

## Notice of Meeting:

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

**Date:** Thursday 8 August 2019  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council OPEN AGENDA

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### Membership

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

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

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

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Becca Brooke  
Governance Lead

**1 August 2019**

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## **Purpose**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - a) The power to make a rate.
  - b) The power to make a bylaw.
  - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
  - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
  - e) The power to appoint a Chief Executive.
  - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
  - e) Approval of the Triennial Agreement.

- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

**Oversight of Policies:**

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

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**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

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

**4 Public Forum**

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

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

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

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

# Council Report

**Committee:** Council

**Date:** 08 August 2019

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Council Open Minutes 20 June 2019

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

That the Council confirm the Open Minutes of the Council Meeting held on 20 June 2019 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes 20 June 2019

## Council

### OPEN MINUTES

**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 20 June 2019 at 9.32am.**

#### **PRESENT**

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

In attendance:	Richard Briggs – Chief Executive
	Lance Vervoort - General Manager Community
	David Bryant - General Manager Corporate
	Jen Baird – General Manager City Growth
	Sean Hickey – General Manager Strategy and Communication
	Chris Allen – General Manager Development
	Eeva-Liisa Wright - General Manager Infrastructure Operations
	Cory Lang – Building Control Manager

Governance Staff:	Becca Brooke - Governance Team Leader
	Amy Viggers - Committee Advisor

*The meeting was opened with a Karakia from Muna Wharawhara and a reading from the Venerable Paul Weeding.*

#### **1. Apologies**

**Resolved:** (Mayor King/Cr Bunting)  
That the apologies for absence from Cr Pascoe are accepted.

## 2. Confirmation of Agenda

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

That the agenda is confirmed noting that there was a late verbal item added as part of item 6 (Chairs Report) concerning Waikato DHB Building Warrant of Fitness. The reason this item needed to be discussed at this meeting as it was is an emerging issue and unable to be delayed due to the public interest in this matter.

## 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

## 4. Public Forum

The following members of public spoke to Item 6 (Chair's Report) requesting that the Council declare a climate Emergency: Anna Casey-Cox and Jo Wrigley (representing Go Eco), Timi Barabas, Adam Nachowitz, Joanny Nightingale, Hannah Huggan, Monica Lim, and Bridie Case-Miller.

*A petition was presented to the Council requesting a declaration of a climate emergency. If the petition was determined to be valid as per the Councils Standing orders it would be reported back to the Council meeting of 8 August 2019.*

## 5. Confirmation of the Council Open Minutes of 21 May 2019

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

That the Council confirm the Open Minutes of the Council Meeting held on 21 May 2019 as a true and correct record.

## 6. Chair's Report

Mayor Andrew spoke to his Chairs report, noting that there were a number of projects and initiatives implemented this triennium in relation to the environment. Along with staff he responded to questions from Elected Members concerning details of the initiatives and future opportunities in relation to reducing the Councils impact on the climate.

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

That the Council:

- a) receives the report; and
- b) requests the CE to provide a report on 'Declaring a Climate Change Emergency', including input from Tangata Whenua to the 8 August 2019 Council meeting.

**Cr Mallett Dissenting.**

## Late Verbal Report – Waikato District Health Board – Building Warrant of Fitness Issues

The Building Control Manager provided Elected Members with a verbal report concerning recent articles on Waikato DHB Buildings Warrant of Fitness (BWOFF) issues. He outlined the BWOFF process and the concerns that had been raised in the media. He noted that it was the building owner's responsible to providing the BWOFF to their local authority and that there were 7 outstanding BWOFF's for WDHB buildings in the Hamilton area. He responded to questions from Elected Members concerning the Council's response to the concerns raised via the media, the legislative requirements and the provisions in place to ensure public are safe with respect to public buildings.

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

That the Council receives the report.

**The meeting adjourned 11.25am to 11.50am**

**7. Hamilton Public Transport Youth Concession**

The report was taken as read. Staff responded to questions from Elected Members concerning the proposed allocation of funding toward a youth concession, the potential implementation of the concession and how risks of misuse would be mitigated through the new ticketing system.

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

That the Council:

- a) supports the phased approach to developing and implementing a youth concession in Hamilton as recommended by the Hamilton Public Transport Joint Committee; and
- b) supports the reallocation of Hamilton City Councils approved local share of \$25,000 to enable a Youth (18 years and under) one-year trial of free bus service travel within Hamilton on weekends and public holidays commencing in July 2019.

**Cr Mallett Dissenting.**

**8. Approval of Development Contributions Policy 2019/20**

The General Manager Growth introduced the report, noting this was the final step in a series of decisions relating to the Development Contributions Policy.

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

That the Council approves the proposed Development Contributions Policy 2019/20, with an operative date of 1 July 2019.

**Crs Mallett, Southgate, and Casson Dissenting.**

**9. Adoption of the 2019/20 Annual Plan**

The report was taken as read.

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

That the Council:

- a) receives the report; and
- b) adopts the 2019/20 Annual Plan.

**Cr Mallett Dissenting.**

**10. Rates Resolution to Set and Assess Rates for 2019/20**

The report was taken as read.

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

That the Council:

- a) receives the report;
- b) sets and assesses the rates for the 2019/20 financial year (1 July 2019 to 30 June 2020) in accordance with the **Rates Resolution for the 2019/20 Financial Year** (as required by the Local Government (Rating) Act 2002) as set out in paragraphs 7 - 66 below; and
- c) as part of this resolution, states the due dates for payments and authorises penalties to be added to unpaid rates, as set out in paragraphs 63 - 66 below.

**Cr Mallett Dissenting.**

## GENERAL RATE

7. A general rate is set and assessed on the capital value of all rateable land in Hamilton.
8. General rates are set on a differential basis. The rating categories are defined in the Funding Impact Statement.
9. The differential bases are:
  - the use to which the land is put; and
  - the provision or availability to the land of a service provided; and
  - the activities that are permitted, controlled, or discretionary for the area in which the land is situated, and the rules to which the land is subject under the operative district plan; and
  - the location of the land
10. The different categories of rateable land are outlined in the table below.
11. This rate covers all of the services of Council.
12. The total revenue sought through the general rate is \$147,146,477.
13. The general rate is set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GENERAL RATES	RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
General Rate	Commercial	2.5690	33.45%	0.00690286	\$ 49,219,716
	BID Commercial	2.4405	7.00%	0.00655772	\$ 10,302,503
	Other	0.7450	1.50%	0.00200186	\$ 2,205,311
	Residential	1.0000	58.05%	0.00268699	\$ 85,418,947

14. Land described in Part 2 Schedule 1 of the Local Government (Rating) Act 2002 (broadly speaking, land owned or used by societies for arts or sports) will be assessed at 50% of the residential rate (General rate, UAGC, Transitional rate and Hamilton Gardens rate) that applies to the land. This general rate revenue is included within the Residential category shown in the table above and within the targeted rates revenue where applicable.

## UNIFORM ANNUAL GENERAL CHARGE

15. A Uniform Annual General Charge (UAGC) of \$348 per Separately Used or Inhabited Part of a Rating Unit (SUIP) set and assessed on all rateable land in Hamilton.
16. We have determined the level of UAGC in order to distribute the allocation of the general rate at an appropriate level among all ratepayers.
17. The total revenue sought from the UAGC is \$23,077,794.

## TARGETED RATES

18. Transitional Rate
19. The transitional rate is set and assessed on the land value of all rateable land in Hamilton.
20. The transitional rates are set on a differential basis. The rating categories are defined in the Rating Policy.
21. The differential bases are:
  - the use to which the land is put; and
  - the provision or availability to the land of a service provided; and
  - the area of the land; and
  - the location of the land.
22. The total revenue sought through the Transitional rate is \$47,236,129.
23. The different categories of rateable land are outlined in the table below.

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL TRANSITIONAL RATES	RATE IN THE DOLLAR OF LAND VALUE (GST INCL)	RATES REVENUE (GST INCL)
Transitional Rate	Commercial	3.1418	25.69%	0.00518032	\$12,134,203
	BID Commercial	2.9847	6.56%	0.00492131	\$3,098,134
	Residential	1.0000	64.43%	0.00164884	\$30,433,483
	Multi-unit Residential	1.5289	2.15%	0.00252083	\$1,017,181
	Rural Residential	0.7416	0.05%	0.00122283	\$24,359
	Rural Small	0.4614	0.76%	0.00076075	\$357,435
	Rural Large	0.2503	0.36%	0.00041266	\$171,334

24. Metered Water Rate
25. The rate is set and assessed for metered and restricted flow water supply on a differential basis to all metered rating units (as defined by Hamilton City Council's Water Supply Bylaw 2013).

26. The rate is:
- a fixed amount based on the nature of the connection as follows:
    - \$453.60 for all metered rating units (except those receiving a restricted flow supply);
    - \$352.80 for those rating units receiving a restricted flow supply.
  - a charge per unit of water consumed or supplied on every metered connection in accordance with the following scale:
    - All metered rating units (except those receiving a restricted supply) - \$1.89 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter;
    - those rating units receiving a restricted flow supply - \$1.47 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter.
27. The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.
28. The total revenue sought is \$9,255,379.
29. Commercial and Other Category Non-Metered Water Rate
30. The rate is set and assessed on non-metered Commercial and Other category properties which are connected to the water network, but not provided with a metered connection. The rate is \$453.60 per rating unit.
31. The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.
32. The total revenue sought is \$273,521.
33. Business Improvement District (BID) Rates
34. This rate is set and assessed on all rating units defined within the BID Commercial general rate category and comprises both a fixed amount per SUIP and a rate in the dollar based on the capital value.
35. The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy. The components of this rate are:
- BID fixed rate: a fixed amount of \$240 per SUIP of a commercial rating unit within the defined area; and
  - BID capital value rate: a rate per dollar of capital value required to meet the total revenue, after allowing for the total revenue raised by the BID fixed rate. The rate is \$0.00002327 per dollar of capital value.
36. The rate provides funding to the Tourism and Events activity.
37. The total revenue sought is \$348,853.
38. Central City Rate
39. The rate is set on all rating units defined within the BID Commercial general rate category and is set as a fixed amount per SUIP.
40. The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy.
41. The rate is a fixed amount of \$128 per SUIP.



42. The rate provides funding to the Transport Network activity.
43. The total revenue sought is \$166,750.
44. Hamilton Gardens Rate
45. The rate is set and assessed as a fixed amount on all rating units.
46. The rate is set at \$12.65 per SUIP.
47. The rate contributes funding to develop and maintain themed gardens and infrastructure as part of the Hamilton Gardens activity.
48. The total revenue sought is \$838,891.
49. Service Use Water Rate
50. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to our water network but are not provided with a metered connection.
51. The rate is a fixed amount of \$453.60 per SUIP.
52. The rate provides funding towards the Water Distribution and Water Treatment and Storage activities.
53. The total revenue sought is \$56,700.
54. Service Use Refuse Rate
55. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are provided with refuse collection service.
56. The rate is a fixed amount of \$152 per SUIP.
57. The rate provides funding towards the Refuse Collection activity.
58. The total revenue sought is \$20,216.
59. Service Use Wastewater Rate
60. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to the wastewater network. This rate comprises two components. These are:
  - i. a rate per dollar of land value set at \$0.00114208; and
  - ii. a rate per dollar of capital value set at \$0.00033046.
61. The rate provides funding towards the Wastewater Collection and Wastewater Treatment and Disposal activities.
62. The total revenue sought is \$1,391,634.

## DUE DATES FOR PAYMENT OF RATES

63. The due dates for rates for the period 1 July 2019 to 30 June 2020 are as follows:

Area	Instalment 1	Instalment 2	Instalment 3	Instalment 4
East*	29 August 2019	21 November 2019	27 February 2020	21 May 2020
West*	5 September 2019	28 November 2019	5 March 2020	28 May 2020

\*East denotes rating units that are east of the Waikato river and West denotes rating units that are West of the Waikato river.

64. DUE DATES FOR PAYMENT OF METERED WATER RATES

65. The due dates for metered water rates for the period 1 July 2019 to 30 June 2020 are as follows:

Month of Invoice	Invoice Due Date
July 2019	20 August 2019
August 2019	20 September 2019
September 2019	20 October 2019
October 2019	20 November 2019
November 2019	20 December 2019
December 2019	20 January 2020

Month of Invoice	Invoice Due Date
January 2020	20 February 2020
February 2020	20 March 2020
March 2020	20 April 2020
April 2020	20 May 2020
May 2020	20 June 2020
June 2020	20 July 2020

## PENALTIES

66. Pursuant to Section 57 and 58 of the Local Government (Rating) Act 2002, the Council authorises the following penalties:

- a) A penalty of 10% of the amount due and unpaid on the due date to be added on the day after the due date.

For the East area, these dates are 29 August 2019, 21 November 2019, 27 February 2020 and 21 May 2020.

For the West area, these dates are 5 September 2019, 28 November 2019, 5 March 2020 and 28 May 2020.

- b) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 1 July 2019 to be added on 2 July 2019.
- c) A penalty of 10% of the amount of any rates assessed in any previous year for which a penalty has been added under paragraph (b) and which remain unpaid on 3 January 2020 to be added on 4 January 2020.
- d) A penalty of 10% of the amount unpaid for water-by-meter rates charged to be added on the day after the due date.

These dates are 21 July 2019, 21 August 2019, 21 September 2019, 21 October 2019, 21 November 2019, 21 December 2019, 21 January 2020, 21 February 2020, 21 March 2020, 21 April 2020, 21 May 2020 and 21 June 2020.

## END OF 2019/20 RATES RESOLUTION

**The meeting was declared closed at 12.38pm.**

# Council Report

Item 6

**Committee:** Council

**Date:** 08 August 2019

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Council Open Minutes 27 June 2019

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

That the Council confirm the Open Minutes of the Council Meeting held on 27 June 2019 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes 27 June 2019

## Council

### OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 27 June 2019 at 9.36am.

#### PRESENT

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

In Attendance:	Lance Vervoort – General Manager Community
	David Bryant – General Manager Corporate
	Eeva-Liisa Wright - General Manager Infrastructure Operation
	Chris Allen - General Manager Development
	Jen Baird - General Manager City Growth
	Blair Bowcott - Executive Director Special Projects
	Andy Mannering – Manager Social Development
	Luke O'Dwyer – City Planning Manager
	Debra Stan-Barton – Project Manager Regulatory Efficiency and Effectiveness Programme
	Alice Morris – City Planning Heritage, Urban Design and Spatial Team Leader
	Clare Douglas – Intermediate Planner
	Robyn Denton – Network Operations and Use Manager
	Helen Paki – Business and Planning Manager
	Trent Fowles – Compliance Manager
	Scott Copeland – Contracts Manager Rubbish and Recycling

Governance Staff: Amy Viggers and Claire Guthrie - Committee Advisors

*The meeting was opened with a reading and a prayer from the Reverend Phil Wilson.*

#### 1. Apologies

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

That the apologies for absence from Cr Hamilton and for early departure from Cr Casson are accepted.

**2. Confirmation of Agenda**

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

That the agenda is confirmed noting the following:

- a) item 15 and C9 (Recommendations from the Community, Services and Environment Committee Meeting of 25 June 2019) have been circulated prior to the meeting under separate cover;
- b) that the late item 18 (Submission on Road Safety Strategy consultation document) be accepted. It is a late item as staff were only notified of it on 24 June 2019 and submissions close prior to the next meeting of the Council;
- c) that the late item 19 (Submission to the Select Committee on Zero Carbon Bill) be accepted. It is a late item as staff were only notified of the request to submit a Council submission on 26 June 2019 and submissions close prior to the next meeting of the Council;
- d) that the late item 20 (Chair's Report) be accepted. It is a late item due to timing constraints;
- e) that the late item C10 (Release of Public Excluded minutes - Municipal Endowment Fund - Ward Street) be accepted. It has been added as a late item due to media enquiries on the matter and there is urgency for the release of the information to be in a timely manner; and
- f) that the late item C11 (Refuse and Recycling Gate Increases) be accepted as per the recommendation from the 18 June 2019 Growth and Infrastructure Committee meeting.

**3. Declarations of Interest**

Cr Pascoe declared an interest in relation to item C5 (Hamilton Gardens Development Project Governance Group - Appointee Recommendations) to be discussed in the public excluded session of the meeting. He advised he would take part in the discussion and vote of item as he was not conflicted.

**4. Public Forum**

**Lindsay Cumberpatch** (Representing D.V. Bryant Trust) spoke to item 9 (Community Land Trust Model) in support of the staff recommendation. He noted that the staff recommendation was the result of collaboration from number of members of the public and council staff.

**Roger Stratford** spoke to item 13 (Extension of Chief Executive Delegations during July 2019) in support of the staff recommendation.

**5. Confirmation of the Council Open Minutes - 30 May 2019**

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

That the Council confirm the Open Minutes of the Council Meeting held on 30 May 2019 as a true and correct record.

**6. Confirmation of the Elected Member Briefing Notes - 28 May 2019**

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

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 May 2019 as a true and correct record.

**7. Confirmation of the Elected Member Briefing (Annual Plan) Notes - 6 June 2019****Resolved:** (Mayor King/Cr Casson)

That the Council confirm the Open Notes of the Elected Member Briefing (Annual Plan) held on 6 June 2019 as a true and correct record.

**8. Confirmation of the Elected Member Briefing Open Notes - 13 June 2019****Resolved:** (Mayor King/Cr Bunting)

That the Council confirm the Open Notes of the Elected Member Briefing held on 13 June 2019 as a true and correct record.

**9. Community Land Trust Model**

The Manager Social Development took the report as read and thanked those involved in the development of the proposal. He responded to questions from Elected Members concerning the following:

- the Council's involvement in the proposed trust;
- the potential trust deed;
- funding of the trust;
- the subsequent sale processes;
- details of the proposal including eligibility criteria, affordability, ownership options, partnership opportunities and potential design. Staff noted that much of the detail would be determined in next stages of the process.

**Staff Action:** Staff undertook to update Elected Members on the consultation that had occurred during the 10 Year Plan in relation to Social Housing and the proposed Community Land Trust Model.

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

That the Council:

- a) approves the establishment of a new entity, to be called the Waikato Community Lands Trust, to hold land in perpetuity to provide access to affordable housing for the benefit of the community;
- b) approves \$1,000,000 in 2019/20 and a further \$1,000,000 in 2020/21 for the Waikato Community Lands Trust for purchasing land to be paid upon approval of the draft Trust Deed and subsequent registration with Charities Services;
- c) delegates the Chief Executive to undertake a selection process for Trustees for the Waikato Community Lands Trust in accordance with the composition of the Trust as set out in paragraph 34 and bring the recommended appointees to the Council meeting of 17 September 2019 for approval; and
- d) delegates the Chief Executive to prepare a Trust Deed for approval at the Council meeting of 17 September 2019.

**The Motion was put.**

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

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

**The Motion was declared CARRIED.**

*The meeting adjourned 11.12am to 11.36am.*

**10. Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change**

The City Planning Manager, the Project Manager Regulatory Efficiency and Effectiveness Programme, and the Intermediate Planner spoke to the report, outlining the work completed to date and what would occur next based on the staff recommendation. They responded to questions from Elected Members concerning the hearing and consultation process, and how the recommended changes to the District Plan could affect infrastructure requirements.

*Cr Casson retired from the meeting (11.57am) during the discussion of the above item. He was not present when the matter was voted on.*

*The above item was suspended during the discussion to enable staff to seek further information.*

**11. 2019/20 Heritage Fund Allocation**

The report was taken as read.

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

That the Council:

- a) receives the report; and
- b) approves the allocation of the 2019/20 Heritage Fund as set out in Attachment 2 of this report.

*The meeting adjourned 12.50pm to 1.30pm.*

**12. Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Remits for Consideration**

Mayor King took the item as read and noted that the Council had already voted to support the following remits; Local Government Official Information and Meetings Act (1987), Weed control, Campground regulations and Road safety.

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

That the Council approves the **Single use polystyrene** remit be supported by Council's delegate at the 2019 Local Government NZ AGM.

**Cr Mallett Dissenting.**

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

That the Council approves the **Climate change – local government representation** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Mayor King, Crs Tooman, Mallett Dissenting**

**Motion:** (Cr Taylor/Cr Mallett)

That the Council approves the **Ban on the sale of fireworks to the general public** remit be **not supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Amendment:** (Cr Bunting/Cr Henry)

That the Council approves the **Ban on the sale of fireworks to the general public** remit be abstained by Council's delegate at the 2019 Local Government NZ AGM.

**The Amendment was put.**

**The Amendment was CARRIED. Crs Southgate, Taylor, and Mallett Dissenting.**

**The Amendment as a Substantive Motion was put then and declared CARRIED.**

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

That the Council approves the **Ban on the sale of fireworks to the general public** remit be abstained by Council's delegate at the 2019 Local Government NZ AGM.

**Crs Southgate and Taylor Dissenting.**

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

That the Council approves the **Traffic offences – red light running** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

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

That the Council approves the **Nitrate in drinking water** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Those for the Motion:**

Deputy Mayor Gallagher, Councillors  
O'Leary, Macpherson, Bunting, Pascoe,  
Henry and Taylor.

**Those against the Motion:**

Mayor King, Councillors Mallett, Tooman  
and Southgate.

**The Motion was declared CARRIED.**

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

That the Council approves the **Social housing** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Mayor King and Cr Mallett Dissenting.**

**Resolved:** (Cr Taylor/Cr Southgate)

That the Council approves the **Procurement** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Mayor King and Cr Bunting Dissenting.**

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

That the Council approves the **Sale and Supply of Alcohol Act** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Cr Mallett Dissenting.**



**Resolved:** (Cr Southgate/Cr Pascoe)  
That the Council approves the **Climate Change – funding policy framework** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

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

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

**The Motion was declared CARRIED.**

**Resolved:** (Mayor King/ Deputy Mayor Gallagher)  
That the Council approves the **Mobility scooter safety** remit be **supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Mayor King Dissenting.**

**Resolved:** (Cr Macpherson/Cr Bunting)  
That the Council approves the **Resource Management Act** remit be **not supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Cr Pascoe Dissenting.**

**Resolved:** (Deputy Mayor Gallagher/Cr Macpherson)  
That the Council approves the **Mayor decision to appoint Deputy Mayor** remit be **not supported** by Council's delegate at the 2019 Local Government NZ AGM.

**Cr Bunting Dissenting.**

*Following the above item, the meeting continued with item 10 (Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change.*

**10. Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change (Continued)**

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

That the Council:

- a) approves staff to begin pre-notification consultation with the community on creating an additional REEP related plan change to give effect to REEP to enable apartments as restricted discretionary activities where the site adjoins publicly owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly owned natural open space zones that adjoin the mainstem of the Waikato River or Lake Rotoroa; and
- b) requests staff undertake planning and infrastructure capacity analysis to determine the feasibility of enabling apartments as restricted discretionary activities in the general residential zone where the sites are opposite (i.e located directly across a public street) publicly owned sport, recreation and neighbourhood open space zones, or on sites opposite publicly owned natural open space zones that adjoin the main stem of the Waikato River or Lake Rotoroa.

**Amendment:** (Cr Macpherson/Cr O'Leary)

That the Council approves staff to begin pre-notification consultation with the community on creating an additional REEP related plan change to give effect to REEP to enable apartments as restricted discretionary activities where the site adjoins, or is immediately across the carriageway from, publicly owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly owned natural open space zones that adjoin the mainstem of the Waikato River or Lake Rotoroa.

**The Amendment was put and declared CARRIED.**

**The Amendment as a Substantive Motion was then put and declared CARRIED.**

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

That the Council approves staff to begin pre-notification consultation with the community on creating an additional REEP related plan change to give effect to REEP to enable apartments as restricted discretionary activities where the site adjoins, or is immediately across the carriageway from, publicly owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly owned natural open space zones that adjoin the mainstem of the Waikato River or Lake Rotoroa.

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

That the Council approves staff to begin pre-notification consultation with the community on creating an additional REEP related plan change to give effect to REEP recommendations that reduce the amount of land required on individual sites for dwellings in the general residential zone, from 400m<sup>2</sup> to 300m<sup>2</sup>.

**Crs Tooman and Southgate Dissenting.**

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

That the Council hears, determines and makes a decision on submissions and matters relating to plan change 6 once notified.

**Cr Tooman Dissenting.**

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

That the Council approves public notification of Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change.

### 13. Extension of Chief Executive Delegations during July 2019

The report was taken as read.

**Staff Action:** *Staff undertook to ensure staff and other local authorities were notified if there was to be a break in Council and Committee meetings.*

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

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

- a) the extended delegations will have effect only for the period from 1 July 2019 to 31 July 2019 (extended delegation period);
- b) the extended delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002;
- c) the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the Council meeting and where a Council meeting cannot be convened due to a lack of quorum;
- d) the Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
- e) where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, consult with the Mayor and/or Deputy Mayor (subject to their availability); and
- f) the Chief Executive must report all matters relating to this extended delegation to the Council at the 8 August 2019 Council meeting.

**13. Recommendations from the Growth and Infrastructure Meeting of 18 June 2019**

The report was taken as read.

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

**Personal Hire Devices - Permitting Fees and Charges**

That the Council approves the proposed fees and charges for 2019/2020:

- a) \$300 annual permit fee;
- b) \$55 per permitted device per 6-month period (for enforcement and management);
- c) a \$10,000 safety program fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user education.

**Deliberation and Approval of the Hamilton City Speed Management Plan**

That the Council:

- a) approves the Hamilton City Speed Management Plan 2019 [as set out in Item 10 Attachment 1 of the growth and Infrastructure Committee Meeting Agenda of 18 June 2019; and
- b) notes that with the approval of the Hamilton City Speed Management Plan 2019, the 2015 Speed Management Policy be retired.

**Business Improvement District Policy Review**

That the Council approves the draft Business Improvement Policy with an amendment to one existing term and the insertion of four new terms in the definitions section (Option 1) [as set out in Item 12 Attachment 2 of the Growth and Infrastructure Committee Meeting Agenda of 18 June 2019].

**14. Recommendations from the Community, Services and Environment Committee Meeting of 25 June 2019**

The report was taken as read.

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

**Parks, Domains and Reserves Bylaw 2019**

3. That the Council approves the Parks, Domains and Reserves Bylaw 2019 [as set out in Item 11 [Attachment 1 of the Community, Services and Environment Committee agenda of 25 June 2019] noting the follows minor amendments:

- i. removal of the hawking definition as hawking is covered under the existing clause 6.21 that restricts commercial activity without the permission of the Council.
- ii. updating of the wording of the Freedom Camping restriction #1 in Schedule B to read 'self-contained vehicle' in place of 'motor caravan' for sake of clarity.

**15. Prostitution Bylaw Review - Determination and Consultation**

The report was taken as read.

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

That the Council, further to its resolution of 14 March 2019:

- a) determines that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and; and
- b) approves public consultation for one month from 1 July 2019 to 1 August 2019 on the attached Statement of Proposal (Attachment 1) on the proposed continuation of the Bylaw; and
- c) notes that the consultation document will be updated to reflect more detailed map.

**18. Submission on Road Safety Strategy consultation document (*Late report*)**

The report was taken as read.

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

That the Council:

- a) receives the report;
- b) requests Councillors Macpherson, Tooman and Bunting work with staff on the preparation of the Hamilton City Hamilton City Council submission on the 2020 Road Safety Strategy consultation document; and
- c) delegates authority to the Chief Executive to approve the final submission on the 2020 Road Safety Strategy consultation document.

**19. Submission onto the Select Committee on Zero Carbon bill (*Late report*)**

The report was taken as read.

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

That the Council:

- a) receives the report;
- b) approves Hamilton City Council's Draft 1 submission to the New Zealand Government's Climate Change Response (Zero Carbon) Amendment Bill; and
- c) notes that any supplementary submission points will be considered as part of the 'Climate Change' report at the Council Meeting on 8 August 2019

**Cr Mallett Dissenting.**

## 20. Chair's Report (*Late Report*)

Mayor King and Cr Taylor provided a verbal report to Elected Members concerning their recent trip to Chengdu.

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

That the Council receives the verbal report.

*Cr O'Leary retired from the meeting (2.51pm) during the discussion of the above item. She was not present when the matter was voted on.*

## 17. Resolution to Exclude the Public

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

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

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Prostitution Bylaw Review - Legal Update	) Good reason to withhold ) information exists under ) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Council Public Excluded Minutes - 30 May 2019	) Official Information and ) Meetings Act 1987	
C3. Confirmation of the Elected Member Briefing Closed Notes - 30 May 2019		
C4. Confirmation of the Elected Member Briefing Closed Notes - 13 June		

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 2019

- C5. Hamilton Gardens  
Development Project  
Governance Group -  
Appointee  
Recommendations
- C6. Hamilton City  
Council/Waikato District  
Council growth  
discussions update
- C7. CE Report on Legal  
Services
- C8. Verbal Report from the  
Chair of the CEO Review  
Committee
- C9. Recommendations from  
the Community, Services  
and Environment  
Committee Meeting of 25  
June 2019
- C10. Release of Public Excluded  
Report and Resolution -  
Municipal Endowment  
Fund - Ward Street
- C11. Refuse Transfer Station  
and Hamilton Organic  
Centre Report

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

Item C1.	to maintain legal professional privilege	Section 7 (2) (g)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

Item C8.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C9.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C10.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C11.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out commercial activities without disadvantage;	Section 7 (2) (h)
	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information.	Section 7 (2) (c)(ii)

**The meeting went into a public excluded session at 2.58pm.**

*During the Public Excluded Session of the meeting the following resolutions and information were resolved to be released to the Public.*

**Item C6: Hamilton City Council/Waikato District Council growth discussions update**

That the Council:

- a) receives the report; and
- b) notes that there are ongoing discussions with Waikato District Council on growth matters and collaborative opportunities;
- c) approves the draft agreement for library services between Waikato District Council and Hamilton City Council for a three-year term commencing 1 July 2019 (attachment 5 of this report);
- d) delegates authority to the Chief Executive to finalise and execute the agreement for library services between Waikato District Council and Hamilton City Council;
- f) notes that the Cr O'Leary is unable to participate in the Governance meetings with Waikato District Council and Waipa District Council on growth matters and collaborative opportunities;
- g) appoints Councillor Pascoe as the replacement Hamilton Elected Member representative to participate in the Governance meetings (together with the Mayor, Chair of Growth and Infrastructure Committee, CE and/or his nominees); and
- h) approves this resolution and a summary of the draft agreement for library services from the report to be made public (**please see the following media release** <https://ourhamilton.co.nz/community-environment/library-agreement-reflects-councils-collaboration>).

**Item C7: CE Report on Legal Services**

That the Council

- a) receives the report;
- b) approves a renewal term for the legal services agreement between the Council and Tompkins Wake commencing on 1 October 2019 and expiring on 30 September 2021, subject to such amendments as the Chief Executive deems necessary to reflect the loss of key personnel and capability at Tompkins Wake;
- c) delegates to the Chief Executive responsibility for securing a separate legal services agreement between the Council and its existing barrister Lachlan Muldowney from 1 October 2019 until 30 September 2024, being a three year contract with a renewal period for a further two years; and

Council 27 JUNE 2019 - OPEN

- d) approves the release of the above resolution to the public as part of the open minutes of this meeting.

**Recommendations from the Community, Services and Environment Committee Meeting of 25 June 2019**

That the Community, Services and Environment Committee:

- a) receives the report;
- b) recommends the Council delegates authority to the Chief Executive to negotiate an agreement with Kirkdale Investment Ltd within the project budget and current delegations [REDACTED]



noting that if any items fall outside this delegation, staff will report back to the Council on those items.

- c) approve staff tender for potential pool partners and report back to Council by February 2020;
- d) approves the approach for implementation of the Rototuna Village community facilities outlined in the report; and
- e) approves the report be made public following approval by the Council (**Appendix 1**) with the **highlighted** text removed.

**Item C10: Release of Public Excluded Report and Resolution - Municipal Endowment Fund - Ward Street**

That the Council:

- a) receives the report; and
- b) approves the release of the report and resolutions from 13 November 2018 Council Meeting: Item C6 'Municipal Endowment Fund – Ward Street' (**Appendix 2**) to the public;
- c) notes details concerning the market value of the land and sale proceeds will be redacted from the report prior to its release.

**Item C11: Refuse Transfer Station & Hamilton Organic Centre - Proposed Increase of Gate Fees 2019/20**

That the Council

- b) approves the increase in Hamilton Organic Centre gate fees proposed by Waste Management to be implemented 1 July 2019 and declines the opportunity to offer a Council funded subsidy of the Hamilton Organic Centre gate fees; and
- e) approves the release of resolution b) above to the public following the meeting.

**The meeting was declared closed at 5.31pm.**



## Council Report

**Committee:** Community, Services and Environment Committee  
**Date:** 25 June 2019  
**Author:** Natasha Ryan  
**Authoriser:** Lance Vervoort  
**Position:** Key Projects Programme Manager  
**Position:** General Manager Community  
**Report Name:** Rototuna Village - Implementation Approach

<b>Report Status</b>	<i>This report is taken as a publicly excluded item to enable Council to carry out negotiations.</i>
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### Purpose

1. To seek approval of the proposed approach for implementation of the Rototuna Village community facilities and to obtain delegation to reach agreement with Kirkdale Investments Ltd.

### Staff Recommendation *(Recommendation to Council)*

That the Community, Services and Environment Committee:

- a) receives the report
- b) recommends the Council delegates authority to the Chief Executive to negotiate an agreement with Kirkdale Investment Ltd within the project budget and current delegations

noting that if any items fall outside this delegation, staff will report back to the Council on those items.

- c) approve staff tender for potential pool partners and report back to Council by February 2020;
- d) approves the approach for implementation of the Rototuna Village community facilities outlined in the report; and

## Appendix 1

- e) approves the report be made public following approval by the Council (attached as Appendix 1 to the minutes) with the **highlighted** text removed.

### Executive Summary

2. Further work has been undertaken on the Rototuna Village Implementation Plan and this report sets out the key issues that the Committee needs to be aware of.
3. There are a number of projects which are outside of the library, pool and car parking which influence the success of the town centre (refer **paragraph 14**). These will be managed as part of a Rototuna Village programme.
4. In order to progress the pool partner tender and the resource consent in a timely manner, it is necessary to reach agreement with Kirkdale Investment Ltd on a number of matters [REDACTED]  
[REDACTED]  
[REDACTED] For this reason, staff recommend that the Chief Executive is delegated authority to negotiate this agreement with Kirkdale Investments Ltd. [REDACTED]  
[REDACTED]  
[REDACTED]
5. [REDACTED]  
[REDACTED]  
[REDACTED]
6. Elements of this report are provided in confidence because they may impact negotiation with potential partners. Such text is highlighted **as shown**, and it is recommended that this report be made available to the public with the highlighted text removed following this meeting.
7. Staff consider the matters in this report have a medium significance and that the recommendations comply with the Council's legal requirements.

### Background

8. The Council made provision in the 2018 – 2028 10 Year Plan to plan, build and operate a community hub (with a library and community meetings space), car parks (with 2 hours free parking) and public square in the Rototuna Town Centre; and to select a private partner to construct and operate a 25-metre swimming pool including at minimum, a Learn to Swim facility.
9. Funding of \$19.6 million (including inflation) has been allocated over financial years 2019/20 to 2021/22.
10. The following briefings and reports have been held with Committee Members:
  - a) 15 March 2018: briefing on background, overview and next steps for the Rototuna Town Centre Comprehensive Development Plan – Area A;
  - b) 12 June 2018: briefing on scope and proposed process for establishing options and feasibility for the community facilities within the Rototuna town centre;
  - c) 25 October 2018: briefing on placemaking and appetite for partnering;
  - d) 29 November 2018: briefing on assessment criteria;
  - e) 19 February 2019: Community, Services and Environment Committee (CSE) agreed two options for community engagement
  - f) 30 April 2019: briefing on implications of the community engagement feedback.
  - g) 14 May 2019: CSE regarding the option to progress.

## Appendix 1

11. The 14 May 2019 CSE approved the option shown below for planning project implementation, including initiation of negotiation with the developer and potential private partners; staff were requested to consider the transport needs of workers and residents; and to include potential for mixed use residential in negotiations with the developer



## Discussion

12. The following sections summarise the approach proposed for implementation of the Rototuna Village library, community hub, village square and car parks.

## Interdependent Projects

13. The success of the Rototuna Village is dependent upon the following related projects and activities:

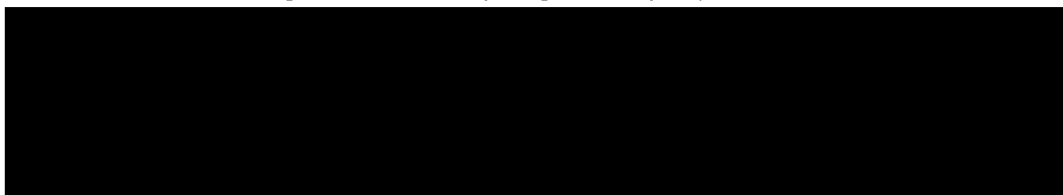
Project/activity	Critical?	Third Party dependent
a. <b>Road extensions to Bourn Brook and Turakina Rise:</b> This is ideally undertaken in the short term to enable construction of the library and to create a behaviour change for vehicles to bypass the main street.	Yes – prior to North City upgrade	Developer: Kirkdale WEL/Transpower
b. <b>North City Road (Park lane to Bourn Brook upgrade):</b> design and construction	Yes – prior to library opening	Developer: Kirkdale
c. <b>Pedestrian crossings and walking network,</b> provides connectivity for schools and the community – particularly Borman Road, Fergy Place and Park Lane	Recommended	Multiple developers

## Appendix 1

Project/activity	Critical?	Third Party dependent
d. <b>Cycle network connections:</b> to the wider network	Recommended	Multiple developers
e. <b>Transport hub:</b> land purchase	Recommended	Land owner: Kirkdale
f. <b>Transport hub:</b> development	No - Demand driven	Waikato Regional Council
■ [REDACTED]	[REDACTED]	[REDACTED]

14. For **a.** and **b.** above the funding arrangements relating to construction and land requirements will be confirmed through a Private Developer Agreement (PDA).

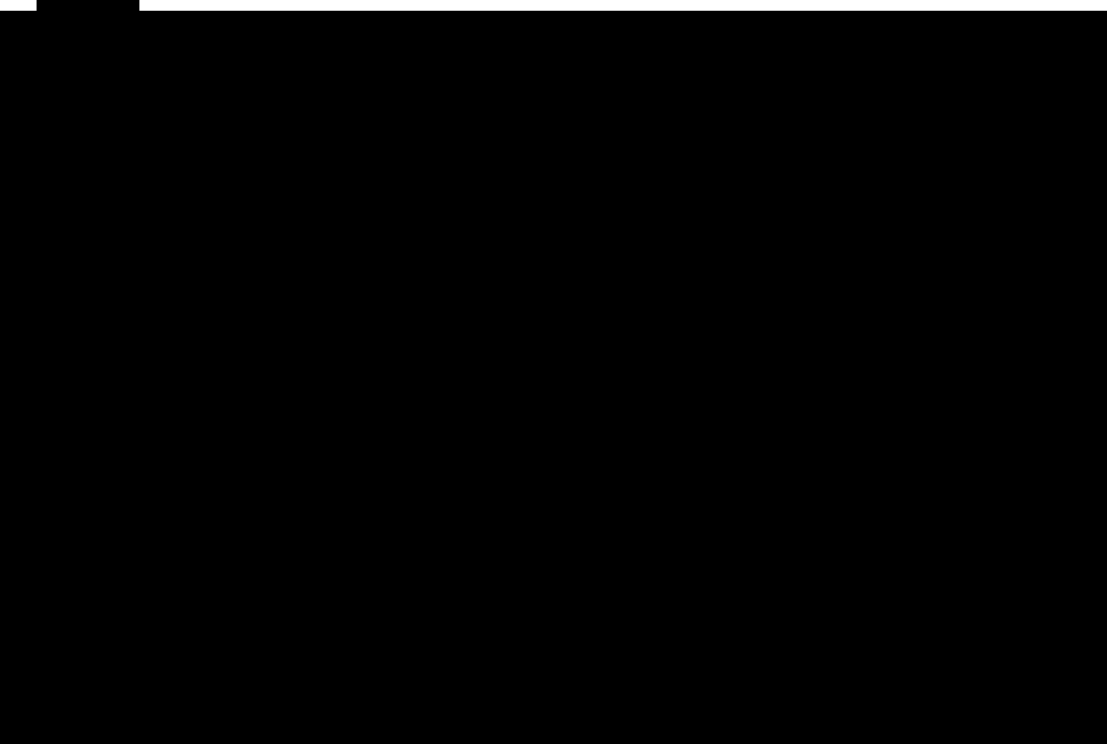
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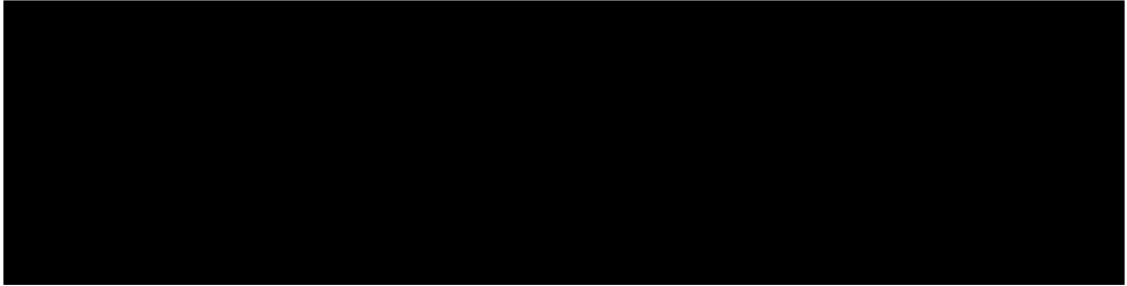
16. In order to ensure that the above are co-ordinated with the development of the library, pool and car parks, all of these projects, including the community facilities will be managed as a single programme reporting to the Rototuna, Rotokauri, Ruakura Capital Steering Group. This steering group is part of Council's internal programme management system reporting up into the Capital Investment Board (and on to the Finance Committee).

#### Kirkdale Negotiations

17. Negotiations have commenced with Kirkdale Investments Ltd (Kirkdale) [REDACTED]



## Appendix 1



Item 6

18. An agreement must be reached with Kirkdale Investments Ltd in order to provide adequate certainty to pool tenderers. [REDACTED]



Attachment 1

### Resource Consent

25. An assessment against the existing consent indicates that generally Rototuna Revisited should be able to meet or improve upon the previous consented design, as was intended.
26. The following are areas where there remains some concern which cannot be fully mitigated at present:

## Appendix 1

- a) The previous consent envisaged an aquatic facility that will be a landmark building. There remains uncertainty at this point in time regarding whether the pool tenders are able to adequately address this issue.
- b) The inclusion of mixed use residential will likely necessitate a new consent, rather than a variation to the previous consent. This presents increased risk (to time, cost and outcome) as even previously consented activities may be re-litigated.
- c) The previous consent required the applicant to prove that adequate parking was provided. Now that a preferred option has been developed work on gathering this evidence is underway – it is however not yet complete. This work also addresses the Council's request to consider worker and resident transport needs.

## Play Spaces

27. The impact of Rototuna Revisited has been assessed against the Playground Development Programme. The conclusion is that it aligns with the vision and outcomes and does not result in a disproportionate level of provision for the north east. In fact, it responds to the identified need for skate provision in the area.

## Financial Considerations

28. The 2018-2028 Long Term Plan allows \$19.6m capital expenditure. The consultant team have estimated the capital costs for Rototuna Revisited in the table below (note these are subject to change as design develops). The consultant team believe that sufficient budget has been allowed for key items, including:
  - a) an average of 15% contingency appropriate for this stage of planning;
  - b) 8.26% escalation to third quarter 2021; and
  - c) increased provisions to account for some internal project management, legal, extra planning and consenting, and commercial investment tender and negotiation costs.
29. The following table provides an updated estimate of costs associated with the Rototuna Village Community Facilities' components:

Item	Capital Cost
Library & Community Hub Building	\$10,862,000
Library & Community Hub Fitout	\$522,000
Village Square	\$1,989,000
Car Park	\$1,575,000
Active Recreation	\$1,332,000
Park Connections including Toilet	\$2,188,000
Public Artwork	\$0
Consenting: RMA & Building	\$243,000
PM, Legal, Community Engagement	\$891,000
<b>TOTAL</b>	<b>\$19,602,000</b>

30. Note that public art is not funded. This is recommended to respond to the community's feedback around creating a sense of place and arrival.

## Appendix 1

31. The following table shows the proposed revised costs over the allocated years:

Item	FY2019/20	FY2020/21	FY2021/22	Total Capital
<b>Rototuna Revisited</b>	\$1,442,000	\$1,805,000	\$16,355,000	\$19,602,000
<b>As per 10 Year Plan</b>	\$1,405,400	\$9,743,400	\$8,489,200	\$19,638,000

## Programme Outline

32. The following programme gives an indication of the expected programme. It may change as project planning becomes more developed:

Item	2019		2020				2021				2022			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>LAND SWAPS AND LEGAL</b>														
Kirkdale Agreement														
Pool Investor Tender														
<b>Report to Council on Pool Tender</b>														
Pool Investor Negotiation & Agreement														
<b>RMA CONSENTING</b>														
Consent Preparation														
Consent Processing														
<b>VILLAGE CENTRE DESIGN &amp; CONSTRUCTION</b>														
Library & Hub Design Brief														
Detailed Design														
Engagement: Target Groups														
<b>Report to Council on Design/Tender</b>														
Construction Part 1: Roading & Services Infrastructure														
Construction Part 2: Town Square, Active Rec, etc														
<b>POOL COMMERCIAL DEVELOPMENT DESIGN AND CONSTRUCTION</b>														
Indicative Design, Consenting & Approvals Period														
Indicative Construction Period														
<b>PROGRAMME CONTINGENCY</b>														

33. In order to meet a targeted opening of 2022, the programme is quite constrained, which results in a number of risks including:
- Design is forced to progress during the RMA consent period. This may result in otherwise avoidable time and cost if issues arising as a result of the consent process.
  - Given the consenting, complexity and duration of the programme, there is not a lot of contingency allowed for in the programme.

## Appendix 1

### Legal and Policy Considerations

34. Staff confirm that the approach outlined in this report complies with the Council's legal and policy requirements.

### Cultural Considerations

35. Ngati Wairere is the hapu most closely associated with the area, with their current marae situated in Hukanui.
36. The Rototuna area was once the bed of an ancient lake of which Lake Rototuna (eel lake) is a tiny remnant. This area is remembered by tangata whenua as a favourite place for eeling.
37. The project team are engaging with Ngati Wairere through Te Haa o te Whenua o Kirikiriroa and intend to continue to do so on a regular basis throughout the design development. At this stage Waikato Tainui have indicated that they are happy to keep their involvement in the project to one that provides support to Te Haa o te Whenua o Kirikiriroa.
38. On 1 May 2019, Te Haa o te Whenua o Kirikiriroa agreed that with respect to Rototuna Revisited (as shown in **Attachment 1**), they support where the design has got to and are comfortable to contribute to the ongoing development of the Rototuna Village Community Facilities project.
39. The design will be guided by the Te Aranga Principles (with a small variation at the request of Te Haa o te Whenua o Kirikiriroa) and engagement is planned to continue throughout the design process.

### Sustainability Considerations

40. As mentioned in the 14 May 2019 report to CSE, Rototuna Revisited supports the sustainability principles outlined in the table below (there is no change identified from subsequent work).

Sustainability Principle Number	Sustainability Principle Description	Why the Principle is supported by the Decision
1	Council includes environmental, economic, social, and cultural considerations in its decision-making criteria	Rototuna Revisited is including each of these elements in its design parameters
5	Council promotes walking, cycling, public transport and other low carbon transport options	Rototuna Revisited is expected to provide better than typical outcomes for these alternative transport modes.



## Appendix 1

### Risks

41. The following table outlines the key risks and issues that have been identified with Rototuna Revisited, along with the proposed mitigation:

Risk / Issue	Proposed Mitigation
ii. Rototuna Revisited may require a variation or new <b>resource consent</b> (with associated increased risks).	<p>Clear communication with stakeholders and the public regarding this risk.</p> <p>Design adjustments continue to be considered with planning advice to minimise potential delays.</p> <p>Allow for mixed use to be withdrawn from the current consent process if it puts the 2022 completion date at risk. It may be revisited separately.</p>
iii. Potential for <b>actual costs to exceed budget</b>	<p>Reasonably foreseeable costs have been allowed for within the capital cost estimates (outlined in <b>paragraph 29</b>). These measures do not preclude unreasonable or unforeseeable situations impacting actual costs.</p>
iv. The success of the Rototuna Town Centre is dependent upon a number of <b>interdependent projects</b> for which implementation has not fully been agreed or	<p>A programme approach is proposed for managing all the projects which influence the delivery of the Community Outcomes in the Rototuna village.</p>

## Appendix 1

Risk / Issue	Proposed Mitigation
vi. <b>Programme</b> does not have a lot of contingency given the consenting, complexity and duration AND design progresses alongside consenting.	<p>Proposed programme steering group will help to manage this risk.</p> <p>Pursue capable and experienced people to manage the delivery of the programme.</p>

## Significance & Engagement Policy

### Significance

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

### Engagement

43. Community views and preferences are already known to the Council through previous engagement undertaken with key stakeholders (refer 14 May 2019 report to CSE).
44. Given the medium level of significance determined, the engagement level is medium. Engagement is required.
45. Further engagement is proposed, particularly as the Village Design Framework is developed and on specific design elements such as:
- Library
  - Play and recreation
  - Placemaking – drawing connections into the landscaping.
46. Generally these will be focussed discussions with special interest groups including tangata whenua, school Boards of Trustees and principals, high school students, community organisations, sports clubs, NECH, walking and cycling groups, local business etc.

## Attachments

Attachment 1 - Rototuna Village - Community Facilities Master Plan Design Report

Attachment 2 - Rototuna Village - Land Transfers - **PUBLIC EXCLUDED** .

Appendix 1

# ROTOTUNA VILLAGE

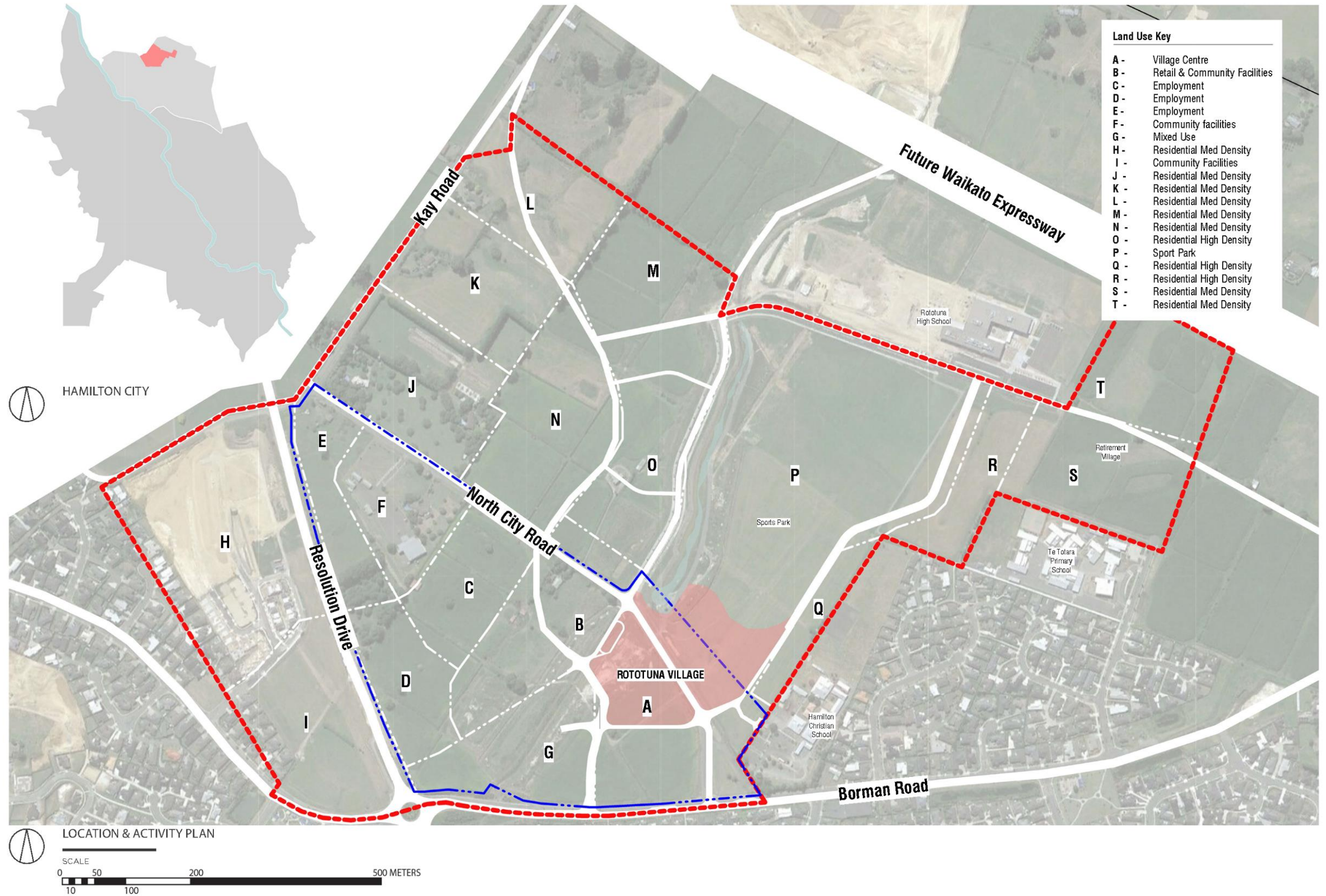
## COMMUNITY FACILITIES MASTERPLAN

DESIGN REPORT  
MAY 2019

Item 6

Attachment 1

**BOON**  
 **Beca**



DATE: 22/05/2019  
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN

BOON

Beca

02





DATE: 22/05/2019  
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN





DATE: 22/05/2019  
 ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN

**BOON**

**Beca**



KEY COMPONENTS



1 ROTOTUNA COMMUNITY HUB AND LIBRARY

Artist's impression of the new Rototuna community hub and library building. Final design is to be confirmed subject to development of a detailed spatial brief. The new facility may include book collection space, bookable meeting rooms, multipurpose activity spaces, an indoor event hosting space, casual public meetings spaces and quiet reading spaces, along with the potential for a café.



2 POTENTIAL SWIMMING POOL

Artist's impression of a potential privately developed swimming pool building with entrance facing onto North City Road and village square. Final design is to be confirmed subject to agreements with a private developer and pool operator (yet to be confirmed).



3 NORTH CITY ROAD

North City Road from Fergy Place to Bourn Brook Avenue to provide a calmed traffic route through the centre of the Rototuna village. Will be designed to enhance the visual and physical connection between both sides of the road and include opportunities for safe pedestrian crossings and bicycle movement.



4 EAST WEST PEDESTRIAN & CYCLE AXIS

An important pedestrian and cycle connection linking village centre activities and visitor car parking across North City Road and future western commercial development areas to sports park, school and residential areas to east.



5 VILLAGE SQUARE

Village square layout is indicative only. Final design will achieve a flexible open space with opportunities for markets, events, and smaller scale casual and social activities. The open public space may include a water play feature and opportunities to sit, socialise, and play.



6 PLAY SPACE

New play structures and activities to cater to a variety of ages and abilities. To include sculptural elements and other design features that positively contribute to the visual and spatial qualities of public space. Final design to be confirmed.



7 SKATE PARK

New skate, scooter and bike park catering to a variety of ages and abilities. Final design to be integrated with surrounding public space features and landscaping and may include bowl, ramp, and street features.



8 VILLAGE GREEN

A passive green space comprising lawn and selected trees to provide enhanced natural and visual amenity linking urban town centre and greater sports park area.

9 PUBLIC TOILET AND SHELTER CANOPY

Public and accessible toilets with integrated weather shelter canopy. Final design to be confirmed.

10 MAIN PUBLIC CARPARKING

Landscaped public carparking areas servicing village public and commercial activities. Final parking layout and design detail to be confirmed (accessible carparks will be included in these areas).

11 SPECIALISED PARKING

Parking in close proximity to the Rototuna community hub and library for visitors requiring enhanced accessibility.

12 SPORTS PARK

Rototuna Sports Park currently under construction and due for completion July 2019.



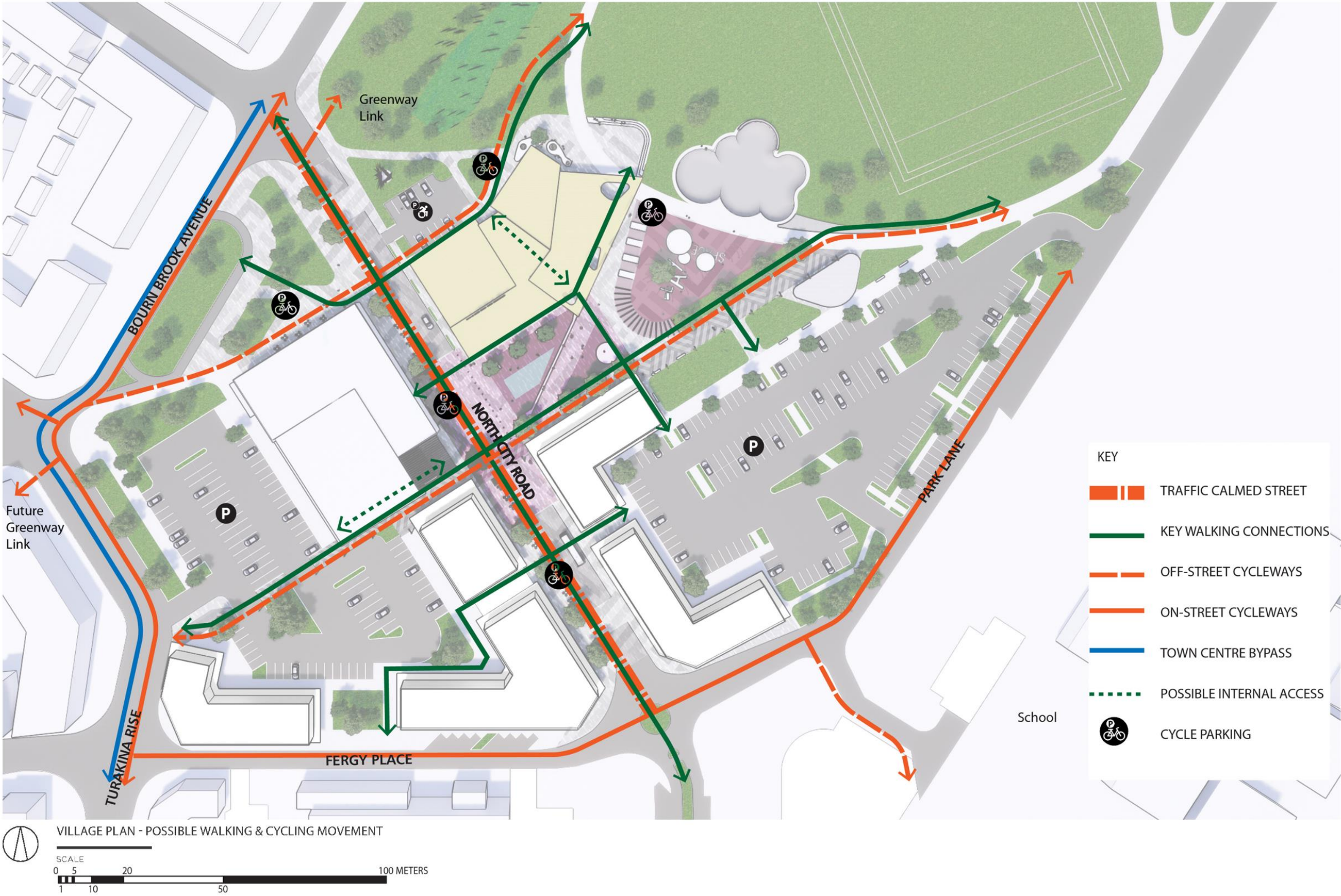


DATE: 22/05/2019  
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN

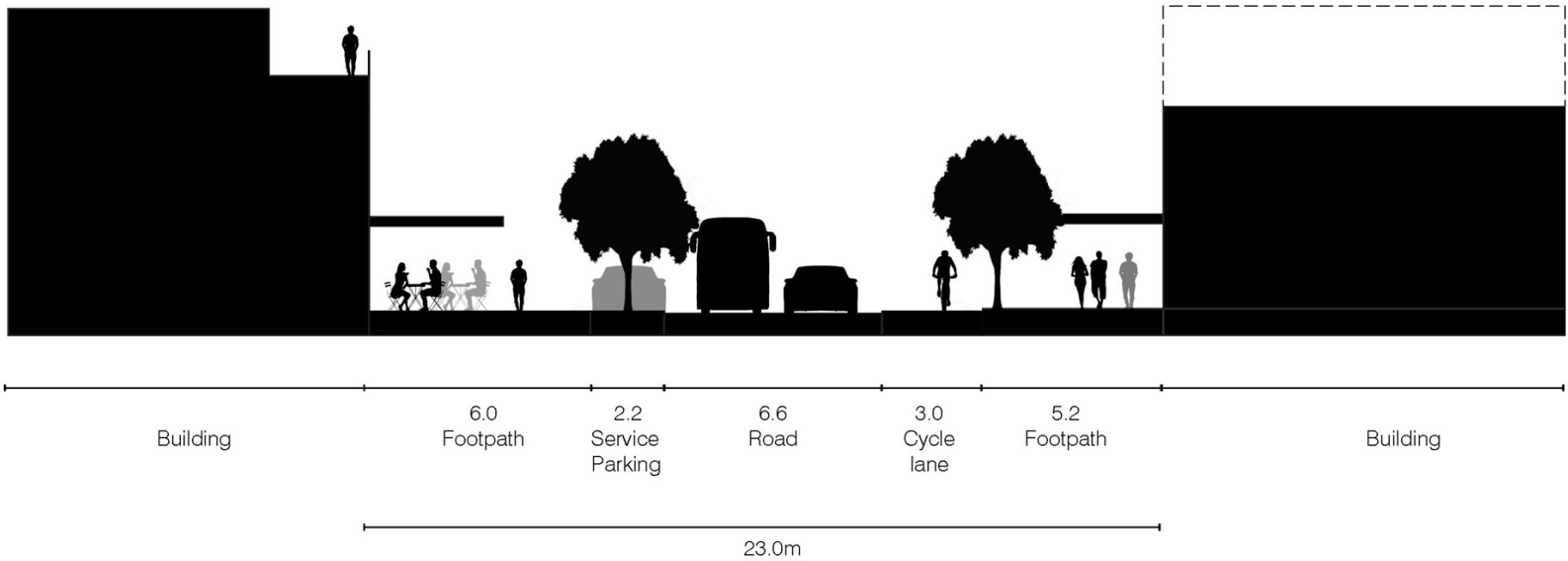
BOON

Beca





Appendix 1

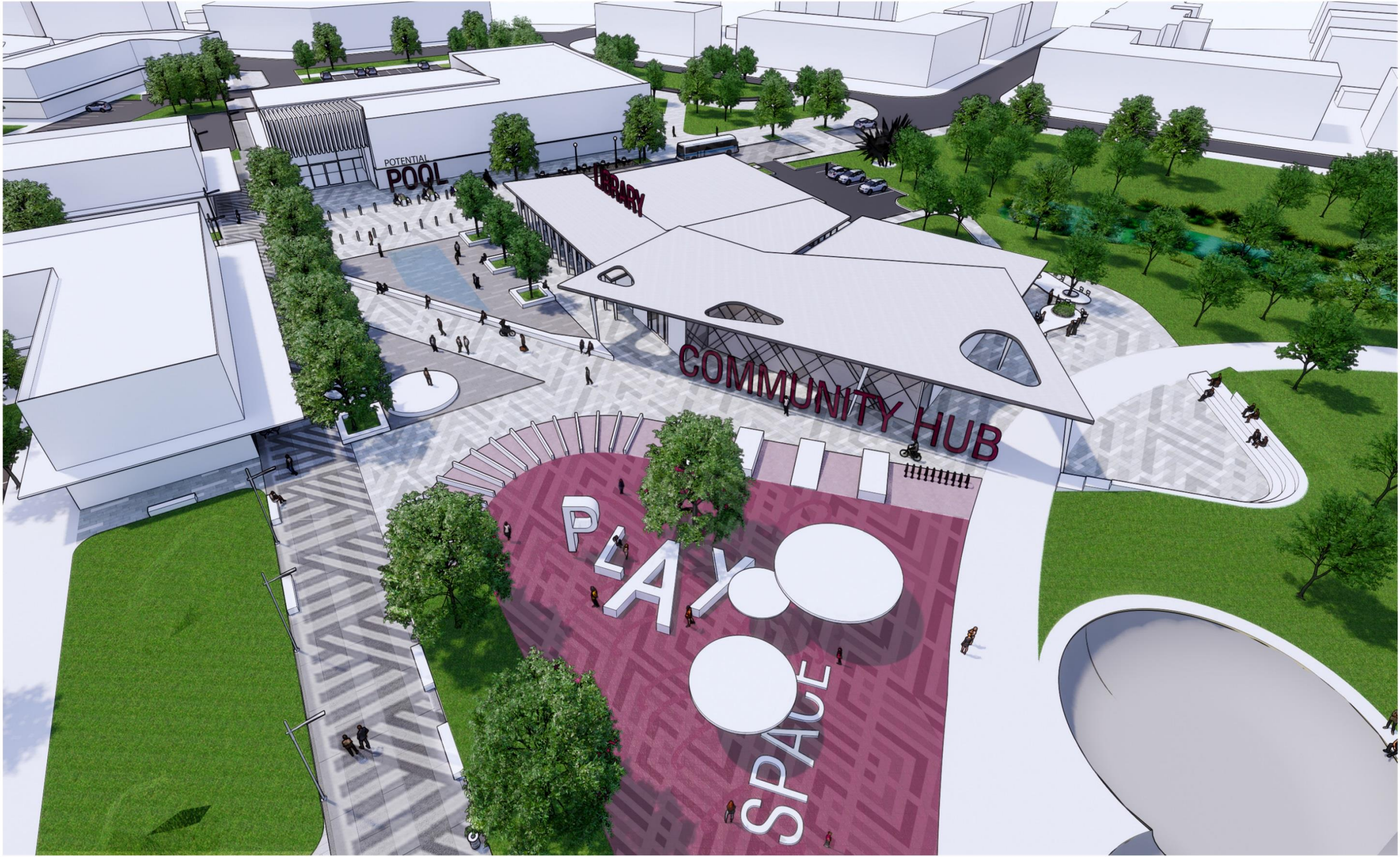


PROPOSED NORTH CITY ROAD SECTION

NOT TO SCALE

DATE: 22/05/2019  
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN





3D VIEW 1

\*ARTIST'S IMPRESSION OF COMMUNITY HUB AND LIBRARY BUILDING ONLY. FINAL DESIGN WILL DIFFER

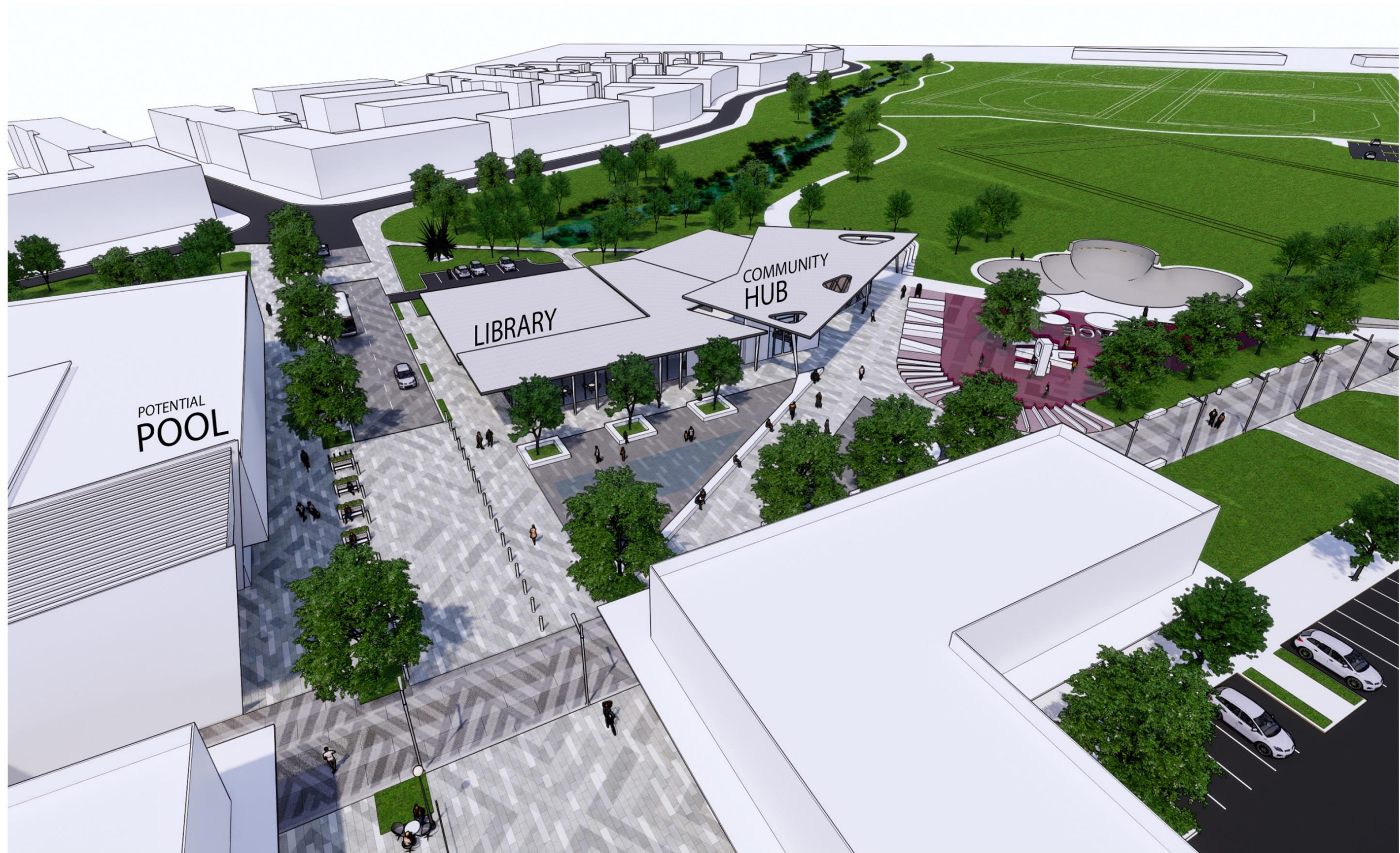
DATE: 22/05/2019  
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN



Appendix 1

Attachment 1

Item 6



3D VIEW 2

\*ARTIST'S IMPRESSION OF COMMUNITY HUB AND LIBRARY BUILDING ONLY. FINAL DESIGN WILL DIFFER

DATE: 22/05/2019

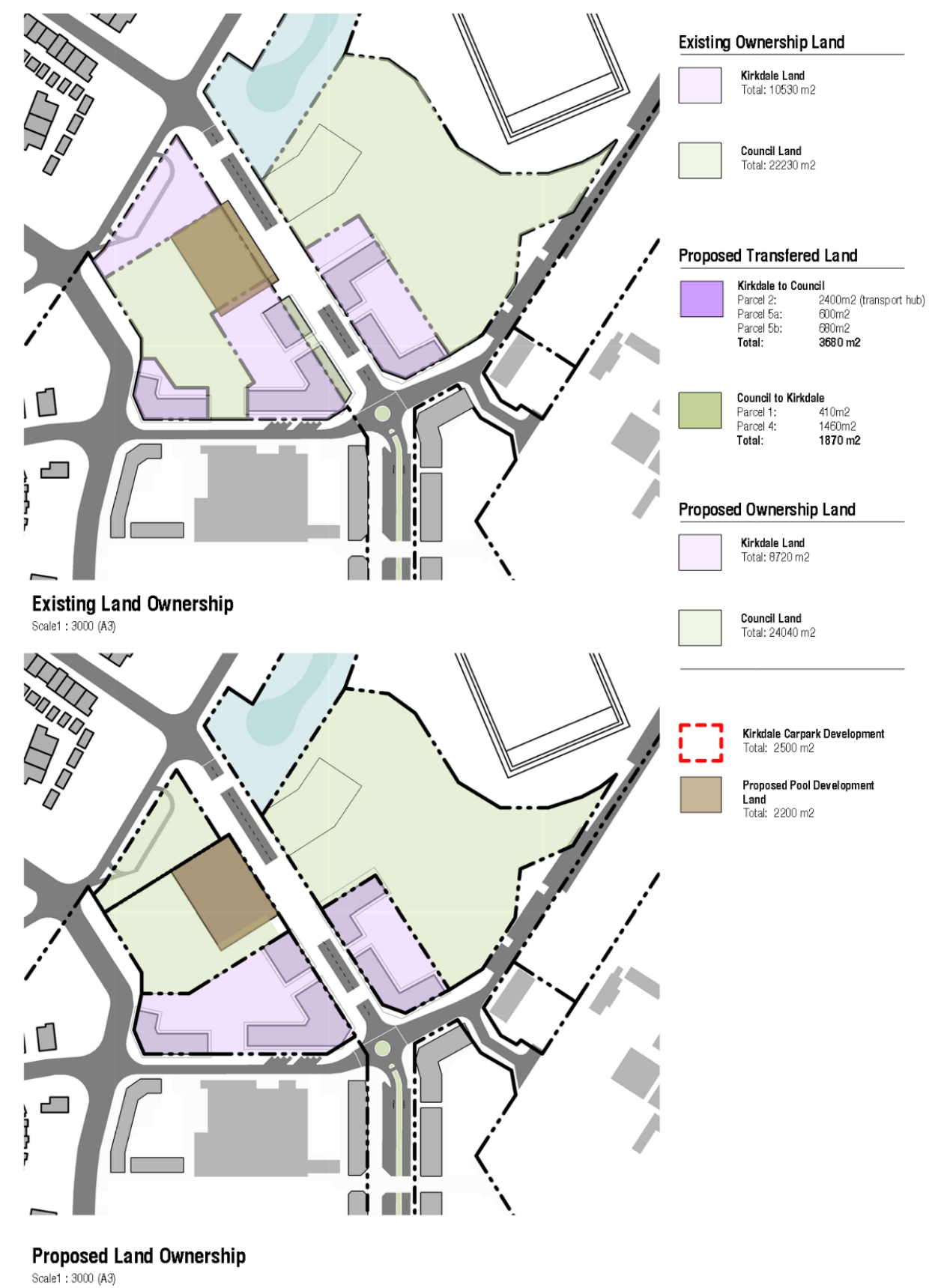
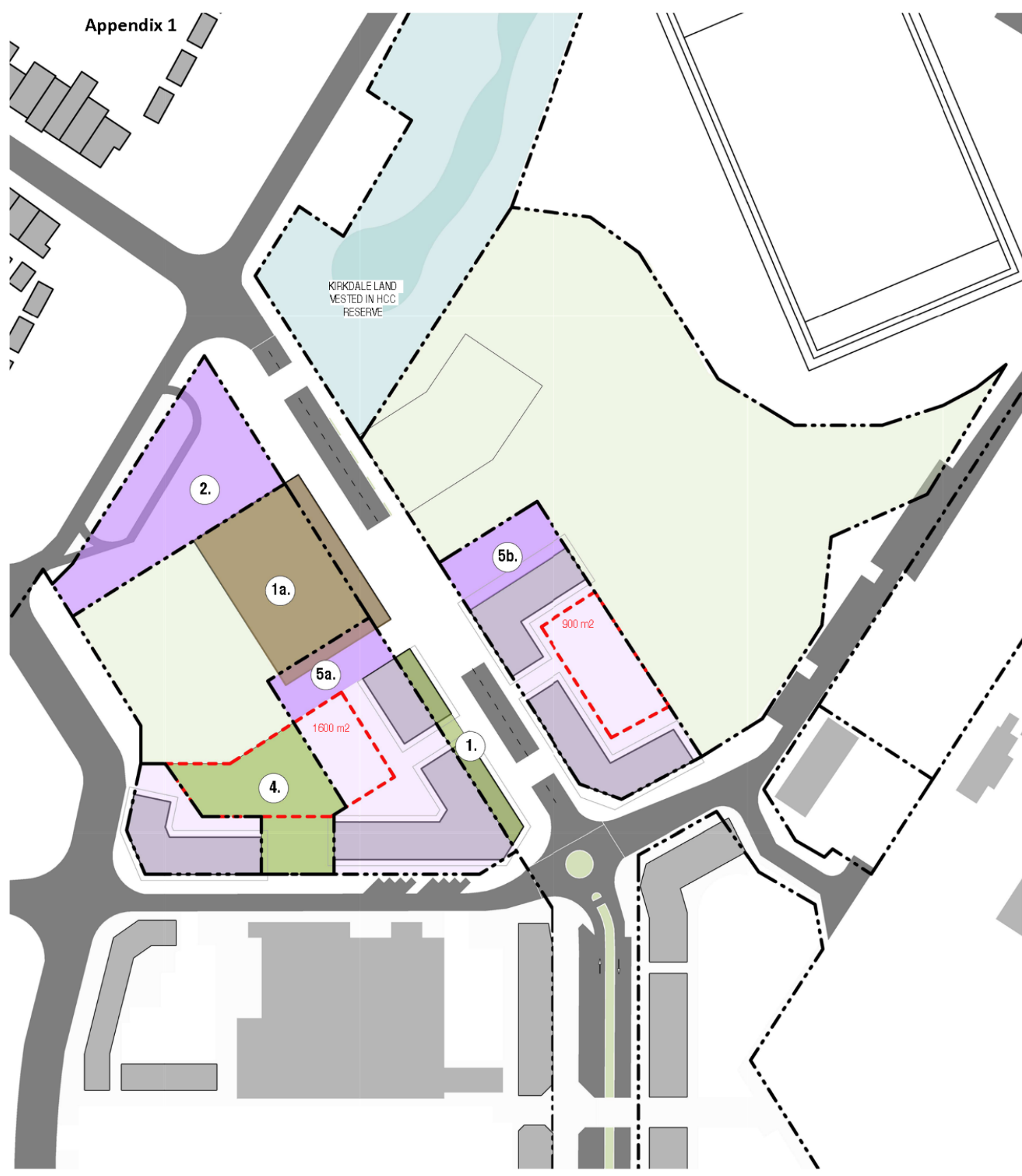
ROTOTUNA VILLAGE / COMMUNITY FACILITIES MASTERPLAN

BOON

Beca

10





Proposed Land Transfer Areas  
Scale1 : 1500 (A3)

**Beca**

**BOON**  
teamarchitects  
A/ 131 Courtenay St, New Plymouth 4310, New Zealand

Job Title <b>HCC Rototuna Village</b>	Scale [A3] <b>As indicated</b>		Rev	Date	Description	Issued for:	Print Date
	Drawing Title <b>Land Transfer Diagram</b>		A	10.05.2019	Revision A		10/05/2019 11:11:05 AM
Job No. <b>6374</b>		Drawing No. <b>SK1.04</b>		Rev <b>A</b>		ALL CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE JOB BEFORE COMMENCING ANY WORK. DO NOT SCALE. © COPYRIGHT ON THIS DRAWING IS RESERVED.	



# Council Report

**Committee:** Council **Date:** 15 November 2018  
**Author:** Nicolas Wells **Authoriser:** Jen Baird  
**Position:** Strategic Property Unit Manager **Position:** General Manager City Growth  
**Report Name:** Municipal Endowment Fund - Ward Street

<b>Report Status</b>	<i>This report is taken as a publicly excluded item to enable Council to carry out commercial activities without disadvantage.</i>
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## Purpose

1. To seek approval for the Council-owned land on Ward Street described in the schedule to be offered to the open market for sale and redevelopment in conjunction with neighbouring Wintec-owned (Wintec) land.

## Staff Recommendation

2. That the Council:
  - a) approves the potential sale of the land as described in the schedule, subject to:
    - (i) Council's approval of the development proposal for the land;
    - (ii) Council's final approval of the terms of sale following a public open market process;
  - b) notes that sale of the land is intended to facilitate development of Ward Street in conjunction with the Waikato Institute of Technology's adjoining land holdings;
  - c) notes that the net sale proceeds will be credited to the Municipal Endowment Fund Reserve; and
  - d) delegates the Chief Executive authority to give effect to this resolution.

## SCHEDULE

**First** All that land legally described as an Estate in Fee Simple comprising Lot 14 Deposited Plan 17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 394 square meters, more or less, and physically located at **145 Ward Street**,

**Second** All that land legally described as an Estate in Fee Simple comprising Lot 15 Deposited Plan 17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 394 square meters, more or less, and physically located at **147 Ward Street**,

**Third** All that land legally described as an Estate in Fee Simple comprising Lot 16 Deposited Plan

17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 394 square meters, more or less, and physically located at **151 Ward Street**,

**Fourth** All that land legally described as an Estate in Fee Simple comprising Lot 17 Deposited Plan 17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 394 square meters, more or less, and physically located at **155 Ward Street**,

**Fifth** All that land legally described as an Estate in Fee Simple comprising Lot 23 Deposited Plan 17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 295 square meters, more or less, and physically located at **179 Ward Street** (corner Tristram and Nisbett Streets),

**Sixth** All that land legally described as an Estate in Fee Simple comprising Lot 24 Deposited Plan 17135 contained in Computer Freehold Register Identifier SA399/149 South Auckland Land Registry of 295 square metres, more or less, and physically located at **179 Ward Street** (corner Ward and Tristram Streets),

### Executive Summary

3. Wintec has approached the Council with a proposal to combine Wintec-owned land and Council-owned land in Ward Street to facilitate a new comprehensive development ("the development site"). The development site has a total area of 4,136 square metres and is shown bordered in red on Attachment 1.
4. The Council owns the six lots shown in pink and yellow on Attachment 1 with a total area of 2,166 square metres (52% of the total development site). The land is part of the Municipal Endowment Fund and is leased to Wintec subject to four individual lease agreements. Three of the lease agreements (shown in pink) are subject to perpetual rights of renewal in favour of Wintec. [REDACTED]. The land has an estimated current market value of [REDACTED].
5. Wintec owns the five parcels of land shown in blue on Attachment 1 with a total area of 1,970 square metres (48% of the total development site). Because of the structure of the perpetual leases, Wintec "controls" 86% of the development site.
6. Staff recommend option one of two viable options available at this stage – that is selling the land in conjunction with Wintec's adjoining land holdings at valuation to an approved developer in accordance with the District Plan (DP), as detailed below.
7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

### Background

#### Wintec

8. Wintec has either owned or leased the development site land since the late 1980s, with their most recent purchase being 161-163 Ward Street from Tainui Group Holdings.
9. Wintec has explored various options for the development site over a number of years, including redevelopment as teaching facilities to support the main campus, and redevelopment as student accommodation. However, none of these options has progressed.
10. Wintec has now reviewed its Campus Development Master Plan and has concluded that the Ward Street land parcels are no longer required.



11. Over the past twelve months all the Wintec-owned buildings on the development site have been demolished. These substandard buildings had been vacant for some time and were both an earthquake risk and a general risk to the public.

#### District Plan

12. The development site is zoned as CBD, which allows a wide range of potential uses.
13. Resource Consent 010.2018.00009750.001 has been granted and permits the site to be used for temporary private carparking until 1 January 2021. After this date some type of development would need to be in progress; retaining the site for long-term carparking is not permitted by the District Plan.

#### Interest from Developers

14. Demolition of the old buildings has generated a large amount of interest from property developers.
15. It is anticipated that the right development has the potential to positively impact Wintec, the Ward Street area, and the wider city. The location has proven popular (Attachment 2) with developers, investors and tenants, with multiple redevelopment projects progressively confirming the desirability of the area, notably:
  - Genesis Building on Tristram Street (green)
  - Proposed redevelopment of the K-Mart Building for Waikato Regional Council (yellow)
  - New apartments and townhouses opposite Founders Theatre (blue)
  - Wintec Central City Campus (purple)
  - Redevelopment of the ex-Farmers Building for Waikato District Health Board (orange).
16. The combination of commercial and residential development confirms the desirability of the mixed-use model promoted by the District Plan in this area.

### Discussion

#### Development Process

17. Wintec and Council staff have discussed the merits of a combined approach to the development and sale of the sites.
18. It is proposed to offer the development site to the market by way of public tender. Based on the level of interest expressed to date, this process should return both the optimum financial return and the best development result.
19. As part of the sale process, prospective buyers will be required to submit a concept development plan in addition to their tendered purchase price, to ensure that the proposed future use is of high quality and appropriate for the site.

#### Timetable

Date	Action
17 September 2018	Wintec approves process to sell "in principle"
4 October 2018	Council Elected Members' briefing
16 October 2018	Wintec approves process to sell

13 November 2018	Council approves process to sell
14 November 2018	Market property
December 2018 – January 2019	Evaluate design proposals and price
February 2019	Wintec final approval of sale agreement
14 March 2019	Council final approval of sale agreement

20. Pending finalisation of the proposed development, the sale process is likely to conclude in the first quarter of 2019.

#### Development Evaluation

21. A design panel chaired by Wintec and including Council staff will assess the proposals received against the following requirements and weightings:

##### High Quality Development (35%)

The development is to be of high quality that will attract high value tenancies. The development will have an interactive relationship with the spaces around them, and will feature long-life, aesthetically pleasing materials.

##### Interacts with Wintec City Campus and the wider area (30%)

The development of the space should link people and activities to create a greater level of exchange between the Wintec campus, CBD, Hamilton Girls' High School, K-Mart Development and city park areas. The development should activate the Ward/Tristram Street corner, Nisbett and Ward Streets, and be a notable gateway into the CBD.

##### Mixed Use (15%)

A mixed use development is preferred, particularly one that provides for 24/7 use. Mixed use could include (but not be limited to) high quality retail or hospitality, accommodation, and office space. The [Auckland Design Manual](#) provides guidance on Mixed Use Development.

##### Encompasses the entire site (15%)

The site should be a mixture of the built development and landscaping. Landscaping should enable an appropriate relationship between the buildings, streets, and public access. Landscaping, access and gateways are to be co-ordinated and align with the Wintec Campus Development Concept Plan.

##### Completed and Occupied by 2022 (5%)

The buildings should be completed and tenanted by early 2022. This coincides with the timeframe for the proposed new learning building being built on the Wintec City Campus.

#### Development Approval Process

22. The Council-owned land shown in purple on Attachment 1 is leased to Wintec on a perpetual basis. The Council's [Freeholding of Municipal Endowment Land Policy](#) encourages sale of land ("freeholding") to the lessee.
23. The approach proposed will be similar to that used to enable the new PricewaterhouseCoopers development on the corner of Anglesea and Ward Streets. In that case, the land had remained vacant for many years until Wintec (leaseholder), McConnell Property (developer) and the Council (land-owner) partnered to facilitate the development.

## Appendix 2

24. Should the Council approve the recommendations in this report, Council and Wintec staff will finalise the methodology and details of the sale and purchase agreement, and proceed to market the development site.
25. Once the proposals have been received and evaluated a recommendation will be made by the evaluation panel to both Wintec and the Council. At that stage both governing bodies will have the opportunity to confirm their approval and acceptance of the development proposal for the site.

**Other Matters**

26. At the briefing on this topic on 4 October 2018, Elected Members raised a number of matters relating to the proposed development site and the broader use of the Municipal Endowment Fund (MEF), specifically:
  - Once the market has responded to the offer, options for the Council to maintain an ownership interest after completion of the development will be considered.
  - Staff will prepare a report for Council in the first half of 2019 on the MEF which will provide background on the legal framework, detail the current and historic deployment of the MEF, and provide high-level options for consideration.

**Options**

27. Staff have assessed that there are two reasonable and viable options for the Council to consider at this stage. This assessment reflects the level of significance (see paragraph 39) and financial and District Plan implications. The options are:
28. **Option 1:** Offer the land for sale and redevelopment in conjunction with neighbouring Wintec-owned land, subject to Council approval of the development proposal for the land and the terms of sale following a public open market process;
29. **Option 2:** Retain the land and defer making a decision on its use until some stage in the future.
30. Staff recommend Option 1 because it is consistent with the Council's policy position for the Municipal Endowment Fund and supports the vision set out in the District Plan for development in the CBD. Option 1 also provides the maximum financial benefit for the Council.

**Financial Considerations**

31. In accordance with Council's policy, the current market value of the land based on an unencumbered freehold title excluding all lessee improvements has been assessed by a registered valuer at [REDACTED]
32. [REDACTED]
33. All proceeds from the sale of the Municipal Endowment Land are credited to the Municipal Endowment Fund Cash Reserve. The current balance of the Municipal Endowment Fund Cash Reserve is \$28.639 million (as at 31 October 2018).

**Legal and Policy Considerations**

34. Staff confirm that the recommendations comply with the Council's legal and policy requirements.

## Appendix 2

35. Wintec confirm that the sale of their land was approved by the Ministry of Education on behalf of the Secretary of Education in 2011, in accordance with Section 192(4)(a) of the Education Act 1989.

**Cultural Considerations**

36. The Council and Wintec have received expert and legal advice that there are no offer-back obligations under the Waikato Raupatu Claims Settlement Act 1995 or Section 40 Public Works Act 1981.

**Risks**

37. Option 1 carries the risk that:
- No offers are made or that no offers are acceptable.
  - The land will not realise the full estimated market value.
38. Option 2 carries the risk that:
- The market may cool and demand for development reduce.

**Significance & Engagement Policy**

39. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matters in this report have a low level of significance and engagement is not required.

**Attachments**

Attachment 1 - Ward Street - Development Site - Aerial

Attachment 2 - Ward Street - Surrounding Deveopment - Aerial .









## Appendix 2

### 13 November 2018 Council Meeting Minutes

#### Item C6: Municipal Endowment Fund – Ward Street

“That the Council:

- a) approves the potential sale of the land as described in the schedule, subject to:
  - (i) Council’s approval of the development proposal for the land;
  - (ii) the Urban Design Panel’s input into the brief for the development of the site and evaluation of any proposal for the site;
  - (iii) Council’s final approval of the terms of sale following a public open market process;
- b) notes that sale of the land is intended to facilitate development of Ward Street in conjunction with the Waikato Institute of Technology’s adjoining land holdings;
- c) notes that the net sale proceeds will be credited to the Municipal Endowment Fund Reserve; and
- d) delegates the Chief Executive authority to give effect to this resolution.”

Item 6

Attachment 1

# Council Report

**Committee:** Council **Date:** 08 August 2019

**Author:** Julie Clausen **Authoriser:** Sean Hickey

**Position:** Unit Manager - Corporate Planning and Strategy **Position:** General Manager Strategy and Communications

**Report Name:** Implications of Council Declaring a 'Climate Change Emergency' for Hamilton.  
Consideration of Developing a Climate Change Action Plan for Council and Hamilton.

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

1. To inform the Council of the implications of declaring a 'Climate Change Emergency' for Hamilton.
2. To seek a decision from the Council concerning the declaration of the 'Climate Change Emergency' for Hamilton.
3. To seek the Council's approval for the development of a Climate Change Action Plan for Hamilton City Council (the Council) and the city.

## Staff Recommendation

4. That the Council:
  - a) receives the report.
  - b) resolves to:
    - declare a climate change emergency for Hamilton;
    - OR**
    - not declare a climate change emergency for Hamilton;
  - c) approves unbudgeted funding of \$100,000 in 2019/20 to develop a Climate Change Action Plan (including an assessment of Hamilton's carbon footprint) in partnership with Waikato Tainui and other key stakeholders; and
  - d) approves the draft supplementary information (**Attachment 1**) to form part of the Council's submission to the Climate Change Response (Zero Carbon) Amendment Bill that is to be presented at Parliament's Environment Committee's hearings for the Bill.

## Executive Summary

5. Hamilton City Council supports the Climate Change Response (Zero Carbon) Amendment Bill that aims to give effect to New Zealand's commitment under the Paris Agreement to reduce greenhouse gases to 'net zero' by 2050.



6. On 2 July 2019, the Council made a submission to the Climate Change Response (Zero Carbon) Amendment Bill. Draft supplementary information to the Council's 2 July 2019 submission has subsequently been developed to be tabled and presented at Parliament's Environment Committee's hearings for the Bill.
7. On 20 June 2019, the Council requested that staff report on the implications of declaring a 'Climate Change Emergency' for Hamilton, including seeking the views on this matter from Tangata Whenua and that this be considered at the 8 August 2019 Council meeting.
8. Declaring a 'Climate Change Emergency' does not technically oblige the Council to do more to mitigate or adapt to climate change, but public expectations of the Council may change.
9. A number of actions are already being undertaken (and planned to be undertaken) by the Council through its sustainability approach that contribute to reducing greenhouse gas emissions for the Council and Hamilton.
10. Staff recommend the development of a Climate Change Action Plan in partnership with Waikato Tainui and other key stakeholders. This would include an assessment of Hamilton's current carbon footprint and identify key areas of focus for reducing the city's net emissions. It is anticipated the Plan would inform future decisions of Council.
11. Partnering with Waikato Tainui on development of a Climate Action Plan will strengthen the principle of Kaitiakitanga and link the people, the environment and the land together.
12. Waikato Tainui is unable to provide a view on a 'Climate Change Emergency' declaration until the implications of such a declaration are better understood.
13. The budget for developing such a Climate Action Plan is estimated to be \$100,000.
14. Staff consider the matters in this report have a medium level of significance and that the recommendations comply with Council's legal requirements.

## Background

15. **Climate Change and Potential Impact on Hamilton**
16. Climate change or global warming refers to the progressive gradual rise of the Earth's average surface temperature thought to be caused in part by increased concentrations of greenhouse gases – primary carbon dioxide (CO<sub>2</sub>) - in the atmosphere which trap some of the heat the earth radiates back into space.
17. The World Economic Forum Global Risk Report 2014 identified climate change and related impacts, such as extreme weather events, food crises and water crises as four of the ten most salient global economic risks.<sup>1</sup>
18. The Ministry of the Environment webpage provides the following climate change projections for the Waikato Region:
  - Compared to 1995, temperatures are likely to be 0.7°C to 1.1°C warmer by 2040 and 0.7°C to 3.1°C warmer by 2090.
  - By 2090, the Waikato is projected to have from 10 to 60 extra days per year where maximum temperatures exceed 25°C. The number of frosts could decrease by around 5 to 13 days per year in Waikato, with frosts becoming rare in the Coromandel.
  - Rainfall will vary locally within the region. The largest changes will be for particular seasons rather than annually.
  - Winter rainfall in Ruakura is projected to increase by 4 to 8% by 2090.

<sup>1</sup> World Economic Forum Global Risk Report. (2014).

19. The Ministry of the Environment webpage provides an outline of ‘what could this mean for Waikato?’:
- Drought – By 2090, the time spent in drought ranges from minimal change through to more than double, depending on the climate model and emissions scenario considered. Parts of the Hauraki district, Matamata and Thames-Coromandel are especially likely to experience increased drought risk. More frequent droughts are likely to lead to water shortages, increased demand for irrigation and increased risk of wild fires.
  - Flooding – More heavy rainfall will increase the risk of inland flooding in the west and in river catchments in the Coromandel. Rising sea levels and storm surge will increase the risk of salt-water intrusion in low-lying coastal areas.
  - Erosion and landslides – More frequent and intense heavy rainfall events are likely to lead to more erosion and landslides, as much of the soil in the region is volcanic and prone to erosion.
  - Disease – Tropical diseases may become established in areas where they currently do not exist.
  - Biosecurity – Warmer, wetter conditions (particularly in the south and west of Waikato) could increase the risk of invasive pests and weeds.
  - Lakes – Higher temperatures and changes in rainfall are likely to result in higher lake levels, on average, in western and central parts of New Zealand such as Lake Taupo. Warmer water temperatures could lead to more algal blooms, a reduced range of trout and the spread of pest species like carp.
20. **Greenhouse Gas Emissions – City Level**
21. Waikato Regional Council produced a Waikato Region Greenhouse Gas Emissions Inventory (2015/16) using the standard Global Protocol for Community-Scale Greenhouse Gas Emissions Inventories, which is considered best practice for community-based inventories.
22. Currently there are no data on greenhouse gas emissions at Hamilton City level. Although greenhouse gas emission information is available at a regional level from the Waikato Regional Council (WRC), it is not separated out to the constituent territorial authorities.
23. Hamilton City Council staff are liaising with WRC staff in regard to the production of the next Waikato Regional Greenhouse Gas Emission Inventory to ensure the data can be available at city and district level.
24. Activities within Waikato Region’s boundaries generated 13.8 million tonnes of CO<sub>2</sub> during 2015/16. When forestry is included, the total net emissions were 8.2 million tonnes of CO<sub>2</sub>. This represents about 14.5% of New Zealand’s total net emissions.
25. Agricultural activities generate the largest amount of the gross emissions (75.5%) for Waikato, followed by transportation (11.7%) and stationary energy (9.7%). Forestry removes a net volume of 5.6 million tonnes of CO<sub>2</sub> (41% of the total gross emissions).
26. The greenhouse gas emission profile for Hamilton will be significantly different to that of the Waikato Region, with transportation likely to be the activity where appropriate targeted actions will have the greatest initial impact on reducing greenhouse gas emissions.

27. **Greenhouse Gas Emissions – Hamilton City Council’s Operations**
28. Hamilton City Council is in the process of developing a comprehensive Greenhouse Gas Emission inventory of its operations.
29. The Council’s carbon emissions from its electricity and natural gas usage have reduced over the past eight years (from 10,000 tonnes of CO<sub>2</sub> in 2010/11 to 6,000 tonnes in 2018/19), primarily due to initiatives instigated through Council’s internal energy management programme.
30. The Council’s carbon emissions by fuel type at 2018/19 are:
  - Electricity (48%).
  - Natural gas (31%).
  - Fleet diesel (11%).
  - Fleet petrol (2%).
  - Other (8%).
31. **The Paris Agreement**
32. The Paris Agreement is an agreement within the United Nations Framework Convention on Climate Change (UNFCCC), dealing with greenhouse-gas-emissions mitigation, adaptation, and finance, signed in 2016. As of March 2019, 195 UNFCCC members have signed the agreement, and 186 have become party to it.
33. The Paris Agreement’s long-term goal is to keep the increase in global average temperature to well below 2°C above pre-industrial levels; and to limit the increase to 1.5°C, since this would substantially reduce the risks and effects of climate change.
34. Under the Paris Agreement, each country must determine, plan, and regularly report on the contribution that it undertakes to mitigate global warming. No mechanism forces a country to set a specific target by a specific date, but each target should go beyond previously set targets.
35. **Climate Change Response (Zero Carbon) Amendment Bill**
36. The Climate Change Response (Zero Carbon) Amendment Bill gives effect to New Zealand’s commitments under the Paris Agreement.
37. The purpose of the Climate Change Response (Zero Carbon) Amendment Bill is to establish a framework which New Zealand can use to develop clear, stable climate change policies in accord with the Paris Agreement.
38. The Bill would set greenhouse gas reduction targets into law and require that future governments continue these efforts into the future. It also seeks to:
  - Set up the Climate Change Commission, an independent body that will advise and support the government to reach the targets.
  - Create a requirement that the government sets emission budgets every five years that will act as ‘stepping stones’ towards the ultimate goal of net zero greenhouse gases by 2050.
  - Create a requirement that the government understands the risk of climate change (for example, rising sea levels) and produces plans to address these.
39. This Bill would be an amendment to the existing Climate Change Response Act 2002, meaning that all of the key climate-related legislation is covered under one Act.

40. **Community Advocacy for Climate Change Action**

41. The issue of climate change in New Zealand has gained considerable national attention recently through the climate change awareness demonstration that was held on 15 March 2019 by participating primary, secondary and tertiary pupils. This was followed up on 24 May 2019 by pupils participating in 40 further protests, rallies and tree plantings.
42. Hamilton City Council, at its 20 June 2019 Council meeting, considered a report by the Chair outlining a range of initiatives the Council is currently undertaking that are having a positive impact on the environment and climate change. These include initiatives around transport, waste minimisation, biodiversity, procurement and technology.
43. The report was in response to 33 emails received by Mayor Andrew on 24 May 2019 from people concerned about the environment and climate change.
44. A number of these people also voiced their concerns about climate change in the public forum section of the 20 June 2019 Council meeting and delivered a petition supported by 1,039 signatures (refer **Attachment 2**). Under Hamilton City Council's [Standing Orders](#) the petition was unable to be validated as it did not meet the petition criteria.
45. In response, the Council requested that the Chief Executive provide a report on the implications of 'Declaring a Climate Change Emergency', including input from Tangata Whenua, to the 8 August 2019 Council meeting.

46. **Local Government Sector Response**

47. On 27 June 2019, Hamilton City Council approved that the following two LGNZ climate change remits be supported by the Council's delegate at the 2019 Local Government NZ AGM held on 7-9 July 2019.
- *That LGNZ calls on the Government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning; and financial compensation regimes. This remit was passed with 100 % support of the sector.*
  - *That LGNZ recommends to government that they establish an independent expert group to develop a new policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group. This remit was passed with 95 % support of the sector.*
48. LGNZ president Dave Cull says councils are at the 'front line' of combating climate change, but there is no 'national framework' for how councils should tackle the issue. Mr Cull says *"Declaring a climate emergency acts as a catalyst for urgent action. It's a way for councils to increase focus on this issue and call for greater national support on climate change adaptation."*
49. Between 16 May and 29 July 2019, 12 councils throughout New Zealand declared a 'Climate Change Emergency' i.e. Nelson City Council, Environment Canterbury, Christchurch City Council, Kapiti Coast District Council, Auckland Council, Wellington City Council, Dunedin City Council, Hawkes Bay Regional Council, Porirua City Council, Queenstown-Lakes District Council, Hutt City Council, and Whangarei District Council.
50. It is understood that at this stage the Waikato Regional Council, Waikato District Council and Waipa District Council have not resolved to declare a 'Climate Change Emergency'.

51. Many councils, including Hamilton City Council, are already taking action to address climate change issues within their sustainability approaches. This includes implementing action plans to reduce the consumption of fossil fuels, and actions to mitigate, adapt and build climate change resilience.

### **Hamilton City Council's submission on the Climate Change Response (Zero Carbon) Amendment Bill:**

52. As part of the 27 June 2019 Council meeting, a draft Hamilton City Council submission to the Climate Change Response (Zero Carbon) Amendment Bill was considered, approved and sent to Parliament's Environment Committee on 2 July 2019. This submission noted that supplementary submission points would be provided following the 8 August 2019 Council meeting.
53. Hamilton City Council's submission is largely in support of Local Government New Zealand's (LGNZ's) submission and picks up key recommendations from the New Zealand Productivity Commission's draft report on Local Government Funding and Financing.
54. The draft supplementary points and the original submission (**Draft 1**) were circulated to Elected Members for feedback on 24 July 2019. Mayor Andrew advised that he was happy with **Draft 1**. As no other feedback was received, **Draft 1** remains unchanged (refer **Attachment 1**).

### **'Climate Change Emergency' Declaration**

55. **Views of Waikato Tainui**
56. Council recognises Maaori as tangata whenua (indigenous people of the land) with kaitiakitanga (guardianship) status and ownership rights regarding their lands and that Maaori are assured the same rights as other citizens.
57. In regard to the 20 June 2019 Council resolution, input was sought from Tangata Whenua through Waikato Tainui around the issue of declaring a 'Climate Change Emergency' for Hamilton and the issue of climate change in general.
58. The following statements have been provided to the Council from Waikato Tainui:
- Climate change is included as one of Waikato Tainui's priority workstreams within Te Ara Whakatupuranga 2050 (Five Year Plan).
  - Waikato Tainui's focus is for their marae and tribal members to understand the potential impacts of climate change, develop plans to respond and mitigate these impacts.
  - Waikato Tainui understand that climate change is already happening but are not clear on what the implications of declaring a 'Climate Change Emergency' are.
  - For this reason, Waikato Tainui is unable to provide a view on a 'Climate Change Emergency' declaration until the implications of the declaration are clarified.
59. **Implications for Hamilton City Council**
60. There is currently no official and/or single definition of what a declaration of a 'Climate Change Emergency' means and such a declaration has no statutory or legislative obligations.
61. In addition, climate change does not satisfy the definition of an 'emergency' under the Civil Defence and Emergency Management Act 2002.

62. However, declaring a climate change emergency may be seen as a commitment to take urgent action to address climate change issues.
63. It is staff's view that the Council should continue to focus on actions to mitigate and adapt to climate change, irrespective of whether it chooses to declare a climate change emergency.

## Hamilton City Council Climate Change Action – Current Approach

64. **Sustainability Principles**
65. The Council currently addresses climate change mitigation and adaption actions as a component of the sustainability approach deployed to deliver on the 11 Sustainability Principles adopted by Council on 19 July 2016.
66. The Sustainability Principles provide for developing a response to climate change through building resilience and managing risk via principles:
  - Sustainability Principle 4 focuses on climate change: *"Hamilton City Council works with central government to deliver on national greenhouse gas emission reduction targets and supports resilience to climate change in our communities".*
  - Sustainability Principle 8: *"Hamilton City Council ensures that it understands, prepares for and responds to the impacts of climate change."*
67. The Sustainability Principles also focus on how the day to day business can reduce greenhouse gas emissions through principles:
  - Sustainability Principle 5: *"Hamilton City Council promotes walking, cycling, public transport and other low carbon transport options."*
  - Sustainability Principle 6: *"Hamilton City Council works to improve the resource efficiency and health of homes, businesses and infrastructure in our city."*
  - Sustainability Principle 7: *"Hamilton City Council supports the use of renewable energy and uptake of electric vehicles."*
68. A yearly stocktake of the Council's environmental sustainability initiatives being undertaken by Council is prepared and presented to Council. The 2017/2018 report was presented to the 11 December 2018 Community, Services and Environment Committee and can be found [here](#).
69. The environmental sustainability initiatives stocktake report for 2018/19 is currently being prepared and will be considered by Council later in the year. Key actions relating to adapting to, or mitigating the effects of, climate change are summarised below.
70. **Energy**
71. Electricity accounts for 68% of the Council's energy, of which 81% is generated from renewable energy. The Council's remaining sources of energy supply are natural gas (26%) and fuel (6%). Collectively, this means that 55% of the Council's energy is from renewable energy and 45% from non-renewable energy. In comparison, 52% of the Council's energy was from renewable energy in 2012. Reduction in energy consumption using non-renewable sources will lead to a reduction in carbon emissions.
72. The Council currently has an Energy and Carbon Policy for the organisation and an Energy Manager is contracted to the Council to:
  - Assist Facilities and Operational Managers to maintain a programme of energy conservation and efficiency.
  - Set targets for improved energy performance and reduced carbon footprint.

- Evaluate investment opportunities in energy efficiency and appropriate technologies in building and infrastructure projects.
  - Create awareness across the organisation of the impacts of energy use and greenhouse gas emissions.
73. Hamilton's streetlights are being replaced with new energy efficient LED lanterns (with a 50% reduction in energy usage over standard streetlights).
  74. Traffic Signal lanterns have also been replaced with LED lights to reduce power consumption and reduce maintenance requirements.
  75. The Council has progressed an Optimisation and Efficiency Strategy at the Pukete Wastewater Treatment Plant to explore options in maximising renewable energy production onsite as well as exploring options to minimise energy consumption onsite.
  76. A major initiative that supports renewable energy uptake is the use of biogas generated from the digestion process at the Wastewater Treatment Plant. The biogas is used in a gas boiler and displaces natural gas that would otherwise be required. It can provide up to 95% of the site's heating requirements when biogas is in good supply.
  77. Hamilton Gardens are working towards being carbon neutral by 2030 and have a number of actions in place to achieve this, including a policy of purchasing electric power hand-tools, providing electric chargers to support electric utility vehicles and phasing out existing gas-fired boilers.
  78. **Transport**
  79. Transportation is a key producer of carbon emissions. Reducing the number of cars on the road and the length of journeys has a large impact on reducing carbon emissions.
  80. \$52 million of biking plan projects was approved in the 10-Year Plan.
  81. Free scheduled buses for 18's and under within the Hamilton network on weekends and public holidays began in July 2019.
  82. Following traffic signal optimisation in May 2019 there has been a 27% reduction in average travel time from Mill-Seddon to Mill-Victoria.
  83. 40 new bus shelters have been installed, along with 41 LED solar lights into new or existing shelters. Accessible kerbing for bus shelters was also installed at 21 locations across the city.
  84. The Council is working with Government and other partners on progressing a passenger rail service between Hamilton and Auckland.
  85. Implementation of a subsidised electric bike scheme for the Council staff is anticipated to assist in reducing congestion and carbon emissions, support staff health and set an example for other large employers in the city.
  86. **Land Use**
  87. Land use planning is an important tool in managing transportation, energy consumption and other carbon producing activities. Land vegetation cover mitigates the effects of greenhouse gas emissions by creating carbon sinks to off-set emissions.
  88. The District Plan provides for the sustainable land management of Hamilton and encourages densification.

89. Structure plans have been developed to determine the pattern of growth and are designed to improve sustainability outcomes through the inclusion of items such as transport corridor general location and hierarchy, public reserves and links, areas for preservation, protection or restoration/enhancement, and development intensities for residential or other activities.
90. New developments are required to provide an Integrated Transport Impact Assessment as part of the consent process. These assessments show how particular developments affect the transport network.
91. Large scale subdivision and development proposals are required to develop Integrated Catchment Management Plans (ICMPs) and Water Impact Assessments (WIAs) and to undertake development in accordance with approved plans and assessments.
92. The Hamilton Urban Growth Strategy (HUGS) promotes sustainable city development through a balance of 'greenfield' and 'infill' development, with the target being 50% infill growth. HUGS has achieved 49% infill development between 2007 and 2018 (years ended June).
93. **Climate Change Adaptation**
94. The District Plan addresses anticipated climate change impacts in Hamilton through flood hazard mapping. This mapping was based on detailed modelling that factored in climate change effects resulting from increased rainfall volumes and duration. Consideration of these matters during the resource consent process in relation to climate change adaption takes the form of identifying flood levels and overland flow paths and guiding development away from building areas that would be subject to frequent flooding.
95. The Council has factored effects of changing climate into our stormwater modelling for the city and are ensuring that new stormwater infrastructure is being designed to deal with increased rainfall events and intensity. As new growth cells are being developed, the stormwater requirements are being assessed, designed and constructed with this approach.
96. **Biodiversity**
97. Biodiversity maintains and creates vegetation for carbon sinks to off-set emissions.
98. Our parks and opens space area has increased from 1,129ha in 2017/18 to 1,158ha in 2018/2019.
99. The Local Indigenous Biodiversity Strategy (Hamilton City Pilot Project) aims to achieve 10% vegetation habitat cover over time.
100. The Community Volunteer Coordinator role at the Council supports community planting programmes by providing education about planting with local schools, community volunteer groups, businesses and residents. The role also coordinates funds towards planting projects, provides restoration advice for park areas (not private land) and supplies plants for volunteers to plant in parks and reserves (not private land).
101. In 2018/19 this contributed to the planting of 38,804 plants, with 3,948 volunteers contributing 9,960 hours of volunteer time. The Council also provides opportunities for students to take positive action through the 'Community Planting programme', which is supported widely by many schools and community groups.
102. An estimated 310,000 individual plants have been planted over the 14 years of Arbour Day, with some specimens now up to five metres in height.
103. **Water**
104. The treatment of water requires the consumption of electricity. Any reduction in water consumption reduces energy consumption.



105. The Council delivers the Smart Water campaign to promote water conservation. In 2018/19 the average water use was 347 litres per person per day which is below the targeted volume of 400 litres per person per day.
106. The Water Master Plan zones the water network to allow better ability to track leakage and allows the water network to be operated more efficiently. The water loss from the network has been reduced from 14.5% to 9.6%.
107. **Waste**
108. Landfill gas (LFG) is a natural by-product of the decomposition of organic material in landfills. LFG is composed of roughly 50% methane (the primary component of natural gas), 50% CO<sub>2</sub> and a small amount of non-methane organic compounds. Methane is a potent greenhouse gas 28 to 36 times more effective than CO<sub>2</sub> at trapping heat in the atmosphere over a 100-year period. A reduction in the volume of waste sent to landfill will further reduce greenhouse gases.
109. In 2018/19, 32% of the total volume of waste recovered at the kerbside was recycling. 18,139 tonnes of waste were diverted from landfill at the Council operated waste facilities.
110. From July 2020, residents will be able to recycle plastics 3-7, alongside the plastics 1-2 already collected.
111. From July 2020, 25% of the refuse trucks used will be electric as part of Hamilton's second Waste Management and Minimisation Plan.
112. The Council also funds waste reduction and minimisation programmes for our community through the annual \$50,000 contestable waste fund.

## Development of a Climate Change Action Plan

113. Although Hamilton City Council is currently active in mitigating and adapting to climate change, it does not have an overarching plan to set targets for the city or to direct future activity.
114. Staff consider there are two broad options for the Council to consider in determining 'what next' in respect of climate change:
115. **Option A – Continue What we are Doing**
116. When the Council adopted the sustainability principles, it did so on the basis that the principles would *underpin* rather than *direct* decision-making and activity.
117. The Council could choose to continue with this approach and effectively 'wait and see' what comes of the Climate Change Response (Zero Carbon) Amendment Bill.
118. An advantage of this approach is that the Council would avoid committing resource to measuring the city's carbon footprint or adopting targets ahead of a potential central government-led national framework and approach.
119. The disadvantage of this approach is that it contributes to a lack of visibility (especially from the community) as to whether the Council and the city is taking appropriate and timely action in respect of climate change.
120. This option would not incur any additional financial cost, at least in the short-term.
121. **Option B – Develop a Climate Change Action Plan**
122. If the Council decided to develop a Climate Change Action Plan, it would include:
  - An inventory of the Council and the city's net greenhouse gas emissions.
  - Targets for reducing emissions for the city.

- A means for evaluating potential activities against these targets.
  - Identification of key focus areas for reducing emissions for the city.
123. Such a plan would be developed in partnership with Waikato Tainui and other key stakeholders.
  124. Initial conversations have been had with Waikato Regional Council regarding a carbon footprint assessment at Territorial Authority level.
  125. It is anticipated that the plan would identify key focus areas for reducing emissions, but that funding of specific initiatives would still be subject to the Council's normal budgeting processes.
  126. The advantage of this approach is that the Council would have an objective framework to base future decisions on and could take a more deliberate (and potentially accelerated) approach to reducing the city's carbon footprint.
  127. This would also make it easier for the Council to coordinate climate change efforts with other city stakeholders.
  128. The disadvantage of this approach is that the Council develops a framework that is potentially superseded by a central government-led national framework and approach.
  129. Staff estimate the cost to develop a Climate Action Plan is \$100,000.
  130. Staff recommend Option B – to develop a Climate Action Plan. This option will provide an understanding the city's carbon footprint and a more focused direction going forward.

### **Financial Considerations**

131. The total staff cost to develop the report was approximately \$12,000 and was met through existing budget.
132. The budget for developing such a Climate Action Plan is estimated to be \$100,000.

### **Legal and Policy Considerations**

133. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.

### **Cultural Considerations**

134. In accordance with the 20 June 2019 Council resolution, input was sought from Tangata Whenua through Waikato Tainui around the issue of declaring a 'Climate Change Emergency' for Hamilton and the issue of climate change in general. These views are reflected in the report.

### **Sustainability Considerations**

135. The projects, programmes, initiatives and recommendations outlined in this report are in alignment with Council's 11 Sustainability Principles, and in particular Sustainability Principle 4, which emphasises the Council's commitment to reduce greenhouse gas emissions i.e. *"the Council works with central government to deliver on national greenhouse gas emission reduction targets and supports resilience to climate change in our communities"*.

### **Risks**

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

## **Significance & Engagement Policy**

### **Significance**

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

### **Engagement**

138. Council will work with Waikato Tainui to develop the draft Climate Change Action Plan, then undertake engagement with the community and other stakeholders.

### **Attachments**

Attachment 1 - Supplementary Information to Council's 2 July 2019 Submission to the Climate Change Response (Zero Carbon) Amendment Bill (8 August 2019) (003)

Attachment 2 - Petition to Declare a Climate Emergency

**DRAFT 1**

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## **Supplementary Information by**

## **Hamilton City Council**

### **SUPPLEMENTARY INFORMATION TO HAMILTON CITY COUNCIL'S 2 JULY 2019 SUBMISSION TO THE CLIMATE CHANGE RESPONSE (ZERO CARBON) AMENDMENT BILL**

**8 August 2019**

#### **1.0 INTRODUCTION**

- 1.1 On 2 July 2019, Hamilton City Council (HCC) made a submission to the Climate Change Response (Zero Carbon) Amendment Bill – refer Appendix 1.
- 1.2 As noted in its submission, HCC is committed to mitigating and adapting to the effects of climate change and supports the intention and direction of the Climate Change Response (Zero Carbon) Amendment Bill (the Bill).
- 1.3 HCC's submission also outlined a number of initiatives that it is actively engaged in which contribute to mitigating and adapting to climate change.
- 1.4 We also noted in the submission that HCC:
  - Wishes to be heard by Parliament's Environment Committee in support of its 2 July 2019 submission to the Bill.
  - Will provide supplementary information at the hearings (as part of its 2 July 2019 submission) after a report on various climate change issues is considered at the 8 August 2019 Council meeting.

#### **2.0 SUPPLEMENTARY INFORMATION - KEY POINTS**

- 2.1 The following outlines a number of the key points HCC wishes to table and speak to Parliament's Environment Committee about at the hearings for the Bill.
- 2.2 **Climate Change Commission Requirements**
- 2.3 HCC supports the purpose and establishment of a Climate Change Commission as outlined in the Bill, noting that the Commission will provide independent expert advice on climate change mitigation and adaption, as well as monitor and review progress towards both these components.
- 2.4 We look forward to working with the Commission and to ensuring that HCC is in a position to provide key information that will be required as part of the Commission's ongoing monitoring and reporting requirements around mitigation and adaptation information to Government.
- 2.5 HCC believes it is imperative that the Commission establish clear, concise and standardised criteria/guidelines when seeking information around mitigation and adaptation information from councils and other organisations.

## 2.6 Support for LGNZ's Submission to the Bill

2.7 HCC is supportive of LGNZ's submission to the Bill, with their key themes being:

- Local government will be critical to the progress New Zealand makes on both adaptation and mitigation. The Bill must therefore more explicitly recognise local government as a key partner in enabling New Zealand to mitigate and adapt to the impacts of climate change.
- Local government needs to be provided with guidance, tools and resources to enable it to meaningfully contribute to emissions reductions, and deliver adaptation action at the local level, where it is best-suited to take place. This recognises that the effects of climate change are by definition local and will vary from place to place.
- The Government needs to substantively and substantially increase its focus on, and resource dedicated to, climate change adaptation as a matter of urgency.

## 2.8 Climate Change Mitigation and Adaptation

2.9 As noted in our 2 July 2019 submission, HCC is actively engaged in a number of actions which contribute to mitigating and adapting to the effects of climate change.

2.10 Such actions, in tandem with the actions of other key partners/stakeholders, will be further evaluated as to their impact/effectiveness on mitigating greenhouse gas emissions for both HCC and Hamilton.

2.11 There will be a focus on identifying those actions that are demonstrated to produce the largest reduction in greenhouse gas emissions.

2.12 Similarly, various climate change adaptation measures being undertaken by HCC and those of other key partners/stakeholders will also be evaluated and investigated.

2.13 Potential mitigation and adaptation measures will also be explored and evaluated.

2.14 Such work will be undertaken in partnership with Waikato Tainui, other key stakeholders and the community.

2.15 HCC also strongly supports LGNZ's view around central government partnership and support for local government around addressing climate change. As noted in LGNZ's submission:

- As a matter of urgency, considerable additional work needs to be done to support local governments to, along with their communities, undertake adaptive action at the local level.
- Local government needs central government to work in partnership with it to allocate roles and responsibilities for climate change adaptation; apportion risk between central government, local government and communities; develop a legal framework that supports councils to take adaptive action, and reduces their liability risks; develop consistent national direction on how to approach adaptation; and to address issues related to funding and financing of the costs of climate change adaptation.

## 2.16 New Zealand Productivity Commission's View on Climate Change

2.17 The view of HCC and LGNZ advocating central government partnership and support for local government in climate change matters is also shared by the New Zealand Productivity Commission in its recently released draft report on Local Government Funding and Financing.

2.18 In particular, HCC supports the following observations and recommendations by the Commission:

- As the impacts of climate change unfold over coming decades, local authorities will face a significant and growing challenge. **Future sea-level rise and increased flood risk from climate change directly threaten local government infrastructure** such as roads and bridges, as well as stormwater, wastewater and flood-protection assets. Moreover, councils are responsible for planning and regulating development on at-risk land.

- To help local government prepare for the impacts of climate change, **central government should take the lead on providing high-quality and consistent science and data, standard setting, and legal and decision-making guidance.** Institutional and legislative frameworks also need to move from their current focus on recovery after an event towards reducing risk before an event.
- **Government should extend the role of the NZ Transport Agency in co-funding local roads** to include assistance to councils facing significant threats to the viability of local roads and bridges from climate change (*Note: HCC supports this initiative, so long as such funding is also available to build resilience into at-risk roads and bridges, and that it is 'new' funding and doesn't divert funding away from the NZ Transport Agency's funding of existing and planned projects*).
- The Commission also recommends that the **Government creates a climate-resilience agency and associated fund to help at-risk councils** redesign, and possibly relocate and rebuild, wastewater, stormwater and flood-protection infrastructure threatened by the impacts of climate change.

### 3.0 CLARIFICATION OF SUPPLEMENTARY INFORMATION POINTS

- 3.1 Should Parliament's Environment Committee require clarification of the above supplementary information points, or additional information, please contact Sean Hickey (General Manager, Strategy and Communication) on 07 838 6432, email [sean.hickey@hcc.govt.nz](mailto:sean.hickey@hcc.govt.nz) in the first instance.

Yours faithfully

**Richard Briggs**  
**CHIEF EXECUTIVE**

## Appendix 1



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Item 7

Submission by

**Hamilton City Council**

### **CLIMATE CHANGE RESPONSE (ZERO CARBON) AMENDMENT BILL**

**2 July 2019**

#### **1.0 INTRODUCTION**

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Climate Change Response (Zero Carbon) Amendment Bill.
- 1.2 HCC is committed to adapting to and mitigating the effects of climate change and supports the intention and direction of the Climate Change Response (Zero Carbon) Amendment Bill.

#### **2.0 BACKGROUND**

- 2.1 In 2016, Hamilton City Council adopted a set of sustainability principles which underpin how sustainability is considered in the Council's decision-making processes and operations. This includes the principle: *"HCC works with central government to deliver on national greenhouse gas emission reduction targets and supports resilience to climate change in our communities"*.
- 2.2 As such, HCC is actively engaged in a number of initiatives which contribute to mitigating and adapting to climate change. Major initiatives include:
  - A significant investment in walking and cycling infrastructure, including \$52m of biking plan projects and a doubling of the footpath maintenance and repair budget.
  - A Mass Transit Plan for the city, produced with Waikato Regional Council, the NZ Transport Agency and neighbouring districts, to enable the movement of more people more efficiently.
  - Working with the Government and other partners on progressing a passenger rail service between Hamilton and Auckland.
  - Replacement of Hamilton's streetlights with new energy efficient LED lanterns (with a 50% reduction in energy usage over standard streetlights).
  - The development and extension of Waiwhakareke Natural Heritage Park.
  - The introduction of a new kerbside rubbish and recycling service in 2020, which aims to significantly reduce the amount of waste sent to landfill.
  - An Energy Management Programme, which includes a Carbon Emissions Reduction Programme and has resulted in millions of kilowatt hours of energy saved since 2001.
  - A draft Biodiversity Strategy that aims to significantly increase the level of indigenous vegetation in Hamilton and restore the region's biodiversity.

Attachment 1

### 3.0 SUPPLEMENTARY INFORMATION AND HEARINGS

- 3.1 Hamilton City Council is due to meet on 8 August 2019 to consider wider issues relating to climate change, including consideration of the implications and obligations of declaring a 'climate change emergency'.
- 3.2 **Please note that HCC will be providing supplementary information to this submission after the report on climate change issues is considered at the 8 August 2019 Council meeting.**
- 3.3 HCC **does wish to speak** in support of this submission at the hearings for the Climate Change Response (Zero Carbon) Amendment Bill.
- 3.4 Should Parliament's Environment Committee require clarification of the above points, or additional information, please contact Sean Hickey (General Manager, Strategy and Communication) on 07 838 6432, email [sean.hickey@hcc.govt.nz](mailto:sean.hickey@hcc.govt.nz) in the first instance.

Yours faithfully



**Richard Briggs**  
**CHIEF EXECUTIVE**



## Hamilton City Council- declare a climate emergency!

To: Hamilton City Council

We would like the Hamilton City Council to declare a climate emergency so that urgency is taken when making climate action.

Our Climate is in a state of emergency because we have failed to act upon the warnings that science has given us for over 40 years and the council needs to recognise this. Declaring a Climate Emergency would send a message to society that now is the time to act and therefore ensure current and future generations have a place to live in the years to come. The current plan put in place by the government isn't good enough. 2050 is too late. 2025 may even be too late unless we start taking action right now.

### **Why is this important?**

Declaring a climate emergency is essential if we wish to survive. The effects of climate change are already becoming evident in our everyday lives with the rising sea-levels, higher temperatures, more frequent extreme weather events such as flooding and droughts and the change in the rainfall patterns (more summer rainfall for North Island, and more winter rainfall for South Island.) This has a huge impact on biodiversity in New Zealand, our Agricultural businesses such as Dairy Farming and Fruit and Vegetable farming and also effects average household and business costs causing our economy to fluctuate. It is likely that Climate Change will kill us, sooner than you may think. And it's not just us. It's every single living thing on this earth. Everything will be at risk causing a Mass Extinction of millions of species. It will be like what happened to the dinosaurs but slow, painful and a heck of a lot worse. Declaring a Climate emergency now will safeguard a future for your children, grandchildren and many future generations to come.

This petition will be delivered to the Hamilton City Council on the 20th of June at a public forum before the Hamilton City Council goes away to deliberate whether Hamilton will declare a Climate Emergency or not. Show them how much you care!

Signed by 1,039 people:

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# Council Report

**Committee:** Council **Date:** 08 August 2019

**Author:** Blair Bowcott **Authoriser:** Blair Bowcott

**Position:** Executive Director Special Projects **Position:** Executive Director Special Projects

**Report Name:** Future Proof Implementation Committee - Agreement

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

1. To seek approval from the Council of the updated Future Proof Implementation Committee Agreement.

## Staff Recommendation

2. That the Council:
  - a) receives the report;
  - b) approves the updated Future Proof Implementation Committee Agreement;
  - c) delegates the Mayor and/or Councillor Macpherson to sign the updated Future Proof Implementation Committee Agreement on behalf of Hamilton City Council; and
  - d) notes that the first meeting of the expanded Future Proof Implementation Committee in accordance with the updated agreement will occur on 15 August 2019.

## Executive Summary

3. The Council has already agreed to the expansion of the Future Proof Growth Partnership to include representatives of the Crown, Auckland Council, Auckland Iwi and an additional iwi representative from the Future Proof sub-region. These changes have been proposed in order to enable the work arising from the Hamilton to Auckland Corridor 'Statement of Spatial Intent' to be incorporated into Future Proof as a priority area of focus.
4. To formalise this updated joint committee arrangement, it is intended that an updated Future Proof Implementation Committee Agreement be signed at the inaugural meeting of the expanded Future Proof forum on 15 August 2019. The Agreement is attached as Appendix 1 and all revisions are in accordance with the decisions already made by Council.
5. The purpose of this report is to seek Council's approval for the Mayor and/or Councillor Macpherson (as the Hamilton City Council Future Proof Implementation Committee representatives) to sign this updated agreement at the inaugural meeting.
6. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

## Background

7. The matter of the expanded Future Proof Partnership Agreement and the changes to be made has been considered at several meetings:
  - Council on [7 February 2019](#);
  - The Hamilton to Auckland Governance Group on 15 February 2019;
  - Future Proof Implementation Committee [20 February 2019](#); and
  - Growth and Infrastructure Committee [29 March 2019](#).
8. Along with Hamilton City Council, all other parties to Future Proof have agreed the changes.
9. The report to Growth and Infrastructure Committee on 29 March 2019 also noted that an amended Terms of Reference and Joint Committee agreement for the Future Proof Partnership would be brought back to Council for approval at a later date (the purpose of this report).
10. This report seeks the Council's approval of the amended Future Proof Implementation Committee Agreement incorporating these agreed changes.

## Discussion

11. An updated Future Proof Implementation Committee (FPIC) Agreement has been prepared to reflect the changes to the composition of Future Proof. Elected Members have previously been briefed on this proposal and formally agreed the changes, and will be aware that the proposed expansion of the Future Proof forum has been designed to allow work programmes arising from the Hamilton to Auckland "Statement of Spatial Intent" to be included within the existing Future Proof structure. The Agreement is at Attachment 1.
12. The Agreement has been amended as follows:
  - Allowing for an expanded membership for the Hamilton to Auckland Corridor programme. This membership includes Central Government, the Auckland Council and tangata whenua representation from Auckland iwi. This membership is in addition to the existing Future Proof Implementation Committee. There will be two separate parts to any meeting agenda – one for the Corridor Plan partnership and one for normal Future Proof business.
  - Increasing the Future Proof tangata whenua representatives from two to three – one from the Tainui-Waikato Alliance, one from Waikato-Tainui and one from Nga Karu Atua o te Waka.
  - Provisions making it clear that Central Government and Auckland Council's participation in the Future Proof Implementation Committee does not constitute endorsement of initiatives, and all financial, policy and other decisions still need to be approved by their respective bodies.
  - Provisions making it clear the Auckland Council only wishes to participate in matters of relevance to them.
13. Flexibility has been retained in the Agreement in terms of the Corridor Plan membership by outlining that there can be "up to" three Ministers of the Crown and "up to" three Auckland iwi representatives. Provision has been made for Matamata-Piako District Council to join the Future Proof forum.
14. The Agreement was discussed at the FPIC workshop on 29 July 2019 and feedback from that meeting has been included in this version of the Agreement.

15. HCC is required to approve the updated agreement ahead of the first meeting of the revised Future Proof Implementation Committee on 15 August 2019, this giving the HCC representatives (the Mayor and Councillor Macpherson) the mandate to formalise the document at that meeting.

#### **Financial Considerations**

16. There are no financial issues to be considered in this report.

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

17. The updated agreement has been reviewed and approved by the Future Proof legal advisor (Lachlan Muldowney), given Future Proof is a joint committee.

#### **Cultural Considerations**

18. Iwi are partners to and represented on the Future Proof Implementation Committee.

#### **Sustainability Considerations**

19. There are no sustainability issues to be considered in this report.

#### **Risks**

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

#### **Significance & Engagement Policy**

##### **Significance**

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

##### **Engagement**

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

#### **Attachments**

Attachment 1 - Future Proof Implementation Committee - Agreement July 2019



## Future Proof Implementation Committee - Agreement

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### Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (LGA 2002). The purpose is to provide for a joint Committee of Hamilton City Council, Waikato District Council, Waipa District Council, Waikato Regional Council, Matamata-Piako District Council and tāngata whenua to undertake growth management planning across the sub-region<sup>1</sup> in accordance with the Future Proof Strategy and Implementation Plan.

The Joint Committee has additional public body representation from the New Zealand Transport Agency (NZTA), the Waikato District Health Boards (DHB). The NZTA and the DHBs are observers with speaking rights but in a non-voting capacity.

The Future Proof Implementation Committee also has expanded membership for the Hamilton to Auckland Corridor programme. This membership includes Central Government, the Auckland Council and tāngata whenua representation from Auckland iwi. This membership is in addition to the existing Future Proof Implementation Committee.

This Agreement sits alongside the Memorandum of Understanding contained in Appendix 3 of the Future Proof Strategy.<sup>2</sup> The Memorandum of Understanding in the Future Proof Strategy covers the principles and approach to implementation between the Strategy partners, including how the parties will work together. This Agreement focuses on the Joint Committee, including its membership and delegations. Any additional Memoranda of Understanding that are completed will be in addition and complementary to this Agreement.

The Future Proof Implementation Committee has been established as a joint partnership to focus on growth management in the Future Proof sub-region. For the Hamilton to Auckland Corridor, the expanded partnership will oversee the implementation of the Hamilton to Auckland Corridor workstreams. This will occur through developing and implementing plans and strategies, as well as monitoring and undertaking any reviews in accordance with the functions as set out in the Terms of Reference attached to this Agreement as **Appendix 1**.

The Committee is a formal joint committee pursuant to the LGA 2002 (Clauses 30 and 30A, Schedule 7). The Committee will not be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7, LGA 2002).

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<sup>1</sup> The 'sub-region' refers to the territorial areas of Hamilton City Council, Waikato District Council, Waipa District Council and Matamata-Piako District Council.

<sup>2</sup> Future Proof Strategy, 2017

## Membership

### *Future Proof Specific*

The Future Proof Implementation Committee is to be comprised of two elected member representatives as appointed by the local authorities, including the Mayors and Regional Council Chairperson, and three representatives to be nominated by tāngata whenua – one from the Tainui-Waikato Alliance, one from Waikato-Tainui and one from Ngā Karu Atua o te Waka.

An Independent Chairperson is to be appointed by the Future Proof Implementation Committee to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the Committee from the existing voting membership.

The NZTA is to be represented through its Director of Regional Relationships as an observer with speaking rights but in a non-voting capacity.<sup>3</sup>

The Waikato DHB is also represented on the Future Proof Implementation Committee, by a person to be nominated by the Board, as an observer with speaking rights but in a non-voting capacity.

### *Hamilton to Auckland Corridor*

For Hamilton to Auckland Corridor matters, the Future Proof Implementation Committee will be expanded to include:

- Up to three Ministers of the Crown - voting
- Up to three mana whenua representatives from the Auckland Mana Whenua Kaitiaki Forum - voting
- An Auckland Council Governing Body representative and a Franklin Local Board representative<sup>4</sup> - voting
- Additional Ministers and Auckland local government elected members if and when relevant and required

### *General*

The standing membership of the Future Proof Implementation Committee for Future Proof specific matters shall be limited to 14 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of four additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be 7 voting members.

The standing membership of the Future Proof Implementation Committee for the Hamilton to Auckland Corridor component shall be limited to 22 members (including the Independent

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<sup>3</sup> All decisions on funding made by the NZTA will be independent of its role on the Hamilton to Auckland Corridor Steering Group and in compliance with the requirements of the Land Transport Management Act 2003.

<sup>4</sup> Auckland Council participation in the Future Proof Implementation Committee for Hamilton to Auckland Corridor matters is limited to growth management issues relating to central government's Urban Growth Agenda; cross-boundary issues; specific project initiatives relevant to Auckland and any other matters that Auckland Council wishes to specifically table with the authorisation of the Independent Chairperson.

Chairperson), but with the power to co-opt up to a maximum of four additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be 11 voting members.

Voting member organisations may appoint one alternate representative with full speaking rights and voting capacity who may attend meetings in place of any one of the appointed representatives. Non-voting member organisations may send alternates, who shall have speaking rights, however these do not need to be appointed.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Committee; however attendance at any public excluded session shall only be permitted with the prior approval of the Chairperson. Likewise, speaking rights of other representatives at Committee meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson.

### **Meeting Frequency**

Bi-monthly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by the agreed administration authority.

### **Delegations**

The Future Proof Implementation Committee is delegated the following functions in support of its overall purpose:

#### *Future Proof*

- Providing leadership on growth management and spatial planning in the sub-region.
- Overseeing the implementation of the Future Proof Strategy and undertaking any reviews or updates of the Strategy, including adopting any draft strategies for public consultation.
- Taking responsibility for progressing those actions specifically allocated to the “Future Proof Implementation Committee” in the strategy and making sure the implementation does occur.
- Monitoring the Future Proof Strategy and ensuring a joined up approach to implementation, this includes monitoring and reporting progress against milestones.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Addressing cross-boundary matters within the Future Proof sub-region, as well as with other neighbouring regions that are consistent with the agreed settlement pattern.
- Approving submissions to Local Authorities, Central Government and other agencies on Future Proof related matters.
- Identifying and resolving any consultation inconsistencies between the Future Proof Strategy and subsequent public consultation processes of the partner Councils.
- Facilitating consultation with the community.

- Implementing the Memorandum of Understanding to provide and maintain partnership relationships.
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments and through partnerships with other sectors such as health, education and business.
- Advocating to Central Government and other organisations on relevant Future Proof growth management matters.
- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.

#### *Hamilton to Auckland Corridor*

- Overseeing the development and implementation of the Hamilton to Auckland Corridor Plan and associated work streams, including adopting any drafts for public consultation.
- Ensuring organisation systems and resources support implementation of the Hamilton to Auckland Corridor Plan.
- Addressing cross-boundary matters between Auckland and the Waikato, and within the Future Proof sub-region, as well as with other neighbouring regions.
- Monitoring the implementation of the Hamilton to Auckland Corridor Plan and associated work streams.
- Reviewing and recommending changes to the Hamilton to Auckland Corridor Plan if circumstances change.
- Ensuring alignment with existing council plans, strategies and policies, and with existing evidence, for example around climate impacts and emissions.
- Ensuring alignment with initiatives already underway such as the Crown and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth.
- Facilitating consultation with the partners and the wider community where relevant.

Central Government and Auckland Council's participation in the Future Proof Implementation Committee does not constitute endorsement of initiatives in any way, and all financial, policy and other decisions still need to be approved by Central Government, Auckland Council or any Auckland Council-controlled organisation boards.

#### **Variation of this Agreement**

This agreement may be varied from time to time, but only with the endorsement of the Future Proof Implementation Committee.



## **Execution**

**Hamilton City Council** by:

Mayor

Dated

**Waikato District Council** by:

Mayor

Dated

**Waipa District Council** by:

Mayor

Dated

**Waikato Regional Council** by:

Chairperson

Dated

**Matamata-Piako District Council** by:

Dated

**Waikato Tāngata Whenua** by:

Dated

**Auckland Council** by:

Dated

**Central Government** by:

Dated

**Mana Whenua Kaitiaki Forum** by:

Dated

## Appendix 1: Future Proof Implementation Committee Terms of Reference<sup>5</sup>

Future Proof Implementation Committee (FPIC) – Future Proof Specific	
<b>Purpose:</b>	Pursuant to Section Clause 30 Schedule 7 of Government Act 2002, a joint Committee of Hamilton City Council, Waikato District Council, Waipa District Council, Waikato Regional Council, Matamata-Piako District Council and tāngata whenua be retained to implement the Future Proof Strategy and Implementation Plan.
<b>Delegations:</b>	<p>The Future Proof Implementation Committee be delegated authority to progress and implement the Future Proof Strategy in accordance with the following functions:</p> <ul style="list-style-type: none"> <li>▪ Providing leadership on growth management and spatial planning in the sub-region.</li> <li>▪ Overseeing the implementation of the Future Proof Strategy and undertaking any reviews or updates of the Strategy, including adopting any draft strategies for public consultation.</li> <li>▪ Taking responsibility for progressing those actions specifically allocated to the “Future Proof Implementation Committee” in the strategy and making sure the implementation does occur.</li> <li>▪ Monitoring the Future Proof Strategy and ensuring a joined-up approach to implementation, this includes monitoring and reporting progress against milestones.</li> <li>▪ Reviewing and recommending adjustments to the strategy if circumstances change.</li> <li>▪ Addressing cross-boundary matters within the Future Proof sub-region, as well as with other neighbouring regions that are consistent with the agreed settlement patterns.</li> <li>▪ Approving submissions to Local Authorities, Central Government and other agencies on Future Proof related matters.</li> <li>▪ Identifying and resolving any consultation inconsistencies between the Future Proof Strategy and subsequent public consultation processes of the partner Councils.</li> <li>▪ Facilitating consultation with the community.</li> <li>▪ Implementing the Memorandum of Understanding to provide and maintain partnership relationships.</li> <li>▪ Champion integration and implementation through partner strategies, programmes, plans and policy instruments and through partnerships with other sectors such as health, education and business.</li> <li>▪ Advocating to Central Government and other organisations on relevant Future Proof growth management matters.</li> </ul>

<sup>5</sup> These Terms of Reference replace those contained in Section 10.2.2 of the Future Proof Strategy.

	<ul style="list-style-type: none"> <li>▪ Selecting and appointing an Independent Chairperson and a Deputy Chairperson.</li> </ul>
<b>Membership:</b>	<p>That representation be comprised of:</p> <ul style="list-style-type: none"> <li>▪ Two elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson</li> <li>▪ Three representatives to be nominated by Waikato tāngata whenua – one from the Tainui Waka Alliance, one from Waikato-Tainui and one from Nga Karu Atua o te Waka</li> <li>▪ That an Independent Chairperson, to be appointed by the Committee, chair the Committee.</li> </ul> <p>That the standing membership be limited to 14 members, but with the power to co-opt up to a maximum of four additional non-voting members where required to ensure the effective development and implementation of the Future Proof Strategy.</p> <p>That the NZTA be represented through its Director of Regional Relationships as an observer with speaking rights but in a non-voting capacity.</p> <p>That the Waikato DHB be represented by a person to be nominated by the Board, as an observer with speaking rights but in a non-voting capacity.</p>
<b>Meeting frequency:</b>	Bi-monthly, or as necessary and determined by the Independent Chairperson.

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#### **Future Proof Implementation Committee (FPIC) – Hamilton to Auckland Corridor**

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<b>Purpose:</b>	Pursuant to Section Clause 30 Schedule 7 of Government Act 2002, an expanded Future Proof Implementation Committee which includes Auckland Council, Central Government and representatives of the Auckland Mana Whenua Kaitiaki Forum to progress and implement the Hamilton to Auckland Corridor Plan.
<b>Delegations:</b>	<p>The expanded Future Proof Implementation Committee be delegated authority to progress and implement the Hamilton to Auckland Corridor Plan and associated work streams in accordance with the following functions:</p> <ul style="list-style-type: none"> <li>▪ Overseeing the development and implementation of the Hamilton to Auckland Corridor Plan and associated work streams, including adopting any drafts for public consultation.</li> <li>▪ Ensuring organisation systems and resources support implementation of the Hamilton to Auckland Corridor Plan.</li> <li>▪ Addressing cross-boundary matters between Auckland and the Waikato, and within the Future Proof sub-region, as well as with other neighbouring regions.</li> <li>▪ Monitoring the implementation of the Hamilton to Auckland Corridor Plan and associated work streams.</li> </ul>

- 
- Reviewing and recommending changes to the Hamilton to Auckland Corridor Plan if circumstances change.
  - Ensuring alignment with existing council plans, strategies and policies, and with existing evidence, for example around climate impacts and emissions.
  - Ensuring alignment with initiatives already underway such as the Crown and Auckland Council Joint Programme of Work on Auckland Housing and Urban Growth.
  - Facilitating consultation with the partners and the wider community where relevant.
  - Facilitating consultation with the partners and the wider community where relevant.
- 

<b>Membership:</b>	<p>For Hamilton to Auckland Corridor matters, the Future Proof Implementation Committee will be expanded to include:</p> <ul style="list-style-type: none"> <li>▪ Up to three Ministers of the Crown - voting</li> <li>▪ Up to three mana whenua representatives from the Auckland Mana Whenua Kaitiaki Forum - voting</li> <li>▪ An Auckland Council Governing Body representative and a Franklin Local Board representative<sup>6</sup> - voting</li> <li>▪ Additional Ministers and Auckland local government elected members if and when relevant and required</li> </ul> <p>That the standing membership be limited to 22 members, but with the power to co-opt up to a maximum of four additional non-voting members where required to ensure effective planning and implementation.</p>
<b>Meeting frequency:</b>	Bi-monthly, or as necessary and determined by the Independent Chairperson.

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<sup>6</sup> Auckland Council participation in the Future Proof Implementation Committee for Hamilton to Auckland Corridor matters is limited to growth management issues relating to central government's Urban Growth Agenda; cross-boundary issues; specific project initiatives relevant to Auckland and any other matters that Auckland Council wishes to specifically table with the authorisation of the Independent Chairperson.

# Council Report

**Committee:** Council **Date:** 08 August 2019  
**Author:** Cory Lang **Authoriser:** Jen Baird  
**Position:** Building Control Manager **Position:** General Manager City Growth  
**Report Name:** Building Warrants of Fitness (BWOs) Current Process and BWOs Update

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

1. To inform the Council on the process and status of Building Warrants of Fitness (BWOs) in Hamilton.

## Staff Recommendation

2. That the Council receives the report.

## Executive Summary

3. The Building Act 2004 (the Act) specifically outlines obligations (for both Territorial Authorities and building owners) and the compliance framework for BWOs. As such, the Council's ability to effect change is limited to the application of processes, education and enforcement (legal notices and fines).
4. This report identifies the number of outstanding BWOs in Hamilton as at 5 July 2019 and explains Council's process.
5. The Council's process for managing BWOs is in line with the Ministry of Business Innovation and Employment's (MBIE) best practice.
6. Having considered the Significance and Engagement Policy, staff have assessed that the matters outlined in this report have low significance. This means that any potential risk is mitigated by the legal framework currently in place.

## Background

### The Council's responsibilities

7. The Act outlines the statutory requirements of a Territorial Authority (TA), with regard to monitoring buildings that contain specific life safety systems and features such as sprinkler systems and fire alarms for the life of the building.
8. These life safety systems and features, including the requirements for regular inspection and maintenance, are included in a Compliance Schedule issued by the Council at the time of issuing a Code Compliance Certificate (CCC). The date the CCC and Compliance Schedule is issued becomes the annual date for a BWO to be issued.

9. The Compliance Schedule outlines the regularity and requirements of the inspection and maintenance required for each system and who is required to carry it out. There are 16 different systems or features that must be included in a Compliance Schedule.
10. For the first year of the Compliance Schedule the Council issues a Statement of Fitness (SOF) that the owner must place on public display in the building (in lieu of a BWOFF). The SOF is replaced by the first BWOFF on the anniversary date of the Compliance Schedule. The SOF is necessary and a legal requirement as at this time, no inspections and maintenance of the life safety features or systems have been carried out.
11. On an annual basis, the Council must manage the receipt of BWOFFs from building owners and determine appropriate regulatory and compliance action.

#### **Building owner's responsibilities**

12. The building owner is responsible by legislation for the inspection and maintenance process by engaging an Independent Qualified Person (IQP) to carry this work out on their behalf.
13. The IQP carries out the inspection and maintenance process for each specified system or feature and provide reports to the owner. It is a legal requirement for the owner to maintain the records of the IQP inspections and reports for the previous 12 months to enable the owner to issue a BWOFF to the Council.
14. The representation of a BWOFF being issued confirms the required inspections and maintenance have been carried out for the past 12 months as required under the Compliance Schedule.
15. The owner is required to issue the BWOFF annually on the basis of the reports and inspections completed by the IQP for the building. The BWOFF must also be placed on view in a prominent place in the building for the public, and the owners must send a copy of the BWOFF and the IQP report/s for each individual system to the Council for its records. This process repeats every 12 months.
16. In some situations, the owner may not be in a position to issue the BWOFF because the IQP recommends the BWOFF should not be issued for specific reasons or the required inspections have not been carried out in accordance with the Compliance Schedule.
17. The owner must provide reasons why a BWOFF is unable to be issued and the Council must assess if the reasons are valid and take appropriate action.

#### **The Council's BWOFF process**

18. The Council carries out a monitoring programme where BWOFF records and the associated buildings are inspected for compliance. An inspection of the IQP records held on the premises is carried out, together with a walk-through of the building.
19. This is a proactive monitoring programme is based on the risk profile of the building. That is high and low risk according to the significance of the use of the building/occupancy –
  - high risk is generally greater occupancy numbers such as an accommodation building where people sleep;
  - low risk is generally an intermittent occupancy with lower occupancy numbers and non-sleeping activities such as a retail shop.
20. All high-risk buildings are inspected annually and low risk buildings over a 5-year period. This is a process that is supported and endorsed by MBIE.
21. There are situations where a building owner may not be able to issue the BWOFF because the IQP recommends the BWOFF should not be issued for one or more of the following reasons:
  - The building is closed or vacant;



- The building is under a current building consent for refurbishment, redevelopment, or seismic strengthening;
- Remedial work is being carried out on the specified system/s;
- Building ownership has changed;
- The contractor/agent or IQP has changed.

22. In circumstances such as a large campus with a large number of buildings, there is often a mix of currently active Building Consents with Compliance Schedules at different stages of completion. This can present a situation where passive fire safety features (such as walls separating fire-cells with penetrations for cabling and pipework through the walls) are still in the process of being completed and upgraded as part of the Building Consent works.
23. In these situations, the buildings will be operating under a Certificate of Public Use (CPU) where we have carried out inspections and are satisfied the building is safe to use due to the active fire safety features (such as fire alarms and sprinkler systems) are operative and have been inspected and maintained by the IQP in accordance with the Compliance Schedule.

#### **Current BWO Position**

24. As at 5 July 2019, the Council had 200 outstanding BWOs across the city, which amounts to 9% of the total number.
25. In line with our risk-based approach, we follow these up through engaging directly with the building owner to understand the nature/reason for the BWO being outstanding along with an assessment for public safety. This may also involve physical on-site inspections.
26. Should the Council have concerns around the safety of building occupants, we have the appropriate enforcement options available to require works to be undertaken and/or the building to be vacated.
27. You will note from the updated report (Attachment 1), of the 200 outstanding BWOs as at 5 July 2019 –
  - 60 of these now have BWOs issued, 14 still being processed;
  - 51 buildings remain vacant and/or have active building works underway;
  - 13 Notices to Fix have been issued;
  - A further 15 notices relating only to low-risk buildings are pending;
  - The remaining BWOs, many of which have only recently become due, are under action.
28. Given our live reporting, some of these will only be outstanding by a day while others might be a week or a month while we carry out the appropriate follow up.
29. At any time, there could be a number of outstanding BWOs as the building owner may not have provided a copy to the Council.
30. In practice, it is rare where the matter of an outstanding BWO would require extreme action from Council; in reality, most situations are rectified at an early stage.
31. Moving forward, to ensure greater visibility of BWOs for elected members, regular reporting of outstanding BWOs will be provided as follows:
  - Monthly reporting, second Monday of every month
    - High Risk outstanding for a month
    - Low Risk outstanding for two months

- Containing the following information
  - Building address
  - Risk level
  - Anniversary date
  - Any known reasons at that time and/or action taken

## Legal and Policy Considerations

32. Staff confirm that this process complies with the NZ Building Act 2004 and best practice outlined by MBIE.

### Legal

33. The Act specifically outlines obligations (both TAs and building owners) and the compliance framework. As such, our ability to effect change is limited to the application of processes, education and enforcement (legal notices and fines).
34. This report has outlined our current process, which aligns with MBIE's recommended best practices. The Council may wish to increase awareness and education through additional reminder notices/communication and increased onsite audits. This may reduce the number of outstanding BWOs as a consequence.
35. From an enforcement perspective, if a building is considered 'dangerous' and meets the legal test, immediate action is taken to ensure safety. This is the only legal mechanism available under the Act that the Council has to vacate a building.
36. Alternative options available to the Council are the use of Legal Notices to Fix (NTF) and infringements. NTFs are currently used on a risk-based approach as it is across many councils; however, a wider application of these notices could be considered. Given the legislation and the reasons a BWO may be outstanding, these notices may not in themselves achieve compliance and enforcement of these would need to be pursued. Paragraphs 35-45 below outline the legal framework in detail for these options.

### Dangerous Building

37. The dangerous building provisions of the Act has not received a lot of judicial consideration. Most of the cases are pre-2004 Building Act and therefore are only of limited value.
38. The starting point in considering whether a building is dangerous is clause 121 of the Act.
39. 121 Meaning of dangerous building
- (1) *A building is dangerous for the purposes of this Act if,—*
- (a) *in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—*
- (i) *injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
- (ii) *damage to other property; or*
- (b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely.*
- (2) *For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
- (a) *may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and*
- (b) *if the advice is sought, must have due regard to the advice.*

40. The phrase “likely to cause injury or death” has been considered in law on several occasions, albeit some time ago. In one case it was held that “likely” does not mean “probable”; on the other hand, a mere possibility is not enough.
41. Essentially, what is required is “a reasonable consequence or [something which] could well happen” or “the reasonable probabilities are that the building will cause injury or death unless it gets attention.”
42. The determination of a Dangerous Building is a high threshold. There is always a risk that in the event of a fire, death or injury to persons could occur, but there must be particular features of a building for the risk to be “likely”. The analysis for a dangerous building in relation to fire must first focus on the features and configuration of the building and its compliance with the Building Code at the time of construction to establish or not, if any non-compliance amounts to ‘dangerous’ and warrants the seriousness of a dangerous building notice.

### **Notices and Infringements**

43. Issuing Notices to Fix (NTFs). A NTF is a statutory notice requiring a person to remedy a breach of the NZ Building Act 2004. It can be issued for all breaches of the NZ Building Act 2004.
44. A notice to fix is essentially a warning to correct an instance of non-compliance.
45. Under a NTF, failure to correct the non-compliance is an offence liable to a maximum fine of \$200,000 and a further \$20,000 for each day the offence is continued.
46. Issuing infringement notices is proscribed in Sections 370-374 of the NZ Building Act 2004 and the infringement offences and fees are set under Schedule 1 of the Building Regulations 2007.
47. Offences under an Infringement Notice carry a maximum fine of \$20,000 and a further \$2,000 for every day the offence is continued. TAs can also issue instant fines ranging from \$250 to \$1,000.

### **Policy**

48. The only Council policy relating to the BWOFF process is the Dangerous and Insanitary Buildings Policy.

### **Risks**

49. A potential risk is that building owners do not carry out their role and responsibilities under the NZ Building Act 2004. This would increase the number of outstanding BWOFFs, meaning additional follow up and inspections by the Council, resulting in reducing our ability to proactively audit buildings and educate building owners on a regular basis.

### **Cultural Awareness**

50. In accordance with our obligation under the Local Government Act 2002, staff confirm that the content of this report has taken into consideration any cultural matters where possible to recognise and respect the Council’s responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Maori to contribute to local government decision-making processes.

### **Financial Considerations**

51. There are no financial implications in relation to the current situation; however, should the Council consider the need for a greater level of education, monitoring or inspections, additional resource will be required which would be recovered through standard fees and charges.

## Significance & Engagement Policy

### Significance

52. Having considered the Significance and Engagement Policy, staff have assessed that the matters outlined in this report have low significance. This means that any potential risk is mitigated by the legal framework currently in place.

### Engagement

53. Community views are already known to Council through the requirements of the NZ Building Act 2004 which includes the engagement with affected building owners and tenants.

### Additional material

The Compliance Schedule Handbook is intended as a guide in accordance with section 175 of the Building Act. The handbook is intended to provide information about the compliance schedule and BWoF regimes under the Building Act

<https://www.building.govt.nz/assets/Uploads/building-code-compliance/handbooks/compliance-schedule-handbook/Compliance-schedule-handbook-amendment-3.pdf>

This document provides a summary of the objectives, findings and recommendations of the MBIE Technical Reviews conducted during July 2015 to June 2017. These technical reviews focused on statutory territorial authority responsibilities under the NZ Building Act 2004 as it relates to compliance schedules and the Building Warrant of Fitness (BWOF) system.

<https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/council-technical-reviews-2015-2017.pdf>

Owners' responsibilities to ensure their buildings are safe to use.

MBIE Guidance on building warrants of fitness and compliance schedules.

<https://www.building.govt.nz/assets/Uploads/managing-buildings/bwof-guidance/bwof-guidance.pdf>

Hamilton City Council Dangerous and Insanitary Buildings Policy

<https://www.hamilton.govt.nz/our-council/policies-by-laws-legislation/policies/Documents/D-2691439%20Dangerous%20and%20Insanitary%20Buildings%20Policy%20-%20Final.pdf>

### Attachments

Attachment 1 - Building Warrants of Fitness to be issued as at 5 July 2019

Attachment 2 - Building Warrants of Fitness to be issued as at 5 August 2019 (*To be circulated Under Separate Cover*)

BWOFS Due 5.7.2019				
Street Address	Year/Num	Risk Level	Close Date	Status
231 Victoria Street	2001/2313	HR	20/06/2014	Remedial works
325 Victoria Street	1994/5006	LR	29/07/2014	Building is Vacant
435 Tuhikaramea Road	2004/5295	HR	5/07/2015	Building is Vacant
2 Lincoln Street	1995/2555	LR	21/08/2015	Building is Vacant
45 Bryant Road	1996/1272	LR	15/10/2015	Under action, audit completed and repairs required
Victoria Street	1999/5052	HR	5/11/2015	Remedial works
Hood Street	1996/2666	HR	2/04/2016	Audit completed and Notice to Fix issued
183 Pembroke Street	1994/336	HR	29/04/2016	Under action, programme of works underway
183 Pembroke Street	1994/342	HR	29/04/2016	Under action, programme of works underway
183 Pembroke Street	1994/325	HR	29/04/2016	Under action, programme of works underway
183 Pembroke Street	1994/341	HR	29/04/2016	Under action, programme of works underway
9 Perclo Place	1998/2140	LR	28/07/2016	Under action, new owners
20 Clyde Street	1996/1137	LR	11/10/2016	Building is Vacant
1190 Victoria Street	1994/1833	HR	24/11/2016	Audit completed and Notice to Fix issued
70 Foreman Road	1993/264	LR	14/12/2016	Remedial works
183 Pembroke Street	2010/25514	HR	11/01/2017	Under action, programme of works underway
36 Ward Street	1995/1944	LR	14/06/2017	Under action, audit completed
1006 Te Rapa Road	2010/25455	LR	20/08/2017	Under action, audit completed
29 Gilchrist Street	1993/154	LR	26/08/2017	Under action, change in contractor, IQP confirming specified system upgrade
29 Gilchrist Street	1993/155	LR	26/08/2017	Under action, change in contractor, IQP confirming specified system upgrade
29 Gilchrist Street	1993/156	LR	26/08/2017	Under action, change in contractor, IQP confirming specified system upgrade
728 Victoria Street	1998/2353	LR	30/09/2017	Building is Vacant
183 Pembroke Street	2011/26699	HR	24/10/2017	Under action, programme of works underway
20A Whatawhata Road	1996/2025	LR	17/12/2017	Remedial works
115 Kent Street	1994/2075	LR	22/12/2017	Under action, active discussions with owner, change in contractor
115 Ellis Street	2008/21168	LR	29/01/2018	Building is Vacant
33 Hood Street	2006/5306	LR	16/03/2018	Building is Vacant
1 Clyde Street	1994/382	HR	31/03/2018	Building is Vacant
25 Te Aroha Street	1995/2193	LR	11/04/2018	Building is Vacant
986 Te Rapa Road	2002/1481	LR	17/04/2018	Building is Vacant
372 Grey Street	2003/6798	LR	23/04/2018	Under action, reminder letter sent
337 Victoria Street	1999/3562	HR	5/05/2018	Building is Vacant
302 Barton Street	2007/17740	LR	12/05/2018	Building is Vacant
22 Mexted Place	2013/29115	LR	5/06/2018	BWOF now received
30 Old Farm Road	2006/15615	HR	15/06/2019	Under action, reminder letter sent
1095 Heaphy Terrace	1993/104	HR	18/06/2018	BWOF now received
198 Victoria Street	1998/5005	HR	23/07/2018	Audit completed and Notice to Fix issued
509 Tuhikaramea Road	2004/5299	LR	28/07/2018	Remedial works
79 Norton Road	1995/2559	HR	2/08/2018	Building is Vacant
7 Worley Place	1997/2006	LR	7/08/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
181 Victoria Street	2000/2301	HR	8/08/2018	Audit completed and Notice to Fix issued
1010 Te Rapa Road	1999/5007	LR	15/08/2018	Building is Vacant
646 Victoria Street	1993/148	LR	19/08/2018	Building is Vacant
13/26 Bryant Road	1994/630	LR	22/08/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
757 Te Rapa Road	1998/2771	LR	26/08/2018	Audit completed and Notice to Fix issued
266 Victoria Street	1997/2320	LR	26/08/2018	Under action, reminder letter sent
540 Victoria Street	1997/2293	LR	26/08/2018	Building is Vacant
107 Ruffell Road	2014/30425	LR	26/08/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
2/391 Victoria Street	1994/628	HR	28/08/2018	Remedial works
181 Galloway Street	2002/2399	LR	29/09/2018	BWOF now received
Crawshaw Drive	1999/2209	LR	29/09/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
34 Masters Avenue	1999/5153	LR	29/09/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
63 King Street	1997/3107	LR	10/10/2018	Audit completed and Notice to Fix issued
5 Lake Road	1997/3115	LR	10/10/2018	Under action, audit completed and following up with owner
101 Rifle Range Road	1995/5027	HR	18/10/2018	Under action, audit completed and BWOF current, waiting on copy for HCC records
7 Euclid Avenue	1996/2789	LR	24/10/2018	Under action, audit completed and following up with owner
951 Wairere Drive	1996/2791	LR	29/10/2018	Under action, change in contractor, IQP confirming specified system upgrade
332 Peachgrove Road	1998/3501	HR	3/11/2018	Audit completed and Notice to Fix issued
12 Garden Place	1993/233	HR	8/11/2019	Under action, audit completed and BWOF current, waiting on copy for HCC records
544 Anglesea Street	2012/28283	LR	9/11/2018	Building is Vacant
951 Wairere Drive	2008/21041	LR	10/11/2018	Under action, reminder letter sent
19 Foster Road	2004/5300	HR	7/12/2018	Remedial works
70 Foreman Road	1993/265	LR	14/12/2018	Remedial works
586 Victoria Street	1992/24	HR	18/12/2018	Remedial works
285 Te Rapa Road	1993/273	HR	21/12/2018	Remedial works
200 Commerce Street	2001/3076	LR	22/12/2018	Under action, reminder letter sent
130 Commerce Street	1994/2074	LR	22/12/2018	Building is Vacant
487 Anglesea Street	1998/3370	LR	21/01/2019	Audit completed and Notice to Fix issued
15 Liverpool Street	1996/2098	LR	24/01/2019	Under action, reminder letter sent

Street Address	Year/Num	Risk Level	Close Date	Status
245 Killarney Road	1997/2819	LR	24/01/2019	Building is Vacant
800 Heaphy Terrace	2007/19887	HR	28/01/2019	Under action, reminder letter sent, BWOF now received
148 Ward Street	2010/25261	LR	3/02/2019	Under action, reminder letter sent
2 Rosalind Street	2014/31718	LR	15/02/2019	Audit completed and Notice to Fix issued
6/26 Sheffield Street	2015/33239	LR	17/02/2019	Under action, audit completed and BWOF current, waiting on copy for HCC records
26 Hood Street	2000/5096	HR	24/02/2019	BWOF now received
1A/49 Tawn Place	2005/12654	LR	1/03/2019	Under action, notified by IQP in progress
51 London Street	2011/26112	HR	2/03/2019	Audit completed and Notice to Fix issued
17/9 Enderley Avenue	1995/2434	LR	6/03/2019	Under action, reminder letter sent
44 London Street	1993/48	HR	18/03/2019	Remedial works
36 Bryant Road	1993/47	HR	23/03/2019	Remedial works
27 Kaimiro Street	2007/18289	LR	26/03/2019	Remedial works
Pukete Road	2001/5227	LR	27/03/2019	Building is Vacant
290 Tristram Street	1994/314	LR	27/03/2019	BWOF now received
10 Palmerston Street	2003/5284	HR	3/04/2019	Audit completed and Notice to Fix issued
446 Te Rapa Road	2003/6604	LR	26/04/2019	Under action, reminder letter sent
103 London Street	1993/64	HR	29/04/2019	Remedial works
183 Pembroke Street	1994/340	HR	29/04/2019	Under action, programme of works underway
183 Pembroke Street	1994/329	HR	29/04/2019	Under action, programme of works underway
183 Pembroke Street	1994/327	HR	29/04/2019	Under action, programme of works underway
325 Tristram Street	1993/5008	LR	29/04/2019	Under action, reminder letter sent
713 Grey Street	1990/1523	LR	29/04/2019	Building is Vacant
183 Pembroke Street	1994/333	HR	29/04/2019	Under action, programme of works underway
27 Collingwood Street	1995/2483	HR	4/05/2019	BWOF now received
921 Heaphy Terrace	1998/3428	HR	4/05/2019	Audit completed and Notice to Fix issued
39 Cate Road	2014/30379	LR	6/05/2019	Overdue, property sold and now a residential house. Has been removed from the register
30 Ruakura Road	2002/5289	HR	8/05/2019	BWOF now received
91 Victoria Street	2014/31579	LR	9/05/2019	BWOF now received
20 Patricia Avenue	1994/448	HR	11/05/2019	Under action, reminder letter sent, BWOF now received.,
72 Ellicott Road	1994/413	HR	11/05/2019	BWOF now received
7 Dawson Street	1994/417	HR	11/05/2019	BWOF now received
100 Pukete Road	1994/449	HR	11/05/2019	Audit completed and Notice to Fix issued
58 Livingstone Avenue	1994/427	HR	11/05/2019	BWOF now received
104 Morrinsville Road	2006/16358	HR	17/05/2019	Audit completed and Notice to Fix issued
13 Dowding Street	2006/15656	LR	18/05/2019	Under action, new owners
133 Rostrevor Street	1997/1594	LR	19/05/2019	Under action, new owners
334 Cobham Drive	2007/19548	HR	20/05/2019	BWOF now received
22 North City Road	2014/31652	LR	20/05/2019	BWOF now received
7 Mainstreet Place	2002/5339	LR	22/05/2019	BWOF now received
192 Kent Street	2004/11339	HR	23/05/2019	BWOF now received
100 Tristram Street	1997/2920	LR	26/05/2019	Under action
303 Victoria Street	2002/5281	HR	30/05/2019	BWOF now received
1 Normandy Avenue	2017/392	LR	30/05/2019	Under action, audit completed and BWOF current, waiting on copy for HCC records
86 Galloway Street	2000/5143	HR	1/06/2019	BWOF now received
24 Abbotsford Street	1998/3438	HR	2/06/2019	Under action, reminder letter sent
396 Grey Street	2015/31906	LR	2/06/2019	Under action, reminder letter sent
312 Barton Street	1994/442	LR	2/06/2019	BWOF now received
58 Bryce Street	2001/2233	LR	3/06/2019	Building is Vacant
331 Victoria Street	2008/20190	HR	4/06/2019	Under action, new owners
43 Peachgrove Road	1994/470	LR	7/06/2019	Building is Vacant
164 Peachgrove Road	1995/2515	HR	8/06/2019	Under action, active discussions with owner, change in contractor
213 Victoria Street	1998/3440	HR	9/06/2019	Remedial works
9 Hardley Street	1993/99	LR	10/06/2019	BWOF now received
Avalon Drive	2009/22840	HR	11/06/2019	BWOF now received
181 Kahikatea Drive	2001/5261	HR	12/06/2019	Under action, reminder letter sent
20 Palmerston Street	1994/476	LR	15/06/2019	Under action, notified by IQP in progress
800 Heaphy Terrace	2009/23052	HR	15/06/2019	Under action, reminder letter sent
17 Clifton Road	1995/2542	LR	15/06/2019	BWOF now received
40A Thackeray Street	2002/569	HR	15/06/2019	Under action, reminder letter sent
109 Heath Street	2011/25824	LR	16/06/2019	BWOF now received
285 Barton Street	1995/2544	LR	16/06/2019	Under action, reminder letter sent
177 Ellis Street	1995/2543	LR	16/06/2019	BWOF now received
644 Grey Street	1999/2381	LR	16/06/2019	Under action, reminder letter sent
109 Victoria Street	1996/2300	HR	17/06/2019	Under action, reminder letter sent
212 Ulster Street	1987/36605	HR	17/06/2019	Under action, reminder letter sent
14 Quail Place	2009/22102	LR	18/06/2019	BWOF now received
698 River Road	2011/26910	HR	19/06/2019	BWOF now received
68 Commerce Street	2016/34999	LR	20/06/2019	Under action, reminder letter sent
30 Old Farm Road	1994/484	LR	20/06/2019	Under action, reminder letter sent
23 Maui Street	1995/2127	LR	21/06/2019	BWOF now received
95 Duke Street	2015/33083	LR	22/06/2019	Building is Vacant

Street Address	Year/Num	Risk Level	Close Date	Status
97 Commerce Street	2001/5267	LR	22/06/2019	Under action, reminder letter sent
61 Livingstone Avenue	1998/2604	HR	22/06/2019	Under action, reminder letter sent
24 Dinsdale Road	2000/2821	LR	23/06/2019	BVVOF now received
30 Tuhikaramea Road	1999/3576	LR	23/06/2019	Building is Vacant
702 Grey Street	2013/29936	LR	24/06/2019	Under action, reminder letter sent
618 Te Rapa Road	2011/26986	HR	25/06/2019	BVVOF now received
21 Kahu Crescent	2012/28596	LR	26/06/2019	BVVOF now received
35A Church Road	2007/18557	LR	26/06/2019	Under action, reminder letter sent
550 Anglesea Street	1997/1028	LR	26/06/2019	Under action, reminder letter sent
4 Kells Place	1996/222	LR	27/06/2019	BVVOF now received
106 Duke Street	2013/28734	LR	27/06/2019	Under action, reminder letter sent
427 Victoria Street	1994/510	LR	29/06/2019	BVVOF now received
35 Bryant Road	1994/502	LR	29/06/2019	Under action, reminder letter sent
25 Harwood Street	1994/489	LR	29/06/2019	BVVOF now received
83 Riverlea Road	1994/503	HR	29/06/2019	Under action, reminder letter sent
149 Seddon Road	2003/5286	LR	30/06/2019	BVVOF now received
130 Knighton Road	1994/924	HR	30/06/2019	BVVOF now received
164 Hillcrest Road	1994/927	HR	30/06/2019	BVVOF now received
135C Silverdale Road	1994/988	HR	30/06/2019	Under action, reminder letter sent
211 Hillcrest Road	1994/987	HR	30/06/2019	BVVOF now received
115 Hillcrest Road	1994/983	HR	30/06/2019	Under action, reminder letter sent
211 Hillcrest Road	1994/954	HR	30/06/2019	Under action, reminder letter sent
100 Aurora Terrace	1996/2704	HR	30/06/2019	BVVOF now received
164 Hillcrest Road	1994/930	HR	30/06/2019	BVVOF now received
7 Vialou Street	2015/32242	LR	1/07/2019	Under action, reminder letter sent
11 King Street	1997/2933	LR	1/07/2019	BVVOF now received
342 Cambridge Road	1994/563	HR	1/07/2019	BVVOF now received
783 Heaphy Terrace	2015/32157	LR	1/07/2019	BVVOF now received
188 Maui Street	2002/5349	HR	1/07/2019	BVVOF now received
575 Te Rapa Road	2007/18374	LR	1/07/2019	Under action, reminder letter sent
286 Cambridge Road	1994/567	LR	1/07/2019	BVVOF now received
532 Anglesea Street	2006/16534	LR	2/07/2019	Under action, reminder letter sent
18 Kaimiro Street	2002/5298	LR	2/07/2019	Under action, reminder letter sent
139 Hillcrest Road	2010/23959	LR	2/07/2019	BVVOF now received
183 Pembroke Street	2006/16646	HR	2/07/2019	BVVOF now received
4 Mill Lane	2000/5152	HR	3/07/2019	BVVOF now received
24 Lincoln Street	2000/5153	LR	3/07/2019	BVVOF now received
15 The Boulevard	2014/31308	LR	3/07/2019	Under action, reminder letter sent
130A Percival Road	2015/33242	LR	3/07/2019	Under action, reminder letter sent
829 Victoria Street	2006/14862	HR	3/07/2019	Under action, reminder letter sent
19 Home Straight	2011/25943	HR	3/07/2019	BVVOF now received
227 Baverstock Road	2008/21442	HR	3/07/2019	Under action, reminder letter sent
387 Anglesea Street	1994/508	LR	4/07/2019	BVVOF now received
16 Grasslands Place	1990/1035	LR	4/07/2019	BVVOF now received
83A Tristram Street	1996/2694	LR	4/07/2019	Under action, reminder letter sent
4/563 Victoria Street	1994/493	LR	4/07/2019	Under action, reminder letter sent
60 Tennyson Road	2016/34643	LR	4/07/2019	BVVOF now received
13 Thackeray Street	2005/12193	LR	4/07/2019	BVVOF now received
14 Willoughby Street	2001/2994	LR	4/07/2019	BVVOF now received
37 Oxford Street	1997/2934	HR	4/07/2019	BVVOF now received
36 Boundary Road	1994/497	HR	4/07/2019	BVVOF now received
34 Bryce Street	1994/506	LR	4/07/2019	Under action, reminder letter sent
38 Lake Road	1995/2550	LR	4/07/2019	BVVOF now received
360 Tristram Street	1994/512	LR	4/07/2019	BVVOF now received
1 Normandy Avenue	2016/33832	LR	4/07/2019	Under action, reminder letter sent
660 River Road	1994/474	HR	4/07/2019	Under action, reminder letter sent
116 Anglesea Street	1994/491	HR	4/07/2019	BVVOF now received
435 Tuhikaramea Road	2015/32145	LR	4/07/2019	BVVOF now received
30 Hood Street	2001/5277	LR	5/07/2019	BVVOF now received
86 The Boulevard	2005/12525	LR	5/07/2019	Under action, reminder letter sent



# Council Report

Item 10

**Committee:** Council

**Date:** 08 August 2019

**Author:** Andrew Parsons

**Authoriser:** Chris Allen

**Position:** Strategic Development  
Manager

**Position:** General Manager  
Development

**Report Name:** Peacocke Property Purchase

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

1. To seek approval from the Council to temporarily increase the Chief Executive's (CE's) Financial Delegation to \$10,000,000 (ten million dollars) solely for the purchase of property related to the Peacocke Housing Infrastructure Fund (HIF) programme of works.

## Staff Recommendation

2. That the Council approves a temporary increase to the Chief Executives Financial Delegation from \$3,000,000 (three million dollars) to \$10,000,000 (ten million dollars) solely for the purchase of property related to the Peacocke Housing Infrastructure Fund programme of works subject to not exceeding the total approved property purchase budget of \$66,500,000.

## Executive Summary

3. Staff are progressing the Peacocke programme, with detailed design and construction procurement planning now under way.
4. Property acquisition is advancing based on good faith negotiation supported by the Public Works Act (PWA) process in line with the approved HIF Peacocke Detailed Business Case (HIF DBC).
5. The property acquisition is now entering a critical stage where the Council needs to be prepared to move quickly and respond to decisions made by property owners. These decisions will likely result in purchase agreements that do not align with the Council reporting cycle.
6. Given the nature and scale of the Peacocke programme, some property acquisitions are likely to exceed existing CE Financial Delegation for Purchase of Property
7. Staff are seeking to increase the CE's Financial Delegation for Purchase of Property to \$10M for purchases related to the Peacocke HIF programme of works. This is to ensure we can continue good faith negotiations with property owners at this sensitive time without introducing potentially unreasonable delays.

## Background

8. In December 2017, the Council approved the property acquisition strategy as part of the HIF DBC, which noted that for timing risk reasons, the acquisition process begins as soon as possible and using the PWA process.

9. HIF Peacocke funding of \$290.4M was approved as part of the 2018-28 10 Year Plan process which includes \$66.5M for property acquisition.
10. On 18 June 2019, the Growth and Infrastructure Committee approved the bridge macroscope and instructed staff to proceed to detailed design and begin physical works procurement to enable contract award in mid 2020.
11. Property acquisition is an urgent component and critical path item for the overall Peacocke Programme. The approved property acquisition method is based around good faith negotiations but is running alongside a comprehensive compulsory acquisition programme supported by the PWA to manage overall timeframes.
12. Council is now well advanced with good faith property negotiations as well as taking the next step in the PWA process, issuing s23 Notices of Intention. This is a crucial point where Council's offer to purchase has been made, and relevant property owners have now had the opportunity to seek independent legal and property valuation advice to inform their decision on how they would like to proceed.
13. This is a sensitive matter for most property owners in Peacocke, and in cases where agreement can be reached, owners often ask to complete the purchase quickly so they can simply move on. It is important that where appropriate, Council is able to respond to such decisions by property owners at relatively short notice.
14. Of the property purchases identified, many are small or of relatively low value so will fall within existing CE Financial Delegation for Property Purchase. However, small number of purchases are likely to exceed existing CE Financial Delegation. Of importance to note is that the PWA clearly prescribes the process being followed for valuing property to ensure fairness and predominantly favours the property owner.
15. CE Financial Delegation for Purchase of Property under the Delegations to Positions Policy is currently \$3M. Staff recommend increasing the delegation to \$10M solely for property related to delivering the Peacocke HIF programme of works.

### **Financial Considerations**

16. All property acquisition costs are funded within existing approved 2018-28 10 Year Plan budgets. Staff continue to report financial performance and progress as part of the regular Growth and Infrastructure and Finance Committee reports.

### **Legal and Policy Considerations**

17. All property purchase negotiations and transactions are supported by independent registered property valuations, expert planning advice and are overseen by Council's legal advisors to ensure adherence to the PWA as well as Councils normal legal obligations. This includes providing adequate opportunity and means for property owners to seek their own independent advice.

### **Cultural Considerations**

18. Staff are cognisant of cultural obligations as they apply to the steps of the property acquisition process. Where appropriate, consultation is undertaken through the existing Tangata Whenua Working Group.

### **Risks**

19. Property acquisition remains a significant time risk in meeting completion dates agreed in the HIF loan agreement. Priority has been given to the most critical properties, but generally timeframes are tight.

20. Where purchases are progressed relying on the PWA, this will be sensitive for those property owners involved. Every effort is made to manage relationships and reduce the risk of disputes, including using independent experts, but there remains a high reputational risk.
21. Approving an increase of the CE's Financial Delegation for Property Purchase will help manage these risks by enabling effective negotiations and decision making with property owners.

### **Significance**

22. Staff consider the decisions in this report have a low significance and that the recommendations comply with the Council's legal requirements.

### **Engagement**

23. Property acquisition is a key component of a comprehensive and ongoing programme wide communications plan.

### **Attachments**

There are no attachments for this report.

# Council Report

**Committee:** Council **Date:** 08 August 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Recommendation from the Finance Committee Meeting of 1 August 2019

<b>Report Status</b>	<i>Open</i>
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1. To seek the Council's approval of the recommendation from the Finance Committee meeting on 1 August 2019, in respect of the Financial Strategy Monitoring Report. To be advised following the 1 August 2019 Finance Committee meeting.
2. The 1 August 2019 Finance Committee agenda and minutes are available on the Council website or via the following link:  
[https://www.hamilton.govt.nz/our-council/Council\\_meetings\\_and\\_public\\_information/meetings-and-minutes/Pages/default.aspx](https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/meetings-and-minutes/Pages/default.aspx)

## Recommendation from the Finance Committee Meeting of 1 August 2019

3. That the Council:
  - a) approves the rephrasing and delay deferrals of an additional \$6.53M capital projects from 2018/19 to future years as identified in the 1 August 2019 Capital Portfolio Monitoring Report;
  - b) approves the additional funding of \$0.5M for the Central City Jetty as identified in the 1 August 2019 Capital Portfolio Monitoring Report;
  - c) approves the significant forecast adjustments as set out in paragraphs 20 to 24 of this report; and
  - d) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 25 to 34 of the staff report.

## Attachments

There are no attachments for this report.

## Resolution to Exclude the Public

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

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 27 June 2019	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)
C2. Sale of Land - Victoria on the River		
C3. Victoria Riverside - Property Purchase		
C4. Release of Public Excluded Report and Minutes		
C5. CE Employment Matters		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C3.	to maintain a legal professional privilege to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)



## Resolution to Exclude the Public

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

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C6. Rotokauri North Development No 1 Limited - Private Developer Agreement	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C7. Recommendation from the Finance Committee Meeting of 1 August 2019	)	

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

Item C6.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)