

## Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Community, Services and Environment Committee will be held on:

**Date:** Tuesday 11 September 2018  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

---

# Community, Services and Environment Committee OPEN AGENDA

---

## Membership

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

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

**Meeting Frequency:** Six weekly

---

Lee-Ann Jordan  
Governance Manager

**5 September 2018**

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

## **Purpose**

The Community, 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.
6. Advice 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, 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
6. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
7. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
8. 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.
9. 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.

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.
11. To monitor Council 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*

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Apologies	6
2	Confirmation of Agenda	6
3	Declarations of Interest	6
4	Public Forum	6
5	Confirmation of the Community and Services Committee Open Minutes - 7 June 2018	7
6	Chair's Report	15
7	Gallagher Academy of Performing Arts - 2017 annual report	18
8	Clarence Street Theatre Trust - 2017/18 Annual Report	38
9	Community Occupancy Policy Review <i>(Recommendation to Council)</i>	43
10	Community Assistance Policy - Community Events Fund 2018/19	111
11	Community Development Strategy - Report on Progress	114
12	General Managers Report <i>(Recommendation to Council)</i>	122
13	Stadium Bowling Facility – Hinemoa Park Expression of Interest <i>(Under Separate Cover)</i>	

**1 Apologies**

**2 Confirmation of Agenda**

The Committee 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 Chair.

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 Council 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

Item 5

**Committee:** Community, Services and Environment Committee

**Date:** 11 September 2018

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Community and Services Committee Open Minutes - 7 June 2018

---

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

## Staff Recommendation

That the Committee confirm the Open Minutes of the Community and Services Committee Meeting held on 7 June 2018 as a true and correct record.

## Attachments

Attachment 1 - Community and Services Open Unconfirmed Minutes - 7 June 2018 .

---

## Community and Services Committee

### OPEN MINUTES

---

Minutes of a meeting of the Community and Services Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 7 June 2018 at 9.33am.

#### PRESENT

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

In Attendance:

- Lance Vervoort – General Manager Community
- Sean Murray – General Manager Venues, Tourism and Major Events
- Chris Allen - General Manager Infrastructure
- Helen Paki – Business and Planning Manager
- Debbie Lascelles – Community Services Manager
- Maria Barrie – Parks and Recreation Manager
- Rebecca Whitehead – Libraries Director
- Andy Mannering – Manager Social Development
- Robyn Denton – Operations Team Leader
- Jeff Neems – Communications Advisor
- Chad Hooker – Director of Operations
- Ken Cunningham – Strategic Land Manager
- Jennifer Parlane – Parks Planner
- Nick Chester – Social Development Policy Advisor
- Jamie Sirl – Senior Planner
- Sean Stirling – Planner

- Ben MacCormack – Northern Districts Cricket Chief Executive
- Jason Wade – Clarence Street Theatre General Manager

Governance Staff:

- Lee-Ann Jordan – Governance Manager
- Amy Viggers, Rebecca Watson and Claire Guthrie – Committee Advisors

---

**1. Apologies****Resolved:** (Crs Tooman/Hamilton)

That the apologies from Deputy Mayor Gallagher, Crs Casson and Macpherson for early departure, and Cr Pascoe are accepted.

**2. Confirmation of Agenda****Resolved:** (Crs Casson/Bunting)

That the agenda is confirmed.

**3. Declarations of Interest**

Cr O'Leary declared an interest in relation to Item 12 (Event Sponsorship Fund 2018/19 - Applications for Approval) however noted that she was not conflicted and would partake in the debate and vote.

**4. Public Forum**

There were no Public Forum speakers.

**5. Confirmation of Community and Services Minutes - 17 April 2018****Resolved:** (Crs Bunting/Casson)

That the Committee confirms the Open Minutes of the Community and Services Committee Meeting held on 17 April 2018 as a true and correct record.

**6. General Managers Report**

The General Manager Community spoke to the report. Staff responded to questions from Elected Members concerning the scope, cost and council's role in the feasibility study of shared public library services. He noted the Vital Signs study could be used in conjunction with the results of the Community Profiles that would be completed over the upcoming months.

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

That the Community and Services Committee:

- a) receives the report;
- b) approves the deferral of the Community Occupancy Policy review to September 2018; and
- c) requests staff to partner with WDC and other councils within the region to undertake an investigation into the feasibility of shared public library services within the Waikato and that the \$25,000 needed be included on the Risks and Opportunities Register for 2018/19.

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

That the Community and Services Committee:

- a) receives the report;
- b) approves the deferral of the Community Occupancy Policy review to September 2018; and
- c) requests staff to partner with WDC and other councils within the region to undertake an investigation into the feasibility of shared public library services within the Waikato.

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Deputy Mayor Gallagher, Crs Bunting, Casson, Mallett, Taylor, Tooman.

**Those against the Amendment:** Crs Henry, Macpherson, O’Leary, Southgate, Hamilton.

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

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

That the Community and Services Committee:

- a) receives the report;
- b) approves the deferral of the Community Occupancy Policy review to September 2018; and
- c) requests staff to partner with WDC and other councils within the region to undertake an investigation into the feasibility of shared public library services within the Waikato.

**7. West Town Belt Masterplan**

The Parks Planner spoke to the report. Staff responded to questions from Elected Members concerning the Master Plan Process which included the proposed consultation plan, cost to develop the Master Plan, and clarification of the West Town Belt area.

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

That the Community and Services Committee:

- a) receives the report; and
- b) requests staff prepare a West Town Belt Masterplan to be presented back to the Community and Services Committee in March 2019, noting the following:
  - i) that this will take into account specific projects currently in the concept development stage;
  - ii) that transport and access issues affecting the West Town Belt Master Plan are also under consideration;
  - iii) that staff will report back on progress of the West Town Belt Master Plan whenever projects within the area are considered by Council; and
  - iv) there will be the opportunity for full public consultation.

*Cr Casson left the meeting (10.42am) during discussion of the above item. He was not present when the matter was voted on.*

***The meeting adjourned 11.05am to 11.17am during the discussion of the above item.***

## 8. Northern Districts Cricket - Proposal for Community Cricket Centre

The General Manager Venues, Tourism and Major Events spoke to the report and noted that the proposal was to be at no cost to Council. Along with staff, Ben MacCormack (Northern Districts Cricket (NDCA) Chief Executive) responded to questions from Elected Members concerning the intended terms of the formal agreement between Council and NDCA, future costs to Council, and the expected amount of community use that would be gained from the proposed development. It was noted that if there were any major or minor changes from the current proposal a report would be brought back to Council for consideration and approval.

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

That the Community and Services Committee:

- a) receives the report;
- b) supports the Community Cricket Centre development proposal subject to:
  - i) it is completed at no cost to Council;
  - ii) all regulatory compliance matters are met including the road stopping; and
  - iii) that HCC open space planning staff be included in the design of the centre precinct.
- c) delegates the CE to progress matters related to this proposal and to negotiate an appropriate agreement with Northern Districts Cricket; and
- d) requests that the final proposal and related agreement is reported back to Council for final approval.

**Cr Tooman Dissenting.**

*Cr Bunting left the meeting (12.20pm) during the above item. He was not present when the matter was voted on.*

*Deputy Mayor Gallagher and Cr Macpherson retired from the meeting (12.30pm) at the conclusion of the above item. They were present when the matter was voted on.*

## 9. Request from Clarence Street Theatre Trust (Recommendation to Council)

The General Manager Venues Tourism and Major Events and Jason Wade (Clarence Street Theatre General Manager) spoke to the item. They responded to questions from Elected Members concerning the intended use of the requested funding which was to repair longstanding roof leaks.

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

That the Committee:

- a) receives the report;
- b) approves the completion of the gift to Clarence Street Theatre due to earthquake strengthening works being completed to the required standard by changing the revocation period to 30 June 2018 in the Deed of Gift; and
- c) recommends to Council that unbudgeted funds of \$28,615.88 + GST be approved for payment to the Clarence Street Theatre Trust towards roof repairs.

***The meeting was adjourned 12.38pm to 1.27pm.***

Following the above adjournment, Councillor O'Leary noted the the recent passing of Ed Turner, Hamilton City benefactor, and noted his contribution to Hamilton City.

Attachment 1

**10. Hamilton Gardens Development Project Update**

The General Manager Community spoke to report. Staff responded to questions from Elected Members concerning the scope of stage 2 of the Hamilton Gardens Development Project which had been included in the 10 Year Plan Hamilton Gardens Proposal, and future operational costs to maintain the Gardens.

**Action:** Staff undertook to provide Elected Members with an update on Hamilton Gardens and Elected Members role with the Gardens at a future Elected Member Briefing.

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

That the Community and Services Committee receives the report.

**11. Regional Community Facilities Funding Framework (Recommendation to Council)**

The Social Development Policy Advisor introduced the report noting that the framework provided guidelines for decisions regarding funding of regional and subregional facilities. Staff responded to questions from Elected Members concerning the purpose of the framework and possible ways that it could be used. It was confirmed that there was no funding attached to the Regional Community Facilities Funding framework.

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

That the Community and Services Committee adopts the Community Facilities Funding Framework.

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

That the Community and Services Committee recommends to Council that it 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.**

*Cr Casson re-joined the meeting (1.45pm) during the discussion of the above item. He was present when the matter was voted on.*

**12. Event Sponsorship Fund 2018/19 - Applications for Approval**

The General Manager Venues, Tourism and Major Events introduced to the report. He responded to questions from Elected Members concerning the intended use of the remaining unallocated funds.

Item 5

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

That the Committee receives the management recommendations for the following Event Sponsorship applications for funding from the 2018/19 Event Sponsorship Fund and:

- a) approves the following applications:
- i. NZ Bridge Incorporated for the NZ National Bridge Congress 2018 for \$10,000;
  - ii. NZ Federation of Dance Teachers for the NZ Open Dance Championships 2018 for \$10,000;
  - iii. Waikato Rowing Club Incorporated for the Waikato 100 2018 for \$5,000;
  - iv. Classic Events Limited for the Round the Bridges 2018 for \$5,000;
  - v. Waikato Bay of Plenty Athletics for the North Island Colgate Games 2019 for \$5,000;
  - vi. Hamilton Summer Festival Foundation for the Hamilton Gardens Arts Festival 2019 for \$130,000;
  - vii. Balloons over Waikato Trust for the Balloon over Waikato 2019 for \$80,000;
  - viii. Waikato Badminton Association for the Waikato International 2019 for \$5,000; and
  - ix. Te Ohu Whakaita for the Matariki ki Waikato 2019 for \$30,000.
- b) declines the following applications:
- i. Waikato Food Inc for The Matariki Dish Challenge 2018 for \$12,000;
  - ii. Rag Doll Events for the 2018 Battlegrounds NZ for \$11,421.90;
  - iii. Showing Waikato Limited for the Waikato A&P Show 2018 for \$50,000;
  - iv. Draw Inc Charitable Trust for Boon Street Art Festival 2019 for \$30,000; and
  - v. Community Development Trust for HAKA 2019 for \$50,000
- c) approves the remaining funds of \$72,346 from the 2018/19 Event Sponsorship Fund are redirected to the Event Leverage Fund to be managed by the General Manager Venues, Tourism and Major Events to support incremental promotion and activity around events.

**Cr Mallett Dissenting.**

### 13. Community Assistance Policy - Single-Year Community Grant Allocation 2018

The Manager Social Development spoke to the report. He noted the Allocation Committee had requested that Council increase the level of investment in community grants which was addressed during the 10 Year Plan Deliberations Council meeting. He responded to questions from Elected Members concerning the successful applicants of the Single-Year Grant, sports club applicants, and the diversity of knowledge on the Allocation Committee.

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

That the Community and Services Committee receives the report.

*Cr Taylor left the meeting (2.30pm) during the discussion of the above item. He was not present when the matter was voted on.*

**14. Open Space Provision Policy (Recommendation to Council)**

The Senior Planner spoke to the report. He noted that minor changes provided clarity to the policy and were based on feedback received during the consultation period. He responded to questions from Elected Members concerning the collection of development contributions for open spaces, and how the policy would work with the Regional Policy Statement with regards to open space biodiversity.

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

That the Community and Services Committee:

- a) receives the report;
- b) considers the feedback received and the staff analysis of feedback; and
- c) recommends the Council approve the Open Spaces Provision Policy.

*Cr O'Leary left the meeting (2.53pm) during the discussion of the above item. She was not present when the matter was voted on.*

*Cr Taylor re-joined the meeting (2.54pm) at the conclusion of the above item. He was not present when the matter was voted on.*

**15. Neighbourhood and Amenity Reserves Management Plan Review**

The Planning and Policy Planner spoke to the report. Staff responded to questions from Elected Members concerning the cost and time required to complete the review of the Neighbourhood and Amenity Reserves Management Plan.

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

That the Community and Services Committee:

- a) receives the report;
- b) approves the review of the Neighbourhood and Amenity Reserves Management Plan 2007 following the process as prescribed in the Reserves Act (1977); and
- c) approves the preparation of a draft Neighbourhood Reserves Management Plan prior to public notice and consultation in accordance with section 41(5A) of the Reserves Act (1977). [Option 1]

*Cr O'Leary re-joined the meeting (2.57pm) during the discussion of the above item. She was present when the matter was voted on.*

**The meeting was declared closed at 2.59pm.**

# Council Report

Item 6

**Committee:** Community, Services and Environment Committee

**Date:** 11 September 2018

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Chair's Report

---

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

## Staff Recommendation

That the Community, Services and Environment Committee receives the report.

## Attachments

Attachment 1 - Community Services and Environment Committee Chair's Report - 11 September 2018



## Chair's Report

---

With the 10-Year Plan set it was good to have more time to get out and about in the community. It is also great to see how good the usage of the Central Library is, with over 22,000 users since it re-opened in June 2018.

### Policy Advisory Group

At the latest Policy Advisory Group I attended in Wellington the key issues discussed included the management of the 3 Waters, Localism and Housing. Also, still on the radar for Local Government is Climate Change and adaptation.

I circulated the summarised notes I took at the meeting but would like to alert Elected Members and the community to some of the key messages:

Government is very focused on councils meeting drinking water standards, but waste water and stormwater management are also key considerations. Water assets are to stay in public ownership but the scale of water management will be determined by meeting standards, quality and cost effectiveness. The potential for the re-structuring of water asset management to impact on the roles/functions of Local Government was discussed. Also the potential high costs to communities of the need to upgrade aging waste water and stormwater was highlighted. It was noted that the key contaminants into water remain diffuse discharges from land uses such as agriculture and that Regional Councils need time to meet the standards of the NPS-FW (National Policy Statement for Fresh Water) in the agreed timeframe. However, the discharge of heavy metals into stormwater from roads for example was also noted for consideration.

Note that a survey went out to all councils on the current thinking about the 3 Waters and results will be discussed at the next PAG. The review work of the DIA (Department of Internal Affairs) was discussed.

<https://www.dia.govt.nz/Three-waters-review>

In respect to climate the focus was on the risks and potential costs of damage to Local Government assets due to sea-level rise. This could impact an inland metro council through the costs of asset insurance. But it was noted also that both high rain levels and drought can have an impact on inland urban areas. I note that Cnr Henry attended the EDS (Environmental Defence Society) conference and can provide a short verbal update on the key issues presented there.

The discussion on housing focused on:

The Housing 2030 project and it's focused on three core priorities; supply, social and community housing, and healthy homes. The discussion revolved around the potential and implications for an Urban Design Authority (not at this time supported by Local Government). There was considerable discussion on the need for diverse types of property including long term rentals.

<http://www.lgnz.co.nz/housing2030/>

In respect to Localism there was a general acceptance that people need to have greater control over their futures and so Local Government was best placed to respond to local issues.

<http://www.lgnz.co.nz/our-work/publications/local-government-position-statement-on-localism>

#### **The International Association of Public Participation**

I also recently attended a course run by the International Association of Public Participation (IAP2) on community engagement. I believe our Community Development Team do a great job but there are ways in which we could explore better ways to increase public engagement with the key issues before the Council. I can recommend this course to councillors.

#### **Recommendation:**

That the Community, Services and Environment Committee receives the report.

**Councillor Paula Southgate**  
**Chair Community, Services and Environment Committee**

# Council Report

<b>Committee:</b>	Community and Services Committee	<b>Date:</b>	11 September 2018
<b>Author:</b>	Andy Mannering	<b>Authoriser:</b>	Lance Vervoort
<b>Position:</b>	Social Development Manager	<b>Position:</b>	General Manager Community
<b>Report Name:</b>	Gallagher Academy of Performing Arts - 2017 annual report		

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

## Purpose

1. To inform the Committee on the annual activity relating to the Gallagher Academy of Performing Arts.

## Staff Recommendation

2. That the Community, Services and Environment Committee receives the report.

## Background

3. Hamilton City Council and the University of Waikato entered into an agreement in November 1998 for the Gallagher Academy of Performing Arts (the Academy).
4. The primary purpose of the Academy is to meet the teaching and academic needs of the University of Waikato. The secondary purpose is to provide a space for use by performing arts and other community groups or individuals from the Waikato, of which Hamilton organisations are the major beneficiaries.
5. Council made an initial contribution to the capital costs of the Academy of \$2,000,000.
6. The agreement outlines provision for an annual grant towards operating costs of the Academy for a 20-year term, concluding at the end of 2018.
7. Council have removed provision in the 2018-28 10-Year Plan to continue to financially support Academy operations.
8. The annual grant provided by Council is calculated at 25% of the Academy's net operating cost, conditional on community use remaining at or above 25% of the total use.
9. Community use within the agreement is defined as use of the Academy by Performing arts and other groups and/or individuals as defined by the Council, including:
  - (a) Waikato Arts organisations;
  - (b) Waikato Charitable organisations;
  - (c) Waikato Not-For-Profit organisations;

- (d) Individual artists, performances, workshops, seminars, master classes, exhibitions etc;  
 (e) Waikato Schools (for performance).
10. The community use of the Academy has continuously exceeded the 25% threshold; since 2006 the percentage of community use has ranged from 32-47%.
  11. The Academy has four areas of high quality theatre space ranging in capacity from 100-340 people.
  12. A budget of \$165,000 annually has been allocated to cover this operational grant. The grant is paid out in two instalments each year.
  13. \$2,181,746 has been paid by Council to the Academy through the operating grant associated with the Agreement. Final payment of the agreement is scheduled to be paid in the 2018/19 financial year.
  14. The table below shows the percentage of community use over the previous four University years and the grant paid by Council. 2017 figures subject to confirmation in the Academy 2017 Annual Report.

	<b>2017</b>	2016	2015	2014
Total number of uses	<b>840</b>	773	742	876
Total number of "Community" uses	<b>266</b>	268	237	291
Community Use as % of all uses	<b>32%</b>	35%	32%	33%
HCC Grant	<b>\$130,118</b>	\$119,397	\$134,413	\$142,416

## Attachments

Attachment 1 - Gallagher Academy of Performing Arts Report 2017

Attachment 2 - Gallagher Academy of Performing Arts - Usage Data 2017 .

Gallagher Academy of Performing Arts  
University of Waikato  
**Annual Report 2017**

[www.waikato.ac.nz/academy](http://www.waikato.ac.nz/academy)

Prepared by Jeremy Bell

Manager  
May 2018



## Contents

1. Staff & Services
    - 1.1 Permanent Staff
    - 1.2 Casual and Contracted staff
    - 1.3 Services
  
  2. Manager's Report
    - 2.1 Usage in 2017
    - 2.2 Proportion of Community/Educational Use 2017
    - 2.3 Visit numbers
    - 2.4 Income & Expenditure 2017
    - 2.5 Year Highlights
  
  3. Statement of Income & Expenditure 2017
- Appendix
- Usage Data 2017

## 1. Staff & Services

### 1.1 Permanent Staff

Manager	Jeremy Bell (1.0 FTE)
Technical Manager	Brad Thomson (1.0 FTE)
Front of House Manager	Kathy Courtney (1.0 FTE)
Front of House Assistant	Vicki Newton-Smith (0.5 FTE)
House Technician	Dion Rutherford (0.5 FTE)

### 1.2 Casual & Contract staff

The Academy employs a large number of skilled casual staff for its many events and functions on an "as required" basis. These include: lighting, sound and audio-visual operators; Front of House ushers and box office cashiers; technical set-up and pack-out crew. It also contracts in specialized professional contractors such as Piano Tuners, Lighting Designers and Sound Engineers as required.

### 1.3 Services

#### Cleaning

Cleaning services in 2017 were supplied by OCS Ltd.

#### Catering

Montana Catering, trading on the University campus as "Kahurangi", were the University and Academy nominated caterers and license holders from January 2017.

#### Ticketing

In 2017 the Academy continued to utilise Patron Base Ltd as its ticketing services provider.

## 2. Manager's Report

### 2.1 Usage in 2017

The following table shows a comparison of use of the Academy between 2016 and 2017 in the four different categories laid out in the 20 year contract between Hamilton City Council and the University of Waikato 1998 – 2018.

Nature of use	2016	2017	Variance
Community/Educational	268	<b>266</b>	-2
Commercial/Private	24	<b>13</b>	-11
University "Other"	86	<b>93</b>	+7
Timetabled University teaching and assessment	395	<b>468</b>	+ 73
<b>Total</b>	773	<b>840</b>	<b>+ 67</b>

Overall the number of uses in the four categories defined in the contract between Hamilton City Council and the University of Waikato showed a +67 increase in uses from 773 in 2016 to **840 in 2017**.

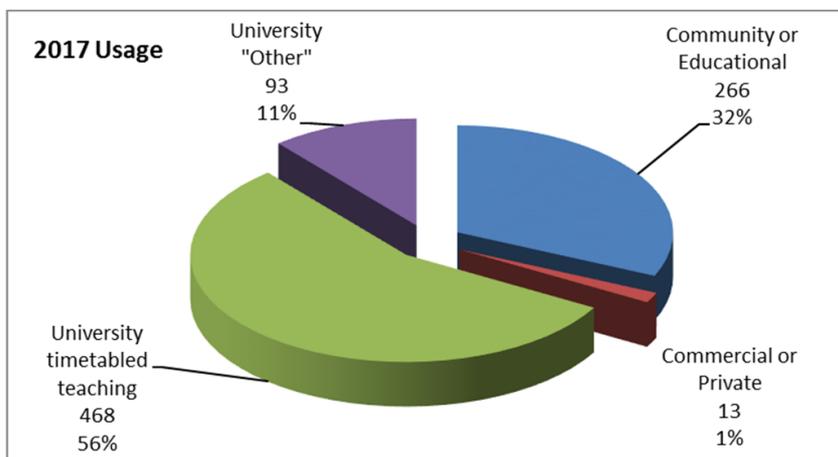
In the "Community/Educational" category the main increase was in the area of dance, with a local community Hip Hop group hiring the Academy Dance Studio once a week in each school term.

Timetabled University teaching and assessment use increased in 2016 from 395 to **468 in 2017**. This was mainly attributable to an academic staff member resuming a full teaching programme after one semester of Study Leave in 2016

A full breakdown of all four categories of use is included as an Appendix to this report – "Academy Usage Data 2017"

## 2.2 Proportion of Community/Educational use in 2017

The following pie chart demonstrates the share of use of the Academy in 2017 according to the four categories in the table in Section 2.1.



The pie chart demonstrates that "community and/or educational" use of the Academy was **32%** of total use of the Academy in 2017. This is 7% higher than the minimum 25% required in the contract between Hamilton City Council and the University of Waikato.

## 2.3 Visit Numbers

The total number of recorded visits to the wide range of events and functions in the building throughout the year was 34,480. Of these 24,793 were in the in the "Community/Educational" category – 72% of recorded visits to the building over the year.

Recorded numbers do not include students and teaching staff attending classes or rehearsals in the teaching semesters, or casual daytime visitors to the Academy's café or Calder & Lawson Gallery.

## 2.4 Income & Expenditure 2017

See also section 3 "Statement of Income & Expenditure 2017"

### 2.4.1 Income

Total Academy revenue for 2017 was \$410,545 - a 13% reduction (\$64,563) from 2016 total income of \$475,108. The reduction in income is mainly attributable to:

- wash-up repayment to Hamilton City Council of \$30,603 due after presentation of the 2016 Annual Report
- curtailment of Commission Income from catering (approx. \$21K)
- reduction in equipment hire revenue (\$6K)

Combined Venue Hire and Sundry Income for 2017 was \$155,162, a small increase of \$2,672 from 2016.

### 2.4.2 Expenditure

Total operating costs for 2017 were \$721,906, a 1.5% increase (\$10,497) in total expenditure from 2016.

#### Salaries & Salary Related Costs

Salaries for permanent staff remained even in 2017. Casual staff costs increased by 11% (\$8,502) from 2016, however, including Annual Leave, overall staffing costs increased by less than 1% in 2017 (\$3,633).

#### Other Operating Costs

'Other Operating Costs' increased by 2.2% in 2017 (\$6,864)

Significant areas of increased expenditure:

- Equipment & Furniture less than \$2K (+\$19,887)
- Building Maintenance (+\$17,821)
- Electricity (+\$4,932)

Significant areas of reduced expenditure:

- Cleaning and Housekeeping (-\$17,300)
- Equipment Repairs & Maintenance (-\$14,646)

#### Capital Equipment

The Academy's regular programme of capital equipment continued in 2017

The most significant capital addition in 2017 was the acquisition of a full set of wireless headsets to improve communication between Academy staff during events.

### 2.4.3 Wash-up

The shared operational cost of the Academy after inclusion of Equipment Replacement costs and deduction of earned income in 2017 was **\$520,471**. Under the contract between City Council and the University of Waikato the Council is responsible for 25% of costs, i.e., **\$130,118**. A grant of **\$150,000** was paid in 2017, leaving the University to reimburse Hamilton City Council **\$19,882** this year.

## 2.5 Commentary on 2017

The Academy is a unique facility in New Zealand designed as a specialist performing arts centre to be shared by the City and the University, and funded by both Council and University to support both community and academic performing arts activities day-in day-out throughout the year. Consistent council support over the years has made the first-class Academy venues available, and most importantly, affordable, to many community and school groups since the Academy first opened in March 2001. Ongoing funding from the Council and University also ensures that all events in the Academy are supported by fully professional technical, marketing, ticketing and front of house services, and that all rooms are stocked with a full inventory of the highest quality lighting, sound and audio-visual equipment available to all hirers.

### Music

As usual in 2017 the Academy was the venue for a full programme of concerts and masterclasses from a wide array of musicians, groups and orchestras from a wide array of backgrounds. Students and staff from the University Conservatorium of Music again attracted regular supportive audiences in a series of concerts highlighting their growing instrumental and vocal prowess. Our professional local orchestra OPUS provided two superb concerts 'Mozart through Russian Eyes' and 'Legends of Leipzig', as part of their regular tours of Hamilton and the Bay of Plenty. New Zealand's pre-eminent pianist Michael Houstoun launched the ever-popular Wednesday Lunchtime recital series on our brand new Steinway with a scintillating hour-long concert alternating works by J S Bach and Erik Satie. Chamber Music New Zealand toured four concerts featuring some of the world's top musicians and groups from as far afield as the UK, Japan, Holland and the USA. Last but by no means least, virtuoso NZ/US guitar duo Loren and Mark and the New Zealand National Brass Band each played to full houses on two very special nights in Te Whare Tapere iti and the Dr John Gallagher Concert Chamber respectively.

### Theatre

The Academy's Playhouse Theatre hosted several of New Zealand's top theatre companies and actors in 2017. In May the ever-popular Indian Ink Theatre Company played to near full houses over 4 nights with a revised version of their play, *The Pickle King*, which had originally premiered in the Academy in 2002. The national touring agency, TourMakers brought Dave Armstrong's comedy *Anzac Eve* for school and public performances over 2 days, and Tawata Productions brought their play *The Vultures* prior to an Auckland season at Q Theatre in October. Local community theatre group, Carving in Ice, continued its

reputation of putting on challenging plays with *Caress/Ache* July and Arts on Tour New Zealand dropped in at the Academy with Moana Maniapoto's *My Name is Moana* and Helen Moulder's *Gloria's Handbag* as part of comprehensive nationwide tours.

**Cultural, Social and Miscellaneous events**

The Academy again hosted a very wide range of cultural, social and miscellaneous events, many of them repeat hirers who have been coming to the Academy for several years now. Kapa haka group Te Iti Kahurangi returned in February prior to competing in the national Matatini festival. Local Chinese, Indian and Pakistani community groups celebrated their cultures and identity in a range of different types of forms. TEDx Ruakura returned in August to film challenging ideas and experiences from their impressive range of distinguished speakers. Fundraising dinners and concerts were held for Waikato Breast Cancer Research and The Himalayan Trust. Smart Waikato brought together educational and business leaders in the Waikato for a morning, and the Matariki Dish Challenge was held for the first time on the university campus in August. Finally, the Academy hosted visits by hundreds of local school students from as far afield as New Plymouth and Tauranga for the hugely popular ITM Schools bands and orchestras festival in August.

### 3. Statement of Income & Expenditure 2017

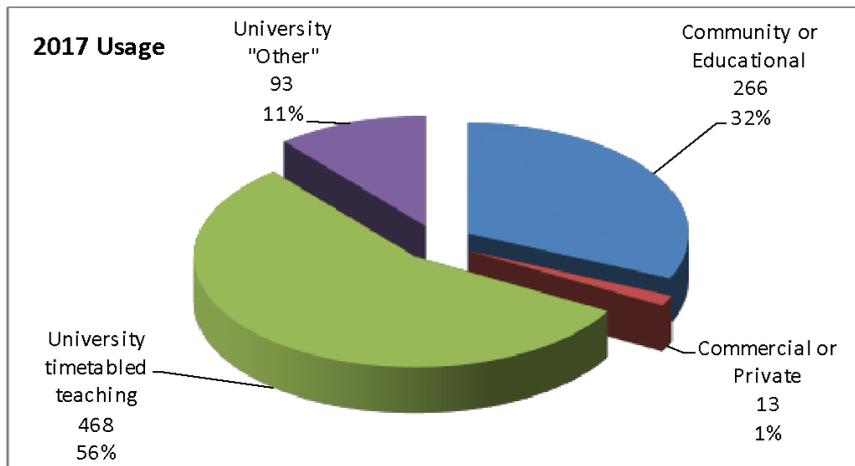
 THE UNIVERSITY OF WAIKATO ACADEMY OF PERFORMING ARTS STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR ENDED 31 DECEMBER 2017 GST EXCLUSIVE					
	2017 ACTUAL \$	2016 ACTUAL \$	FAV (UNFAV) VARIANCE \$	2017 BUDGET	2016 BUDGET
<b>REVENUES</b>					
Grants Hamilton City Council 2017	150,000	150,000	0	169,600	150,000
Grants Hamilton City Council Washup 2016	(30,603)	8,935	(39,538)	0	0
Venue Hire	140,337	132,555	7,782	44,800	190,485
Equipment Hire Recoveries	22,564	28,606	(6,042)	37,300	43,300
Staff Hire	113,422	114,068	(646)	88,046	98,496
Commission Income	0	21,009	(21,009)	33,650	29,300
Sundry Income	14,825	19,935	(5,110)	96,000	9,800
<b>TOTAL REVENUE</b>	<b>410,545</b>	<b>475,108</b>	<b>(64,563)</b>	<b>469,396</b>	<b>521,381</b>
<b>LESS COSTS</b>					
<b>Salaries &amp; Salary Related Costs</b>					
General Salaries	327,795	326,122	(1,673)	280,862	280,860
Casual Salaries	85,702	77,200	(8,502)	75,689	75,691
Salary Related Costs	(34)	6,508	6,542	1,000	0
<b>Total Salaries &amp; Salary Related Costs</b>	<b>413,463</b>	<b>409,830</b>	<b>(3,633)</b>	<b>357,551</b>	<b>356,551</b>
<b>Other Operating Costs</b>					
Advertising & Publicity	5,899	6,090	191	3,251	4,000
Catering & Hospitality	4,068	6,091	2,023	7,000	7,000
Cleaning & Housekeeping	59,039	76,339	17,300	80,970	78,120
Communications	2,316	3,625	1,309	3,250	6,360
Equipment & Furniture <\$2000	35,072	15,185	(19,887)	43,759	41,130
General Office Expenses	8,236	6,989	(1,247)	5,268	10,300
Equipment Hire	9,779	7,891	(1,888)	8,000	7,250
Equipment Repairs & Maintenance	24,705	39,351	14,646	39,068	41,156
Professional Services Fees	22,091	19,240	(2,851)	24,400	21,400
Travel & Accommodation	1,693	2,150	457	3,000	3,900
Building Maintenance	37,574	19,753	(17,821)	3,000	0
Electricity	74,696	69,764	(4,932)	0	0
University Overhead	16,047	18,139	2,092	0	0
Miscellaneous	7,228	10,972	3,744	4,950	6,300
<b>Total Other Operating Costs</b>	<b>308,443</b>	<b>301,579</b>	<b>(6,864)</b>	<b>225,916</b>	<b>226,916</b>
<b>TOTAL COSTS</b>	<b>721,906</b>	<b>711,409</b>	<b>(10,497)</b>	<b>583,467</b>	<b>583,467</b>
<b>NET LOSS BEFORE CAPITAL COSTS</b>	<b>(311,361)</b>	<b>(236,301)</b>	<b>(75,060)</b>	<b>(114,071)</b>	<b>(62,086)</b>
Add Equipment	25,000	331,595	306,595		
<b>NET LOSS AFTER CAPITAL COSTS</b>	<b>(336,361)</b>	<b>(567,895)</b>	<b>231,534</b>		

 <b>UNIVERSITY OF WAIKATO</b> <b>ACADEMY OF PERFORMING ARTS</b> <b>RECONCILIATION OF HAMILTON CITY COUNCIL GRANT</b> <b>FOR THE YEAR ENDED 31 DECEMBER 2017</b>		
		\$
		2017
	<b>Total Net Operational Costs as per Profit and Loss</b>	721,906
	<b>Equipment Replacement costs based on Asset Schedule 2015</b>	89,713
	<b>LESS Total Income</b>	(291,148)
	<b>Shared Operational Costs</b>	<u>520,471</u>
	<b>25% of Shared Operational Costs payable by HCC</b>	130,118
	<b>Less Grant actually Paid</b>	(150,000)
	<b>Balance Over (Under)</b>	<u>19,882</u>

**Academy Usage data breakdown 2017**

	Usage		Visits	
	# of uses	total	# of visits	total
Community or Educational				
Music	76		9,568	
Theatre	26		2,869	
Dance	97		2,926	
Conferences & meetings	22		2,318	
Cultural events	18		2,427	
Social Functions/Dinners	8		1,745	
Miscellaneous	19	266	2,940	24,793
Commercial or Private				
Weddings & other	13	13	1,284	1,284
University timetabled teaching	468	468		
University "Other" (non-timetabled, non-teaching & research) use	93	93	8,403	8,403
Total		840		34,480

Community or Educational	266	32%
Commercial or Private	13	1.5%
University timetabled teaching	468	56%
University "Other"	93	11%
<b>Total</b>	<b>840</b>	



<b>A. Community and Educational 2017</b>	<b>date</b>	<b>uses</b>	<b>visits</b>
<b>Music</b>			
Music - Lunchtime recitals 1 Mar - 5 Apr	1 Mar - 5 Apr	6	1,147
Anna Hawkins concert - Bold, Brave & Beautiful	24-Mar	1	97
OPUS Orchestra - Mozart Thru Russian Eyes	25 - 31 Mar	4	406
Concert for our Conservatorium	6-Apr	1	301
Music - Lunchtime Recitals 26 Apr - 31 May	26 Apr - 31 May	6	806
Music - Uni Orchestra Winter Concert	7-May	1	165
CMNZ - Kathryn Stott & NZSQ	15-May	1	126
Music - Aria Competition	20-May	1	63
Music - Aria Masterclass	21-May	1	10
CMNZ - Suzuki & Juilliard 415	27-May	1	218
Wintec Media Arts - River City Sound Sessions	27-May	1	15
Music - Chamber Music Competition	7-Jun	1	47
Music - Opera Showcase	10-Jun	1	194
CMNZ - Schools Chamber Music Comp	12-Jun	1	120
Music - NZSO Cello Masterclass	14-Jun	1	22
United Youth Orchestra	18-Jun	1	169
OPUS Orchestra _Legends of Leipzig	24 - 30 June	4	353
2017 National Band of NZ	28-Jun	1	320
Music - Lunchtime recitals 12 July - 16 Aug x 6	12 Jul - 16 Aug	6	686
Hamilton Piano Competition	15-Jul	1	40
Hamilton Vocal Competition	16-Jul	1	75
CMNZ - Kuijken Solo Bach	20-Jul	1	93
North Shore Youth Music	29-Jul	1	119
"Evening in the Everlasting Bonfire" concert	3-Aug	2	80
Music - Percussion Concert	4-Aug	1	50
Music - Jose Aparicio - Voice Masterclass	9-Aug	1	15
Waikato ITM Schools Bands & Orchestras Festival	18-Aug	1	1,083
Music - Okta concert	1-Sep	1	58
Waikato Rivertones - Great Heights	16-Sep	1	315
Music - Frauenliebe und Leben concert	27-Aug	1	36
Music - Lunchtime Recitals Aug 30 - Oct 4	30 Aug - 4 Oct	6	602
Music - Concerto Comp Finals w Orchestra	17-Sep	1	96
Music - City of Stars	23 - 24 Sept	2	220
CMNZ - Imani Winds	30-Sep	1	135
Grace Tang Piano students recitals	1-Oct	1	105
Concert for Nepal	5-Oct	1	100
Music - Wilma & Friends concert	7-Oct	1	63
Music - End of Year Showcase	15-Oct	1	183
United Youth Orchestra - Spring Concert	29-Oct	1	174
Wintec - "Glimpse" concert	29-Oct	1	55
Scot Hall students recitals	11-Nov	1	98
Orchestral Moments - Raewyn Watkins	11-Nov	1	92
Chika ko Komaki - Student piano recitals	26-Nov	1	90
Chris Greenslade Student Piano Recitals	2-Dec	1	45
NZ Opera School Fundraiser	6-Dec	1	40
Ham Civic Choir - Broadway Christmas	11 & 16 Dec	2	157
Abby Pinkerton - student recitals	17-Dec	1	84
	<b>Music</b>	<b>76</b>	<b>9,568</b>
<b>Theatre</b>			
ANZAC Eve - TourMakers	28 & 29 Mar	3	150
My Name is Moana - Arts on Tour NZ	5-May	1	91
Indian Ink Theatre Co. - The Pickle King	23 - 28 May	7	835
Gloria's Handbag - Arts on Tour NZ	4-Jun	1	114
Carving in Ice - Caress/Ache Production	15 - 22 July	8	260
Waikato Sec Schools Theatre sports Final	28-Aug	1	125
St Peter Chanel School production	25 - 27 Sept	3	1,204
Tawata Prodn - The Vultures	13 & 14 Oct	2	90
	<b>Theatre</b>	<b>26</b>	<b>2,869</b>

<b>Dance</b>			
Kirsten Brady - Hip Hop classes - Term 1	10 Feb - 7 Apr	9	333
Unity Dance classes	1 Mar - 31 Mar	12	180
Community Dance classes	3 Mar - 2 Jun	12	60
Mama & Me Pre-school dance showcase	9-Apr	1	168
Kirsten Brady Hip Hop Classes - Term 2	21 Apr - 7 Jul	12	360
Hamilton Community Hip Hop classes	19 Jun - 5 July	6	150
Unity Dance Classes	12 Jul - 4 Oct	12	200
Community Dance classes	14 Jul - 6 Oct	12	74
Kirsten Brady Hip Hop classes - Term 3	28 Jul - 29 Sept	11	541
Maryellen Walsh Academy - The Reel Jig	30-Sep	1	122
Kirsten Brady - Hip Hop Classes Term 4	20 Oct - 8 Dec	8	294
Mama & Me Dance Recital	9-Dec	1	444
	Dance	97	2,926
<b>Conferences/Conventions/Meetings/Public Lectures</b>			
Orchestrating Outcomes	24-Mar	1	52
WILSS - Youth Leading Sport	11-Apr	1	82
Inaugural Professorial Lecture - Prof Mike Duke	11-Apr	1	110
ISO SC27 Conference	18-Apr	1	230
Himalayan Trust Function	4-May	1	127
Smart Waikato Leadership Summit	10-May	1	122
Charles Fleming Lecture - Royal Society NZ	16-May	1	240
Inaugural Professorial Lecture - Prof Devon Polaschek	30-May	1	212
Pathways Health PPO	26-Jun	1	64
Orbit - Corrections Officers Info Evening	26-Jun	1	21
Inaugural Professorial Lecture - Prof Grant Hammond	18-Jul	1	62
NZ Equine Research Rodmor Lecture	30-Jul	1	50
Inaugural Professorial Lecture - Ian Hawes	15-Aug	1	68
TEDx Ruakura	19 & 20 Aug	2	250
Westpac Waikato Business Awards Finalists	20-Sep	1	110
Graeme Dingle Foundation - Excellence awards	21-Sep	1	85
Law Faculty - Norris Ward McKinnon Lecture	5-Oct	1	71
Inaugural Professorial Lecture - Prof Yifan Chen	17-Oct	1	43
Royal Society of NZ - Great Kiwi research	8-Nov	1	52
Inaugural Professorial Lecture - Prof Mark Dyer	14-Nov	1	132
Inaugural Professorial Lecture - Prof Maryanne Garry	28-Nov	1	135
	Conferences etc	22	2,318
<b>Cultural events/performances</b>			
Te iti Kahurangi kapa haka	8 Jan - 12 Feb	4	120
Te Kaheru Matarau a Haua kapa haka	21 Jan - 4 Feb	3	90
Sutra Academy Dance Festival	7 & 8 Apr	2	230
Voice of China - Chinese students	29-Apr	1	280
Raaga Hamilton	2-Jun	1	135
70 Years of Jinnah's Pakistan	2-Jul	1	174
Toku Mapihi Maurea KKM Wearable Arts Show	5-Jul	1	279
Morrinsville College - Rather Large Day Out	1 & 2 Sept	2	250
Kingitanga Day	14-Sep	1	500
Chinese Students Talent Show	8-Oct	1	339
Te Whare kura o te Rau Aroha	1-Nov	1	30
	Cultural Events	18	2,427

<b>Social Functions/Dinners/Balls</b>			
Waikato Breast Cancer Research Trust Dinner	15-Mar	1	180
Auckland District Law Society	31-May	1	34
Hamilton Girls High School Ball	1-Jul	1	600
Hillcrest High School Ball	5-Aug	1	540
WULSA/NZLSA Opening Gala	22-Aug	1	66
Suburbs Piako Hockey Club Awards	14-Oct	1	57
Midlands Hockey Dinner	28-Oct	1	133
NZEI Teacher Registration Ceremony & dinner	1-Dec	1	135
	Social	8	1,745
<b>Miscellaneous</b>			
HEADZUP Day	23-Feb	1	168
Railfreight Cavaliers Marching training	6-Mar	1	16
WULSA Kensington Swan Mentoring Event	9-Mar	1	116
Golden Key - New Members Initiation	28-Apr	1	229
U19 Waikato Rugby Team Launch	4-Aug	1	87
Matariki Dish Challenge	6-Aug	1	105
DoC - Predator Free 2050 Trap Library Launch	22-Aug	1	82
NZ Kyokushinkai Karate Finals	23-Sep	1	187
Arise Church	12-Nov	1	485
Arise Church	19-Nov	1	452
Ignite U-12s marching team practices	20 & 30 Nov	2	40
KOSTA Church	21 - 24 Nov	4	700
Jodie McLuskie Marching training	27 Nov & 4 Dec	2	40
NZ Police - Pay Parade	8-Dec	1	233
	Miscellaneous	19	2,940
<b>Totals</b>		266	24,793

<b>B. Commercial or Private use 2017</b>	<b>date</b>	<b>uses</b>	<b>visits</b>
Lugtons Real Estate	13-Feb	1	70
AJDA Phoenix Flycrew Dance Workshop	4-Mar	1	50
Deloitte VIP Series	16-Mar	1	37
Lauren Grout recording	29-Mar	1	2
Loren & Mark Guitar Duo	12-May	1	157
Tony McKay Dance Video shoot	7-Jul	1	5
Soul Food Hamilton - Kelvin Cruickshank	12-Jul	1	303
Wedding	24-Jul	1	36
Wedding	29-Jul	1	200
Maori TV Election Debate	10-Sep	1	122
Modern Maori Quartet	17-Sep	1	155
Wedding	28-Oct	1	56
PWC Xmas Party	25-Nov	1	91
	<b>Total</b>	<b>13</b>	<b>1,284</b>

C. University "Other" (non-teaching) 2017	Date	uses	visits
CME - Welcome for new Deans	23-Jan	1	108
OVC - Vin School visit	31-Jan	1	15
Graduate Research - Summer Research Closing	2-Feb	1	178
OVC - VC Dinner	7-Feb	1	180
Music - Dolan Cox exam recital	7-Feb	1	15
OVC - SLT Strategy Day	8-Feb	1	24
WMA - PG Dip Management Studies Orientation	10-Feb	1	18
CME - Naoko Tosa exhibition	16 - 17 Feb	2	30
Hillary Scholars Induction day	26-Feb	1	148
Pathways - Doshisha Certificates	2-Mar	1	57
Pathways - Tohoku Certificates	3-Mar	1	56
Pathways - Senshu Certificates	3-Mar	1	21
He Manawa Whenua Powhiri	5-Mar	1	131
International Office - Welcome for VSS staff	6-Mar	1	30
CME - Honorary Awards ceremony	8-Mar	1	30
Pathways - Osaka Uni Certificates	10-Mar	1	56
Pathways - Kansai Uni Certificates	10-Mar	1	37
Pathways - Tokyo Kasai Uni Certificates	17-Mar	1	68
Pathways - Miyazaki Uni Certificates	17-Mar	1	51
CEREL/ Law Faculty - Sir Geoffrey Palmer	20-Mar	1	130
School of Science - Farewell David Hamilton	24-Mar	1	86
ITS Division - Management Planning Day	24-Mar	1	12
Recruitment - Teacher Update Day	31-Mar	1	42
UoW Distinguished Alumni Breakfast	31-Mar	1	28
UoW Distinguished Alumni Dinner	31-Mar	3	180
WMS/CELP - Graduation dinner	8-Apr	1	78
International Office - MARA Universiti Teknologi	8-May	1	10
Pathways College - Planning Session	9-May	1	10
Faculty of Ed - Ontario Principals Meeting	16 - 18 May	3	24
CME - Schools Open Day	19-May	1	2000
FMIS - Matariki Book Launch	24-May	1	218
OVC - Roger Moltzen Retirement	25-May	1	86
OVC - Doug Arcus retirement function	6-Jun	1	82
International Student Farewell	9-Jun	1	136
FMIS - Presentation by Prof Cheryl Harris	12-Jun	1	57
School of Engineering - Staff Day	19-Jun	1	45
OVC - MoH & Waikato DHB meeting	21-Jun	1	62
WMS - Enhancing Leadership Capacity	26-Jun	1	32
OVC - VC's State of the Nation address	26-Jun	1	253
OVC - Honorary Awards Function	27-Jun	1	56
OVC - Waikato Stakeholder Breakfast	27-Jun	1	57
WMS - Enhancing Leadership capacity	5-Jul	1	42
Future Students - Principals Lunch	5-Jul	1	15
WMS - AMBA Accreditation Review Launch	6-Jul	1	10
OVC - Honorary Award - Tressler & Foster	19-Jul	1	30
Student Services - TAPA Awards ceremony	28-Jul	1	30
Student Success - Te Paiwai o te Rangi Scholarship	8-Aug	1	61
Pathways - Osaka Jogakuin Certificate Ceremony	9-Aug	1	61
Pathways - Game On English & Rugby	11-Aug	1	53
UoW Inter Halls Ball	12-Aug	1	620
Graduate Research - 3MT Final	16-Aug	1	192
OVC - Maori Stakeholders Lunch	23-Aug	1	47
OVC - VC Staff Breakfast	29-Aug	1	95
Music - Max Munneke BMus Piano Recital	31-Aug	1	10
Music - Lilburn Trust Student Composition Awards	8-Sep	1	55
Faculty of Law - Thinking of Ecosystems	13-Sep	1	55
Major Events - Blues Awards Dinner	22-Sep	2	205

**Attachment 2**

OVC - Women in Leadership meeting	26-Sep	1	15
FMIS - Te Ahurutanga Maori Students Excellence	29-Sep	1	60
International Recruitment - Agent Famil	29-Sep	1	12
OVC - Women in Leadership	3-Oct	1	176
Dep VC Maori - Te Toi o Matariki	10-Oct	1	60
Engineering Assessment Displays	10 - 13 Oct	5	360
ITS - Staff Farewell tea	20-Oct	1	120
WMS - VSS Morning Tea /Welcome	24-Oct	1	50
OVC - Honorary Doctorate Max Gimblett	25-Oct	1	75
ITS - Staff Farewell tea	27-Oct	1	120
FASS - Grad student Conference Mixer	2-Nov	1	20
OVC - VC Staff Drinks	8-Nov	1	47
School of Engineering Young Engineers Symposium	16 & 17 Nov	2	120
WMS Dept of Accounting Debate Luncheon	24-Nov	1	60
WPC - Cert Ceremony - English Opens Doors	29-Nov	1	61
OVC - Experience Waikato	4 & 5 Dec	3	180
OVC - Experience Waikato	7 & 8 Dec	3	180
WPC - Cert Ceremony - Kobe High School	8-Dec	1	42
OVC Events - VSS Farewell	8-Dec	1	67
ITS - Waikato Print Morning tea	13-Dec	1	0
ITS - Joan & Jo fa rewell tea	14-Dec	1	60
		<b>93</b>	<b>8,403</b>

**Item 7**

<b>D. Timetabled teaching &amp; assessment exams &amp; performances 2017</b>			
<b>Dept</b>	<b>semester</b>	<b>venue</b>	<b>uses</b>
<b>Music - FASS</b>			
Music Dept Teaching	A Semester	CC	60
End of semester exams	A Semester	CC	5
Music Dept Teaching	B Semester	CC	60
End of semester exams	B Semester	CC	10
<b>Theatre Studies - FASS</b>			
THST208A Plays in Performance	A Semester	PH	40
THST212B Stage Performance Techniques	B Semester	PH	24
THST308B Creating Theatre	B Semester	PH	27
<b>Dance - FASS</b>			
SPLS208A Choreographing for Places & Sites	A Semester	DS	24
SPLS308A Performing Dance	A Semester	DS	24
TEAL 715 Secondary School Curriculum Dance (Yr 7 - 10)	A Semester	DS	30
TEAL 716 Secondary School Curriculum Dance (Yr 11 - 13)	A Semester	DS	28
End of Semester assessment performance	A Semester	DS	1
SPLS105B Dance, Leisure & Culture	B Semester	DS	24
SPLS214B Community Dance	B Semester	DS	24
End of Semester Assessment performance	B Semester	DS	1
<b>Faculty of Maori &amp; Indigenous Studies</b>			
TIKA257A Kapa Haka	A Semester	WTI	24
Assessment performance A semester	A Semester	CC	1
TIKA151B Raranga Kete	B Semester	WTI	12
TIKA257 Nga Mahi a Rehia	B Semester	WTI	24
TIKA357B Mahi Whakaaari: Maori Performing Arts	B Semester	WTI	24
Assessment performance	B Semester	CC	1
<b>Total</b>			<b>468</b>

# Council Report

**Committee:** Community and Services Committee  
**Date:** 11 September 2018  
**Author:** Andy Mannering  
**Authoriser:** Lance Vervoort  
**Position:** Social Development Manager  
**Position:** General Manager Community  
**Report Name:** Clarence Street Theatre Trust - 2017/18 Annual Report

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

## Purpose

1. To inform the Community, Services and Environment Committee on the annual report from the Clarence Street Theatre Trust for the year ending 31 March 2018.
2. Jason Wade, General Manager of Clarence Street Theatre Trust will present a verbal report.
3. The annual report is attached.

## Staff Recommendation

4. That the Community, Services and Environment Committee receives the report.

## Executive Summary

5. On 30 June 2015, Council entered into a Deed of Gift with Rights of Revocation arrangement with the Clarence Street Theatre Trust (the Trust). The arrangement required the Trust (amongst other conditions) to report on theatre activities.
6. The Trust has met its KPIs operationally during the term of this report.
7. Earthquake strengthening of the Clarence Street Theatre has occurred, bringing the theatre up to 34% of National Building Standards this financial year. Council has been satisfied with reporting documentation and payment of \$150,000 plus GST has been made to the Trust.

## Background

8. The Trust Board presented a proposal to Council in October 2014 to be gifted the Clarence Street Theatre, along with a grant for operational purposes and a further grant to support necessary capital works.
9. A Deed of Gift with Rights of Revocation was subsequently signed between Hamilton City Council and the Trust with a settlement date of 30 June 2015.
10. At the 19 September 2017 Community and Services Committee ([Agenda](#), [Minutes](#)), the following was resolved;
  - a) *receives the report;*

*b) approves the revocation period in the Deed of Gift be extended by 18 months to 31 December 2019; and*

*c) approves the payment of up to \$150,000 plus GST to Clarence Street Theatre Trust to undertake earthquake strengthening of the Clarence Street Theatre. All works must be completed by 31 December 2018 and this payment will only be made once documentation (including code of compliance, accounts and invoicing specific to earthquake strengthening less other money given to the trust for this purpose) to be provided to support that the necessary work has been completed to bring the entire theatre up to 34% of National Building Standards.*

11. The Trust have completed the works and supplied the necessary evidence to support the work completed to bring the building up to 34% of National Building Standards to Council management.

#### **Clarence Street Theatre Trust Report**

12. Clarence Street Theatre Trust have achieved the following outcomes against their key performance indicators;
  - 47,600 patrons attending performances and events in 2017/18 (target was 25,000)
  - 57% theatre occupancy rate in 2017 (target was 45%)
  - At least 66% of the use was by non-commercial users.

#### **Attachments**

Attachment 1 - Clarence Street Theatre Trust - Annual report 2017-18 .

# CLARENCE ST THEATRE

59 Clarence Street  
PO Box 314  
Hamilton 3240  
New Zealand  
P / +64 7 834 1023  
E / info@clarencetheatre.co.nz  
www.clarencetheatre.co.nz

**Sean Murray**  
General Manager | Venues, Tourism and Major Events Group  
Hamilton City Council

31<sup>st</sup> July 2018

Dear Sean

We are pleased to make our final report to Hamilton City Council completing our deed of gift requirements.

### Final Clarence Street Theatre Trust Report July 2018

#### Key Performance Indicators

- (i) The number of patrons attending performances and events at the Property is at least:
  - A. 17,500 between 30 June 2015 and 29 June 2016 **ACHIEVED: 44,347**
  - B. 20,000 between 30 June 2016 and 29 June 2017 **ACHIEVED: 45,000**
  - C. 25,000 between 30 June 2017 and 29 June 2018 **ACHIEVED: 47,600**
- (ii) Theatre occupancy rates of:
  - A. 25% in 2015 .....**48% ACHIEVED**
  - B. 35% in 2016 .....**52% ACHIEVED**
  - C. 45% in 2017 .....**57% ACHIEVED**
- (i) at least 66% of the use of the Property is by non-commercial users in every year.  
**COMPLETED**

#### Earthquake Strengthening

- This is now completed, and the entire facility exceeds the required 34% as previously reported to Hamilton City Council.
- In addition to the strengthening work we have completed the replacement of the roof on the back of house areas to which Hamilton City Council contributed.

#### Governance

The Trust is made up of nationally recognised professionals well respected and admired in their fields. This is to ensure that the Trust maintains a high level of credible governance acumen. Clarence Street Theatre Trust’s Governance and Operational Teams are made up of the following:



## CLARENCE ST THEATRE

59 Clarence Street  
PO Box 314  
Hamilton 3240  
New Zealand

P / +64 7 834 1023  
E / info@clarencetheatre.co.nz  
www.clarencetheatre.co.nz

### Clarence Street Theatre Trust

**Mr. Richard O'Brien** (Patron) – Author, musician, Patron, advisor and advocate

**Paul Mitchell** (Chairperson) - Theatrical Producer, Education Specialist Manager

**Leean Bedwell** (Financial Controller) – Company Director, Chartered Accountant, philanthropic Trustee

**Jennifer Ward-Lealand** (Industry Advisor to the Trust) – International Actor, director, Arts Governance Specialist

**Rachel Balme** (Trustee) – Company Director, Chartered Accountant, Award Winning Tourism Entrepreneur

**Sandra Braithwaite** (Trustee) – Solicitor, philanthropic Trustee

**Margot Buick** (Trustee) – Company Director, Companies Governance Expert

### Operations Team

**General Manager** – Jason Wade

**Administrator** – Darlene Tottie

**Experience Team (Front of House)** – 17 casual employees

**Bar Team** – 8 casual employees

**Volunteers** – 25

### Operations

- We have developed a strong professional team and model to operate the theatre drawing upon models from around New Zealand of venues of a similar size and patronage. We have substantially increased usage over the past three years with more touring product; greater numbers of schools and local productions; and in general, made ourselves flexible to meet the needs of the community.
- We have pulled on many models from across the country and adapted operational models and processes to our needs and venue's requirements. By doing this the Trust have established a sustainable model on which to run Clarence St Theatre making small profits while sustaining standards and maintenance requirements in the first two years of operation.
- We are fast becoming a sought-after venue with a strong reputation in the venues industry and performing arts sector.

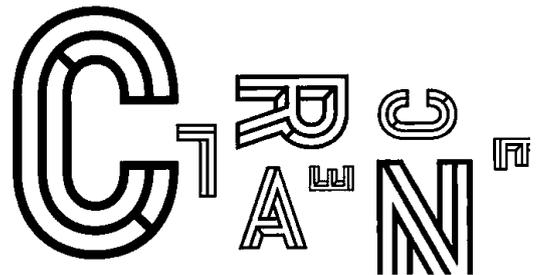


**CLARENCE ST  
THEATRE**

59 Clarence Street  
PO Box 314  
Hamilton 3240  
New Zealand  
P / +64 7 834 1023  
E / info@clarencetheatre.co.nz  
www.clarencetheatre.co.nz

**Future Projects**

1. **Equipment** – with the old and limited equipment we were gifted we contract in approximately \$100k of equipment each year from external companies – namely ACLX lighting and sound. These costs are passed on to users and hirers. We would like to acquire our own equipment so that we can make the venue even more affordable for community users and this would also add an additional revenue stream to our model. This would significantly reduce the cost for the likes of the dance schools, Hamilton Operatic Society and the schools when they stage productions.
2. **Fly tower upgrade** – we have recently spent money on getting the fly tower assessed for strength on being able to hold loads such as the recent production of *Sister Act*. The results were positive, and we will look to further investigate new lines and ways in which we can work with the current infrastructure.



# Council Report

Item 9

**Committee:** Community, Services and Environment Committee  
**Date:** 11 September 2018  
**Author:** Riki Manarangi  
**Authoriser:** Lance Vervoort  
**Position:** Corporate Policy Specialist  
**Position:** General Manager Community  
**Report Name:** Community Occupancy Policy Review

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

## Purpose

1. To seek the Committee's recommendation for the Council to approve the proposed Community Occupancy Policy.

## Staff Recommendation (*Recommendation to Council*)

2. That the Community, Services and Environment Committee recommends that the Council approves the Community Occupancy Guidelines; and
  - a) Option A - the proposed Community Occupancy Policy with an 87.5% rental subsidy (Attachment 1)

**OR**

  - b) Option B - the proposed Community Occupancy Policy with a two-tiered (Tier 1: 50%, Tier 2: 87.5%) rental subsidy (Attachment 2)

## Executive Summary

2. The existing Community Occupancy Policy (**the Policy**) was adopted in 2013 following a Council resolution to reduce six community leasing policies into a single policy to improve equity, consistency and transparency.
3. Staff assess and make recommendations on all new Community Occupancy applications for the Council to approve or not approve in accordance with the Policy.
4. Currently, community occupancy rent is calculated based on square metre rates and then a blanket 87.5% subsidy is applied to all community groups.
5. The Council's current community occupancy portfolio consists of 103 agreements with 90 community groups.
6. Staff have undertaken the scheduled three-yearly review of the Policy.
7. At the 30 November 2017 Elected Member briefing, staff sought direction from the Elected Members regarding the review of the policy. Elected Members requested that staff consider a two-tiered rental subsidy model that takes into account the size of an organisation. Staff also

## Item 9

confirmed with the Elected Members that there was a need to provide guidance in the Policy on commercial activities.

8. Staff undertook consultation with the 90 directly affected community groups on the existing Policy, whether a two-tiered rental subsidy approach was needed and the inclusion of guidance for commercial activities.
9. The consultation took place over one month between 6 July 2018 to 6 August 2018 and resulted in 41 responses from the 90 groups.
10. The majority of respondents agreed that:
  - The policy is clear and easy to understand (100%)
  - The policy works well for their organisation (80%)
  - The rental subsidy should remain at 87.5% for all groups (62%)
  - The policy should include guidance around commercial activities operating in a community occupancy facility or leased area (e.g. a pro shop) (82%)
11. In-line with the feedback received, staff present two options for consideration by the Committee:
  - Option A:  
87.5% rental subsidy
  - Option B:  
Tier 1: 50% rental subsidy for groups that have:  
Revenue over \$2m; and  
Financial surplus over \$100k; and  
Central government funding  
Tier 2: 87.5% rental subsidy for all other groups
12. Option A – retains a simple and consistent rental subsidy approach to enable certainty for all community groups.
13. Option B – provides different levels of subsidy depending on a community groups financial position.
14. Both options consider the staff view, views of the community groups, and concerns raised by the Elected Members.
15. Both versions of the two policy options incorporate requirements for commercial activities, revised square metre rental rates and changes to further improve clarity. Tracked changed versions of each policy are attached – Attachment 3 (Option A) and Attachment 4 (Option B).
16. The Guidelines have also been revised to reflect the administrative changes necessary to give effect to either policy option (Attachment 5 (Clean) and Attachment 6 (Tracked)).
17. The City Solicitor has reviewed the draft policies and the Guidelines.
18. Staff consider the decision in this report has a low significance and that the recommendations comply with the Council's legal requirements.

## Background

19. The [Community Occupancy Policy](#) and [Guidelines](#) outline a framework for decision making around Council-Owned land and buildings which are available for rent or lease to community groups.
20. On 15 August 2013, the Council resolved to have a single policy to reduce six policies for community leasing as to provide one Policy position improving equity, consistency and transparency.

21. On 28 November 2013, the Council adopted the existing Policy. The supporting Guidelines were approved in February 2014.
22. On 8 August 2017, the Community and Services Committee acknowledged that the Policy was due for review by February 2018.
23. On 30 November 2017, an Elected Member briefing provided an overview of the Policy and sought clarity around areas of the Policy to review.
24. At the 30 November 2017 briefing, Elected Members advised that they were comfortable with the eligibility criteria, but requested staff investigate a two-tiered rental subsidy model where large community groups receive a lower subsidy from the Council. Staff also confirmed with the Elected Members that there was a need to provide guidance in the Policy on commercial activities.
25. On 7 June 2018, the Committee approved the deferral of the Community Occupancy Policy review to September 2018 to enable further financial modelling and legal consideration.

### Consultation

26. Staff conducted an online survey with affected community occupancy groups between 6 July and 6 August 2018.
27. During consultation, community occupancy groups were asked if guidance on commercial activities (e.g. a pro-shop) should be included in the Policy.
28. Community occupancy groups were also asked in the consultation if they supported a reduced subsidy for groups that either had a higher annual revenue (>\$2million), higher operating surplus (>\$100k) or received central government funding.
29. The revenue amount consulted on was guided by the Charities Commission's tier structure for determining reporting requirements. The surplus amount consulted on was determined by trying to capture the larger regional and national community groups. Consultation on central government funding was to consider the point raised by Elected Members.
30. From a total of 90 groups, 41 (46%) groups responded. The majority of respondents agreed that:
  - The policy is clear and easy to understand (100%)
  - The policy works well for their organisation (80%)
  - The rental subsidy should remain at 87.5% for all groups (62%)
  - The policy should include considerations for commercial activities operating in a community occupancy facility or leased area (e.g. a pro shop) (82%)
31. The majority of community groups (62%) that believed that the status quo works well as a 87.5% blanket subsidy felt it is simple, creates certainty and ensures consistency as all groups are providing a community service.
32. The remaining respondents (38%) did not agree with the status quo of 87.5% rental subsidy for all groups believing that community groups with either revenue over \$2,000,000, surplus over \$100,000 or that receive central government funding should receive a reduced subsidy. These groups felt that larger groups have more ability to service their rent than smaller groups.
33. A summary of the survey feedback and themes is contained in Attachment 7.

### Rental Rates and Subsidies

#### Land and Building square metre rates

34. In accordance with the Policy, the three-yearly review has been undertaken on the land and building square metre market rates by an independent market valuer.
35. The independent market valuation report outlined that:

## Item 9

- land values and ground rental rates have increased substantially in Hamilton over the past three years.
  - demand for modern well-located premises has had strong growth, as reflected in the highest building category (1) having a 20% increase.
36. As a result of this market rate review, community occupancy rents will increase for groups (from 1 January 2019), subject to any exemptions under their agreements.
37. The community occupancy rent revenue for the current portfolio is \$127,093 plus GST per annum and based on the valuation this would increase to \$149,921 plus GST per annum.

### Rental subsidies

38. For a single-rental subsidy model, Staff consider the existing 87.5% subsidy has been well received and efficient to administer when applied to all groups.
39. For a two-tier rental subsidy model, Staff consider that assessing community groups (as to determine a different level of subsidy) against all three factors together would:
- Address the concerns raised by Elected Members during the 30 November 2017 briefing.
  - Provide a holistic approach to help identify larger organisations as each factor in isolation does not provide a full picture.
  - Consider the 38% of respondents view, collectively, that do not agree with a blanket 87.5% subsidy.
40. For the two-tier model, a 50% rental subsidy acknowledges that larger community groups should still be significantly supported consistent with the purpose of the Policy, however, they do not require as much support as smaller community groups who are provided the full 87.5% subsidy.
41. Accordingly, Staff present two rental subsidy options for the Committee to consider:
- Single Tier  
87.5% rental subsidy for all groups
  - Two Tier:  
Tier 1: 87.5% rental subsidy; and/or  
Tier 2: 50% rental subsidy for groups that have or receive:  
Revenue over \$2m; and  
Financial surplus over \$100k; and  
Central government funding

### **Commercial Activities**

42. Commercial activities (e.g. pro-shops) within community spaces assist community groups to remain sustainable as funding becomes harder to obtain. They can also enhance the use and enjoyment for the users.
43. There is currently no guidance in the Policy to assess and approve commercial activities within community occupancies.
44. The inclusion of guidance on commercial activities will provide transparency and clarity to community groups around the assessment of commercial activities upon application or renewal.
45. Staff have incorporated into the Guidelines minimal requirements that commercial activities must meet prior to staff making a recommendation to the Council for approval.
46. The rental subsidy received will be reduced by a further  $\frac{1}{4}$  for a commercial activity area operated by a commercial entity.

47. The lower rental subsidy for a commercial activity is to encourage community groups to operate the commercial activities, to receive maximum financial benefit while still enabling commercial entity's to operate where its supports the core activity of the community group.
48. The commercial activities provisions have been reviewed by the Council's city solicitor who have confirmed it complies with relevant legislation.

#### **Further changes**

49. Additional changes to the Policy and Guidelines are outlined below:
  - Incorporated the land and building square metre rates into the Policy (moved from the Guidelines) to provide context for rental subsidies.
  - addition of staff ability to amend Guidelines in the Policy.
  - addition of 'occupancy responsibilities' to Policy in accordance with Guidelines.
  - addition of facility development proposals in Policy, in accordance with Guidelines.
  - updated criteria to 'facility development proposals' section in the Guidelines to align with Sport and Recreation Strategy direction and Open Spaces Plan.
  - addition of sub-leasing clause for clarity in the Guidelines.

#### **Financial Considerations**

50. This is a regular operating activity funded through the 10-Year Plan for Parks and Recreation policy review.
51. The total cost to review the policy and guidelines up to and including this report is \$25,113 incl GST. \$19,900 is estimated for staff time and \$5,213 for legal review and the independent market valuation.

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

52. Staff confirm that the recommendation in this report complies with the Council's legal and policy requirements.
53. The City Solicitor has reviewed the Policies and the Guidelines.
54. Staff have taken into consideration the direction of the Sport and Recreation strategy in making changes to the Policy. Upon completion of the Sport and Recreation strategy, the guidelines will be updated (as required) to ensure alignment.

#### **Risks**

55. There are no known risks associated with the recommendation in this report.

### **Significance & Engagement Policy**

#### **Significance**

56. 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**

57. Although engagement is not required given a low level of significance, an online survey of community occupancy groups directly affected by the Policy was undertaken between 6 July 2018 to 6 August 2018 as discussed above.

## **Item 9**

### **Attachments**

Attachment 1 - Proposed Community Occupancy Policy (Single – Tier) – Option A – CLEAN VERSION

Attachment 2 - Proposed Community Occupancy Policy (Two-Tier) – Option B – CLEAN VERSION

Attachment 3 - Proposed Community Occupancy Policy (Single – Tier) – Option A – TRACK CHANGE VERSION

Attachment 4 - Proposed Community Occupancy Policy (Two-Tier) – Option B – TRACK CHANGE VERSION

Attachment 5 - Community Occupancy Guidelines - CLEAN VERSION

Attachment 6 - Community Occupancy Guidelines - TRACK CHANGE VERSION

Attachment 7 - Consultation Feedback Summary – 6 July 2018 to 6 August 2018 – Community Occupancy Groups .

First adopted:	November 2013
Revision dates/version:	April 2014, September 2018
Next review date:	April 2021
Engagement required:	
Document number:	D-2751142
Associated documents:	n/a
Sponsor/Group:	General Manager Community



## Community Occupancy Policy

### Purpose and scope

1. The purpose of this Policy is to:
  - a. outline the framework for decision making regarding Community Occupancy.
  - b. make Land and/or Buildings available for use by Groups for Purposes outlined in an Occupancy Agreement.
  - c. support the vital role of Groups by providing a significant rental subsidy for Occupancy.
2. This Policy applies to use of Land and/or Buildings by Groups.
3. This Policy does not apply to groups not considered a 'Group' as defined by this policy or casual hireage of Land and/or Buildings.
4. This policy should be read in conjunction with the Hamilton District Plan and Reserves Act 1977.

### Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan as defined by the Local Government Act 2002.
Building(s)	Council-owned buildings made available by the Council for use by Groups.
Commercial Activity	Sale of goods or services, aligned to the Purposes e.g. pro-shop, kiosk, canteen.
Commercial Occupancy Agreement	A Community Group Commercial Agreement for occupation of a specified area of Land and/or Buildings for a Commercial Activity operated by a commercial entity.
Group(s)	A Community Group which is a not-for-profit organisation that is incorporated, either under the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 or established under any other statute, and: <ol style="list-style-type: none"> <li>a) provides a Community Service;</li> <li>b) does not make distributions of profits to its members; and</li> <li>c) does not have a primary purpose of promoting party politics.</li> </ol>
Guidelines	The Community Occupancy Guidelines for the purpose of assisting in the administration of Community Occupancies.
Land	Council-owned or -administered land made available by the Council for use by Groups.

Lease	A Community Group Lease; a legal agreement between a Group as lessee and Council as lessor granting the Group exclusive use and occupation of specified Land and/or Buildings for Purposes and Services.
Licence to Occupy	A Community Group Licence to Occupy; a legal agreement between a Group as licensee and the Council as licensor granting the Group a non-exclusive right to occupy specified Land and/or Buildings.
Occupancy	The community occupancy of Land and/or Buildings by a Group for Purposes pursuant to an Agreement.
Occupancy Agreement	A Community Group Lease or Licence to Occupy.
Outcomes Plan	A strategic direction plan developed in consultation with Council staff, which identifies benefits of the Groups Services aligned to City Strategies and Plans that measures performance.
Purpose(s)	Activities which benefit Hamilton communities rather than being aimed at benefitting a particular individual.
Service(s)	Services, activities and programmes provided by a Group for Purposes.
Staff	Staff of the Council.
Strategies and Plans	Council's adopted Strategies and Plans. These include (but are not limited to): Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan.
The Council	Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.
Valuer	Independent Registered Valuer.

### Principles

5. The Council will support Groups by making Land and/or Buildings available for Occupancy.
6. The Council wishes to enable Groups to support Council's vision and community outcomes as defined in the 10-Year Plan, as well as Strategies and Plans.
7. The Council will endeavour to ensure equity, consistency and transparency in the allocation of Occupancy.
8. The Council will endeavour to maximise community benefit from Occupancy.
9. The Council will set rental at a rate that empowers Groups to be sustainable.
10. The Council will quantify the level of assistance provided to Groups through Occupancy.
11. The Council will encourage shared/multi-use of Land and/or Buildings to optimise community benefit.
12. The Council will aspire to balance maximising open space with enabling growth and responding to future community needs and trends.

## Policy

### Eligibility Criteria for Community Occupancy

13. To be eligible for consideration for Occupancy, Groups shall:
  - a. meet the definition of 'Group' as defined by this Policy;
  - b. provide a 'Service' as defined by this Policy;
  - c. provide and demonstrate a Service that supports the Council's vision and outcomes as defined in the 10-Year Plan, as well as Strategies and Plans;
  - d. not impose restrictions that may unreasonably exclude people who might want to participate;
  - e. be sustainable for the term of the Occupancy in terms of:
    - financial viability to fulfil obligations, and;
    - membership and/or users of the service.
  - f. demonstrate a clear and effective governance structure;
  - g. demonstrate accountability through reporting requirements ;
  - h. any other requirements as determined by Staff from time to time.
14. The eligibility criteria must be met throughout the term of the Occupancy Agreement.
15. Staff may monitor activities of the Group to ensure that the eligibility criteria continue to be fulfilled.

### Application Process

16. If a Group is considered eligible for Occupancy, the application shall be assessed by Staff in accordance with this Policy and the Guidelines.
17. All applications will be presented to the Council with a recommendation from Staff .
18. The Council have the discretion to approve or decline any application.

### Guidelines for administration of Community Occupancies

19. Staff may from time to time update or amend the Guidelines to assist in the administration of Occupancies and will inform Groups of any changes.

### Community Occupancy Agreements

20. Occupancy Agreements shall be in place prior to Occupancy.
21. Occupancy Agreements shall take the form of either a Licence to Occupy or a Lease.
22. Occupancy Agreements in relation to Land that is subject to the Reserves Act 1977 will reflect the requirements of the Reserves Act 1977 and any applicable regulations.
23. A Group must not assign, sublet or dispose of their interest in an Occupancy Agreement without approval from the Council.

### Maximum Tenure

24. Occupancy Agreements shall be granted for a defined period no greater than the maximum occupancy as outlined in the following table:

TYPE OF AGREEMENT	CATEGORY	MAXIMUM OCCUPANCY
Community Group Licence to Occupy	Non-exclusive occupation of Council-owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building	Five years
Community Group Lease	Council-owned (or administered) land only	10 years
	Council-owned (or administered) land and building	10 years
	Space within a multi Occupancy Council-owned building	10 years
	Community Group-owned building on Council-owned (or administered) land	15 years

25. A shorter occupancy term may be recommended to the Council by Staff as deemed appropriate.
26. Occupancy Agreements shall have no automatic right of renewal.

#### Rental

27. The rental that shall be paid by a Group for use of Buildings and/or Land is calculated by first determining a market rate (Step 1) and then applying a rental subsidy (Step 2).

#### Market Rates (Step 1)

28. Market rates for Buildings and Land, as well the category ranks for all Buildings shall be reviewed by a Valuer three months prior to a policy review.
29. A Building is assessed against the following criteria to determine a category rank:
- Amenity (décor, fit out, heating, ventilation, air conditioning, lighting, accessibility, security, car parking, surrounds)
  - Location
  - Market Value (taking into account any restrictions on use)
  - Quality (age, construction, presentation, maintenance, design, utilisation)
  - Best and Highest Use
  - Type (office, commercial, industrial, other use)
30. The Building category rank assigned to a Building will determine the square metre market rate as set out in the following table:

Building Category Rank	Market Rate/m2 (per annum)
1	\$120.00
2	\$80.00
3	\$55.00
4	\$40.00
5	\$22.50

6	\$15.00
---	---------

31. A full description of each category rank is outlined in the Guidelines.
32. The land area square metre market rates for Land are set out in the following table:

Land Area (m <sup>2</sup> )	Market Rate/m <sup>2</sup> (per annum)
0 - 100	\$6.75
101 – 500	\$5.75
501 – 1000	\$4.50
1001 – 10,000	\$1.30
10,001 – 100,000	\$0.60
100,001 +	\$0.05

33. The square metre market rate for Land will be calculated using a sliding scale. For example, the rental for 500m<sup>2</sup> of land would be calculated at \$6.75/m<sup>2</sup> for the first 100m<sup>2</sup> and \$5.75/m<sup>2</sup> for the remaining 400m<sup>2</sup>.

#### **Rental Subsidy (Step 2)**

34. A rental subsidy shall be applied to the market rate to determine a rental for an Occupancy.
35. To assist Staff in determining a rental subsidy, financials for the past three year-end periods must be provided upon application for Occupancy.
36. A 87.5% rental subsidy will apply to all Groups for an Occupancy Agreement area.
37. Where an approved commercial activity is operated by a Group, a 87.5% rental subsidy will apply to the Occupancy Agreement Area.
38. Where an approved commercial activity is operated by a commercial entity, a 65.5% rental subsidy will apply to the Commercial Occupancy Agreement area.
39. The Council may use its discretion to approve a further rental subsidy where exceptional circumstances apply.
40. An application for exceptional circumstances will be assessed in accordance with the criteria outlined in the Guidelines.

#### **Rental Reviews**

41. Where agreements allow for rent review, any change in annual rental shall be applied from 1 January on the anniversary of the Occupancy Agreement, following approval of the change.

#### **Occupancy Responsibilities**

42. Groups standard outgoing occupancy responsibilities (e.g utilities, rates, building repairs) are set out in the Guidelines.

#### Shared/multi-use

43. Groups will be encouraged to share/multi-use Land and/or Buildings in order to;
  - a. optimise use and resources;
  - b. improve sustainability;
  - c. acknowledge the community benefits of co-locating services and activities.

#### Community Outcomes Plan

44. Upon the Council's approval of an Occupancy Agreement, the Group must develop an Outcomes Plan with Staff prior to entering into an Agreement.
45. The Outcomes Plan shall form part of the Community Occupancy Agreement.
46. The Outcomes Plan shall be monitored by Staff in partnership with the Group.
47. If Staff identify any issue(s) that may prevent an Outcomes Plan from being met then Staff will discuss with the Group possible options for dealing with such issues.

#### Commercial Activity

48. All applications to operate a Commercial Activity shall be assessed in accordance with the Guidelines.
49. Any Commercial Activity operated by a commercial entity must be approved by the Council before it can be operated within an Occupancy.
50. Any Commercial Activity operated by a Group must be approved by Staff before it can be operated within an Occupancy.
51. If the Land is subject to the Reserves Act 1977, the proposed Commercial Activity must enable the public to obtain benefit and enjoyment of the reserve and/or for the convenience of persons using the reserve.
52. A Commercial Activity that the Council considers to exclusively occupy a significant part of a Building within an Occupancy will be considered a commercial lease and therefore does not apply under this Policy.

#### Facility Development Proposals

53. All facility development proposals will be assessed in accordance with the criteria outlined in the Guidelines.
54. Any new or significant facility development or redevelopments within an Occupancy will require approval by the Council.
55. Any minor facility development or redevelopments within an Occupancy will require approval by Staff.

#### Accountability

56. Groups are required to report annually on the following;
  - a. achievements in line with an Outcomes Plan;
  - b. statement of service performance (where applicable);
  - c. annual report;

- d. annual accounts (Council may require these to be audited accounts);
  - e. adopted budget for the forthcoming year.
57. Groups may be required by Staff to provide further information on their activities upon request from time to time.

### Monitoring and Implementation

58. The Policy shall be effective from the date it is adopted by the Council.
59. The General Manager Community will monitor the implementation of this Policy.
60. The Policy will be reviewed every three years or at the request of the Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

### References

- Community Group Lease
- Community Group Licence to Occupy
- Community Occupancy Guidelines
- Local Government Act 2002
- Reserves Act 1977

First adopted:	November 2013
Revision dates/version:	April 2014, September 2018
Next review date:	April 2021
Engagement required:	
Document number:	D-2751142
Associated documents:	n/a
Sponsor/Group:	General Manager Community



## Community Occupancy Policy

### Purpose and scope

1. The purpose of this Policy is to:
  - a. outline the framework for decision making regarding Community Occupancy.
  - b. make Land and/or Buildings available for use by Groups for Purposes outlined in an Occupancy Agreement.
  - c. support the vital role of Groups by providing a significant rental subsidy for Occupancy.
2. This Policy applies to use of Land and/or Buildings by Groups.
3. This Policy does not apply to groups not considered a 'Group' as defined by this policy or casual hireage of Land and/or Buildings.
4. This policy should be read in conjunction with the Hamilton District Plan and Reserves Act 1977.

### Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan as defined by the Local Government Act 2002.
Building(s)	Council-owned buildings made available by the Council for use by Groups.
Commercial Activity	Sale of goods or services, aligned to the Purposes e.g. pro-shop, kiosk, canteen.
Commercial Occupancy Agreement	A Community Group Commercial Agreement for occupation of a specified area of Land and/or Buildings for a Commercial Activity operated by a commercial entity.
Group(s)	A Community Group which is a not-for-profit organisation that is incorporated, either under the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 or established under any other statute, and: <ol style="list-style-type: none"> <li>a) provides a Community Service;</li> <li>b) does not make distributions of profits to its members; and</li> <li>c) does not have a primary purpose of promoting party politics.</li> </ol>
Guidelines	The Community Occupancy Guidelines for the purpose of assisting in the administration of Community Occupancies.
Land	Council-owned or -administered land made available by the Council for use by Groups.

Lease	A Community Group Lease; a legal agreement between a Group as lessee and Council as lessor granting the Group exclusive use and occupation of specified Land and/or Buildings for Purposes and Services.
Licence to Occupy	A Community Group Licence to Occupy; a legal agreement between a Group as licensee and the Council as licensor granting the Group a non-exclusive right to occupy specified Land and/or Buildings.
Occupancy	The community occupancy of Land and/or Buildings by a Group for Purposes pursuant to an Agreement.
Occupancy Agreement	A Community Group Lease or Licence to Occupy.
Outcomes Plan	A strategic direction plan developed in consultation with Council staff, which identifies benefits of the Groups Services aligned to City Strategies and Plans that measures performance.
Purpose(s)	Activities which benefit Hamilton communities rather than being aimed at benefitting a particular individual.
Service(s)	Services, activities and programmes provided by a Group for Purposes.
Staff	Staff of the Council.
Strategies and Plans	Council's adopted Strategies and Plans. These include (but are not limited to): Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan.
The Council	Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.
Valuer	Independent Registered Valuer.

### Principles

5. The Council will support Groups by making Land and/or Buildings available for Occupancy.
6. The Council wishes to enable Groups to support Council's vision and community outcomes as defined in the 10-Year Plan, as well as Strategies and Plans.
7. The Council will endeavour to ensure equity, consistency and transparency in the allocation of Occupancy.
8. The Council will endeavour to maximise community benefit from Occupancy.
9. The Council will set rental at a rate that empowers Groups to be sustainable.
10. The Council will quantify the level of assistance provided to Groups through Occupancy.
11. The Council will encourage shared/multi-use of Land and/or Buildings to optimise community benefit.
12. The Council will aspire to balance maximising open space with enabling growth and responding to future community needs and trends.

## Policy

### Eligibility Criteria for Community Occupancy

13. To be eligible for consideration for Occupancy, Groups shall:
  - a. meet the definition of 'Group' as defined by this Policy;
  - b. provide a 'Service' as defined by this Policy;
  - c. provide and demonstrate a Service that supports the Council's vision and outcomes as defined in the 10-Year Plan, as well as Strategies and Plans;
  - d. not impose restrictions that may unreasonably exclude people who might want to participate;
  - e. be sustainable for the term of the Occupancy in terms of:
    - financial viability to fulfil obligations, and;
    - membership and/or users of the service.
  - f. demonstrate a clear and effective governance structure;
  - g. demonstrate accountability through reporting requirements ;
  - h. any other requirements as determined by Staff from time to time.
14. The eligibility criteria must be met throughout the term of the Occupancy Agreement.
15. Staff may monitor activities of the Group to ensure that the eligibility criteria continue to be fulfilled.

### Application Process

16. If a Group is considered eligible for Occupancy, the application shall be assessed by Staff in accordance with this Policy and the Guidelines.
17. All applications will be presented to the Council with a recommendation from Staff .
18. The Council have the discretion to approve or decline any application.

### Guidelines for administration of Community Occupancies

19. Staff may from time to time update or amend the Guidelines to assist in the administration of Occupancies and will inform Groups of any changes.

### Community Occupancy Agreements

20. Occupancy Agreements shall be in place prior to Occupancy.
21. Occupancy Agreements shall take the form of either a Licence to Occupy or a Lease.
22. Occupancy Agreements in relation to Land that is subject to the Reserves Act 1977 will reflect the requirements of the Reserves Act 1977 and any applicable regulations.
23. A Group must not assign, sublet or dispose of their interest in an Occupancy Agreement without approval from the Council.

### Maximum Tenure

24. Occupancy Agreements shall be granted for a defined period no greater than the maximum occupancy as outlined in the following table:

TYPE OF AGREEMENT	CATEGORY	MAXIMUM OCCUPANCY
Community Group Licence to Occupy	Non-exclusive occupation of Council-owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building	Five years
Community Group Lease	Council-owned (or administered) land only	10 years
	Council-owned (or administered) land and building	10 years
	Space within a multi Occupancy Council-owned building	10 years
	Community Group-owned building on Council-owned (or administered) land	15 years

25. A shorter occupancy term may be recommended to the Council by Staff as deemed appropriate.
26. Occupancy Agreements shall have no automatic right of renewal.

#### Rental

27. The rental that shall be paid by a Group for use of Buildings and/or Land is calculated by first determining a market rate (Step 1) and then applying a rental subsidy (Step 2).

#### Market Rates (Step 1)

28. Market rates for Buildings and Land, as well the category ranks for all Buildings shall be reviewed by a Valuer three months prior to a policy review.
29. A Building is assessed against the following criteria to determine a category rank:
- Amenity (décor, fit out, heating, ventilation, air conditioning, lighting, accessibility, security, car parking, surrounds)
  - Location
  - Market Value (taking into account any restrictions on use)
  - Quality (age, construction, presentation, maintenance, design, utilisation)
  - Best and Highest Use
  - Type (office, commercial, industrial, other use)
30. The Building category rank assigned to a Building will determine the square metre market rate as set out in the following table:

Building Category Rank	Market Rate/m2 (per annum)
1	\$120.00
2	\$80.00
3	\$55.00
4	\$40.00
5	\$22.50

Page | 4

6	\$15.00
---	---------

31. A full description of each category rank is outlined in the Guidelines.
32. The land area square metre market rates for Land are set out in the following table:

Land Area (m <sup>2</sup> )	Market Rate/m <sup>2</sup> (per annum)
0 - 100	\$6.75
101 – 500	\$5.75
501 – 1000	\$4.50
1001 – 10,000	\$1.30
10,001 – 100,000	\$0.60
100,001 +	\$0.05

33. The square metre market rate for Land will be calculated using a sliding scale. For example, the rental for 500m<sup>2</sup> of land would be calculated at \$6.75/m<sup>2</sup> for the first 100m<sup>2</sup> and \$5.75/m<sup>2</sup> for the remaining 400m<sup>2</sup>.

#### Rental Subsidy (Step 2)

34. A rental subsidy shall be applied to the market rate to determine a rental for an Occupancy.
35. To assist Staff in determining a rental subsidy, financials for the past three year-end periods must be provided upon application for Occupancy.
36. A standard rental subsidy to the Buildings and/or Land market rates will apply to all Groups unless a Group meets the following criteria:
- The Group has a total revenue more than \$2,000,000; **AND**
  - The Group has a financial surplus more than \$100,000; **AND**
  - The Group receives Central Government Funding
37. A reduced rental subsidy to the Buildings and/or Land market rates will apply where a Group meets the criteria in the above clause.
38. A Commercial Occupancy Agreement (for an approved commercial activity operated by a commercial entity), will receive a further ¼ reduction in rental subsidy for that area of the Occupancy.
39. The subsidy percentages are set out in the following table:

Type of Agreement	Standard Subsidy	Reduced Subsidy
<b>Occupancy Agreement (may include an approved commercial activity operated by a Group)</b>	87.5%	50%
<b>Commercial Occupancy Agreement (with an approved commercial activity operated by a commercial entity)</b>	65.5%	37.5%

40. The Council may use its discretion to approve a further rental subsidy where exceptional

circumstances apply.

41. An application for exceptional circumstances will be assessed in accordance with the criteria outlined in the Guidelines.

#### **Rental Reviews**

42. Where agreements allow for rent review, any change in annual rental shall be applied from 1 January on the anniversary of the Occupancy Agreement, following approval of the change.

#### **Occupancy Responsibilities**

43. Groups standard outgoing occupancy responsibilities (e.g utilities, rates, building repairs) are set out in the Guidelines.

#### **Shared/multi-use**

44. Groups will be encouraged to share/multi-use Land and/or Buildings in order to;
  - a. optimise use and resources;
  - b. improve sustainability;
  - c. acknowledge the community benefits of co-locating services and activities.

#### **Community Outcomes Plan**

45. Upon the Council's approval of an Occupancy Agreement, the Group must develop an Outcomes Plan with Staff prior to entering into an Agreement.
46. The Outcomes Plan shall form part of the Community Occupancy Agreement.
47. The Outcomes Plan shall be monitored by Staff in partnership with the Group.
48. If Staff identify any issue(s) that may prevent an Outcomes Plan from being met then Staff will discuss with the Group possible options for dealing with such issues.

#### **Commercial Activity**

49. All applications to operate a Commercial Activity shall be assessed in accordance with the Guidelines.
50. Any Commercial Activity operated by a commercial entity must be approved by the Council before it can be operated within an Occupancy.
51. Any Commercial Activity operated by a Group must be approved by Staff before it can be operated within an Occupancy.
52. If the Land is subject to the Reserves Act 1977, the proposed Commercial Activity must enable the public to obtain benefit and enjoyment of the reserve and/or for the convenience of persons using the reserve.
53. A Commercial Activity that the Council considers to exclusively occupy a significant part of a Building within an Occupancy will be considered a commercial lease and therefore does not apply under this Policy.

#### **Facility Development Proposals**

54. All facility development proposals will be assessed in accordance with the criteria outlined in

Page | 6

the Guidelines.

55. Any new or significant facility development or redevelopments within an Occupancy will require approval by the Council.
56. Any minor facility development or redevelopments within an Occupancy will require approval by Staff.

#### Accountability

57. Groups are required to report annually on the following;
  - a. achievements in line with an Outcomes Plan;
  - b. statement of service performance (where applicable);
  - c. annual report;
  - d. annual accounts (Council may require these to be audited accounts);
  - e. adopted budget for the forthcoming year.
58. Groups may be required by Staff to provide further information on their activities upon request from time to time.

#### Monitoring and Implementation

59. The Policy shall be effective from the date it is adopted by the Council.
60. The General Manager Community will monitor the implementation of this Policy.
61. The Policy will be reviewed every three years or at the request of the Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

#### References

- Community Group Lease
- Community Group Licence to Occupy
- Community Occupancy Guidelines
- Local Government Act 2002
- Reserves Act 1977

First adopted:	November 2013
Revision dates/version:	April 2014, September 2018
Next review date:	April 2021
Engagement required:	
Document number:	D-2751142
Associated documents:	n/a
Sponsor/Group:	General Manager Community



## Community Occupancy Policy

### Purpose and scope

1. The purpose of this Policy is to:
  - a. outline the framework for decision making regarding Community Occupancy.
  - b. make Land and/or Buildings available for use by Groups for Purposes outlined in an Occupancy Agreement.
  - c. support the vital role of Groups by providing a significant rental subsidy for Occupancy.
2. Council will from time to time make Council-owned (or administered) land and/or buildings available for use by Community Groups for Community Purposes pursuant to a Community Occupancy Agreement.
3. Council supports the vital role of community groups by providing an 87.5% rental subsidy to Community Occupancy.
4. This Policy outlines the framework for decision making regarding Community Occupancy. Community Occupancy shall be in accordance with this Policy.
5. This Policy applies to use of Land and/or Buildings by Groups. (including for allied commercial purposes):
  - a. community use of Council-owned (or administered) land.
  - b. community use of Council-owned (or administered) buildings.
6. This Policy does not apply to:
  - a. groups not considered a 'community group' as defined by this policy or;
  - b. occupation for commercial purposes except allied commercial purposes by Groups.
7. casual hireage of Council-owned (or administered) Land and/or Buildings.
8. This policy should be read in conjunction with the Hamilton District Plan and Reserves Act 1977.

### Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan (LTP) as defined by the Local Government Act 2002.
Building(s) Allied-Commercial	Council-owned buildings made available by the Council for use by Groups. Sale of goods or services, aligned to the Purposes as prescribed in section 224A of the Resource Management Act 1991.

<u>Commercial Activity</u>	<u>Sale of goods or services, aligned to the Purposes e.g. pro-shop, kiosk, canteen.</u>
<u>Commercial Occupancy Agreement</u>	<u>A legal agreement between a Group as lessee and Council as lessor granting the Group exclusive use and occupation of specified Land and/or Buildings for an Allied Commercial Purpose Activity operated by a commercial entity.</u>
<u>City Strategies and Plans</u>	<u>Council's adopted Strategies and Plans e.g Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan, Active Hamilton, Hamilton Social Well-Being, Sustainable Hamilton, Waikato River Strategy.</u>
<u>Community Group(s)</u>	<u>A Community Groups which is Aa not-for-profit organisation that is incorporated, either under the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 or established under any other statute, and:</u> <ul style="list-style-type: none"> <li>a) provides a Community Service;</li> <li>b) does not make distributions of profits to its members; and</li> </ul>
<u>Guidelines</u>	<u>The Community Occupancy Guidelines which are updated or amended from time to time by Council staff for the purpose of assisting in the administration of</u>
<u>Land Community Occupancy</u>	<u>Council-owned or -administered land made available by the Council for use by Groups. (including for allied commercial purposes). The occupancy of Council-</u>
<u>Lease Community Occupancy</u>	<u>A Community Group Lease; a A Community Group Lease meaning a legal agreement between a Community Group as lessee and Council as lessor granting the Community Group exclusive use and occupation of specified Council-owned</u>
<u>Licence to Occupy Community</u>	<u>A Community Group Licence to Occupy; a A Community Group Licence to Occupy meaning a legal agreement between a Community Group as licensee and the Council as licensor granting the Community Group a non-exclusive right to</u>
<u>Occupancy</u>	<u>A Community Occupancy which is the The community occupancy of Lf Council-owned (or administered) land and/or Bbuildings by a Community Group for</u>
<u>Occupancy Agreement Com</u>	<u>A Community Occupancy Agreement which means Community Group A Lease or a Community Group Licence to Occupy. The community outcomes plan shall also</u>
<u>Outcomes Plan Community Purposes</u>	<u>A Community Outcomes strategic direction pPlan developed in consultation with Council staff, which identifies benefits of the Community Groups Community Services aligned to City Strategies and Plans that measures performance. An</u>
<u>Community Service</u>	<u>Services, activities and programmes provided by a Community Group for Community Purposes.</u>
<u>Purpose(s) The Council</u>	<u>A Community Purposes which are activities which benefit Hamilton communities rather than being aimed at benefitting a particular individual. Hamilton City</u>
<u>Community Group Lease</u>	<u>A legal agreement between a Community Group as lessee and Council as lessor granting the Community Group exclusive use and occupation of specified Council-owned (or administered) land and/or buildings for a defined period of time on Council's then current terms and conditions.</u>
<u>Community Group Licence to Occupy</u>	<u>A legal agreement between a Community Group as licensee and the Council as licensor granting the Community Group a non-exclusive right to occupy specified Council-owned (or administered) land and/or buildings for a defined period of time on Council's then current terms and conditions.</u>

<u>Service(s)</u>	<u><del>S</del>Community Services which means services, activities and programmes provided by <del>a</del> Community Group for <del>Community</del> Purposes.</u>
<u>Staff</u>	<u>Staff of the Council.</u>
<u>Strategies and Plans</u>	<u>Council's <del>adopted</del> Strategies and Plans <del>which are adopted from time to time</del>. These include (but are not limited to): Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan.</u>
<u>The Council</u>	<u>Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.</u>
<u>Valuer</u>	<u>Independent Registered Valuer.</u>

## Principles

~~—The guiding principles for this Policy are:~~

~~9.5.~~ The Council will support ~~Community~~ Groups by making Land and/or Buildings available for ~~Community~~ Occupancy.

~~10.6.~~ The Council wishes to enable ~~Community~~ Groups to support Council's vision and community outcomes as defined in the 10-Year Plan, ~~as well as and City~~ Strategies and Plans.

~~11.7.~~ The Council will endeavour to ensure equity, consistency and transparency in the allocation of ~~Community~~ Occupancy.

~~12.8.~~ The Council will ensure endeavour to maximise umise community benefit from ~~Community~~ Occupancy.

~~13.9.~~ The Council will set rental at a rate that empowers ~~Community~~ Groups to be sustainable.

~~14.10.~~ The Council will ~~be able to~~ quantify the level of assistance provided to ~~Community~~ Groups through ~~Community~~ Occupancy.

~~—The~~ Council will encourage shared/multi-use of ~~Council-owned (or administered)~~ Land and/or Buildings to optimise community benefituse.

11.

~~12.~~ The Council will aspire to balance maximising open space with enabling growth and responding to future community needs and trends.

~~The Council will aspire to balance minimising building development on open space with enabling growth and responding to trends.~~

---

## Policy

### Eligibility Criteria for Community Occupancy

- ~~15.13.~~ To be eligible for consideration for ~~Community~~ Occupancy, ~~community~~ Groups shall:
- meet the definition of ~~'Community Group'~~ as defined by this Policy;
  - provide a ~~'Community Service'~~ as defined by this Policy;
  - provide and demonstrate ~~a Community Service~~ that supports the Council's vision and outcomes as defined in the 10-Year Plan, ~~as well as and City Strategies and Plans;~~
  - not impose restrictions that may unreasonably exclude people who might want to participate;
  - be sustainable for the term of the Occupancy in terms of:
    - financial viability to fulfil obligations; and
    - membership and/or users of the service.
  - demonstrate a clear and effective governance structure;
  - demonstrate a willingness and ability to be ~~accountability through reporting requirements~~ le; (refer to paragraphs 5.8 and 5.9 of this Policy).
  - any other requirements as determined by Council~~Council's~~ Staff from time to time.
- ~~14.~~ The eligibility criteria shall be fulfilled throughout the term of the ~~Community~~ Occupancy Agreement ~~and~~.
- ~~16.15.~~ Staff~~Council~~ Council staff may monitor activities of the ~~Community~~ Group to ensure that the eligibility criteria continue to be fulfilled.

### Application Process

- ~~17.~~ If a ~~Community~~ Group is considered eligible for ~~Community~~ Occupancy, the application shall
- ~~16.~~ be assessed by Council's Staff in accordance with this Policy and the ~~Community Occupancy Policy~~ Guidelines.
- ~~17.~~ All applications will be presented to the Council with a Council staff will then make a recommendation from Staff to the Council and.
- ~~18.~~ The Council will have the discretion ~~decide whether~~ to approve or decline ~~the any~~ application.

### Guidelines for administration of Community Occupancies

- ~~18.19.~~ Council staff~~Staff~~ may from time to time approve, update or amend the Community Occupanc~~e~~ Guidelines (Guidelines) which are consistent with this Policy to assist Council staff in the administration of ~~Community~~ Occupancies and  ~~("Community Occupancy Policy Guidelines").~~ Council staff will inform Community Groups of any changes.

### Community Occupancy Agreements

- ~~19.20.~~ Community Occupancy Agreements shall be in place prior to Occupancy.
- ~~20.~~ Community Occupancy Agreements shall take the form of either a:

~~a. Community Group Licence to Occupy; or a f~~

~~b. 21. Community Group Lease.~~

~~22. Occupancy Agreements in relation to Land that is subject to the Reserves Act 1977 will reflect the requirements of the Reserves Act 1977 and any applicable regulations.~~

~~— If the Land is subject to the Reserves Reserves Act 1977 Act 1977 then will require relevant the provisions required to be included in the Community Occupancy Agreement by the Reserves Act 1977 and any regulations made under the Reserves Reserves Act 1977 Act 1977 to shall be included in the Community Occupancy Agreement.~~

Maximum Tenure

~~21. Community Occupancy Agreements shall have no automatic right of renewal.~~

~~23. Community Occupancy Agreements shall be granted for a defined period of time period no greater than the maximum occupancy as outlined in the table below following table:~~

~~1.~~

<u>TYPE OF AGREEMENT</u>	<u>CATEGORY</u>	<u>MAXIMUM OCCUPANCY</u>
<u>Community Group Licence to Occupy</u>	<u>Non-exclusive occupation of Council-owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building</u>	<u>Five years</u>
<u>Community Group</u>	<u>Council-owned (or administered) land only</u>	<u>10 years</u>
<u>Community Group Lease</u>	<u>Council-owned (or administered) land and building</u>	<u>10 years</u>
	<u>Space within a multi Occupancy Council-owned building</u>	<u>10 years</u>
	<u>Community Group-owned building on Council-owned (or administered) land</u>	<u>15 years</u>

~~22.~~

~~24. A shorter occupancy term may be recommended to the Council by Staff as deemed appropriate.~~

~~25. Occupancy Agreements shall have no automatic right of renewal.~~

~~23.~~

~~1.~~

<u>TYPE OF AGREEMENT</u>	<u>CATEGORY</u>	<u>MAXIMUM OCCUPANCY</u>
<u>Community Group Licence to Occupy</u>	<u>Non-exclusive occupation of Council owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building</u>	<u>Five years</u>
<u>Community Group Lease</u>	<u>Council owned (or administered) land only</u>	<u>10 years</u>

Council-owned (or administered) land and building	10 years
Space within a multi-Occupancy Council-owned building	10 years
Community Group-owned building on Council-owned (or administered) land	15 years

**Rental**

26. The rental rate that shall be paid by a Group for use of Buildings and/or Land is calculated by first determining a Market Rate (Step 1) and then applying a Rental Subsidy (Step 2).

The rental rate shall be calculated based on the square metre market rates for Land and Buildings as defined in the tables below. A subsidy is then applied to the rental rate to determine the rent payable by a Group for Occupancy.

M, and building categories reviewed

**Buildings Market Rental Rates (Step 1)**

27. Market Rates for Buildings and Land, as well as the category ranks for all Buildings shall be reviewed by a Valuer no later than three months prior to a policy review.

~~1. A The Building category assigned will determine the square metre rental rate applied.~~

28. All Building is assessed by a Valuer against the following criteria to determine a Category Rank: rank from 1 to 6:

- a. Amenity (décor, fit out, heating, ventilation, air conditioning, lighting, accessibility, security, car parking, surrounds)
- b. Location
- c. Market Value (taking into account any restrictions on use)
- d. Quality (age, construction, presentation, maintenance, design, utilisation)
- e. Best and Highest Use
- f. Type (office, commercial, industrial, other use)

~~The Building Category Rank assigned to a Building will determine the square metre rental Market Rate as set out in the following table: applied.~~

~~1.~~

~~crmr~~

29. The current Building categories and market rates for Buildings are set out in the following table

Building Category Rank	Market Rate/m2 (per annum)
1	\$120.00
2	\$80.00
3	\$55.00
4	\$40.00
5	\$22.50
6	\$15.00

~~The market rate for Land is assessed by a Valuer against land area categories. A full explanation of each category is outlined in the Guidelines. A full description of each Category Rank is outlined in the Guidelines.~~

30. Land market rates

~~The current land area categories and market rates for Land are set out in the following table:~~

31.

Land Area (m <sup>2</sup> )	Market Rate/m <sup>2</sup> (per annum)
0 - 100	\$6.75
101 – 500	\$5.75
501 – 1000	\$4.50
1001 – 10,000	\$1.30
10,001 – 100,000	\$0.60
100,001 +	\$0.05

~~32. The square metre market rate for Land will be calculated using a sliding scale, based on the table below. For example, the rental for 500m<sup>2</sup> of land would be calculated at \$6.75/m<sup>2</sup> for the first 100m<sup>2</sup> and \$5.75/m<sup>2</sup> for the remaining 400m<sup>2</sup>. The current Land area categories and market rates for Land are set out in the following table:~~

**Rental Rate Subsidy (Step 2)**

33. A rental subsidy shall be applied to the market rate to determine a rental for an Occupancy.

34. To assist Staff in determining a rental subsidy, financials for the past three year-end periods must be provided upon application for Occupancy.

35. A 87.5% rental subsidy will apply to all Groups for an Occupancy Agreement area.

36. Where an approved commercial activity is operated by a Group, a 87.5% rental subsidy will apply to the Occupancy Agreement Area.

37. Commercial Occupancy Agreement Where an approved commercial activity is operated by a commercial entity, a 65.5% rental subsidy will apply to the Commercial Occupancy Agreement area (which has for commercial activity ed), for that area of the Occupancy.

s

24. Type of Agreement Group Occupancy Agreement (may include an approved commercial activities operated by a Group) Commercial Occupancy Agreement (with an approved cactivityce)

25. rental rate shall be calculated based on the square metre rate set out in the Community

26. Occupancy Policy Guidelines. The Guidelines shall provide for regular rent reviews.

27. An 87.5% subsidy shall be applied to the rental rate to compute the annual rental payable by the community group for Community Occupancy.

28. A 50% subsidy shall be applied to the rental rate for a commercial activity area, when operated by a commercial entity.

29. A subsidy may be considered and set by Council where the occupied area is open to the public

~~for use when not in use by the Community Group.~~

30. ~~From time to time The Council may use its discretion to adopt a different rent where exceptional circumstances apply. Applications will be assessed in accordance with the criteria outlined in the Guidelines.~~
38. ~~The Council may use its discretion to approve a different rent~~ further rental subsidy where exceptional circumstances apply.
39. ~~An application for a different rental review~~ exceptional circumstances will be assessed by Staff in accordance with the criteria outlined in the Guidelines.

#### Rental Reviews

- 2.40. ~~Where agreements allow for the rental rate a model to be review adopted, any change in annual rental shall be applied from 01 January on the anniversary of the Community Groups Occupancy a Agreement, following approval of the change. 2015~~

#### Occupancy Responsibilities

3. ~~Groups Community~~ standard outgoing occupancy responsibilities (e.g utilities, rates, building repairs) are set out in
41. ~~accordance with the Guidelines.~~

#### Shared/multi-use

- 4.42. ~~Community~~ Groups will be encouraged to share/multi-use of ~~Council-owned (or administered) l~~Land and/or ~~b~~Buildings in order to;
- a. ~~optimise use and resources;~~
  - a-b. ~~improve sustainability;~~
  - b-c. ~~acknowledge the community benefits of co-locating services and activities.~~

31. ~~Council may require groups to share the premises they occupy have been allocated should Council staff consider that the premises are not being fully utilised in accordance with the terms of occupation.~~

#### Community Outcomes Plan

- 5.43. ~~If the~~Upon the Council's ~~approves approval of an application by a community group for a Community an~~ Occupancy Agreement, the ~~Community~~ Group shall ~~must~~ develop ~~an~~ ~~Q~~ community ~~o~~ outcomes ~~P~~ plan with ~~Council~~ Council's ~~Staff prior to entering into an Agreement, which identifies benefits of the Community Groups Community Service and measures to review performance.~~
- 6.44. ~~The community outcomes~~Outcomes Plan ~~plan~~ shall form part of the Community Occupancy Agreement.
45. ~~The community o~~Outcomes ~~P~~ plan shall ~~shall~~ be monitored by ~~Council s~~Staff ~~regularly~~ in partnership with the ~~Community~~ Group.
- 7.46. ~~If Council staff~~Staff becomes ~~aware of~~identify any issue(s) that may prevent the ~~Community Group from meeting the agreed outcomes an~~ Outcomes Plan ~~from being met then Council s~~Staff will discuss ~~those issues~~ with the ~~Community~~ Group ~~with the view to identifying possible options for dealing with those such~~ issues.

### Commercial Activity

47. All applications to operate a Commercial Activity shall be assessed by Staff in accordance with the Guidelines.
48. Any Commercial Activity operated by a commercial entity must be approved by the Council before it can be operated within an Occupancy.
49. Any Commercial Activity operated by a Group must be approved by Staff before it can be operated within an Occupancy.
50. If the Land is subject to the Reserves Act 1977, the proposed Commercial Activity must enable the public to obtain benefit and enjoyment of the reserve and/or for the convenience of persons using the reserve.
51. A Commercial Activity that the Council considers to exclusively occupy a significant part of a Building within an Occupancy will be considered a commercial lease and therefore does not apply under this Policy.
- ~~8. A Group Commercial Occupancy Agreement application in Allied CPurpoself a Community Group wishes to operate a commercial activity from within part of a community occupancy facility or leased area, the application shall be assessed by Council staff in accordance with the Community Occupancy Guidelines. An application for a Community Group Commercial Lease shall be presented to the Council for consideration. Council staff will then make a recommendation to the Council and the Council will decide whether to approve or decline the application.ca~~
- ~~9. The Council will consider commercial activities for approval, where it meets the considerations in the Community Occupancy Guidelines.~~
- ~~10. If the land is subject to the Reserves Act 1977, the caactivity must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.~~
- ~~Commercial activity that Council considers to exclusively occupy a significant part of or dominantsor dominant the Building within an Occupancy; will not be consideredcles under this Policy.~~
- ~~CAiesshall not be permitted under this Policy.~~

### Facility Development Proposals

52. All new facility developments or redevelopments within a community occupancy facility or leased area will require approval by the Council.
53. Facility development proposals will be assessed in accordance with the criteria outlined in the Community Occupancy Policy Guidelines.

### Accountability

54. Groups are required to report annually on the following;
- a. achievements in line with an Outcomes Plan;
  - b. statement of service performance (where applicable);
  - c. annual report;
  - d. annual accounts (Council may require these to be audited accounts);

e. ~~adopted budget for the forthcoming year.~~

55. ~~Groups may be required by Staff to provide further information on their activities upon request from time to time.~~

32. ~~Community Groups shall share with Council staff such information on their activities as may reasonably be requested by the Council staff. As a minimum requirement, Community Groups will report to Council annually on the following;~~

- a. ~~achievements against Community Outcomes Plan;~~
- b. ~~statement of service performance (if available);~~
- c. ~~annual report;~~
- d. ~~annual accounts (Council may require these to be audited accounts);~~
- e. ~~adopted budget for the forthcoming year.~~

### Monitoring and Implementation

~~11.56.~~ The Policy shall be effective from the 1<sup>st</sup> January in year following date it is adopted ~~ion of this Policy, by the Council.~~

~~12.57.~~ The General Manager Community Chief Executive's Office ~~will~~ monitor the implementation of this Policy.

~~13.58.~~ The Policy will be reviewed every three years or at the request of the Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

### References

- Community Group Lease
- Community Group Licence to Occupy
- Community Occupancy Policy Guidelines
- Local Government Act 2002
- Reserves Act 1977

First adopted:	November 2013
Revision dates/version:	April 2014, September 2018
Next review date:	April 2021
Engagement required:	
Document number:	D-2751142
Associated documents:	n/a
Sponsor/Group:	General Manager Community



## Community Occupancy Policy

### Purpose and scope

1. The purpose of this Policy is to:
  - a. outline the framework for decision making regarding Community Occupancy.
  - b. make Land and/or Buildings available for use by Groups for Purposes outlined in an Occupancy Agreement.
  - c. support the vital role of Groups by providing a significant rental subsidy for Occupancy.
2. Council will from time to time make Council-owned (or administered) land and/or buildings available for use by Community Groups for Community Purposes pursuant to a Community Occupancy Agreement.
3. Council supports the vital role of community groups by providing an 87.5% rental subsidy to Community Occupancy.
4. This Policy outlines the framework for decision making regarding Community Occupancy. Community Occupancy shall be in accordance with this Policy.
5. This Policy applies to use of Land and/or Buildings by Groups. (including for allied commercial purposes):
  - a. community use of Council-owned (or administered) land.
  - b. community use of Council-owned (or administered) buildings.
7. This Policy does not apply to:
  - a. groups not considered a 'community group' as defined by this policy or;
  - b. occupation for commercial purposes except allied commercial purposes by Groups.
3. casual hireage of Council-owned (or administered) Land and/or Buildings.
4. This policy should be read in conjunction with the Hamilton District Plan and Reserves Act 1977.

### Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan (LTP) as defined by the Local Government Act 2002.

<u>Building(s) Allied-Commercial-Purpose</u>	<u>Council-owned buildings made available by the Council for use by Groups. Sale of goods or services, aligned to the Purposes e.g. pro-shop, kiosk, canteen.</u>
<u>Commercial Activity</u>	<u>Sale of goods or services, aligned to the Purposes e.g. pro-shop, kiosk, canteen.</u>
<u>Commercial Occupancy Agreement</u>	<u>A legal agreement between a Group as lessee and Council as lessor granting the Group exclusive use and occupation of specified Land and/or Buildings for an Allied-Commercial Purpose Activity operated by a commercial entity.</u>
<u>City Strategies and Plans</u>	<u>Council's adopted Strategies and Plans e.g. Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan, Active Hamilton, Hamilton Social Well-Being, Sustainable Hamilton, Waikato River Strategy.</u>
<u>Community Group(s)</u>	<u>A Community Groups which is A a not-for-profit organisation that is incorporated, either under the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 or established under any other statute, and:</u> <ul style="list-style-type: none"> <li>a) provides a Community Service;</li> <li>b) does not make distributions of profits to its members; and</li> <li>c) does not have a primary purpose of promoting party politics.</li> </ul>
<u>Guidelines</u>	<u>The Community Occupancy Guidelines which are updated or amended from time to time by Council staff for the purpose of assisting in the administration of</u>
<u>Land Community Occupancy</u>	<u>Council-owned or -administered land made available by the Council for use by Groups. (including for allied commercial purposes). The occupancy of Council-</u>
<u>Lease Community Occupancy</u>	<u>A Community Group Lease; a A Community Group Lease meaning a legal agreement between a Community Group as lessee and Council as lessor granting the Community Group exclusive use and occupation of specified Council-owned</u>
<u>Licence to Occupy Community</u>	<u>A Community Group Licence to Occupy; a A Community Group Licence to Occupy meaning a legal agreement between a Community Group as licensee and the Council as licensor granting the Community Group a non-exclusive right to</u>
<u>Occupancy</u>	<u>A Community Occupancy which is the The community occupancy of Council-owned (or administered) land and/or Buildings by a Community Group for</u>
<u>Occupancy Agreement Community</u>	<u>A Community Occupancy Agreement which means Community Group A Lease or a Community Group Licence to Occupy. The community outcomes plan shall also</u>
<u>Outcomes Plan Community Purposes</u>	<u>A Community Outcomes strategic direction pPlan developed in consultation with Council staff, which identifies benefits of the Community Groups Community Services aligned to City Strategies and Plans that measures performance. An-</u>
<u>Community Service</u>	<u>Services, activities and programmes provided by a Community Group for Community Purposes.</u>
<u>Purpose(s) The Council</u>	<u>A Community Purposes which are activities which benefit Hamilton communities rather than being aimed at benefitting a particular individual. Hamilton City-</u>
<u>Community Group Lease</u>	<u>A legal agreement between a Community Group as lessee and Council as lessor granting the Community Group exclusive use and occupation of specified Council-owned (or administered) land and/or buildings for a defined period of time on Council's then current terms and conditions.</u>

<u>Community Group Licence-to-Occupy</u>	<del>A legal agreement between a Community Group as licensee and the Council as licensor granting the Community Group a non-exclusive right to occupy specified Council-owned (or administered) land and/or buildings for a defined period of time on Council's then current terms and conditions.</del>
<u>Service(s)</u>	<del>Community Services which means services, activities and programmes provided by a Community Group for Community Purposes.</del>
<u>Staff</u>	<u>Staff of the Council.</u>
<u>Strategies and Plans</u>	<del>Council's adopted Strategies and Plans which are adopted from time to time. These include (but are not limited to): Access Hamilton, Hamilton Arts Agenda, Open Spaces Plan, Sports Park Management Plan, Youth Action Plan.</del>
<u>The Council</u>	<u>Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.</u>
<u>Valuer</u>	<u>Independent Registered Valuer.</u>

## Principles

~~The guiding principles for this Policy are:~~

~~9.5. The Council will support Community Groups by making Land and/or Buildings available for Community Occupancy.~~

~~10.6. The Council wishes to enable Community Groups to support Council's vision and community outcomes as defined in the 10-Year Plan, as well as and City Strategies and Plans.~~

~~11.7. The Council will endeavour to ensure equity, consistency and transparency in the allocation of Community Occupancy.~~

~~12.8. The Council will ensure endeavour to maximise community benefit from Community Occupancy.~~

~~13.9. The Council will set rental at a rate that empowers Community Groups to be sustainable.~~

~~14.10. The Council will be able to quantify the level of assistance provided to Community Groups through Community Occupancy.~~

~~The Council will encourage shared/multi-use of Council-owned (or administered) Land and/or Buildings to optimise community benefit.~~

~~11.~~

~~12. The Council will aspire to balance maximising open space with enabling growth and responding to future community needs and trends.~~

~~The Council will aspire to balance minimising building development on open space with enabling growth and responding to trends.~~

---

Item 9

Attachment 4

## Policy

### Eligibility Criteria for Community Occupancy

- ~~15.13.~~ To be eligible for consideration for ~~Community~~ Occupancy, ~~community~~ ~~g~~ Groups shall:
- a. meet the definition of ~~'Community Group'~~ as defined by this Policy;
  - b. provide a ~~'Community Service'~~ as defined by this Policy;
  - c. provide and demonstrate ~~a~~ ~~Community Service~~ that supports the Council's vision and outcomes as defined in the 10-Year Plan, ~~as well as~~ ~~and~~ City Strategies and Plans;
  - d. not impose restrictions that may unreasonably exclude people who might want to participate;
  - e. be sustainable for the term of the ~~O~~ccupancy in terms of:
    - financial viability to fulfil obligations; and
    - membership and/or users of the service.
  - f. demonstrate a clear and effective governance structure;
  - g. demonstrate a willingness and ability to be accountability through reporting requirements ~~le; (refer to paragraphs 5.8 and 5.9 of this Policy).~~
  - h. any other requirements as determined by ~~Council~~ Council's Staff from time to time.
- ~~14.~~ The eligibility criteria shall be fulfilled throughout the term of the ~~Community~~ Occupancy Agreement ~~and~~.
- ~~16.15.~~ ~~Staff~~ Council ~~Council~~ ~~staff~~ may monitor activities of the ~~Community~~ Group to ensure that the eligibility criteria continue to be fulfilled.

### Application Process

- ~~17.~~ If a ~~Community~~ Group is considered eligible for ~~Community~~ Occupancy, the application shall be assessed by Council's Staff in accordance with this Policy and the Community Occupancy Policy Guidelines.
- ~~17.~~ All applications will be presented to the Council with a Council staff will then make a recommendation from Staff to the Council and.
- ~~18.~~ ~~The~~ Council ~~will have the discretion~~ ~~decide whether~~ to approve or decline ~~the~~ ~~any~~ application.

### Guidelines for administration of Community Occupancies

- ~~18.19.~~ ~~Council staff~~ Staff may from time to time approve, update or amend the Community Occupanc ~~g~~ Guidelines (Guidelines) which are consistent with this Policy to assist Council staff in the administration of Community Occupancies and ('Community Occupancy Policy Guidelines'). ~~Council staff will inform Community Groups of any changes.~~

### Community Occupancy Agreements

- ~~19.20.~~ ~~Community~~ Occupancy Agreements shall be in place prior to ~~O~~ccupancy.
- ~~20.~~ ~~Community~~ Occupancy Agreements shall take the form of either a:

~~a. Community Group Licence to Occupy; or a f~~

~~b. 21. Community Group Lease.~~

~~22. Occupancy Agreements in relation to Land that is subject to the Reserves Act 1977 will reflect the requirements of the Reserves Act 1977 and any applicable regulations.~~

~~— If the Land is subject to the Reserves Reserves Act 1977 Act 1977 then will require relevant the provisions required to be included in the Community Occupancy Agreement by the Reserves Act 1977 and any regulations made under the Reserves Reserves Act 1977 Act 1977 to shall be included in the Community Occupancy Agreement.~~

**Maximum Tenure**

~~21. Community Occupancy Agreements shall have no automatic right of renewal.~~

~~23. Community Occupancy Agreements shall be granted for a defined period of time period no greater than the maximum occupancy as outlined in the table below following table:~~

~~1.~~

<u>TYPE OF AGREEMENT</u>	<u>CATEGORY</u>	<u>MAXIMUM OCCUPANCY</u>
<u>Community Group Licence to Occupy</u>	<u>Non-exclusive occupation of Council-owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building</u>	<u>Five years</u>
<u>Community Group Lease</u>	<u>Council-owned (or administered) land only</u>	<u>10 years</u>
	<u>Council-owned (or administered) land and building</u>	<u>10 years</u>
	<u>Space within a multi Occupancy Council-owned building</u>	<u>10 years</u>
	<u>Community Group-owned building on Council-owned (or administered) land</u>	<u>15 years</u>

~~22. —~~

~~24. A shorter occupancy term may be recommended to the Council by Staff as deemed appropriate.~~

~~25. Occupancy Agreements shall have no automatic right of renewal.~~

~~23. —~~

~~—~~

<u>TYPE OF AGREEMENT</u>	<u>CATEGORY</u>	<u>MAXIMUM OCCUPANCY</u>
<u>Community Group Licence to Occupy</u>	<u>Non-exclusive occupation of Council owned (or administered) land only or land and buildings or space within a multi occupancy Council-owned building</u>	<u>Five years</u>
<u>Community Group Lease</u>	<u>Council owned (or administered) land only</u>	<u>10 years</u>

Council-owned (or administered) land and building	10 years
Space within a multi-Occupancy Council-owned building	10 years
Community Group-owned building on Council-owned (or administered) land	15 years

**Rental**

26. The rental rate that shall be paid by a Group for use of Buildings and/or Land is calculated by first determining a Market Rate (Step 1) and then applying a Rental Subsidy (Step 2).

The rental rate shall be calculated based on the square metre market rates for Land and Buildings as defined in the tables below. A subsidy is then applied to the rental rate to determine the rent payable by a Group for Occupancy.

M, and building categories reviewed

**Buildings Market Rental Rates (Step 1)**

27. Market Rates for Buildings and Land, as well as the category ranks for all Buildings shall be reviewed by a Valuer no later than three months prior to a policy review.

~~1. A The Building category assigned will determine the square metre rental rate applied.~~

28. All Building is assessed by a Valuer against the following criteria to determine a Category Rank: rank from 1 to 6:

- a. Amenity (décor, fit out, heating, ventilation, air conditioning, lighting, accessibility, security, car parking, surrounds)
- b. Location
- c. Market Value (taking into account any restrictions on use)
- d. Quality (age, construction, presentation, maintenance, design, utilisation)
- e. Best and Highest Use
- f. Type (office, commercial, industrial, other use)

~~The Building Category Rank assigned to a Building will determine the square metre rental Market Rate as set out in the following table: applied.~~

~~1.~~

~~crmr~~

29. The current Building categories and market rates for Buildings are set out in the following table

Building Category Rank	Market Rate/m2 (per annum)
1	\$120.00
2	\$80.00
3	\$55.00
4	\$40.00
5	\$22.50
6	\$15.00

~~The market rate for Land is assessed by a Valuer against land area categories. A full explanation of each category is outlined in the Guidelines. A full description of each Category Rank is outlined in the Guidelines.~~

**30. Land market rates**

~~The current land area categories and market rates for Land are set out in the following table:~~

31.

Land Area (m <sup>2</sup> )	Market Rate/m <sup>2</sup> (per annum)
0 - 100	\$6.75
101 – 500	\$5.75
501 – 1000	\$4.50
1001 – 10,000	\$1.30
10,001 – 100,000	\$0.60
100,001 +	\$0.05

~~32. The square metre market rate for Land will be calculated using a sliding scale, based on the table below. For example, the rental for 500m<sup>2</sup> of land would be calculated at \$6.75/m<sup>2</sup> for the first 100m<sup>2</sup> and \$5.75/m<sup>2</sup> for the remaining 400m<sup>2</sup>. The current Land area categories and market rates for Land are set out in the following table:~~

**Rental Rate Subsidy (Step 2)**

33. A rental subsidy shall be applied to the market rate to determine a rental for an Occupancy.

34. To assist Staff in determining a rental subsidy, financials for the past three year-end periods must be provided upon application for Occupancy.

35. A standard rental subsidy to the Buildings and/or Land market Rates will apply to all Groups unless a Group meets the following criteria:

- a. The Group has a total revenue more than \$2,000,000; AND
- b. The Group has a financial surplus more than \$100,000; AND
- c. The Group receives Central Government Funding

36. A reduced rental subsidy to the Buildings and/or Land market Rates will apply where a Group meets the criteria in the above clause.

37. An Occupancy Commercial Occupancy Agreement (which has for an approved commercial activity Commercial Activity operated in it by a commercial entity), will receive a further ¼ reduction in rental subsidy for that area of the Occupancy.

38. The subsidy percentages are set out in the following table:

Type of Agreement	Standard Subsidy	Reduced Subsidy
<del>Group</del> Occupancy Agreement (may include an approved commercial activities activity operated by a Group) Activity	87.5%	50%

Area		
<u>Commercial Activity Area (operated by a Community Group)</u>	87.5%	50%
<u>Commercial Occupancy Agreement (with an approved Commercial Activity Area activity (operated by a Commercial eEntity))</u>	65.5%	37.5%

24. \_\_\_\_\_

25. rental rate shall be calculated based on the square metre rate set out in the Community  
 26. Occupancy Policy Guidelines. The Guidelines shall provide for regular rent reviews.  
 27. An 87.5% subsidy shall be applied to the rental rate to compute the annual rental payable by  
 \_\_\_\_\_ the community group for Community Occupancy.  
 28. A 50% subsidy shall be applied to the rental rate for a commercial activity area, when operated  
 by a commercial entity.  
 29. A subsidy may be considered and set by Council where the occupied area is open to the public  
 for use when not in use by the Community Group.  
 30. From time to time The Council may use its discretion to adopt a different rent where  
 exceptional circumstances apply. Applications will be assessed in accordance with the criteria  
 outlined in the Guidelines.  
 39. The Council may use its discretion to approve a different rent further rental subsidy where  
 exceptional circumstances apply.  
 40. An application for a different rental review exceptional circumstances will be assessed by Staff  
 in accordance with the criteria outlined in the Guidelines.

#### Rental Reviews

- 2.41. \_\_\_\_\_ Where agreements allow for the rental rate a model to be review adopted, any change  
 in annual rental shall be applied from 01 January on the anniversary of the Community Groups  
 Occupancy a Agreement, following approval of the change. 2015

#### Occupancy Responsibilities

3. \_\_\_\_\_ Groups Community standard outgoing occupancy responsibilities (e.g utilities, rates, building  
 repairs) are set out in  
 42. \_\_\_\_\_ accordance with the Guidelines.

#### Shared/multi-use

- 4.43. \_\_\_\_\_ Community Groups will be encouraged to share/multi-use of Council-owned (or  
 administered) Land and/or Buildings in order to;
- a. \_\_\_\_\_ optimise use and resources;
  - a.b. improve sustainability;
  - b.c. acknowledge the community benefits of co-locating services and activities.
31. Council may require groups to share the premises they occupy have been allocated should  
 Council staff consider that the premises are not being fully utilised in accordance with the  
 terms of occupation.

#### Community Outcomes Plan

~~5.44. If the Upon the Council's approves approval of an application by a community group for a Communityan-Occupancy Agreement, the Community Group shall must develop an n O-community-outcomes Pplan with CouncilCouncil-sStaff prior to entering into an Agreement, which identifies benefits of the Community Groups Community Service and measures to review performance.~~

~~6.45. The community-outcomesOutcomes Plan-plan shall form part of the Community Occupancy Agreement.~~

~~46. The-community\_-eOutcomes Pplan shall-shall be monitored by Council-sStaff regularly-in partnership with the Community-Group.~~

~~7.47. If Council-staffStaff becomes-aware-ofidentify any issue(s) that may prevent the Community Group from meeting the agreed-outcomes-an Outcomes Plan from being met then Council-sStaff will discuss those-issues-with the-Community Group with-the-view-to identifying possible options for dealing with those-such issues.~~

#### Commercial Activity

~~48. All applications to operate a Commercial Activity shall be assessed by Staff in accordance with the Guidelines.~~

~~49. Any Commercial Activity operated by a commercial entity must be approved by the Council before it can be operated within an Occupancy.~~

~~50. Any Commercial Activity operated by a Group must be approved by Staff before it can be operated within an Occupancy.~~

~~8. n AlliedCPurpoself a Community Group wishes to operate a commercial activity from within part of a community occupancy facility or leased area, the application shall be assessed by Council staff in accordance with the Community OccupancyGuidelines. An application for a Community Group Commercial Lease shall be presented to the Council for consideration. Council staff will then make a recommendation to the Council and the Council will decide whether to approve or decline the application.ca-~~

~~9. The Council will consider commercial activities for approval, where it meets the considerations in the Community Occupancy Guidelines.~~

~~10.51. If the lLand is subject to the Reserves Reserves Act 1977Act 1977, the proposed CeCommercial aAaActivity must be necessary to enable the public to obtain the-benefit and enjoyment of the reserve and/or for the convenience of persons using the reserve.~~

~~52. A CCommercial Aactivity that the Council considers to exclusively occupy a significant part or-dominant-of a BBuilding within an Occupancy; will not-be-consideredbe considered a cCommercial lLease and therefore does not apply- under this Policy.~~

~~CAiesshall not be permitted under this Policy.~~

#### Facility Development Proposals

~~53. All new facility developments or redevelopments within a community occupancy facility or leased area will require approval by the Council.~~

~~54. Facility development proposals will be assessed in accordance with the criteria outlined in the Community OccupancyPolicy Guidelines.~~

#### Accountability

~~55. Groups are required to report annually on the following;~~

Page |

- a. achievements in line with an Outcomes Plan;
- b. statement of service performance (where applicable);
- c. annual report;
- d. annual accounts (Council may require these to be audited accounts);
- e. adopted budget for the forthcoming year.

56. Groups may be required by Staff to provide further information on their activities upon request from time to time.

32. Community Groups shall share with Council staff such information on their activities as may reasonably be requested by the Council staff. As a minimum requirement, Community Groups will report to Council annually on the following;

- a. ~~achievements against Community Outcomes Plan;~~
- b. ~~statement of service performance (if available);~~
- c. ~~annual report;~~
- d. ~~annual accounts (Council may require these to be audited accounts);~~
- e. ~~adopted budget for the forthcoming year.~~

### Monitoring and Implementation

~~11.57.~~ The Policy shall be effective from the 1<sup>st</sup> January in year following date it is adopted ~~on~~ of this Policy, by the Council.

~~12.58.~~ The General Manager Community Chief Executive's Office will monitor the implementation of this Policy.

~~13.59.~~ The Policy will be reviewed every three years or at the request of the Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

### References

- Community Group Lease
- Community Group Licence to Occupy
- Community Occupancy Policy Guidelines
- Local Government Act 2002
- Reserves Act 1977

# COMMUNITY OCCUPANCY GUIDELINES

## CONTENTS

1. Introduction
2. Application Process
3. Assessment Criteria
4. Community Occupancy Agreements
5. Rental
6. Commercial Activities
7. Facility Development Proposals
8. Fees and Charges
9. Monitoring and Implementation

## REVISION HISTORY

Revision #	Guidelines Sponsor	Approval Date	Council or Committee Decision	# TRIM Reference	Related Policy
1	General Manager Community	27 February 2014	Council	D-1347138	Community Occupancy Policy
2	General Manager Community	11 September 2018	Council	D-2765048	Community Occupancy Policy

## 1. INTRODUCTION

These Community Occupancy Guidelines (Guidelines) have been developed to assist Council staff (Staff) in the administration of Hamilton City Council's Community Occupancy Policy (Policy).

These Guidelines will assist Community Groups in understanding the process to be followed when applying for Community Occupancy (Occupancy) and how their application will be assessed. These Guidelines must be read in conjunction with the Policy. The Guidelines use the defined terms from the Policy.

## 2. APPLICATION PROCESS

At any time, a Community Group (Group) wishing to apply for Occupancy may register their interest by contacting Staff.

Applications for Occupancy will be considered on a case-by-case basis, either when Buildings or Land become available or prior to the expiry of an existing Occupancy Agreement (Agreement). The application process can take a number of months to complete, depending on the Council meeting schedule.

The following process will apply to all Groups seeking Occupancy:

1. The Group should make initial contact with Staff. Staff will discuss the process with the Group and assess whether submitting an application for a Occupancy Agreement is appropriate or whether an alternative arrangement such as casual use of the Building and/or Land may be more appropriate.
2. If an application for Occupancy is considered appropriate, the Group will be asked to make a formal application. Application forms are available on the Hamilton City Council website or via post upon request.
3. The completed application form should be returned to Staff for assessment.
4. Staff will meet with the Group to discuss the application and any queries or issues they may have.
5. Staff will assess the application based on the eligibility criteria defined in the Policy.
6. If the Group is not considered eligible, Staff will communicate this to the group via written correspondence and there will be the opportunity to discuss with Staff to discuss why the application is considered ineligible.
7. If the Group is considered eligible, Staff will further assess the application based on the assessment criteria.
8. Staff will make a recommendation (with supporting documentation) to the Council for consideration<sup>1</sup> as to whether to approve or decline the application. Staff may request that the Group attend a Committee Meeting to discuss their application.
9. The decision will be in the form of a Council Resolution.
10. Staff will notify the Group as soon as practicable of the terms of the Council Resolution.
11. If the Council approves the application, Staff will work with the Group to develop a community outcomes plan (Outcomes Plan) in accordance with the Policy.
12. The Group and the Council will then enter a Occupancy Agreement in the form of a Licence to Occupy or Lease. The Occupancy Agreement terms will be agreed between Staff and the Group in accordance with the Policy and these Guidelines.

---

<sup>1</sup> If a proposed lease or licence is of land under the Reserves Act 1977, and the proposed lease or licence is not included within the relevant reserve management plan, an additional process and/or consultation may be required to meet the requirements outlined in the Reserves Act 1977.

13. There is an expectation that the Occupancy Agreement will be finalised (including signing) within a maximum of six months of the Council Resolution.

Groups are encouraged to contact Staff if they need advice on completing an application.

### 2.1 Reserves Act 1977 Considerations

If the proposed Occupancy relates to land held under the Reserves Act 1977, public notification is required if the proposed Community Occupation Agreement is not in conformity with and contemplated by the relevant approved reserve management plan before confirming. An exception to this is if the associated resource consent has been publicly notified under Section 93 of the Resource Management Act 1991.

### 2.2 Facility Vacancy

In cases of a vacant 'Building, space or Land' (Facility) identified as appropriate for Occupancy, Staff will seek applications through:

- Public advertisement; or
- An expression of interest process; or
- Direct notification to Groups who have registered interest.

The Council will allocate occupancy to ensure maximum community benefit and to respond to changing demands. Groups will be assessed against eligibility and assessment criteria as per the Policy and Guidelines.

### 2.3 Expiry of Community Occupancy Agreements

Groups must make written applications to Staff a minimum of 12 months prior to the expiration date of their existing Occupancy Agreement. All such applications will be considered in accordance with the Policy and these Guidelines.

Upon expiry, Occupancy Agreements will automatically roll over on a month-by-month basis until a decision is made by the Council.

## 3. ASSESSMENT CRITERIA

If a Group is considered eligible for Occupancy, Staff will further assess the application based on the following assessment criteria which will then form the basis of the recommendation to the Council:

1. Level of community benefit provided by the Group from the occupancy;
2. Level of contribution to supporting Council's vision and community outcomes as defined in the 10-Year Plan, City Strategies and Plans;
3. Alignment of the Community Service (Service) provided by the Group to Council's other policies, strategies and plans;
4. Alignment of Service to respective sporting codes and/or other umbrella organisations strategic directions (e.g. Regional and National Sports Organisations, Sport Waikato, Creative Waikato/ New Zealand);
5. The history and sustainability of the Group in terms of:
  - financial viability to fulfil obligations; and

Page | 3

- membership and/or users of the Service.
6. The Groups relationship with Staff during the three years preceding the application. If the relationship is less than three years, then for the duration of the relationship;
  7. Whether similar Services are offered in Hamilton;
  8. Whether the Service could reasonably be undertaken in a more suitable location or collaboratively with another Group;
  9. Suitability of the Facility for that particular Group, in terms of:
    - Location;
    - Physical characteristics;
    - Accessibility (i.e. building / fire safety / Occupational Safety and Health (OSH) considerations);
    - Potential impact on adjoining land and other users;
    - Statutory requirements including compliance with District Plan requirements or resource consent conditions.
  10. Whether the proposed use is considered to be the optimal use of the Facility;
  11. Consistency with other approved consents, concessions, Occupancy Agreements, Leases and Licences relating to the Facility which are under consideration;
  12. Willingness of the Group to share use of resources and/or the Facility with other compatible groups to optimise use;
  13. The costs involved in altering the Facility to accommodate the Group, or the ability of the Group to resource and undertake any changes itself;
  14. If the land comprising the Facility is held under the Reserves Act 1977, consistency with the reserve classification and conformity with relevant reserve management plan;
  15. Any other relevant criteria Staff considers appropriate.

#### 4. COMMUNITY OCCUPANCY AGREEMENTS

Community Occupancy Agreements will take the form of either a:

- Community Group Licence to Occupy; or
- Community Group Lease.

Staff has developed a standard Community Group Licence to Occupy and a standard Community Group Lease to standardise the terms and conditions of Community Occupancies. These documents are available on the HCC website or via post on request.

In some circumstances it may be more suitable to grant a Licence to occupy. For example, a Licence may be more appropriate due to the nature of the proposed Service, where the Facility does not allow for exclusive use, or where alternative use of the Facility is anticipated by Council in the near future.

##### 4.1 Reserves Act Considerations

If the land comprising the Facility is subject to the Reserves Act 1977, then the provisions required and any regulations made under the Reserves Act 1977, shall be included in the Community Occupancy Agreement.

##### 4.2 Variations to standard terms and conditions

Council reserves the right to vary the standard terms of any Occupancy Agreement on a case-by-case basis.

Groups may request that Staff vary the standard terms of any Occupancy Agreement and all such requests will be dealt with on a case-by-case basis. Staff will not be required to accept any variation requested.

Should Council consider it necessary to obtain advice from the City Solicitor in regard to any request associated with the Occupancy Agreement, the applicant will be responsible for payment of all reasonable legal costs incurred by Council in obtaining such advice.

#### 4.3 Tenure of Occupancy

Maximum tenure will be in accordance with the Policy.

If a Group wishes to make a significant investment in the Facility, they will need to enter into discussions with Staff in respect of that investment and, if appropriate, a new Occupancy Agreement will be entered into.

A shorter tenure may be granted by the Council in the following circumstances:

- The Group requests a shorter tenure;
- The sustainability of the Group is of concern;
- Where alternative use of the Facility in the near future is anticipated by Council;
- The Group is newly established or does not have an existing relationship with Council;
- Life expectancy of the building comprising the Facility is less than the maximum tenure;
- A shorter tenure is required by a relevant approved reserve management plan.

#### 4.4 Shared/multi-use

Council owned Buildings and Land are a limited resource. Groups will be strongly encouraged to cluster and share Facilities in order to optimise use and resources. Council will allocate occupancy to ensure maximum use of assets and to respond to changing demographics, demands and trends.

Groups are not to unreasonably restrict hireage of Facilities when not required by the Group.

#### 4.5 Community Outcomes Plan

Groups will need to develop a Outcomes Plan in accordance with the Policy. Staff will collaborate with Groups to assist in the development of the Outcomes Plan.

Groups are expected to update their Outcomes Plan annually. The plan shall form part of the Groups annual reporting requirements accountability, as per the Policy.

Staff has developed a Outcomes Plan template to standardise the information required. The template is available on the Hamilton City Council website or via post on request.

## 5. RENTAL

### 5.1 Rental Rate

The rental payable by Groups will be determined in accordance with the Policy.

## 5.2 Building Categories

Buildings will be categorised by an independent registered valuer in accordance with the criteria in the Policy.

An explanation of each category is outlined below:

### Category 1

- High Amenity
- Good Location
- High Market Value
- Good Quality
- Good Tenant Demand

The Building is situated in a primary location and provides a good standard of accommodation that could be leased on a commercial basis without the requirement for additional works or fit-out by a commercial tenant. Additional amenities are provided by way of features such as car parking or internal fit-out. The Building would have good tenant demand and attract a reasonable level of rental if offered to the market for lease on a commercial basis.

### Category 2

The Building is situated in a good to average location and provides a good standard of accommodation that could be leased on a commercial basis with minimal works or fit-out required by a commercial tenant. Some additional amenities are offered such as limited car parking. The Building would have reasonable tenant demand if offered to the market for lease on a commercial basis.

### Category 3

- Medium Amenity
- Adequate Location
- Moderate Market Value
- Fair Quality
- Limited Tenant Demand

The Building is situated in an average location and could be adapted for commercial use if required. Additional amenities such as car parking are limited and would be seen to restrict the utilisation of the Building on a commercial basis. The Building would have limited tenant demand if offered to the market for lease on a commercial basis.

### Category 4

The Building is situated in a secondary location and is of fair quality. Very limited amenities are offered. It would be expected that the Building would suffer extended periods of vacancy and that the Building would have little demand if offered to the market for lease on a commercial basis.

### Category 5

- Low Amenity
- Secondary Location
- Low Market Value
- Low Quality
- Low Tenant Demand

The Building is situated in a secondary location, removed from other commercial development in a low profile area and is of poor quality. Basic additional amenities are offered. The possible utilisation of the Building on a commercial basis is very limited. The Building would have very limited tenant demand if offered to the market for lease on a commercial basis.

#### Category 6

- A Building near the end of its asset life
- Limited alternative use
- Minimal tenant demand

The Building is poorly situated for commercial use and is of poor quality and dated. The Building offers no amenities and the possible utilisation of the Building on a commercial basis is unlikely. The Building would not be considered to be leasable on commercial terms.

### 5.3

#### 5.3 Council Subsidy

A subsidy will be applied to the rental to compute the annual rental payable by the Group for Occupancy in accordance with the Policy.

Where a Commercial Occupancy Agreement (commercial activity operated by a commercial entity) has been approved, a rental subsidy in accordance with the Policy will be applied to the square metre area of the Facility used for that purpose.

#### 5.4 Exceptional Circumstances

Council may use its discretion to adopt a different rent where exceptional circumstances apply. The General Manager Community has the authority to recommend, or decline to recommend to the Council any applications for a further rental subsidy.

Groups need to apply in writing. To demonstrate exceptional circumstances, Staff will consider whether the Group:

- provides an exceptional level of service/benefit to the community;
- has provided significant investment into assets that is open to public use;
- rental rate results in extreme financial hardship and possible closure;
- other factors e.g. strong alignment with Council's strategic policy/community outcomes, lack of long term tenure at location.

Regardless of any exceptional circumstances, Groups must meet the eligibility criteria as defined by the Policy.

#### 5.5 Occupancy Responsibilities

The following table outlines standard outgoing occupancy responsibilities in addition to rent:

	Utilities	Rates*	Insurance	Renewals and replacement	Day-to-day repairs and maintenance
<b>Council-owned Building</b>	Lessee	Lessee	Council	Council	Lessee
<b>Community group owned building</b>	Lessee	Lessee	Lessee	Lessee	Lessee

*\*Community and recreation groups may be eligible for a rates remission*

Groups who have an agreement for a space within a building, are responsible for a proportion of the outgoing costs.

## 6. COMMERCIAL ACTIVITIES

Commercial Activities are considered to be sale of goods or services, aligned to the community Purpose. Groups that wish to operate a Commercial Activity within a Lease or Licence area must seek approval from Staff/the Council.

One-off fundraising activities (e.g sausage-sizzle, gala event) do not require Staff/the Council approval. Ongoing trading activities (e.g pro-shop, bar, canteen, kiosk) require Staff/the Council approval.

There is no ability for Groups leasing Land or Buildings under section 54(1)(b) of the Reserves Act 1977 to sub-lease to a commercial entity/operator. A Lease under section 54(1)d of the Act may be appropriate.

Groups will be responsible for obtaining any additional relevant consents, permits or licenses required to operate a commercial activity prior to operation e.g food registration.

### 6.1 Requirements

A commercial activity will only be considered for approval, where:

- The land is subject to the Reserves Act 1977, the activity must be necessary to enable the public to obtain benefit and enjoyment of the reserve or for the convenience of persons using the reserve, and in in conformity with and contemplated by any relevant approved reserve management plan. Types of activities that may be supported include but are not limited to; pro-shops, bars, canteens and kiosks.
- The commercial activity is ancillary to the Group's permitted core activity.
- The commercial activity caters primarily for the members or users of the Facility and park.
- The commercial activity supports the sustainability of the Group.
- The Group demonstrates that any surplus funds generated by the Group will be;
  - Firstly, be applied to maintenance responsibilities (e.g building repairs); and
  - Secondly, to the Group's permitted core activity as set out in the Occupancy Agreement.

### 6.2 Approval Process

There are two scenarios by which a Commercial Activity may be operated:

#### a. Operated by the community Group

1. Any commercial activity proposed to be operated by a Group, will be assessed against the requirements outlined in 6.1.
2. If supported in principle, Staff will include as part of a Community Occupancy application to the Council. The approval would be part of a Group Agreement.
3. Where an existing Occupancy Agreement is in place, staff will assess any new commercial activity proposals in alignment with the Agreement and in conformity with the Policy and Guidelines.

**b. Operated by a separate commercial entity**

1. Any commercial activity proposed to be operated by a commercial entity, will be assessed against the requirements outlined in 6.1.
2. If supported in principle, Staff will make a recommendation to the Council for consideration as to whether to approve or decline the application.
3. If the Council approves the application, the Agreement would take the form of a 'Community Group Commercial Occupancy Agreement' linked to the Community Group Occupancy Agreement.
4. The Group may then enter into an agreement with the commercial operator with the approval of Council.
5. The Group will be responsible for developing an agreement with the commercial operator, which must align to the head Lease with the Council and be to the approval of Staff.

## 7. FACILITY DEVELOPMENT PROPOSALS

Council's goal is to retain and enhance open space. This includes ensuring that built form (including structures such as fencing) is minimised and avoids contributing to the net loss of open space. Council recognises that community facilities are important in enabling active communities to thrive and new or expanded facilities may be necessary to respond to changing demographics, demands and trends. Council will prioritise developments that maximise community benefit through multi/shared-use and hub concept.

The scale and nature of the project will determine how much detail will be required for the proposal and the process for approval. Where appropriate, an application for Community Occupancy will be considered in conjunction with the facility development proposal, prior to a Community Occupancy recommendation to Council.

### 7.1 Assessment criteria for Facility Development

Facility developments or redevelopments proposals will be assessed against the following criteria:

1. Demonstrate clear evidence of need or demand for facility (e.g number of members/users, trends, facility gaps);
2. Demonstrate strategic alignment with regional/national umbrella body plans (e.g Waikato Regional Sports Facilities Plan, Waikato Creative Infrastructure Plan);
3. Demonstrate viability and sustainability of the facility concept using a lifecycle approach (i.e feasibility assessment);
4. Demonstrate how the facility development/redevelopment will:
  - be limited to the smallest feasible footprint (including parking);
  - optimise community benefit, shared/multi-use, hub concept, flexibility of use;
  - be sympathetic and to enhance the surrounding open space (e.g. building's relationship with the park, connectivity and access, parking requirements, landscaping);
5. Compliance with relevant statutory plans and processes<sup>2</sup>;
6. Compatibility with the relevant (Council endorsed or adopted) reserve management plan;
7. General suitability of the facility for the development (e.g. whether the proposal creates any adverse effects on surrounding amenity, including but not limited to cumulative effects on facility

---

<sup>2</sup> Activities must comply with applicable legislation including the Building Act 2004, Resource Management Act 1991, Reserves Act 1977, Historic Places Act 1993 and the Conservation Act 1987.

- values, facility infrastructure, approved activities, the enjoyment of other facility users and adjoining communities);
8. The potential to set a precedent that could give rise to similar activities, which in combination may result in adverse cumulative effects on Council facilities in the future;
  9. The degree to which exclusion of the public is necessary for the protection of public safety, the security or competent operation of the proposed Service, and;
  10. Any other requirements as determined by Council.

## 8. FEES AND CHARGES

Groups applying for Community Occupancy will be responsible for payment of the costs incurred in processing the application for Occupancy and completing the Occupancy Agreement or any variation (e.g. legal fees, public notification, administration costs). An invoice will be issued towards the end of the application process.

## 9. MONITORING AND IMPLEMENTATION

These Guidelines will be updated or amended from time to time by Staff for the purpose of assisting in the administration of Community Occupancies. These Guidelines must be consistent with the Policy.

# COMMUNITY OCCUPANCY ~~POLICY~~ GUIDELINES

## CONTENTS

1. Introduction
2. Application Process
- ~~3. Assessment Criteria~~
- ~~3.4. Community Occupancy Agreements~~
- ~~4. Standard Terms and Conditions~~
5. Rental
- ~~6. Commercial Activities~~
- ~~6. Additional Assessment Criteria~~ Facility Development Proposals
- ~~7.~~
- ~~7.8.~~ Fees and Charges
- ~~8.9.~~ Monitoring and Implementation

## REVISION HISTORY

Revision #	Guidelines Sponsor	Approval Date	Council or Committee Decision	# TRIM Reference	Related Policy
1	General Manager Community	27 February 2014	Council	D-1347138	Community Occupancy Policy
2	<u>General Manager Community</u>	<u>11 September 2018</u>	<u>Council</u>	<u>D-2765048</u>	<u>Community Occupancy Policy</u>

## 1. INTRODUCTION

These ~~Community Occupancy~~ Guidelines (Guidelines) have been developed to assist Council staff (~~Staff~~) in the administration of Hamilton City Council's Community Occupancy Policy (Policy).

~~It is also intended that~~ these Guidelines will ~~be made publicly available, so they can~~ assist Community Groups ~~in~~ understanding the process to be followed ~~for their when applying application~~ for Community Occupancy (Occupancy) and how their application will be assessed.

These Guidelines must be read in conjunction with the ~~Community Occupancy~~ Policy. The Guidelines use the defined terms from the Policy.

## ~~2. APPLICATION PROCESS~~

~~The following provides an overview of the application process for Community Groups wishing to apply for Community Occupancy. The process can take several months to complete, depending on the Council meeting schedule.~~

## ~~3. HOW TO APPLY:~~

~~At any time, a Community Group wishing to apply for Community Occupancy may register their interest by contacting a Council staff Property Officer.~~

~~In cases of a vacant building, space or land identified as appropriate for Community Occupancy ("Facility"), Council staff will seek applications through:~~

- ~~▪ Public advertisement; or~~
- ~~▪ An expression of interest process; or~~
- ~~▪ Direct notification to Community Groups who have registered interest.~~

## 4.2. APPLICATION PROCESS

At any time, a Community Group (Group) wishing to apply for Occupancy may register their interest by contacting Staff.

Applications for ~~Community Occupancy~~ Occupancy will be considered on a case-by-case basis, either as and when they Buildings or Land become available or prior to the expiry of an existing Occupancy Agreement (Agreement). The application process can take a number of months to complete, depending on the Council meeting schedule.

The following process will apply to all ~~Community Groups~~ seeking ~~Community Occupancy~~ Occupancy:

1. The ~~Community Group~~ Group should make initial contact with ~~a Council Staff Property Officer. The Officer Staff~~ will discuss the process with the ~~Community Group~~ Group and assess whether submitting an application for a ~~Community Occupancy~~ Occupancy Agreement is appropriate or

- whether an alternative arrangement such as casual use of the Facility-Building and/or Land may be more appropriate.
2. If an application for Community-OccupancyOccupancy is considered appropriate, the Community-GroupGroup will be asked to make a formal application. -Application forms are available on the HCC-Hamilton City Council website or via post upon request.
  3. The completed application form should be returned to Council-staffStaff for assessment.
  4. Council-staffStaff will meet with the Community-GroupGroup to discuss the application and any queries or issues they may have.
  5. Council-staffStaff will assess the application based on the eligibility criteria defined in section 5.1 of the Community-Occupancy-PolicyPolicy.
  6. If the Community-GroupGroup is not considered eligible, Council-staffStaff will communicate this to the group via written correspondence and there will be the opportunity to meet-discuss with Council-staffStaff to discuss why the application is considered ineligible.
  7. If the Community-GroupGroup is considered eligible, Council-staffStaff will further assess the application based on the assessment criteria defined in section 3.1 of these Guidelines.
  8. Council-staffStaff will make a recommendation (with supporting documentation) to the Council for consideration<sup>1</sup> as to whether to approve or decline the application. Council-Staff may request that the Community-GroupGroup attend a Committee Meeting to discuss their application.
  9. The decision will be in the form of a Council Resolution.
  10. Council-staffStaff will notify the Community-GroupGroup as soon as practicable of the terms of the Council Resolution.
  11. If the Council approves the application, Council-staffStaff will work with the Community-GroupGroup to develop a community outcomes plan (Outcomes Plan) in accordance with section 5.8 of the Community-Occupancy-PolicyPolicy.
  12. The Community-GroupGroup and the Council will then enter a Community-OccupancyOccupancy Agreement in the form of a Community-Group Licence to Occupy or Community-Group-Lease. The Community-OccupancyOccupancy Agreement terms will be negotiated-agreed between CouncilStaff and the Community-GroupGroup in accordance with the Community-Occupancy-PolicyPolicy and these Guidelines.
  13. There is an expectation that the Occupancy Agreement will be finalised (including signing) within a maximum of six months of the Council Resolution.

Community-GroupGroups are encouraged to contact Council-staffStaff if they need advice on completing an application.

## 2.1 Reserves Act 1977 Considerations

If the proposed Community-OccupancyOccupancy relates to a-Facility-comprising-land held under the Reserves Act 1977, public notification is required if the proposed Community Occupation Agreement is not in conformity with and contemplated by the relevant approved reserve management plan before confirming. An exception to this is if the associated resource consent has been publicly notified under Section 93 of the Resource Management Act 1991.

## 2.2 Facility Vacancy

In cases of a vacant 'Building, space or Land' (Facility) identified as appropriate for Occupancy, Staff will seek applications through:

- Public advertisement; or

<sup>1</sup> If a proposed lease or licence is of land under the Reserves Act 1977, and the proposed lease or licence is not included within the relevant reserve management plan, an additional process and/or consultation may be required to meet the requirements outlined in the Reserves Act 1977.

- An expression of interest process; or
- Direct notification to Groups who have registered interest.

The Council will allocate occupancy to ensure maximum community benefit and to respond to changing demands. Groups will be assessed against eligibility and assessment criteria as per the Policy and Guidelines.

### 2.3 Expiry of Community Occupancy Agreements

If at the expiry of the term of any existing Community Occupancy Agreement the Community Group wishes to enter into a new Community Occupancy Agreement for the same Facility, then the Community Group must make written applications to Council Staff a minimum of 12 months prior to the expiration date of their existing Occupancy Community Occupancy Agreement. All such applications will be considered in accordance with the Community Occupancy Policy and these Guidelines.

Upon expiry, Occupancy Agreements will automatically roll over on a month-by-month basis until a decision is made by the Council.

## 5.3. ASSESSMENT CRITERIA

### ~~6. ASSESSMENT CRITERIA FOR COMMUNITY OCCUPANCY~~

If a Community Group is considered eligible for Community Occupancy, Council staff will further assess the application based on the following assessment criteria which will then form the basis of the recommendation to the Council:

1. Level of community benefit provided by the Community Group from the occupancy;
2. Level of contribution to supporting Council's vision and community outcomes as defined in the 10-Year Plan and City Strategies and Plans;
3. Alignment of the Community Service (Service) provided by the Community Group to Council's other policies, strategies and plans;
4. Alignment of Community Service to respective sporting codes and/or other umbrella organisations strategic directions (e.g. for sports alignment with respective sporting codes Regional and National Sports Organisations, Sport Waikato, and national body direction and for arts alignment with Creative Waikato/ New Zealand direction);
5. The history and sustainability of the Community Group in terms of:
  - financial viability to fulfil obligations; and
  - membership and/or users of the Community Service.
6. The Community Groups relationship with Council Staff during the three years preceding the application. If the relationship is less than three years, then for the duration of the relationship;
7. Whether similar Community Services are offered in Hamilton;
8. Whether the Community Service could reasonably be undertaken in a more suitable location or collaboratively with another Group;
9. Suitability of the Facility for that particular Community Group, in terms of:
  - Location;
  - Physical characteristics;
  - Accessibility (i.e. building / fire safety / Occupational Safety and Health (OSH) considerations);
  - Potential impact on adjoining land and other users;

- Statutory requirements including compliance with District Plan requirements or resource consent conditions.
10. Whether the proposed use is considered to be the optimal use of the Facility;
  11. Consistency with other approved consents, concessions, ~~Community Occupancy~~ Agreements, ~~L~~leases and ~~L~~icences relating to the Facility which are under consideration;
  12. Willingness of the ~~Community Group~~ to share use of resources and/or the Facility with other compatible groups to optimise use;
  13. The costs involved in altering the Facility to accommodate the ~~Community Group~~, or the ability of the ~~Community Group~~ to resource and undertake any changes itself;
  14. If the land comprising the Facility is held under the Reserves Act 1977, consistency with the reserve classification and conformity with relevant reserve management plan;
  15. Any other relevant criteria ~~Council Staff~~ considers appropriate.

## ~~7. STANDARD TERMS AND CONDITIONS~~

### ~~8.4. COMMUNITY OCCUPANCY AGREEMENTS~~

Community Occupancy Agreements will take the form of either a:

- Community Group Licence to Occupy; or
- Community Group Lease.

~~Council Staff~~ has developed a standard ~~Community Community Group~~ Licence to Occupy and a standard Community Group Lease to standardise the terms and conditions of Community Occupancies. These documents are available on the HCC website or via post on request.

In some circumstances it may be more suitable to grant a ~~licence~~ Licence to occupy. For example, a ~~licence~~ Licence may be more appropriate due to the nature of the proposed ~~Community Service~~ Service, where the Facility does not allow for exclusive use, or where alternative use of the Facility is anticipated by Council in the near future.

#### 4.1 Reserves Act Considerations

If the land comprising the Facility is subject to the Reserves Act 1977, then the provisions required ~~to be included in the Community Occupancy Agreement by the Reserves Act 1977~~ and any regulations made under the Reserves Act 1977, shall be included in the Community Occupancy Agreement.

#### 4.2 Variations to standard terms and conditions

Council reserves the right to vary the standard terms of any ~~Community Occupancy~~ Agreement on a case-by-case basis.

~~Community Groups~~ may request that ~~Council Staff~~ vary the standard terms of any ~~Community Occupancy~~ Agreement and all such requests will be dealt with on a case-by-case basis. ~~Council Staff~~ will not be required to accept any variation requested.

Should Council consider it necessary to obtain advice from the City Solicitor in regard to any request associated with the ~~Community Occupancy~~ Agreement, the applicant will be responsible for payment of all reasonable legal costs incurred by Council in obtaining such advice.

### 4.3 Tenure of Occupancy

Maximum tenure will be in accordance with ~~clause 5.5 of the Community Occupancy Policy~~ Policy.

~~Under no circumstances will a longer tenure be granted.~~ If a ~~Community Group~~ Group wishes to make a significant investment in the Facility, they will need to enter into discussions with ~~Council staff~~ Staff in respect of that investment and, if appropriate, a new ~~Community Occupancy~~ Occupancy Agreement will be entered into.

A shorter tenure may be granted by ~~the~~ the Council in the following circumstances:

- ~~The community group~~ Group requests a shorter tenure~~;~~
- ~~The sustainability of the Group is of concern;~~
- ~~Where alternative use of the Facility in the near future is anticipated by Council;~~
- ~~The Community Group~~ Group is newly established or does not have an existing relationship with Council~~;~~ ~~In such circumstances, a maximum tenure of two years will be recommended.~~
- ~~Life expectancy of the building comprising the Facility is less than the maximum tenure;~~
- ~~A shorter tenure is required by a relevant approved reserve management plan.~~

### 4.4 Shared/multi-use

~~Council owned Buildings and Land are a limited resource. Groups will be strongly encouraged to cluster and share Facilities in order to optimise use and resources. Council will allocate occupancy to ensure maximum use of assets and to respond to changing demographics, demands and trends.~~

~~Groups are not to unreasonably restrict hireage of Facilities when not required by the Group. Council will not facilitate arrangements for shared use, however Council staff can refer Community Groups wishing to share use to best practice models for sharing of facilities~~

### 4.5 Community Outcomes Plan

~~Groups will need to develop a community outcomes plan~~ Outcomes Plan ~~will be developed in accordance with clause 5.8 of the Community Occupancy Policy~~ Policy. ~~Staff will collaborate with Groups to assist in the development of the Outcomes Plan.~~

~~Groups are expected to update their Outcomes Plan annually. The plan shall form part of the Groups annual reporting requirements accountability, as per the Policy.~~

~~Council~~ Staff has developed a ~~community outcomes plan~~ Outcomes Plan template to standardise the information required. ~~The template is available on the Hamilton City Council website or via post on request.~~

### 4.6

~~The purpose of the template is to provide a guide to Council staff and Community Groups, that will be tailored to each Community Group and continue to evolve. The template is available on the HCC website or via post on reque~~

## 9. RENTAL

**~~10. THE RENTAL PAYABLE BY COMMUNITY GROUPS WILL BE DETERMINED IN ACCORDANCE WITH THE COMMUNITY OCCUPANCY POLICY POLICY.~~**

**~~11.5.~~**

**~~11.15.1 Rental Rate~~**

~~The rental payable by Community GroupGroups will be determined in accordance with the Policy. The rental rate is based on the square metre rates defined in the tables below. The rental rate is based on the building category for Council-owned (or administered) buildings or the land area for Council-owned (or administered) land.~~

**~~Council-owned (or administered) building~~**

<del>Building Category</del>	<del>Rental Rate/m<sup>2</sup> (per annum)</del>
<del>1</del>	<del>\$100.00 - \$120.00</del>
<del>2</del>	<del>\$75.00 - \$80.00</del>
<del>3</del>	<del>\$50.00 - \$55.00</del>
<del>4</del>	<del>\$35.00 - \$40.00</del>
<del>5</del>	<del>\$20.00 - \$22.50</del>
<del>6</del>	<del>\$10.00 - \$15.00</del>

~~The building category assigned will determine the square metre rental rate applied to Council-owned buildings.~~

**~~5.2 Building Categories~~**

~~Buildings will be categorised by an independent registered valuer **and reviewed every three years** in conjunction with the benchmark validation process. The categorisation will rank the comparative quality of Council-owned buildings occupied by Community Groups across the entire portfolio assessing:~~

- ~~▪ Amenity (décor, fit out, heating, ventilation, air conditioning, lighting, accessibility, security, car parking, surrounds)~~
- ~~▪ Location~~
- ~~▪ Market Value (taking into account any restrictions on use)~~
- ~~▪ Quality (age, construction, presentation, maintenance, design, utilisation)~~
- ~~▪ Best and Highest Use~~

~~Type (office, commercial, industrial, other use) in accordance with the criteria in the Policy.~~

~~An explanation of each category is outlined below:~~

**~~Category 1~~**

- ~~▪ High Amenity~~

- Good Location
- High Market Value
- Good Quality
- Good Tenant Demand

The buildingBuilding is situated in a primary location and provides a good standard of accommodation that could be leased on a commercial basis without the requirement for additional works or fit-out by a commercial tenant. Additional amenities are provided by way of features such as car parking or internal fit-out. The buildingBuilding would have good tenant demand and attract a reasonable level of rental if offered to the market for lease on a commercial basis.

#### Category 2

The buildingBuilding is situated in a good to average location and provides a good standard of accommodation that could be leased on a commercial basis with minimal works or fit-out required by a commercial tenant. Some additional amenities are offered such as limited car parking. The buildingBuilding would have reasonable tenant demand if offered to the market for lease on a commercial basis.

#### Category 3

- Medium Amenity
- Adequate Location
- Moderate Market Value
- Fair Quality
- Limited Tenant Demand

The buildingBuilding is situated in an average location and could be adapted for commercial use if required. Additional amenities such as car parking are limited and would be seen to restrict the utilisation of the buildingBuilding on a commercial basis. The buildingBuilding would have limited tenant demand if offered to the market for lease on a commercial basis.

#### Category 4

The buildingBuilding is situated in a secondary location and is of fair quality. Very limited amenities are offered. It would be expected that the buildingBuilding would suffer extended periods of vacancy and that the buildingBuilding would have little demand if offered to the market for lease on a commercial basis.

#### Category 5

- Low Amenity
- Secondary Location
- Low Market Value
- Low Quality
- Low Tenant Demand

The buildingBuilding is situated in a secondary location, removed from other commercial development in a low profile area and is of poor quality. Basic additional amenities are offered. The possible utilisation of the buildingBuilding on a commercial basis is very limited. The buildingBuilding would have very limited tenant demand if offered to the market for lease on a commercial basis.

#### Category 6

- A buildingBuilding near the end of its asset life
- Limited alternative use

#### •• Minimal tenant demand

The ~~building~~ is poorly situated for commercial use and is of poor quality and dated. The ~~building~~ offers no amenities and the possible utilisation of the ~~building~~ on a commercial basis is unlikely. The ~~building~~ would not be considered to be leasable on commercial terms.

#### Council-owned (or administered) land

Land Area (m <sup>2</sup> )	Rental Rate/m <sup>2</sup> (per annum)
0–100	\$6.00– <del>\$6.75</del>
101–500	\$5.00– <del>\$5.75</del>
501–1000	\$4.00– <del>\$4.50</del>
1001–10,000	\$1.00– <del>\$1.30</del>
10,001–100,000	\$0.50– <del>\$0.60</del>
100,001+	\$0.03– <del>\$0.05</del>

The square metre rate for Council-owned (or administered) land will be calculated using a 'sliding scale' based on the table above. For example, the rental for 500m<sup>2</sup> of land would be calculated at \$6.00/m<sup>2</sup> for the first 100m<sup>2</sup> and \$5.00/m<sup>2</sup> for the remaining 400m<sup>2</sup>.

#### 11.35.3 Council Subsidy

A ~~n 87.5%~~ subsidy will be applied to the rental to compute the annual rental payable by the ~~Community Group~~ for ~~Community Occupancy~~ in accordance with the Policy.

~~Where a Commercial Occupancy Agreement (commercial activity operated by a commercial entity) has been approved, a rental subsidy in accordance with the Policy will be applied to the square metre area of the Facility used for that purpose.~~

~~Council may consider a further subsidy where the facility is open to the public for use when not in use by the Community Group. This will be assessed on a case-by-case basis at time of application [refer 2.~~

#### 11.45.4 Exceptional Circumstances

~~Section 5.6 of the Community Occupancy Policy states that~~From time to time Council may use its discretion to adopt a different rent where exceptional circumstances apply. The General Manager Community has the authority to recommend, ~~\_~~ or decline to recommend to ~~the~~ Council any applications for a further rental ~~discount subsidy~~.

~~Groups need to apply in writing. To demonstrate exceptional circumstances, Staff will consider whether the Group:~~

- ~~• provides an exceptional level of service/benefit to the community;~~
- ~~• has provided significant investment into assets that is open to public use;~~
- ~~• rental rate results in extreme financial hardship and possible closure;~~
- ~~• other factors e.g. strong alignment with Council's strategic policy/community outcomes, lack of long term tenure at location.~~

Regardless of any exceptional circumstances, ~~Community Group~~Groups must meet the eligibility criteria as defined by the ~~Community Occupancy Policy~~Policy.

#### 5.5 Rent Review

~~Annual rental will be adjusted on 1 July in each calendar years in accordance with the Consumer Price Index (All Groups).~~

The land and building square metre rates will be reviewed by an Independent Registered Valuer ~~every three years from upon review of the Policy~~, the commencement date of the Community Occupation Agreement.

#### 11.5.5 Occupancy Responsibilities

The following table outlines standard outgoing occupancy responsibilities in addition to rent:

	<u>Utilities</u>	<u>Rates*</u>	<u>Insurance</u>	<u>Renewals and replacement</u>	<u>Day-to-day repairs and maintenance</u>
<u>Council-owned Building</u>	<u>Lessee</u>	<u>Lessee</u>	<u>Council</u>	<u>Council</u>	<u>Lessee</u>
<u>Community group owned building</u>	<u>Lessee</u>	<u>Lessee</u>	<u>Lessee</u>	<u>Lessee</u>	<u>Lessee</u>

*\*Community and recreation groups may be eligible for a rates remission*

Groups who have an agreement for a space within a building, are responsible for a proportion of the outgoing costs.

## 12. RENTAL PHASE-IN PERIOD

Community Groups facing a change of annual rental under the new policy will have any change phased in over a period of two years as shown below:

- Year 1 = 50% of the change of annual rental (after subsidies have been applied)
- Year 2 and subsequent years = 100% of the change of annual rental (after subsidies have been applied)

This phase-in period only applies to community groups that had an agreement at the time the new policy was adopted (November 2013).

## 6. COMMERCIAL ACTIVITIES

Commercial Activities are considered to be sale of goods or services, aligned to the community Purpose. Groups that wish to operate a Commercial Activity within a Lease or Licence area must seek approval from Staff/the Council.

One-off fundraising activities (e.g sausage-sizzle, gala event) do not require Staff/the Council approval. Ongoing trading activities (e.g pro-shop, bar, canteen, kiosk) require Staff/the Council approval.

There is no ability for Groups leasing Land or Buildings under section 54(1)(b) of the Reserves Act 1977 to sub-lease to a commercial entity/operator. A Lease under section 54(1)d of the Act may be appropriate.

Groups will be responsible for obtaining any additional relevant consents, permits or licenses required to operate a commercial activity prior to operation e.g food registration.

## **12.1 Requirements Considerations**

### **6.1**

A commercial activity will only be considered for approval, where:

- The land is subject to the Reserves Act 1977, the activity must be necessary to enable the public to obtain benefit and enjoyment of the reserve or for the convenience of persons using the reserve, and in in conformity with and contemplated by any relevant approved reserve management plan. Types of activities that may be supported include but are not limited to; pro-shops, bars, canteens and kiosks.
- The commercial activity is ancillary to the Group's permitted core activity.
- The commercial activity caters primarily for the members or users of the Facility and park.
- The commercial activity supports the sustainability of the Group.
- The Group demonstrates that any surplus funds generated by the Group will be;
  - Firstly, be applied to maintenance responsibilities (e.g building repairs); and
  - Secondly, to the Group's permitted core activity as set out in the Occupancy Agreement.

### **6.2 Approval Process**

There are two scenarios by which a Commercial Activity may be operated:

#### **a. Operated by the community Group**

1. Any commercial activity proposed to be operated by a Group, will be assessed against the requirements outlined in 6.1.
2. If supported in principle, Staff will include as part of a Community Occupancy application to the Council. The approval would be part of a Group Agreement.
3. Where an existing Occupancy Agreement is in place, staff will assess any new commercial activity proposals in alignment with the Agreement and in conformity with the Policy and Guidelines.

#### **b. Operated by a separate commercial entity**

1. Any commercial activity proposed to be operated by a commercial entity, will be assessed against the requirements outlined in 6.1.
2. If supported in principle, Staff will make a recommendation to the Council for consideration as to whether to approve or decline the application.
3. If the Council approves the application, the Agreement would take the form of a 'Community Group Commercial Occupancy Agreement' linked to the Community Group Occupancy Agreement.

4. The Group may then enter into an agreement with the commercial operator with the approval of Council.
5. The Group will be responsible for developing an agreement with the commercial operator, which must align to the head Lease with the Council and be to the approval of Staff.

### ~~13.7. FACILITY DEVELOPMENT PROPOSALS ADDITIONAL ASSESSMENT~~

#### ~~CRITERIA FOR FACILITIES BY COMMUNITY GROUPS~~

~~Council's goal is to retain and enhance open space. This includes ensuring that built form (including structures such as fencing) is minimised and avoids contributing to the net loss of open space, and minimise building development on open space. Council recognises that community facilities are important in enabling active communities to thrive and new or expanded facilities may be necessary to respond to changing demographics, demands and trends and demographics. Council will prioritise developments that maximise community benefit through multi/shared-use and hub concept.~~

~~Therefore, facility design will require approval by Council. The scale and nature of the project will determine how much detail will be required for the proposal and the process for approval. Where appropriate, an application for Community Occupancy will be considered in conjunction with the facility development proposal, prior to a Community Occupancy recommendation to Council, prior to confirmation of the Community Occupancy Agreement and applications for Community Occupancy Agreements associated with~~

#### ~~7.1 Assessment criteria for Facility Development~~

~~Facility developments or redevelopments proposals will be assessed against the following additional criteria:~~

1. ~~Demonstrate clear evidence of need or demand for facility (e.g number of members/users, trends, facility gaps);~~
2. ~~Demonstrate strategic alignment with regional/national umbrella body plans (e.g Waikato Regional Sports Facilities Plan, Waikato Creative Infrastructure Plan);~~
3. ~~Demonstrate viability and sustainability of the facility concept using a lifecycle approach (i.e feasibility assessment);~~
4. ~~Demonstrate how the facility development/redevelopment will:
 
  - ~~be limited to the smallest feasible footprint (including parking);~~
  - ~~optimise community benefit, shared/multi-use, hub concept, flexibility of use;~~
  - o- ~~be sympathetic and to enhance the surrounding open space will be improved by the development of the facility (e.g. building's relationship with the park, connectivity and access, parking requirements, landscaping);~~~~
2. ~~The ability to limit the facility to the smallest footprint appropriate and feasible for the proposed use, taking into account the intensity of use, expected participants, as well as other relevant factors;~~
3. ~~5. Compliance with relevant statutory plans and processes<sup>2</sup>;~~
4. ~~6. Compatibility with the relevant (Council endorsed or adopted) reserve management plan;~~
5. ~~7. General suitability of the facility for the development (e.g. whether the proposal creates any adverse effects on surrounding amenity, including but not limited to cumulative effects on facility~~

<sup>2</sup> Activities must comply with applicable legislation including the Building Act 2004, Resource Management Act 1991, Reserves Act 1977, Historic Places Act 1993 and the Conservation Act 1987.

values, facility infrastructure, approved activities, the enjoyment of other facility users and adjoining communities);

~~6.8.~~ The potential to set a precedent that could give rise to similar activities, which in combination may result in adverse cumulative effects on Council facilities in the future;

~~7.9.~~ The degree to which exclusion of the public is necessary for the protection of public safety, the security or competent operation of the proposed ~~Community Service~~ Service; and;

~~8.10.~~ Any other requirements as determined by Council.

~~9.~~ Viability for development through:

- ~~▪ voluntary contributions and/or~~
- ~~▪ financial commitments as determined through an analysis of current accounts and budgets provided.~~

#### **14.8. FEES AND CHARGES**

~~Community Group~~ Groups applying for Community Occupancy will be responsible for payment of the ~~actual~~ costs incurred in processing the application for ~~Community Occupancy~~ Occupancy and completing the ~~Community Occupancy~~ Occupancy Agreement or any variation (e.g. legal fees, public notification, administration costs ~~etc.~~). An invoice will be issued towards the end of the application process.

#### **15.9. MONITORING AND IMPLEMENTATION**

These Guidelines will be, updated or amended from time to time by ~~Council Staff~~ Staff for the purpose of assisting ~~Council staff~~ in the administration of Community Occupancies. These Guidelines ~~are intended to~~ must be consistent with the ~~Community Occupancy Policy~~ Policy.

### Attachment 3: Community Occupancy Review - Stakeholder Survey Analysis

Hamilton City council sent a survey to all Community Occupancy groups in July 2018 as part of the review of the Community Occupancy Policy.

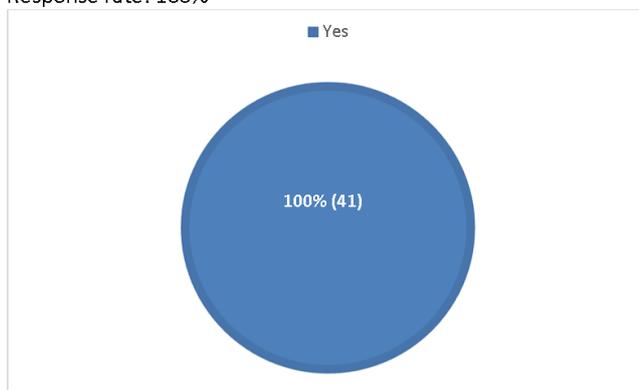
The survey was sent to 90 groups with a 4-week window for completion, and responses were received from 41 groups. The groups represent a cross section of community groups in the city, including, sport, arts and culture and charitable organisations. Please note that not all groups answered every question.

#### Summary of Responses

**Question 1: Asked the name of the community group.**

**Question 2: Is the Policy clear and easy to understand?**

Response rate: 100%

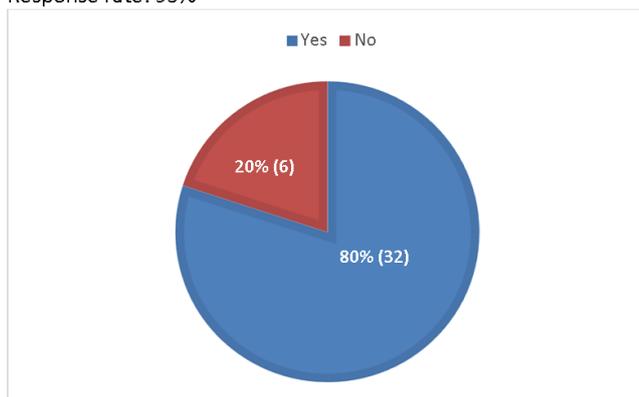


Detailed feedback included:

- Acknowledgement that the policy was well written in plain English, and easy to understand.
- All key information is contained in the policy.
- Links to other plans, policies or strategies are not always clear.

**Question 3: Do you feel the current Policy works well for your group/organisation?**

Response rate: 93%

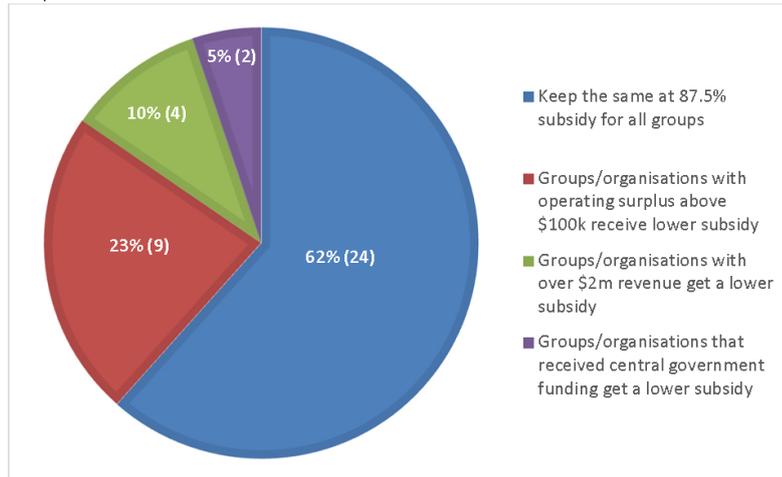


Detailed feedback included:

- Lease terms are too short and limit groups from having long term security.
- Groups run by volunteers and/or providing a community service should not pay any rental.
- Perception of inconsistencies across different types of groups.
- More flexibility in policy to enable commercial activities to enhance viability and reduce member fees.
- Council support of community groups is vital to support community services.

**Question: 4: Which one of the following rental subsidy options do you prefer?**

Response rate: 95%

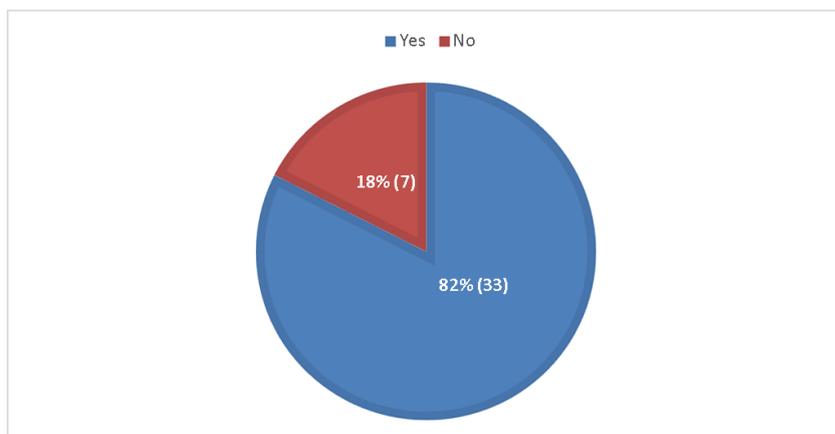


Detailed feedback included:

Option	Main reasons for choosing this option
Keep the same at 87.5% subsidy for all groups	<ul style="list-style-type: none"> <li>• Seemed the fairest option, and keeps things simple</li> <li>• Should be equal, consistent for all groups</li> <li>• Easiest to administer</li> <li>• Finances fluctuate – extra categories would mean more work for clubs to report and council staff to administer</li> </ul>
Groups/organisations with operating surplus above \$100k receive lower subsidy	<ul style="list-style-type: none"> <li>• Fairer to smaller groups who need the subsidy the most</li> <li>• Big organisations should pay more</li> <li>• Can fluctuate</li> </ul>
Groups/organisations with over \$2m revenue get a lower subsidy	<ul style="list-style-type: none"> <li>• Fairer to smaller groups who need the subsidy the most</li> <li>• Big organisations should pay more</li> <li>• Can fluctuate</li> <li>• Doesn't reflect surplus, can be deficit</li> </ul>
Groups/organisations that received central government funding get a lower subsidy	<ul style="list-style-type: none"> <li>• Organisations receiving government support should pay more</li> <li>• Funds often tagged to deliver services (not seen as revenue)</li> <li>• Can change/fluctuate</li> </ul>

**Question 5: Do you think the Policy should include criteria for the Council to use when considering commercial activities for approval to operate in community occupancy facilities? (eg. a pro shop in sports centre)**

Response rate: 98%



Detailed feedback included:

- This is a complex/grey area for many groups.
- Council should enable lower level commercial activity that supports community service/activity
- Commercial activity should contribute a proportionate commercial rental rate for the area occupied.
- Clubs should not be using a Community lease for a commercial activity.
- Commercial operators have an advantage if they are operating from a community lease.
- Low level commercial activity should not be affected by any change (i.e. Arts group members selling their work from their club space), but one-off fundraising uses such as running a canteen or sausage sizzle at an event day shouldn't be impacted
- Could become complicated and hard to administer consistently
- Activities that enhance the main community activity of clubs (i.e. pro shops at golf and tennis clubs) shouldn't be affected.

# Council Report

Item 10

**Committee:** Community and Services Committee  
**Date:** 11 September 2018  
**Author:** Andy Mannering  
**Authoriser:** Lance Vervoort  
**Position:** Social Development Manager  
**Position:** General Manager Community  
**Report Name:** Community Assistance Policy - Community Events Fund 2018/19

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

## Purpose

1. To inform the Committee on the Community Events Fund allocation outcome for the 2018/19 financial year.

## Staff Recommendation

2. That the Community, Services and Environment Committee receives the report.

## Executive Summary

3. The objective of Hamilton City Council's Community Event Fund is to support not-for-profit community organisations that host inclusive, free or low-cost events with a high profile within the city.
4. The Community Event Fund has an allocation amount of \$50,000 for the 2018/19 financial year.
5. Twenty-one (21) applications across 2018/19 have been supported through this fund.
6. Staff consider the matters in this report to have a low significance and that the recommendations comply with the Council's legal requirements.

## Background

7. The [Community Assistance Policy](#) (the Policy) was adopted by Council at the 31 October 2017 Community and Services Committee ([Agenda](#), [Minutes](#)).
8. The Policy outlines the criteria and guidelines of all Council contestable grants that are administered by the Community and Social Development team within the Community Services Unit. In accordance with the Policy the amount of funding available through the Community Event Fund during the 2018/19, 2019/20 and 2020/21 financial years is \$50,000.
9. The funding application round was advertised for a one-month period, opening from 1 July 2018 until 5pm 31 July 2018.
10. Forty-seven (47) applications were received with a total funding request amount of \$194,515.96.

11. Each application was assessed against the funding criteria set out in the Policy, prior to the General Manager Community approving the final allocation.
12. Twenty-one (21) applications have been successful with twenty-six (26) being declined this year.
13. All application assessments were considered both collectively (with other applications) and independently to ensure a balanced portfolio of events and year-round weighting.
14. All applications for funding are managed through the SmartyGrants online funding application system.

**Financial Considerations**

15. The 2018/19 10-Year Plan budget has \$1,276,000 to be distributed via the Community Assistance Policy in the following way.
  - \$918,000 has been allocated via the Multi-Year Community Grant
  - \$50,000 via the Community Events Fund
  - \$308,000 via the Single-Year Community Grant (to be allocated in April 2019)
16. Inflation to be added to the overall funding amount in 2019/20 and 2020/21 will be allocated through the Single-Year Community Grant.
17. The 2018-28 10-Year Plan outlines that Council grants will be used effectively, meaning that at least \$3 worth of services will be leveraged for every \$1 of community grant funding provided. The below table shows the amount of funding leveraged from the Community Assistance Funding provided by Council during the 2018/19 financial year.

<b>Grant</b>	<b>\$ Amount Allocated</b>	<b>\$ Total Project Cost</b>	<b>\$ Leveraged for Council Contribution</b>
Multi-Year Community Grant	\$918,000	\$15,703,986	\$17.11
Community Event Fund	\$50,000	\$326,043	\$6.52
Single-Year Community Grant (will be allocated in April 2019)			
<b>Total</b>	<b>\$968,000</b>	<b>\$16,030,029</b>	<b>\$16.56</b>

**Risks**

18. All applicants have been notified of the funding decisions. There is still an element of risk as organisations may not been happy with the outcome of their application.

**Attachments**

Attachment 1 - Community Event Fund - Allocation 2018-19 .

### Community Event Fund (2018/19)

The Hamilton City Council "Community Event Fund" of \$50,000 per annum was allocated in August 2018. A total of 47 applications were received in this funding round, requesting \$194,515.96 of which 21 were successful, allocating a total of \$50,000.

Organisation name	Event	Event Location	Event Date	Total Allocated
Friends of Hamilton Public Library Association	Hamilton Book Month August 2018	Hamilton City Libraries	01-31/08/2018	\$2,000.00
The Refugee Orientation Centre Trust	Jambo Ethnic Kidz Soccer Festival	Ashurst Park (Pukete)	16/09/2018	\$1,000.00
Western Community Association	Treats in the Park	Hyde Park (Nawton)	31/10/2018	\$5,000.00
Community Link Trust	Light Party	Activate Church (Enderley)	31/10/2018	\$2,000.00
Friends of Hamilton Gardens	Scarecrow Festival	Hamilton Gardens	03-04/11/2018	\$1,000.00
Pacific Rose Festival Trust	Pacific Rose Bowl Festival	Hamilton Gardens	08-11/11/2018	\$3,000.00
Hamilton Fringe Trust	Hamilton Fringe Festival Launch	CBD	01/12/2018	\$2,000.00
Te Whanau Putahi	Christmas in the Park 2018	(Fairfield)	05/12/2018	\$1,000.00
Suburbs Community Sports Club	Xmas at the Park	Flagstaff Park (Flagstaff)	16/12/2018	\$3,000.00
Waikato Rocks Trust	Christmas at the Lake	Hamilton Lake	22/12/2018	\$4,500.00
Hamilton Live Music Trust	Hamilton summer music series (4 events)	CBD	01/01-04/2019	\$2,000.00
Waikato Touch Association	Tri-Series Touch Community Festival 2019	Swarbrick Park (Frankton)	20/01/2019	\$1,000.00
New Life Community Ministries	Night to Shine Ball	New Life Church (Chartwell)	09/02/2019	\$1,000.00
Orchestras Central Trust	Sunset Symphony	Hamilton Gardens	10/02/2019	\$2,500.00
Hamilton East Community Trust	Hamilton East Community Festival	Steele Park (Hamilton East)	24/02/2019	\$3,000.00
Hamilton Children and Families Trust	Hamilton Children's Day	CBD	02/03/2019	\$5,000.00
Indigo Trust	Indigo Carnival	Hamilton Gardens	16/03/2019	\$3,000.00
K'aute Pasifika Trust	Nesian Festival	Claudelands	04/2019	\$5,000.00
Te Rongopai Community Trust	Easter in the Park	Dominion Park (Crawshaw)	07/04/2019	\$1,000.00
Pukete Neighbourhood House	Pukete Family Fun Day	Ashurst Park (Pukete)	07/04/2019	\$1,000.00
Hamilton Civic Choir Inc	Autumn in the Garden	Hamilton Gardens	14/04/2019	\$1,000.00

# Council Report

<b>Committee:</b>	Community, Services and Environment Committee	<b>Date:</b>	11 September 2018
<b>Author:</b>	Debbie Lascelles	<b>Authoriser:</b>	Lance Vervoort
<b>Position:</b>	Community Services Manager	<b>Position:</b>	General Manager Community
<b>Report Name:</b>	Community Development Strategy - Report on Progress		

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

## Purpose

- To inform the Committee on progress toward implementing the recommendations in Dr Bev Gatenby's *Community Development Strategy* report.

## Staff Recommendation

- That the Community, Services and Environment Committee receives the report.

## Executive Summary

- Dr Bev Gatenby was contracted to review the Community Development service and make recommendations about the development of a strategic plan for the Unit.
- At the 17 April Council meeting, the Council requested that Dr Bev Gatenby continue to work with the team to implement the recommendations made in her report.
- Good progress has been made to date on delivering the recommendations she made (see attachment 1 for the Executive Summary and recommendations). Work has been undertaken both within the team and across the organisation to begin firming up focus areas and educate staff about the community-led development approach.
- A workshop for Council has been booked and will take place on Thursday 27 September 2018.
- Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

## Background

- Dr Bev Gatenby was contracted in late 2017 to review the Community Development service, specifically to provide information and recommendations that would support a strategic planning process. Part of this included identifying ways that the service could be delivered.
- The report was presented to Council on the 17 April 2018 and resulted in the following resolution:

That the Community and Services Committee:

- a) approves the status quo, in-house model for the delivery of Community Development Services;*
- b) notes that a facilitated workshop will be held for Elected Members to provide information and allow for input into the Community Development Strategy; and*
- c) notes that management will utilise the recommendations in the Hamilton City Council Community Development Strategy (Attachment 1) to optimise the Community Development service.*
- d) requests staff work with Dr Bev Gatenby to implement the recommendations in the HCC Community Development Strategy as set out in Attachment 1 and that regular progress reports are provided to the Community and Services Committee until it is satisfied that Council's Community Development Service has been fully implemented.*

## Discussion

10. This report aims to update the Committee on the progress made to date implementing Dr Bev Gatenby's recommendations (see attachment 1 for the Executive Summary and recommendations).
11. Two full day strategic planning sessions have been facilitated by Dr Bev Gatenby with the Community and Social Development Team. The first of these was to review a range of strategies from across the region with a view to start identifying potential focuses for the team.
12. The second planning day was jointly facilitated by Dr Bev Gatenby and Barbara McClennan from Inspiring Communities, a national organisation that specialises in community-led development. This second workshop focused on ways of working that support a community-led development approach.
13. In parallel to this, Dr Bev Gatenby and the Community Services Manager have met with relevant General Managers and key personnel from other Units to discuss how staff from the Community and Social Development Team can be better utilised and influence the way Council engages with communities in Hamilton. These meetings have also identified potential projects that the team could input into.
14. A workshop with the Senior Leadership Team on community-led development approaches was facilitated by Barbara McClennan from Inspiring Communities to ensure that there is a consistent understanding of this approach across the organisation and support from senior managers.
15. A date for a workshop with Council about community-led development and to seek feedback on a long list of potential areas of focus for the team has been set for Thursday 27 September 2018.
16. A long list of potential focus areas have been identified. These are based on the review of strategies across the region, discussions with staff across the organisation and existing staff knowledge of issues within the community.
17. The team are currently researching further information about the topics on this list. The topics will be presented to the Council at the workshop for their consideration and feedback. It is anticipated that a shortlist of these focus areas will form the basis of a unit strategic plan that will be presented to Council for final sign off at the 30 October Community, Services and Environment Committee (C,S & E Committee).

18. The Community and Social Development Manager is currently putting together a plan to present regular information on communities of interest over the next 12 months in the General Manager's report of the C, S & E Committee.
19. The Community and Social Development team are waiting on a date for their move to the Municipal Building. There has been some delay in finalising a location due to re-locating of staff within the new Capital Delivery Group and HIF team. It is anticipated that the relocation will take place within the next three months.

### **Risks**

20. There are no known risks associated with this matter.

### **Significance & Engagement Policy**

#### **Significance**

21. Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report are of low significance. This means that no further consultation or community engagement is necessary at this stage.

#### **Engagement**

22. Community views and preferences are already known to the Council through the lengthy process that Dr Bev Gatenby used to interview external stakeholders that informed her report.

### **Attachments**

Attachment 1 - Community Development Strategy - Executive Summary .

# Hamilton City Council Community Development Strategy

15 March 2018



## Executive Summary

This review considers strategy for the future work of the Community Development team. The purpose of this review was to provide information and recommendations to support the community development strategic planning process, by:

- Reviewing current thinking about community development in cities akin to Hamilton (benchmarking);
- Reviewing the current strategy and focus;
- Identifying the themes, strengths and any gaps in the work of the Community Development team as a whole;
- Summarising related services and strategies beyond City Council which play a role in community development in Hamilton;
- Identifying potential ways of working and focus areas (models of service delivery, including the possibility of outsourcing);
- Recommending a process for the development of a Community Development Strategy.

Information was gathered through the following activities:

- Reviewing key documents: HCC policies, strategies and plans, HCC community development benchmarking information, Vital Signs Report, Hamilton city demographic and community profiles, Waikato Plan, Connected programme in HCC.
- Interviews with the Mayor, Deputy Mayor and 5 Councillors.
- Interviews with the HCC Deputy CEO, Community Services Manager, Amorangi Maaori, Community and Social Development Manager and a Senior Community Advisor.
- Two workshops with the Community Development team.
- Interviewing the leaders in organisations with a strong interest in community development in Hamilton.
- Reading recent material about community development.

At the heart of discussion about strategy and structure for the HCC Community Development team, are questions about how Council sees community development:

- Should community development be more akin to community-led development with Council providing local leadership, facilitation and strategic support across a range of potential sustainable development and community aspirations? In this model, community development workers work across a wide range of sectors.
- Should community development be primarily grass roots and driven by local communities? This model often takes a more community activist approach, particularly from within marginalised communities.

- Are there possibilities for something of a hybrid model bridging these 2 ends of the spectrum and making the most of both Council connections and community aspirations?

A range of models for delivering community development were explored, including variations on Council continuing to employ and manage the team, but locating the team in community settings, through to Council contracting out the employment, management and location of the team. If the current skill level of the team were to be maintained as a minimum, costs would be likely to increase if the team were located or contracted outside of Council.

The majority of internal and external stakeholders would prefer to see community development remain clearly located within Council and bringing with it Council's resources and mana, while strongly focussing on community and civic engagement and helping connect Council to communities.

The work needs to remain very connected and responsive to communities but could be more strategic.

**I recommend that community development in HCC become more strategic in the following ways:**

- a. Think beyond social development to broader sustainable development goals. This is in line with the Local Government Act.
- b. Use community-led development processes to work alongside communities across a wide range of interests, including social, economic, and cultural development.
- c. Lead a way of working inside Council which draws on community-led development as the preferred means of engaging with communities.
- d. Forge stronger links with other parts of Council, especially with Strategy and Growth, and use those to develop community engagement with Council.
- e. Use the range of other strategies in the region to identify specific focuses for the next 3-5 years. Tie those focuses to specific team roles.
- f. Identify specific neighbourhoods for focussed neighbourhood development over, say, 5 years. Tie those neighbourhood focuses to specific team roles.
- g. Facilitate the range of organisations interested in community-led development in Hamilton to come together regularly to strategise and collaborate. Inspiring Communities would be a useful resource to support a strategic conversation.

**To achieve this more strategic focus, the team will need wider organisational support, which could include the following actions:**

- h. Articulate a governance and senior management level commitment to community/sustainable development which is reflected in strategy and policy documents.
- i. Provide regular formal and informal opportunities to talk about communities in Hamilton with the Community Services Committee and Councillors in general.
- j. Agree a moratorium on reviewing (other than usual performance reviews) the Community Development team for 5 years to enable the team to flourish.

**I recommend managing and providing community development in the following ways:**

- k. Continue to employ and manage the Community Development team.
- l. Articulate sustainable development policy and goals to guide the work of the Community Development team, including deciding on issues and neighbourhoods to be focussed on over specific timeframes.
- m. Provide opportunities for regular formal and informal reporting and conversations between governance members, senior management, other departments and the Community Development team.
- n. Consider whether or not it is necessary to have both a team manager and 2 senior advisors who also lead the team. However, structure the team so that there are community advisor roles which are senior enough to carry responsibility for influential cross-Council relationships, policy and strategy development, and collaboration.
- o. Keep the Ethnic Development Advisor, Funding Advisor and Disability Advisor roles as they are.
- p. Structure the community advisory team so that there are clearly identified issue and location focuses.
- q. Locate the team primarily in central, accessible and welcoming premises, which assist Community Development team members to form strong working relationships within Council while consistently being active in communities.
- r. Consider also locating team members in settings which are at the heart of either issues or neighbourhoods for a portion of time within particular strategies or

projects. Ensure that these are not isolating settings but genuinely contribute to achieving community aspirations.

Hamilton is a growing vibrant city. There is an opportunity now for HCC to provide leadership in community development across the city.

# Council Report

<b>Committee:</b>	Community, Services and Environment Committee	<b>Date:</b>	11 September 2018
<b>Author:</b>	Lance Vervoort	<b>Authoriser:</b>	Lance Vervoort
<b>Position:</b>	General Manager Community	<b>Position:</b>	General Manager Community
<b>Report Name:</b>	General Managers Report		

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

## Purpose

1. To inform the Committee regarding an update on the Kirikiriroa slip.
2. To seek a recommendation to the Council to approve the updated Community Assistance Policy.
3. To seek approval to submit funding applications to Trust Waikato & WEL Energy Trust for 10-Year Plan Year 1 planned projects for the playgrounds programme.
4. To inform the Committee of the outcome of a further meeting held with Waikato District Council regarding the Libraries Contract.
5. To inform the Committee of possible site locations for K'aute Pasifika subject to the Committees decision on the Stadium Bowling Expression of Interest EOI presented at this meeting.

## Staff Recommendation (*Recommendation to Council*)

6. That the Community, Services and Environment Committee:
  - a) receives the report;
  - b) recommends the Council approve the updated Community Assistance Policy; and
  - c) approves funding applications be submitted to Trust Waikato & WEL Energy Trust for 10-Year Plan Year 1 planned projects for the playgrounds programme.

## Background

### Kirikiriroa Slip Update

7. The path at Kirikiriroa south of Bryce Street has been closed since April 2017 due to land instability issues at 3 separate areas within the closure area.
8. Since that time engineers have been working on further testing to enable us to better understand the extent of failure and to identify possible remediation options.

9. This investigation work has identified that one of the sites for repair is above a historic lime kiln from the nineteenth century, which along with the steep cliff like features on site, have contributed to delays in working through the most viable repair options.
10. Staff have now received the final draft Engineers Report and are preparing to report back to Council on the 11 October 2018 on options and costings to enable the repair and re-opening of this section of path.

#### Community Assistance Policy

11. During the [10-Year Plan deliberations](#) it was resolved that the Council approve an increase to the community assistance fund by 10% in year 1 of the 2018-28 10-Year Plan and every year thereafter in the 10-Year Plan by an annual inflation adjustment.
12. The attached Policy has been updated to reflect the revised 2018/19 10-Year Plan budget of \$1,276,000 to be distributed in the following way.
  - \$918,000 has been allocated via the Multi-Year Community Grant
  - \$50,000 via the Community Events Fund
  - \$308,000 via the Single-Year Community Grant
13. During the allocation process for the 2017/18 Single-Year Community Grant twelve organisations received funding for projects that included amounts that would be returned to Council through fees and charges for using Council facilities.
14. These applications were approved by the Allocation Committee as it was recognised that organisations can choose any location to hold their community events and activities, of which Council facilities are potential venues.  
  
However, the Allocation Committee requested clarity from Council around this situation for future years.
15. During the Community and Services Committee discussion while receiving the Single-Year Community Grant Report on 7 June 2018 ([Agenda](#)) it was recommended to insert within Schedule 2 the following exclusion from funding to bring this clarity;
  - (3.e) Project costs that will be directly paid back to Hamilton City Council

#### Funding Applications

16. As discussed at the 5 September 2018 Elected Member briefing, staff will be presenting a Funding Strategy to Elected Members at the October C&S Committee for projects in the 10-Year Plan that have an external funding target.
17. The Funding Strategy will be informed by external funding revenue targets as budgeted in the 10-Year Plan, project eligibility and readiness, and funder priorities to maximise opportunities for success and ensure revenue targets are managed within the budgeted timeframes.
18. In the interim, there may be an opportunity to apply to the Trust Waikato and WEL Energy Trust September 2018 rounds to support the 10-Year Plan 2018/19 Playgrounds Programme. The 2018/19 budget includes an external funding revenue target of \$300,000 with \$105,000 already granted from a developer for a playground in Mangaiti (contractually committed in 2018/19).
19. A draft playground programme for new and upgraded playgrounds is being presented to a Council briefing on 25 October and then to the C&S Committee in December. Any funding applications submitted before this time will ensure that options are provided and a final location is 2018/19 subject to Council decision.
20. There is some risk that applications submitted this year will have an impact on future applications for other priority projects and this is being worked through with funders.

21. Staff are seeking approval to submit the applications, contingent on advice received as to how future applications for other priority projects will be treated.

Libraries Contract

22. A meeting was held on Monday 27 August 2018 with elected members and staff from both Hamilton City Council and Waikato District Council (WDC) to discuss the contract between both Councils to provide free access for WDC residents to Hamilton City Libraries.
23. Membership numbers and usage statistics were discussed and an analysis of the cost to HCC to provide Library services.
24. At this meeting it was agreed that WDC would submit a proposal for our Council to consider that reduces WDC membership to a smaller geographical area, consisting of those parts of the region that border Hamilton.
25. This proposal will be presented to Elected Members for consideration once received.

K'aute Pasifika Location Lease

26. During Council's 10 Year Plan meeting on 31 May 2018, it was resolved;  
*'That the matter of location lease be referred to the 11 September 2018 Community and Services Committee Meeting'.*
27. Subject to the Committee's decision on the Expression of Interest for use of the Stadium Bowling Facility at this meeting staff will provide the following options for consideration to give effect to the above resolution.
28. Staff suggest the following alternative site options as possible locations for K'aute Pasifika to develop a Cultural Hub:

Site	Summary
Beetham Park – Ulster St	Site is within West Town Belt, Sport and Recreation Zone, Recreation reserve subject to Reserves Act 1977.
Flynn Park – Old Cadet Building site	Site is within East Town Belt, Fee Simple land, Residential zone. Land obtained under Public Works Act, Cadets currently occupy the building on a month by month basis.
Flynn Park – Old Horse Paddock	Site is within East Town Belt, Sport and Recreation Zone, Recreation reserve subject to Reserves Act 1977
Minogue Park – Tui Ave	Site is Sport and Recreation Zone, Recreation reserve subject to Reserves Act 1977.

29. Staff recommend that should the Committee wish to support any of these sites as a preferred location for the K'aute Pasifika Cultural Hub that approval is subject to:
- K'aute Pasifika being able to meet all regulatory, compliance matters; and
  - HCC Open Space planning staff being included in the subsequent design of the Pasifika Hub; and
  - That the final proposal and lease agreement is reported back to this Committee for approval.

## **Attachments**

Attachment 1 - Community Assistance Policy .

**Item 12**

First adopted:	11 December 1996
Revision dates/version:	July 2018 / Version 9
Next review date:	October 2020
Engagement required:	No engagement required
Document Number	D-2755550
Associated documents:	n/a
Sponsor/Group:	General Manager Community

## Community Assistance Policy

### Purpose and scope

1. To set out the Council's funding and allocation process for assistance provided through grants to community organisations.
2. The Policy applies to the Council contestable community grants administered by the Community Group.
3. The Policy does not apply to loans (or loan guarantees), rates remittance, community leases or rentals, or major event sponsorship and capital projects.

### Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan (LTP) as defined by the Local Government Act 2002.
Community Organisation	A not-for-profit organisation that has the primary objective to provide programmes, services or activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton. A community organisation must be a legal entity with a constitution or trust deed, have a minimum of 4 trustees or governance committee members, a bank account and have been in operation for a minimum of 12 months.

### Policy - General

4. The total financial assistance provided to the community through grants and funding covered by this Policy is set out in the 10 Year Plan budget, currently this is \$1,276,000 in 2018/19 with inflation to be added in following years, split into the following grant programmes;
  - a. Community Event Fund will be \$50,000 per year
  - b. The Multi-Year Community Grant will be allocated up to a maximum of \$918,000 per year for each of the 3 year term
  - c. The total remaining after allocating the Multi-Year Community Grants will be allocated through the Single-Year Community Grants. The minimum available will be \$308,000 per year.
5. The criteria for applying for the Multi-Year Community Grants, Single-Year Community Grants and the Community Events Fund are set out in Schedules 2-5.
6. An allocation committee is delegated to assess applications for funding from the Single-Year and Multi-Year Community Grants based on the criteria outlined in Schedule 4 and 5.
7. The allocation committees for both the Single-Year and Multi-Year Community Grants will have a membership of at least seven, consisting of two elected members and at least five community representatives selected by the General Manager Community.
8. Council staff will assess and recommend allocation of the Community Events Fund Grants. The General Manager Community will approve the final allocation. Consideration will be given to diversity of events and the spread across the City. On completion a report will be presented to Council.

### Monitoring and implementation

9. Implementation of this policy will be monitored by the General Manager Community. This policy will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first).

## Schedule 1 – Community Assistance Funding Process



Item 12

Attachment 1

## Schedule 2 – Community Assistance general criteria and guidelines

### 1. What are the funding Considerations?

Funding consideration will be given to community organisations which:

- a. Strengthen participation across diverse communities
- b. Build the capability of communities to become sustainable
- c. Work collaboratively across the community sectors.

### 2. How must applications be made?

- a. All applications must be made through the Hamilton City Council online system.  
[www.hamilton.govt.nz/communityfunding](http://www.hamilton.govt.nz/communityfunding)
- b. No paper applications will be accepted.

### 3. What will not be funded?

- a. Projects or operational costs already substantially funded by Hamilton City Council.
- b. Retrospective funding, i.e. Projects that have already started or have been completed.
- c. Political organisations or social clubs.
- d. Repayment of debt, Loan, mortgage repayments or investments of any kind.
- e. Project costs that will be directly paid back to Hamilton City Council.

### 4. What must accompany the application?

- a. The applicant's annual financial accounts.  
(The annual accounts should comply with current NZ GAAP (Generally Accepted Accounting Practice in New Zealand) as outlined in the Charities Amendment Act 2014)
- b. The applicant's statement of financial position showing year to date income and expenditure, this needs to be no greater than six months old.
- c. Accountability must have been received for previous grants before any new grant application will be processed.
- d. Current proof of bank account in the name of the applicant group for each account held.
- e. A printed bank deposit slip with the name and account details of the applicant group.

### 5. What are the requirements that have to be met?

- a. All successful applications will be required to complete a grant agreement prior to payment of the grant.
- b. Successful applicants must adhere to the funding reporting requirements as prescribed by Council.
- c. All recipients of community grants will provide periodic accountability reports documenting how their activities have contributed to the objectives for which the funding was allocated.
- d. Recipients that fail to submit acquittal reports, or that have not spent the money in accordance with the application/contract shall not be eligible for any further Council grants until:
  - i. Accountability conditions have been met and/or grant monies returned and;
  - ii. the organisation can demonstrate their ability to meet Council's eligibility criteria for a grant;
  - iii. and the organisation is capable of delivering the project outcomes of which they are making an application for.

## Schedule 3 – Community Event Fund criteria and guidelines

### 1. Background

Hamilton City Council's Community Event Fund supports not-for-profit community organisations that host inclusive, free or low-cost events with a high profile in our community.

### 2. What Costs will be funded?

Community Event Funds will fund organisations for costs associated with organizing and delivering high profile community events.

### 3. Who will be given priority?

Small community-led events or cultural celebrations open to wide community participation with a target audience of 1000 people or more.

### 4. Application process:

How much is available?	\$50,000 per annum
How much can I apply for?	Maximum grant \$5,000
When can I apply?	Fund opens (annually) 1 July Fund Closes (annually) 31 July
Grant decision	Applicants will be advised in September

### 5. Who can apply?

- Applicants must be a legally constituted not for profit community group (charitable trust or incorporated society). The applicant group must have a Trust Deed or Constitution with a minimum of four board or committee members. The applicant group must have been operating for a minimum of 12 months.
- Events must take place within the Hamilton city boundaries.
- Organisations must have the capacity to deliver outcomes.

### 6. What are the requirements that have to be met?

In addition to the general requirements in schedule 1, successful applicants will also;

- All recipients of community event fund will provide accountability report documenting how their activities have contributed to the objectives for which the funding was allocated. This report is due in June.

## Schedule 4 – Multi-Year Community Grant criteria and guidelines

### 1. Background

Hamilton City Council's Multi-Year Community Grant supports the operational management of community infrastructure. The community gathering spaces, to deliver services, programmes and activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

### 2. What Costs will be funded?

Multi-Year Community Grants will fund organisations for operating costs delivering:

- A multi-purpose space available for the community to utilise.
- Opportunities for the wider community to increase social connection.
- Programmes and activities delivered in the facility that addresses the needs of the local community.

### 3. Who will be given priority?

Emphasis for Multi-Year Community Grants will be given to groups who provide or manage community spaces/ facilities used by the community and/or other groups. These organisations may also provide a range of services to the community.

### 4. Application process:

How much is available?	Maximum funds available \$918,000 per annum
When can I apply?	Fund opens November 2017 Fund Closes December 2017 This grant is only open for applications every 3 years
Grant decision	Applicants will be advised in February 2018

### 5. Who can apply?

- Applicants must be a legally constituted community group or organisation registered with charities services (not for profit, charitable trust, incorporated society), which:
- Are located in Hamilton
- Are sustainable and have the capacity to deliver agreed outcomes
- The word 'community' is used in its broadest sense: it signals that our multi-year grants programme will support the social, cultural, arts and environmental wellbeing of Hamilton people and neighbourhoods.

### 6. What are the requirements that have to be met?

In addition to the general requirements in schedule 1, successful applicants will also;

- Provide six-month reports, documenting how their activities have contributed to the objectives for which the funding was allocated.
- A Hamilton City Council staff member will visit and meet with all multi-year community grant recipients on an annual basis. The purpose of the visit is to build a relationship between Hamilton City Council and the grant recipient as well as inform on progress and development.
- All multi-year grant recipients will be invited to an annual network meeting hosted by Hamilton City Council. The purpose of this meeting is to build collaboration and cohesion among multi-year community grant recipients and provide an opportunity for feedback on Council processes and systems.

## Schedule 5 – Single-Year Community Grant criteria and guidelines

### 1. Background

Hamilton City Council's Single-Year Community Grant supports not-for-profit community organisations that deliver services, programmes and activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

### 2. What Costs will be funded?

Single-year grants will fund organisations for:

- Operating and administrative costs.
- Programme development and implementation.
- Equipment and resources that support the project or organization.

Please note; this fund is for projects and activities taking place from April to January.

### 3. Who will be given priority?

- Consideration will be given to the number of volunteer hours contributed and any in kind donations toward the project.
- Preference will be given to organisations that have a total annual income under \$500,000.

### 4. Application process:

How much is available?	Minimum funds available \$308,000 per annum
How much can I apply for?	Maximum grant \$8,000
When can I apply?	Fund opens (annually) 1 February Fund closes (annually) 1 March
When will I know?	Applicants will be advised in April

### 5. Who can apply?

- Applicants must be a legally constituted not for profit community group, (charitable trust or incorporated society).
- The applicant group must have a Trust Deed or Constitution and operate with a minimum of four trustees or committee members.
- The applicant group must have been in operation for a minimum of 12 months.
- Projects must take place within the Hamilton city boundaries.
- Organisations must have the capacity to deliver outcomes.
- The word 'community' is used in its broadest sense: it signals that our single-year community grants programme will support the social, cultural, arts and environmental wellbeing of Hamilton people and neighbourhoods.

### 6. What will not be funded?

- Groups who already receive a Hamilton City Council Multi-Year Community Grant.

### 7. What are the requirements that have to be met?

In addition to the general requirements in schedule 1, successful applicants will also;

- All recipients of single-year community grant will provide accountability report documenting how their activities have contributed to the objectives for which the funding was allocated. This report is due in January.