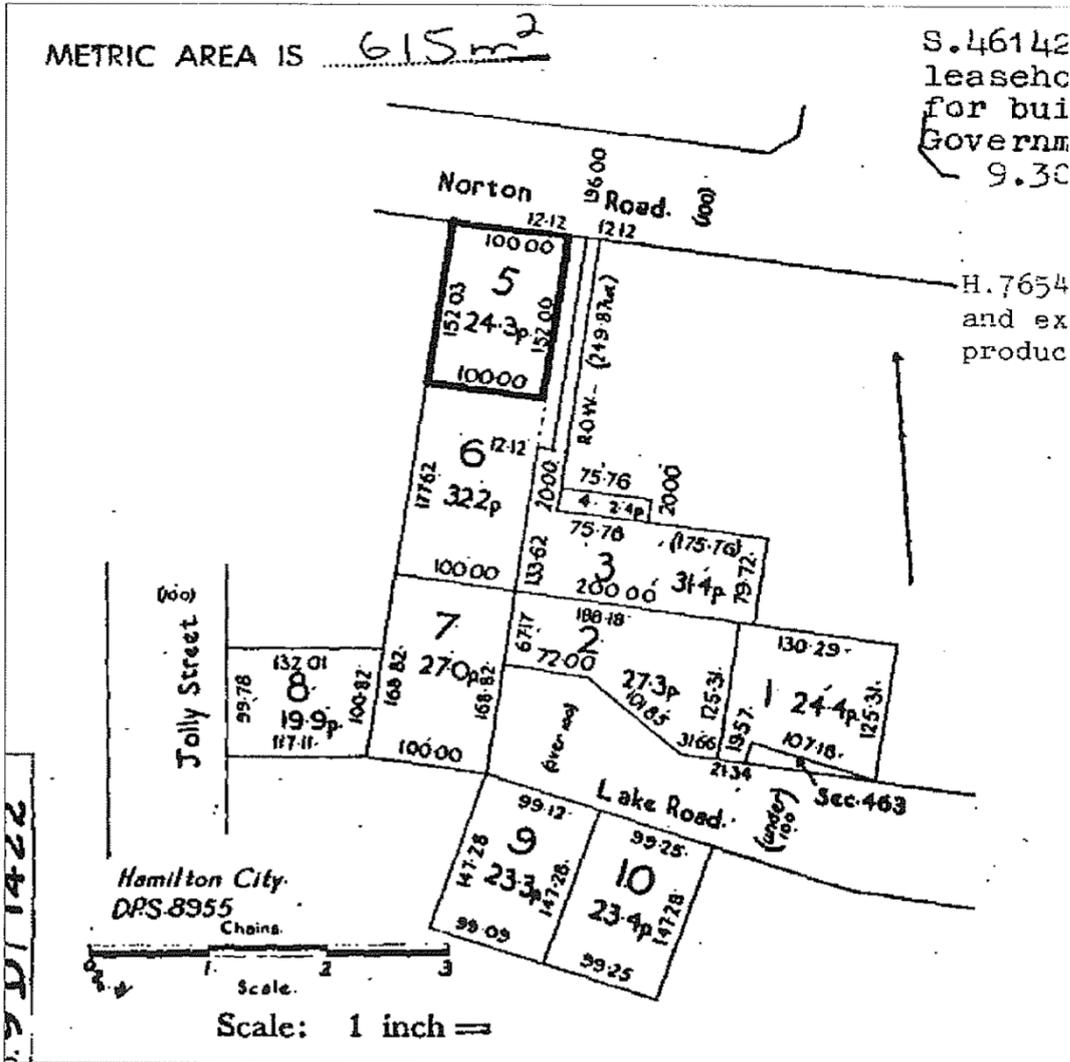
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**Estate** Fee Simple  
**Area** 615 square metres more or less  
**Legal Description** Lot 5 Deposited Plan South Auckland  
8955

**Proprietors**  
The Hamilton City Council

---

**Interests**  
S365386 Lease to Her Majesty The Queen Term 21 years commencing on 1.12.1966 and extended to 30.11.2008 - 22.12.1966 at 2.53 pm (Renewal Covenant)  
H765470 Variation of Lease S365386 and extension of term to 30.11.2008 - 30.11.1987 at 9.21 am





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

Search Copy



R. W. Muir  
Registrar-General  
of Land

**Identifier** SA9D/1423  
**Land Registration District** South Auckland  
**Date Issued** 10 December 1968

**Prior References**

SA5D/921

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<b>Estate</b>	Fee Simple
<b>Area</b>	814 square metres more or less
<b>Legal Description</b>	Lot 6 Deposited Plan South Auckland 8955

**Proprietors**

The Hamilton City Council

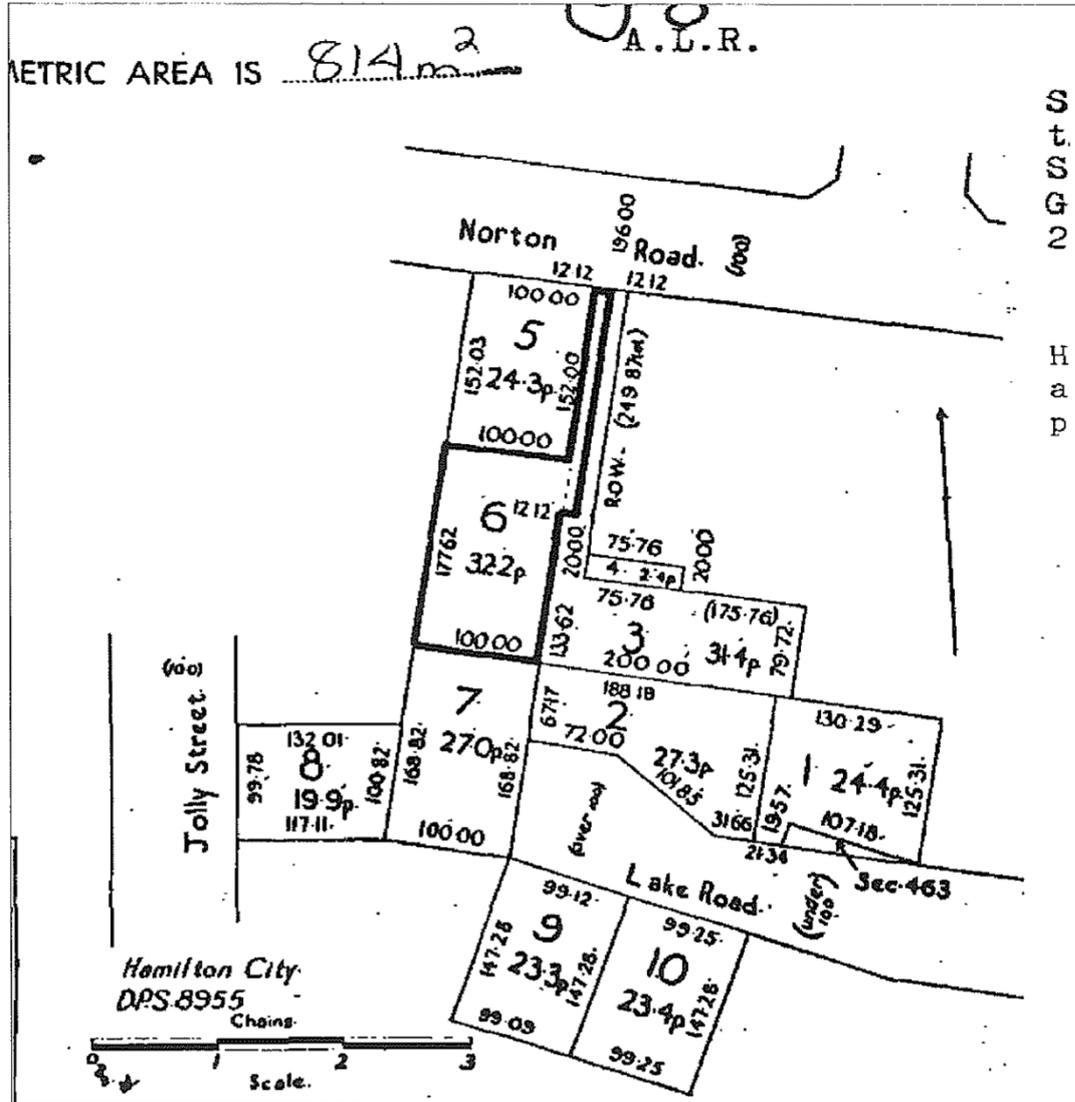
**Interests**

S409744 Lease to Her Majesty The Queen Term 21 years commencing on 1.12.1966 and extended to 30.11.2008 - 11.7.1968 at 2.50 pm (Renewal Covenant)

H765471 Variation of Lease S409744 and extension of term to 30.11.2008 - 30.11.1987 at 9.21 am

Identifier

SA9D/1423



Item 15

Attachment 2

Transaction Id  
Client Reference tharris001

Search Copy Dated 29/05/18 10:46 am, Page 2 of 2  
Register Only

# Council Report

**Committee:** Council **Date:** 02 August 2018  
**Author:** Claire Foster **Authoriser:** Jen Baird  
**Position:** Property Officer **Position:** General Manager City Growth  
**Report Name:** Hamilton Gardens - Wintec - New Lease

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

- To seek approval for a new lease for Wintec located at the Hamilton Gardens.

## Staff Recommendation

- That the Council:
  - approves a new lease for Wintec at the Hamilton Gardens based on the following:
    - Term – 9 years, 3 months commencing 1 September 2018 (final expiry 31 December 2027)
    - Rental – \$50,000 inclusive GST per annum
    - Rent reviews – annually, CPI adjusted
    - Surrender of lease commenced 1 April 2013 (expiry 31 March 2023)
  - delegates the Chief Executive to give effect to this resolution.

## Background and Discussion

- Wintec has been located at the Hamilton Gardens since the mid-1980s running a horticultural education centre and associated activities.
- Wintec own the education centre building and two barns on site.
- Wintec has been in recent discussions with Hamilton Gardens management about the kitchen gardens and use of one of the barns. As a result of these discussions it has been agreed:

### Kitchen Gardens

- The lease area to be reduced allowing for continued development of the gardens (refer Attachment 1 – new lease area).
- Wintec will relinquish the lease over the kitchen gardens. The Hamilton Gardens team will take over the maintenance of the kitchen gardens directly.

### Storage Arrangements

- Hamilton Gardens require more storage for plant and equipment and it has been agreed that Wintec will transfer one of the barns to Hamilton City Council. (refer Attachment 2 – Wintec Site Plan – Barn 1).
  - Council will provide up to \$50,000 for construction of a new container covered space with the Wintec compound, for Wintec’s use. For both Wintec and Hamilton Gardens staff to have unhindered access to the areas Council will pay for gates and fencing (refer Attachment 2 – Wintec Shelter).
6. Wintec requested to extend the term on the lease to enable them to invest in building improvements to the existing classroom and office spaces. Council’s lawyers recommend a new lease to cover all changes including the extension of 4 years, 9 months. The final expiry will be 31 December 2027. This date is in line with Wintec’s financial and academic end of year.

### **Financial Considerations**

7. Wintec’s current lease has a peppercorn rental, with Wintec currently being responsible for maintaining the kitchen gardens. Wintec employs a gardener to maintain the area.
8. Hamilton Gardens will take back the kitchen gardens and maintain them directly. In the new agreement, the rent will be set at \$50,000 inclusive GST per annum. This will allow Hamilton City Council to employ a gardener to maintain the kitchen gardens. The rent will be reviewed annually and CPI adjusted.

### **Legal and Policy Considerations**

9. Staff confirm that the staff recommendation complies with the Council’s legal and policy requirements.

### **Risks**

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

## **Significance & Engagement Policy**

### **Significance**

11. Staff have considered the following factors under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance:

The level of financial consequences of the proposal or decision required.

### **Engagement**

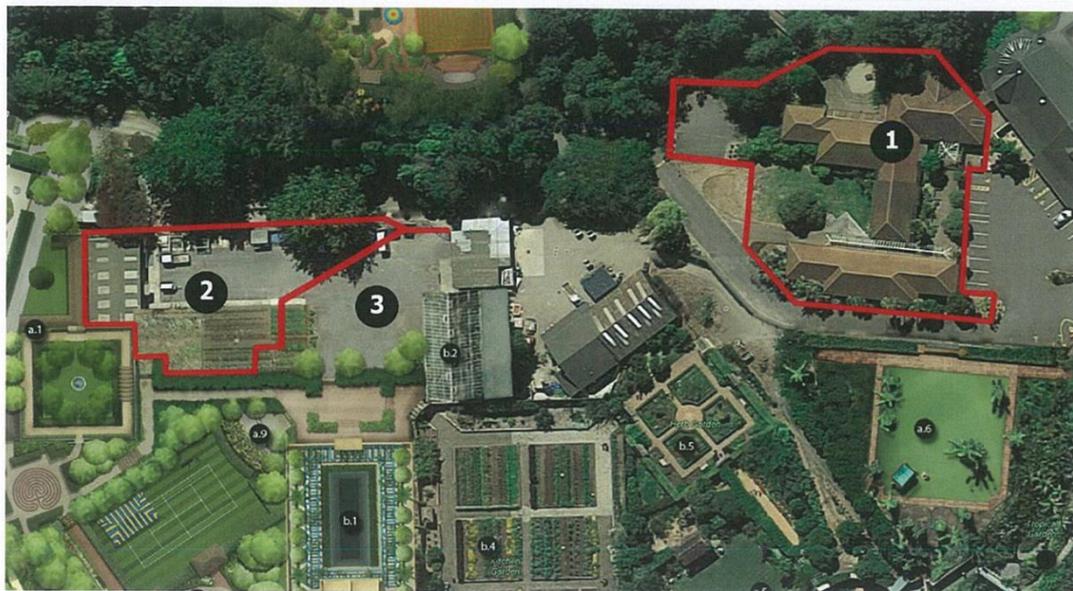
12. Given the low level of significance determined, the engagement level is low. No engagement is required.

## **Attachments**

Attachment 1 - Lease Plan Wintec Hamilton Gardens

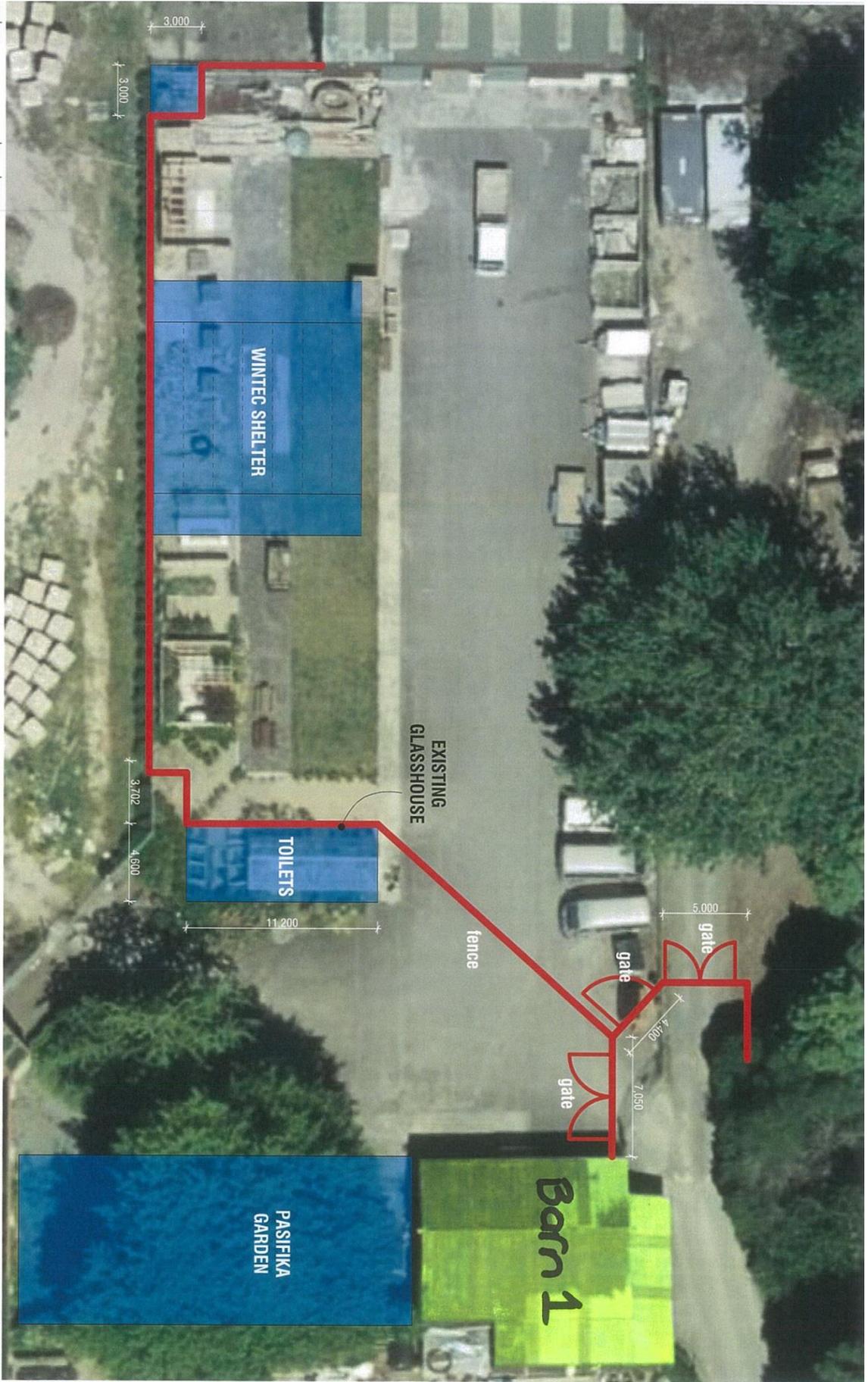
Attachment 2 - Wintec Site Plan Hamilton Gardens

## WINTEC – HAMILTON GARDENS LEASE PLAN



### KEY

1. Horticultural Education Centre – includes carpark for Wintec staff
2. Wintec Yard – with Barn and covered containers -Lease area
3. HCC Yard area



<p>Scale (original size only) 1:200</p> <p>date 30/07/2018</p>	
<p>client HCC / Hamilton Gardens</p> <p>project title Wintec Site</p>	<p>designer de Lisle Jenkins</p> <p>drawn by #CAD/ Technical Full Name</p>
<p>revision #Project Status</p> <p>revision # SK.01</p>	<p>copyright © de Lisle Jenkins Architects Ltd. This drawing may not be used or reproduced without written permission.</p>

# Council Report

<b>Committee:</b>	Council	<b>Date:</b>	02 August 2018
<b>Author:</b>	Claire Foster	<b>Authoriser:</b>	Jen Baird
<b>Position:</b>	Property Officer	<b>Position:</b>	General Manager City Growth
<b>Report Name:</b>	Beetham Park - Golf Waikato (2009) Limited - New Lease		

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

- To seek approval for a new ground lease for Golf Waikato (2009) Limited, trading as Prodrive Golf, located at Beetham Park, Ulster Street, Hamilton.

## Staff Recommendation

- That the Council:
  - approves a new ground lease for Golf Waikato (2009) Limited located at Beetham Park, Ulster Street, Hamilton based on the following:
    - Term – 5 years, commencing 1 November 2018; and
    - Renewals – 2 x 5 years, (1 November 2023 and 1 November 2028)
    - Rental – market rent at commencement date
    - Rent reviews – market review 3 yearly (2021, 2024, 2027 and 2030)
    - Variation to lease dated 27 January 2007 – remove last right of renewal – lease to fully expire 31 October 2018.
  - delegates the Chief Executive to give effect to this resolution.

## Background and Discussion

- Golf Waikato (2009) Limited (“Golf Waikato”) is located at Beetham Park, Ulster Street, Hamilton. The driving range has been in operation since 1993. The ground lease was assigned to the current owner in 2009.
- Golf Waikato lease the land only. All the improvements are owned by the Golf Waikato. This includes the buildings, structures, mini putt and inner nets. The outer nets are owned by the Council, installed due to the practice field developed next door.
- The current lease commenced 1 November 2006 for three years with three rights of renewal of three years each. The lease was varied in 2010 with a further renewal added taking the final expiry to 2021.

6. Golf Waikato approached the Council in 2017 requesting a longer term beyond 2021. They felt that it wasn't financially viable to invest in the site without a level of security over the tenure. Golf Waikato want to carry out the following work:

Resealing carpark	\$ 30,000
Repaint exterior/interior	\$ 25,000
Driving range roof/partitions/mats	\$ 30,000
Nets and ground maintenance	\$ 20,000
<b>Total Investment (estimated)</b>	<b>\$ 105,000</b>

7. The Council's Parks and Recreation Unit recommend a maximum lease term of 15 years for Council-owned Reserve land – in accordance with Community Occupancy Guidelines.
8. Council's lawyers recommend granting a new 15 year lease from expiry of the current term (31 October 2018). This will provide certainty for Golf Waikato and the Council, and allows the Council to modernise the lease and include additional clauses relating to:
- Health and Safety at Work Act 2015
  - Insurance requirements
  - Reserve Act provisions, including those under the First Schedule of the Reserves Act 1977. This includes the Council's right to terminate.
  - Maintenance matrix – outlining responsibilities of tenant and landlord.
9. The new lease records that the parties agree any reinstatement requirements will be as at the commencement for the lease dated 25 January 2007.

### Financial Considerations

10. The current annual rental is \$45,000 plus GST plus all outgoings. The market rent on commencement will be determined by a registered valuer, with market reviews three yearly in 2021, 2024, 2027 and 2030.

### Legal and Policy Considerations

11. Staff confirm that the recommendation complies with the Council's legal and policy requirements.
12. A masterplan for the West Town Belt is currently being prepared, which encompasses Beetham Park and the Golf Waikato site. Council's Parks and Recreation Unit have been informed about the Golf Waikato lease and are satisfied that the lease renewal will not significantly conflict with the masterplan process and objectives

### Risks

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

### Significance & Engagement Policy

#### Significance

14. Staff have considered the following factors under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance:

The level of financial consequences of the proposal or decision required.

**Engagement**

- 15. Given the low level of significance determined, the engagement level is low. No engagement is required.

**Attachments**

Attachment 1 - Aerial - Lease Area - Golf Waikato, Beetham Park



**Hamilton City Council**  
Te kaunihera o Kirikiriroa

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

Astral Information is from Land Information New Zealand, Crown Copyright Reserved

Aerial - lease area - Golf Waikato

Scale :- 1 : 1543

Date :- 12/06/2018



# Council Report

<b>Committee:</b>	Council	<b>Date:</b>	02 August 2018
<b>Author:</b>	Claire Foster	<b>Authoriser:</b>	Jen Baird
<b>Position:</b>	Property Officer	<b>Position:</b>	General Manager City Growth
<b>Report Name:</b>	Crosby Road (adjacent to Porritt Stadium) - Vodafone New Zealand Limited - New Lease		

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

- To seek approval for a new lease for Vodafone New Zealand Limited located at Crosby Road, adjacent to Porritt Stadium, Chartwell, Hamilton.

## Staff Recommendation

- That the Council:
  - approves a new lease for Vodafone New Zealand Limited located at Crosby Road, adjacent to Porritt Stadium, Chartwell, Hamilton (next to reservoir) based on the following:
    - Term – 6 years, commencing 1 May 2018; and
    - Renewals – 2 x 6 years, (1 May 2024 and 1 May 2030)
    - Rental – \$8,500 plus GST per annum
    - Rent reviews – market review on renewal
  - delegates the Chief Executive to give effect to this resolution.

## Background and Discussion

- Vodafone has leased land from the Council for telecommunications equipment located at Crosby Road, adjacent to Porritt Stadium, since May 2006. An antenna is mounted on the street-light pole and a cabinet is located near the reservoir.
- The lease was for 6 years with a right of renewal of 6 years. The lease expired on 30 April 2018.
- Negotiations for a new lease commenced and Vodafone has requested a term of 6 years with 2 rights of renewal of 6 years each.
- The antenna on the street-light pole does not need a lease because it is within the legal road boundary. The cabinet, near the reservoir, requires a new lease for an area of approximately 20 square metres.

**Financial Considerations**

7. Market rental was determined in accordance with standard commercial practice by a registered valuer.
8. Vodafone has agreed to the new rental of \$8,500 plus GST per annum, plus costs.

**Legal and Policy Considerations**

9. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

**Risks**

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

**Significance & Engagement Policy****Significance**

11. Staff considered the following factors under the Significance and Engagement Policy:  
The level of financial consequences of the proposal or decision required.
12. Based on these factors, staff have assessed that the recommendation have a low level of significance.

**Engagement**

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

**Attachments**

Attachment 1 - Aerial - Lease Area - Vodafone Crosby Road

Attachment 2 - Site Plan - Vodafone - Crosby Road



**Hamilton City Council**  
Te kaunihera o Kirikiriroa

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

istral Information is from Land Information New Zealand, Crown Copyright Reserved

Aerial - lease area - Crosby Road

Scale :- 1 : 514

Date :- 12/06/2018

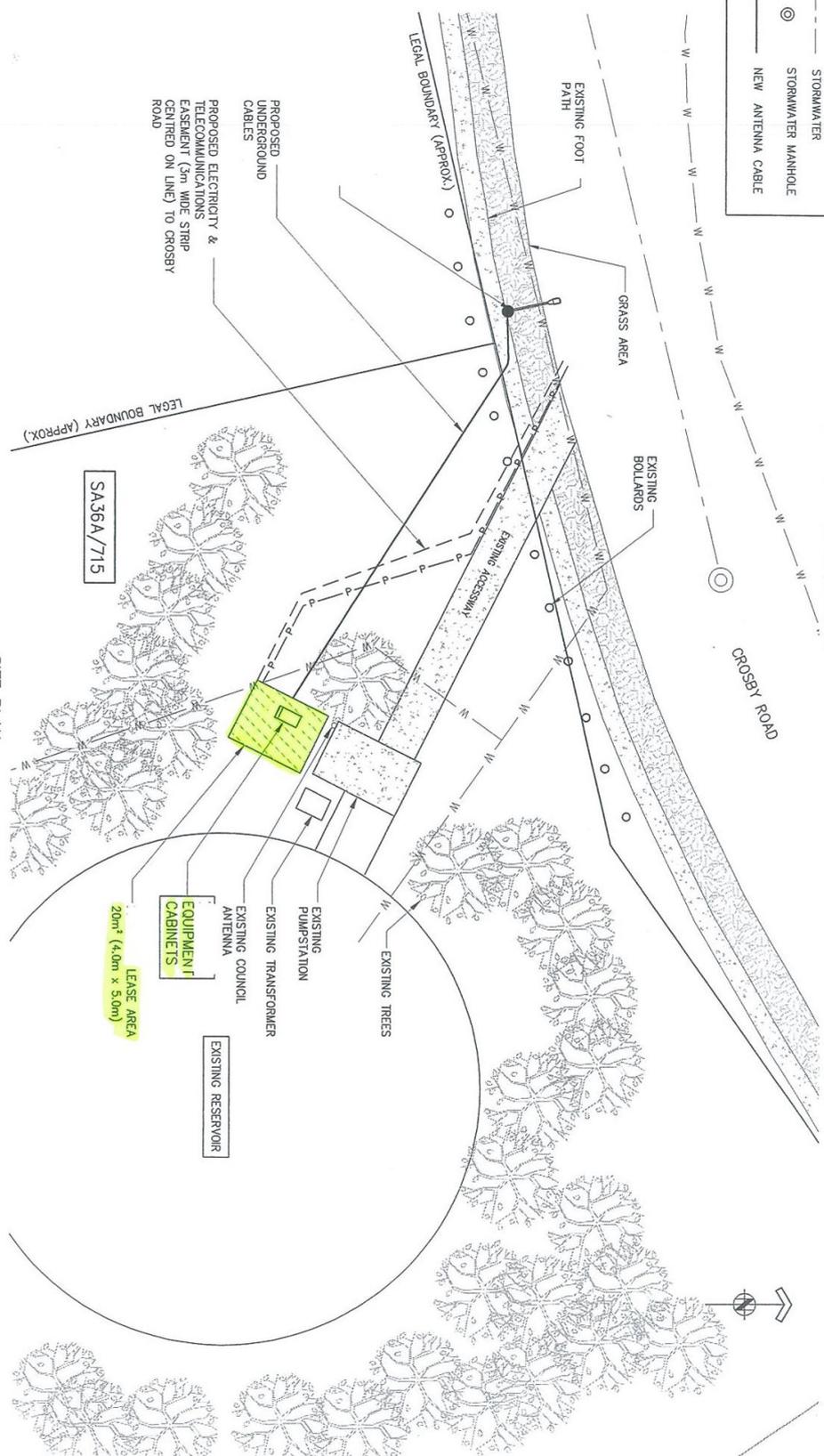


**LEGEND**

- W- WATERMAIN
- S- STORMWATER
- ⊙ STORMWATER MANHOLE
- NEW ANTENNA CABLE

**NOTES**

1. APPROVAL GRANTED SUBJECT TO THE APPLICATION OF ROAD OPENING NOTICE PRIOR TO WORK COMMENCING ON SITE FOR THIS ACTIVITY.



**SITE PLAN**  
SCALE 1:250

0 10 20 30 40 50  
GRAPHIC SCALE (mm)  
DO NOT SCALE FROM THIS DRAWING.  
USE FIGURED DIMENSIONS.

**CONFIDENTIAL TO THE OWNER**  
Sec 27(3) Building Act 1991

<b>OWNERS/OCCUPIER</b>		<b>Approval:</b> .....																																																																																																																																					
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## 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 Council Public Excluded Minutes - 26 June 2018	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Board Chair Appointment - Waikato Regional Airport Limited	) Official Information and Meetings Act 1987	
C3. Rototuna Town Centre - Area Q Park Lane		
C4. Update from the CEO Review Committee		
C5. Purchase of Land and Buildings - Central City Park		

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)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
	to enable Council to carry out negotiations	Section 7 (2) (i)