

## Notice of Meeting:

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

**Date:** Thursday 9 May 2019  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Extraordinary Council OPEN AGENDA

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### Membership

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

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

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

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Lee-Ann Jordan  
Governance Manager

**3 May 2019**

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

## 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:** 09 May 2019  
**Author:** Greg Carstens **Authoriser:** Jen Baird  
**Position:** Growth Funding & Analytics Unit Manager **Position:** General Manager City Growth Unit Manager  
**Report Name:** 2019-20 Proposed Development Contributions Submissions Report

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

- To inform the Council of the key themes received from the feedback from submitters on the proposed Development Contributions Policy.

## Staff Recommendation

- That the Council
  - receives the report; and
  - notes that feedback will be considered during the deliberations on the proposed Development Contributions Policy at the 21 May 2019 Council meeting; and
  - notes that the Development Contributions Policy 2019/20 is scheduled to be adopted at the 20 June 2019 Council meeting.

## Background

- At the 4 April 2019 Council meeting the Council:
  - approved the adoption of the proposed Development Contributions Policy 2019/20 for public consultation.
  - directed staff to commence formal consultation on the proposed Development Contributions Policy 2019/20 for three weeks.
- Key amendments to the existing Policy, approved by the Council for inclusion in the proposed Policy on 4 April 2019 were:
  - the continuation of a 66% CBD remission until 30 June 2021
  - introduction of the Rotokauri general catchment capped charges for non-residential development
  - updated growth projections, Schedule of Assets, and cost allocations
  - the amendment of the definition of 'gross floor area'
  - inclusion of additional assets in the Schedule of Assets; and
  - an updated schedule of charges.

5. Staff have read all submissions to the proposed Policy, and have identified in this report key issues from these submissions.
6. Staff will verbal present additional submissions analysis at the meeting.

### Submission Overview

7. There were 28 submissions to the proposed Development Contributions Policy 2019/20.
8. From the responses received there were 3 submitters who identified as individuals and the remaining submissions identified as respondents from the development and business community.
9. Council asked, through the consultation, targeted questions to gather feedback on the recommendations resulting from the 4 April 2019 Council meeting.
10. Overall, the CBD remission was supported by respondents. Overall respondents opposed the growth funding model update, the inclusion of additional assets, the amendment to change the Gross Floor Area (GFA) definition, and the updated schedule of charges. There were mixed responses to capping non-residential Rotokauri development contributions.
11. Submitters generally opposed the updated schedule of charges. Respondents are concerned that the increase in charges will impede growth and impact development feasibility. Submitters raised that the changes in schedule of charges from the last policy contribute toward commercial uncertainty within Hamilton that is likely to affect commitment to development in Hamilton.
12. The full submissions are available at: <https://haveyoursay.hamilton.govt.nz/city-planning/dc-policy-update/>

### Submission themes - proposed amendments

13. To summarise the issues into key themes some generalisation of the submissions was required because of the complexity of what are sophisticated submissions on a difficult and often highly technical topic,. The key themes are not intended to detract from the full submissions but instead provide a reference to help understand how an individual submission fits within the broader feedback received.
14. **Proposed amendment 1: update growth modelling environment**
15. The submissions generally were opposed to this amendment.
16. **Proposed amendment 2: inclusion of additional assets**
17. The submissions generally were opposed to introducing new projects into the Schedule of Assets, mostly due to consequential increase in development contributions.
18. **Proposed amendment 3: CBD remissions**
19. Most submitters support the objectives of Council to revitalise the CBD and believe the continuation of the CBD remission will encourage ongoing investment and growth. Respondents raised comparative inequity with other areas of the city that do not have discounted charges, and the importance of procedural transparency of granted CBD remissions and identifying them within financial reporting. CBD remissions are published in the Quarterly Remissions Report to the Growth and Infrastructure Committee.
20. **Proposed amendment 4: non-residential Rotokauri caps**
21. Most submitters conditionally supported the implementation of non-residential Rotokauri caps. However, they believed that this was a remedy to a symptom of poor Council planning.

Other respondents supported extending the cap to residential development and to other growth areas.

22. Submitters questioned how the non-residential Rotokauri caps would be funded. The cap is proposed to be funded by general rates.
23. **Proposed amendment 5: GFA definition**
24. Respondents overall did not agree with the amendment to the GFA definition. Many submitters addressed a separate but related issue of canopies, which was not proposed to be changed, suggesting that they be excluded from the definition. The reasoning for the exclusion of canopies was to reduce the possibility of demand being over assessed.
25. **Proposed amendment 5: updated schedule of development contribution charges**
26. The submissions generally were opposed to the updated schedule of charges.

### **Submission themes – general matters outside of proposed amendments**

27. **Key submitter theme: Remissions**
28. A number of submissions disagreed with Council’s remission provisions, including the 5 HUE threshold for application, the method of calculation, and also sought an additional clause that outlines a specific timeframe for responding to remission applications to better plan projects.
29. **Key submitter theme: update schedule of charges by PPI only**
30. Many submitters suggested that the charges between 10 year plan reviews should be updated only by the producers price index (PPI) as per the LGA. As this will create greater certainty in the change of charges, thereby, increasing certainty in development decisions.
31. **Key submitter theme: consultation timeframes**
32. Most submissions said that the consultation was not long enough.
33. **Key submitter theme: growth pays for growth**
34. A number of submission disagreed with Council’s application of its ‘growth pays for growth’ principle and its application which led to high charges, and sought clarification as to what the principle means.

### **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. Development Contributions Legal Verbal Update	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 ) )	Section 48(1)(a)

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

Item C1.	to maintain legal professional privilege	Section 7 (2) (g)
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