

Notice of Meeting:

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

Date: Thursday 29 September 2016
Time: 9:00am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly

Becca Brooke
Committee Advisor

23 September 2016

Telephone: 07 838 6439
Becca.Brooke@hcc.govt.nz
www.hamilton.govt.nz

Terms of Reference:

- To carry out leadership functions including advocacy and facilitation on behalf of the community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council.
- To make those decisions which are required by legislation to be made by resolution of the local authority.
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to staff or other Committees.
- To receive the Council Risk Register and legal issues reports.
- To receive reports from the Audit & Risk Committee.
- To develop and approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- To approve the Hamilton Plan and to retain overview of it through setting direction on key strategic projects and receiving regular reports on its overall achievement
- Make decisions in respect of District Plan matters.
- The authority to agree to settle and submit draft consent orders to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Plan Variation or Notice of Requirement to designate land or for a heritage order, or a resource consent application.
- The authority to reject a private plan change request.

Financial:

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council's borrowing programme and treasury management strategy.
- To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

Procedural Matters:

- Delegation of all Committee powers.
- Adoption of Standing Orders.
- Confirmation of all Standing and Special Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive, setting of the Chief Executive's performance targets and review of the Chief Executive's Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations.

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	4
2	Confirmation of Agenda	4
3	Declarations of Interest	4
4	Public Forum	4
5	2015/16 Annual Report	5
	<i>(Attachments to be circulated under separate cover)</i>	
6	End of Triennium Delegations	7
7	Founders Theatre - Future Options	15
8	Policy Review - Municipal and Domain Endowment Funds Policy	19
9	Hamilton City Proposed District Plan - Making the Plan Partly Operative	87
10	Recommendations to Council - Strategy and Policy Committee Meeting - 30 August 2016	91
11	End of Triennium - Open Minutes to be Confirmed and Adopted	163
	<i>(Attachments 8 – 11 to be circulated under separate cover)</i>	
12	Resolution to Exclude the Public	228
13	Closing Speeches <i>(Verbal Update)</i>	

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 Her Worship 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 Council Democracy 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 Democracy by telephoning 07 838 6439.

Committee: Council

Date: 29 September 2016

Report Name: 2015/16 Annual Report

Author: Tracey Musty

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>2015-25 10-Year Plan 2015/16 Annual Plan</i>
Financial status	<i>There is not budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is considered to have a high degree of significance and as such is a decision that can only be made by Council.</i>

1. Purpose of the Report

2. To adopt the audited 2015/16 Annual Report.

3. Discussion

4. The 2015/16 Annual Report includes the financial statements and accompanying notes and the Statements of Service Performance for adoption by Council.
5. The Annual Report and Summary comply with legislation and all applicable accounting standards.
6. Both the Annual Report and Summary are audited and each includes an audit opinion.
7. The Audit and Risk Committee met on 13 September 2016 and recommended that Council adopt the 2015/16 Annual Report.

Recommendations from Management

That:

- a) the report be received;
- b) the 2015/16 Annual Report be approved by Council for the Mayor and Chief Executive to sign and present to Audit NZ;
- c) the Mayor and Chief Executive be authorised to sign the Audit NZ Letter of Representation on behalf of Council;
- d) the audit opinion be received; and
- e) the audited 2015/16 Annual Report and audited Summary Annual Report be adopted.

8. Attachments

- 9. Attachment 1 - Annual Report 2015/16 *(to be circulated under separate cover)*
- 10. Attachment 2 - Annual Report Summary 2015/16 *(to be circulated under separate cover)*
- 11. Attachment 3 - Audit NZ Letter of Representation *(to be circulated under separate cover)*
- 12. Attachment 4 - Audit NZ Audit Opinion *(to be circulated under separate cover)*

13. Key Issues

- 14. Audit and Adoption Process
- 15. Audit NZ completed their audit process and provided verbal clearance to the Audit and Risk Committee that Council has met the requirements for the Audit Director to sign an unmodified audit opinion. Verbal clearance provides assurance that the auditors are unlikely to require any further changes.
- 16. Audit NZ can only issue their audit opinion after Council has approved the Annual Report and the Mayor and Chief Executive have provided them with signed copies.
- 17. Two copies initialed by the General Manager Corporate Services will be at the meeting for the Mayor and Chief Executive to sign.
- 18. The auditors also require an Audit Representation Letter. Council must resolve that the Mayor and Chief Executive sign the audit representation letter to complete this process. The General Manager Corporate Services has considered the matters included in the representation letter and provided the Mayor and Chief Executive written confirmation that the matters in the letter can be attested to. As such, it is recommended that the representation letter be signed.
- 19. Once both documents are approved and signed, Audit NZ will provide a signed and dated audit opinion for Council to receive. A draft of the expected opinion on the 2015/16 Annual Report is attached for information.
- 20. Council will then adopt the audited 2015/16 Annual Report.

21. Risk

- 22. Council must adopt an Annual Report by 30 October 2016. Failure to do so could have a negative impact on Council’s Fitch credit rating and is likely to be drawn to Parliament’s attention in the Auditor General’s report on the audit of local government annual reports.

Signatory

Authoriser	David Bryant, General Manager Corporate
------------	---

Committee: Council

Date: 29 September 2016

Report Name: End of Triennium Delegations

Author: Richard Briggs

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Local Government Act 2002 and Local Electoral Act 2001</i>
Financial status	<i>There is no budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To request that the Council extends the Chief Executive's existing delegations from the day after the declaration of election results until the inaugural Council meeting (the 'interim election period', otherwise known as the interregnum period), subject to certain limitations as set out in legislation and this report.
3. To update the Council on a number of procedural matters relating to the end of the triennium.

4. Executive Summary

5. The Council needs to consider arrangements to ensure the effective and efficient conduct of the Council's business during the interim election period – which is likely to be for the period from 16 to 26 October 2016 (both dates inclusive).
6. To this end, it is proposed that the Council extends the Chief Executive's current delegations to undertake Council's responsibilities, duties, and powers (except those that cannot be delegated) in respect of urgent matters for the period in question subject to certain conditions ('extended delegations').
7. Council's Committees and Subcommittees are deemed to be discharged on the coming into office of the newly elected Council unless Council resolves otherwise. There is no requirement for Council to resolve to retain any existing Committee or Subcommittee under the existing Governance Structure, other than the District Licensing Committee which is a committee of Council by virtue of the Sale and Supply of Alcohol Act 2012 ('SSAA').
8. Minutes of this Council Meeting and the final External Funding Subcommittee Meeting, which took place on 28 September 2016, will be authenticated in accordance with the process set out in Standing Orders.

9. Recommendations from Management

That Council:

- a) receives the report;
- b) extends the Chief Executive’s current delegations (detailed in the 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:
 - i. The extended delegations will have effect only for the period from the day after the declaration of the 2016 election results until the swearing in of the new Council;
 - ii. 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 LGA;
 - iii. The Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the first meeting of the new Council;
 - iv. The Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
 - v. Where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, first consult with the Mayor-elect;
 - vi. The Chief Executive must report all matters relating to the exercise of an extended delegation to the incoming Council at the first meeting following the triennial general election; and
 - vii. Should any urgent matters arise during the interim election period which require significant political input, or at law must be made by Council, the first meeting following the triennial general election must be called by the Chief Executive as an ‘emergency’ meeting under clause 21 of Schedule 7 to the LGA; and
- c) agrees that, as required under clause 30(7) of Schedule 7 to the LGA, the District Licensing Committee shall continue (and not be deemed to be discharged) on the coming into office of the members of the Council elected at the 2016 triennial general election of members.

10. Attachments

- 11. Attachment 1 - Excerpts of Legislation

12. Key Issues

Urgent Issues – General Delegation

- 13. Clause 14 of Schedule 7 to the LGA provides that a person newly elected to Council may not act until they have made the necessary declaration at the inaugural Council meeting. This provision combines with sections 86, 115 and 116 of the Local Electoral Act 2001 to the effect that, from the day after the declaration of election results (which is by way of public notice in a local newspaper), until the new members’ declaration is taken at the inaugural Council meeting, neither the outgoing nor the incoming elected members can act in their capacity as

members of the Council. Although subject to change, it is anticipated this will be for a period of 11 days – from Sunday 16 October 2016 until the inaugural Council meeting, which is proposed to be held on 27 October 2016.

14. It is important that Council puts a process in place by which urgent decisions may be made during the interim election period. It is recommended that the Council extends the Chief Executive's existing delegations, during this period, to undertake all of the Council's responsibilities, duties, and powers (except as prohibited by clause 32(1)(a) to (h) of Schedule 7 to the LGA and any other Act). The Chief Executive's current delegations are set out in the [Delegations to Positions Policy](#).
15. It is common practice for local authorities to authorise their chief executives to deal with such matters, and is consistent with the approach taken by the Council in previous triennia.
16. For clarity, on the swearing in of the new Council, the Chief Executive's delegated powers, duties and functions revert to those delegations set out in the Delegations to Positions Policy, together with any delegations on specific matters that have already been resolved by the Council or any of its standing Committees.
17. The recommended extended delegations are made subject to a number of qualifications (set out under paragraph 9(b) above) to ensure that these delegations only empower the Chief Executive to make such decisions as are necessary for the effective and efficient day-to-day conduct of Council's business during the period in question.
18. Relevant excerpts of legislation are set out in Attachment 1.

Discharging Committees

19. Following a triennial election, Clause 30(7) of Schedule 7 to the LGA deems all existing committees, subcommittees and other subordinate decision-making bodies to be discharged when newly elected members of the local authority come into office.
20. The Council may resolve to retain any existing Committee or Subcommittee under clause 30(7).
21. The District Licensing Committee (DLC) is a committee appointed by Council under the SSAA to make decisions on, amongst other things, applications for licences and managers' certificates relating to the sale and supply of alcohol.
22. All members of the DLC are external appointees, appointed for a five year term (including the Commissioner and Alternate Commissioners). The Terms of Reference for the DLC are set out on page 11 of the [Council's Governance Structure](#).
23. The DLC is the only Committee of Council which consists solely of external appointees and that is required to continue to operate into the next triennium. Whilst established under the SSAA, section 200(1) of that Act states that the DLC is a committee of the Council. The provisions of the LGA relating to the discharge of Council committees therefore apply, which means that that unless Council resolves otherwise (under clause 30(7)), the DLC will be deemed to be discharged when the newly elected members come into office. To ensure that the DLC continues into the new triennium it is considered prudent for Council to resolve that the DLC continues (and is not discharged) on the coming into office of the newly elected members.

Minutes of last meetings before election

24. Standing Order 2.15.14 provides:
"The Mayor or Chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Council and any of its Committees prior to the next election of members."
25. With the exception of the External Funding Subcommittee Meeting, which was held on 28 September 2016, the Minutes from the last meetings of all Committees and Subcommittees

Item 6

have been presented to the Finance Committee Meeting on 20 September 2016 or this Council Meeting for approval.

26. The process for the approval of the Minutes of the final Council Meeting and 28 September External Funding Subcommittee Meeting is as follows:
- Copies of the Minutes will be circulated to Councillors as soon as possible following this Meeting.
 - Any comments from Councillors will need to be given to the respective Chairs and Democracy by close of business on Wednesday 5 October.
 - The respective Chairs of Council and the External Funding Subcommittee, with the Chief Executive, will make the final decision regarding any changes sought by Councillors.
 - The Minutes will then be signed by close of business Friday 7 October 2016.

The above process is in accordance with Standing Orders and must be completed prior to Election Day.

Risks

27. If the recommended extended delegation is not approved, there is a risk of the Council not being able to undertake its business effectively and efficiently during the interim election period.
28. If the recommended resolution to retain the DLC is not approved, the DLC may be deemed discharged when the newly elected members come into office. This result would be inconsistent with decisions of Council on the establishment of the DLC and appointment of its members and could impede the DLC's work.

Signatory

Authoriser	Richard Briggs, Chief Executive
------------	---------------------------------

Local Government Act 2002, Schedule 7

14 Declaration by member

- (1) A person may not act as a member of a local authority until—
- (a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
 - (b) a written version of the declaration has been attested as provided under subclause (2).

Compare: 1974 No 66 s 114U

30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

- (7) A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

32 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
- (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local

- governance statement; or
- (g) Repealed.
- [(h) the power to adopt a remuneration and employment policy.]
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the [original] delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Local Electoral Act 2001

86 Declaration of result

The electoral officer conducting an election or poll must give public notice declaring the official result of the election or poll in the prescribed manner as soon as practicable after—

- (a) Repealed.
- (b) the validity of all special votes has been determined; and
- (c) all valid votes have been counted.

115 When members come into office

- [(1) Candidates at a triennial general election who are declared to be elected come into office on the day after the day on which the official result of the election is declared by public notice under section 86.]
- (2) Repealed.
- (3) A person appointed to fill an extraordinary vacancy comes into office at the time of his or her appointment.

116 When members leave office

- (1) Every member of a local authority or [local board or] community board, unless vacating office sooner, vacates office,—
 - (a) in a case where the member's office is the subject of an election, when the members elected at the next election come into office;
 - (b) in a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.
- [(2) Despite subsection (1)(a), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election.]

Sale and Supply of Alcohol Act 2012**186 Territorial authorities to appoint district licensing committees**

Each territorial authority must appoint 1 or more licensing committees as, in its opinion, are required to deal with licensing matters for its district.

200 Application of Local Government Official Information and Meetings Act 1987

- (1) Every licensing committee is a committee of its territorial authority.
- (2) The provisions of the Local Government Official Information and Meetings Act 1987, other than Part 7, apply to every licensing committee.
- (3) Subsection (2) overrides subsection (1).

Committee: Council

Date: 29 September 2016

Report Name: Founders Theatre - Future Options

Author: Sean Murray

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton Plan, Arts Agenda</i>
Financial status	<i>There is no budget allocated</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. This report considers options for the future of Founders Theatre. This includes options of re-opening, retaining or demolishing the building and the associated financial implications of each option.
3. Management recommends the decision on the future of Founders Theatre is not made until after the outcome of the Momentum Waikato plan to build a new Waikato Regional Theatre (either on the existing Founders Theatre site or at another location) is known.

4. Recommendation from Management

That:

- a) the report be received;
- b) Council note that;
 - i) A final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known; and
 - ii) Management's current advice is that if a new theatre is built at a new location, the Founders Theatre building should be demolished.

5. Attachments

6. There are no attachments for this report.

7. Background

8. At a meeting on 28 April 2016 [report linked [here](#)] Council considered a report outlining the timeline, process and cost for a four week public engagement process.
9. At the Council meeting on 28 July [report linked [here](#)], Council resolved to build a new theatre with a capped investment from Council of \$30m and to support a proposal from Momentum Waikato to manage the project and to provide the balance of the money. A Heads of Agreement and Concept Design recommendation for Council approval is to be reported back to Council in February 2017.
10. This report responds to the following aspect of the resolution from the 28 July:

- g) Staff are to investigate the following options for Founders Theatre, including any capital costs required and annual operating costs, and report back to the Council on 29 September 2016:
- i. Re-opening Founders in the interim period, including demand for the different use options;
 - ii. Retaining Founders in the long term, including demand for use options;
 - iii. To demolish Founders.

11. Interim Use Re-Opening

12. The seismic strength of the building is a primary concern when considering re-opening Founders Theatre for what ever use is deemed appropriate. It is currently rated at 15% NBS (New Building Standard). A building is deemed to be earthquake prone if it is less than 34% NBS. An Engineers report on the NBS rating was provided to Council on 28 July 2016 [report linked [here](#)].
13. Our insurers advise:
- Should a seismic event occur our insurers will only provide replacement to a value assessed at its current state. In other words not recovery of full replacement value.
 - Should we have any failure in the stage house (flying system/fire curtain etc.) we have no cover under our insurance policy.
 - Should any event occur we have no public liability insurance cover and would be fully exposed to any claims.
 - The above covers all aspects of the theatre including the foyer.
14. Hamilton City Council does not have a policy on minimum NBS ratings for buildings it occupies, which would trigger a closure of the building. This is currently under review by management as a policy matter with an outcome pending a final determination later this year. However some recent actions by other councils who have faced similar challenges and closed buildings as a result are noted below.
- **Hawke's Bay Opera House** – March 2014 rating assessed as 17% NBS
 - **Wellington Town Hall** – 20% NBS
 - **Masterton Town Hall** – June 2016 rating 20% NBS
- None of these buildings were open on a limited use basis during the closure period.
15. Even on an interim basis further refurbishment work would be required to alter the stage house design and functionality and all matters to do with the buildings code of compliance (fire safety mechanisms etc.) would have to be replaced to today's minimum levels.
16. Staff do not recommend any interim use or re-opening of the theatre due to the inability to obtain insurance and the cost of remedial work required.

17. Refurbishment - Limited Service

18. A re-constituted Founders Theatre with a more restricted service level could be considered at a lesser, but not insignificant cost over a 12-18 month plus timeframe. Without a detailed plan and cost analysis it is difficult to accurately assess the likely costs of re-opening Founders in a safe but restricted use format.
19. For example it could operate as is without a flying system but have a modified stage house with a lowered roof and strengthened walls that incorporate fixed load bearing rigging bringing it back to safe and insurable levels. As a result of that, fire and evacuation systems, HVAC and electrical upgrades will be required to bring the building up to current code of compliance.

20. The estimated order of costs could range as follows;

Suggested Remedial Works	Est. Cost Range
Modified stage house to incorporate fixed load bearing trusses	\$1.0m - \$2.5m
Seismic or earthquake strength upgrade (varying methods could apply)	\$1.5m - \$6.0m
Fire safety and other code of compliance upgrades	\$400k - \$800k
General refurbishment	\$300k - \$1.0m
Contingency (10%)	\$300k - \$1.0m
TOTAL	\$3.5m – \$11.3m

21. This calculation is intended to demonstrate the potential scale of what could be required to re-open the theatre before on-going operating and holding costs.
22. Should the Momentum Waikato proposal build option for a new theatre proceed, there would have to be equal consideration of what a re-constituted Founders Theatre would mean for the new facility.
23. A newly built Waikato Regional Theatre will carry with it a mandate to be accessible and affordable for all. The management team will be held accountable to achieve maximum possible utilisation throughout the year across a variety of uses (including a town hall function).
24. A re-constituted Founders Theatre could be seen as an alternative facility that could cannibalise business opportunity for the new theatre itself which will also offer a 'town hall' function. Equally a new theatre could take away business away from a re-constituted Founders Theatre.
25. In this mode the venue could host the following annually suggesting a 16% occupancy:

Show type	Utilisation days	Patrons
Stand up comedy	6	5400
Simple theatre shows	4	1500
Graduations and prize-givings	11	10600
Dance schools (Limited by restricted flying / space etc.)	25	5400
Ethnic festival events (limited by restricted flying / space etc.)	3	3300
Meetings	2	1600
Concerts	8	6800
Total	59 days	34600

(Figures based on last three years)

26. There is no guarantee these events will occur. It will depend on the cost/benefit ratio determined by the client given the restrictions and limitations of the stage space and whether they think an audience will attend.
27. An estimate of the resultant operating costs to council (including impact of \$4.8m refurbishment cost) is as follows;

Costs	Estimate \$	Notes
Operating income	\$170k	
Operating expenditure	\$1.067m	
Subtotal - Operating deficit	-\$897k	(pre-closure \$790k)
Plus indirect costs		
Finance	\$160k	
Depreciation	\$532k	
Council recharge	\$370k	
Subtotal – Indirect Costs	-\$1.062m	

TOTAL NET DEFICIT	-\$1.959m	(pre-closure \$1.825m)
--------------------------	------------------	------------------------

28. Staff do not recommend any refurbishment for limited use due to the costs and the timing of finalising the Momentum replacement option and what this means for the existing theatre.

29. Re-Purpose Existing Building

30. A second option for its future use could be for non-theatrical purposes (no requirement for a stage and stage house or auditorium seating).

31. This option would still come at a substantial cost for building strength upgrade - code of compliance and building reconfiguration could be similar to those numbers in paragraph 28.

32. This could only be considered in the broader context of the total portfolio of community spaces owned and funded by council across the city which attract minimal rental return and operating cost but indirect costs would remain.

33. Staff do not recommend re-purposing the existing building due to the costs and the timing of finalising the Momentum replacement option and what this means for the existing theatre.

34. Demolish and Return Land to the West Green Belt

35. Staff do not recommend considering demolition at this stage due timing of finalising the Momentum replacement option and what this means for the existing theatre.

36. Overall Conclusion

37. Given insurance, costs and until such a time as the outcome of the Momentum Waikato proposal on whether or not a newly built theatre is approved no further action on the Founders Theatre should be taken. Once these outcomes are known a further report will be tabled at Council.

Signatory

Authoriser	Sean Murray, Executive Director H3 and Events
------------	---

Committee: Council

Date: 29 September 2016

Report Name: Policy Review - Municipal and Domain Endowment Funds Policy

Author: Nicolas Wells

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton Plan Economic Development Agenda CCTP</i>
Financial status	<i>There is \$60,000 budget allocated - \$60,000 spent</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To approve (1) the reviewed Municipal and Domain Endowment Fund Policy and (2) the transfer of the Endowment Funds to a Council Controlled Trading Organisation (CCTO) – Hamilton Properties Limited (HPL).

3. Executive Summary

- The Business and Investment Subcommittee was delegated review of the Municipal Endowment Fund Policy. The Subcommittee made recommendations to the Strategy and Policy Committee at its meeting on 30 August 2016 that included changes to the policy and the transfer of the assets and management of the Municipal and Domain Endowment Funds to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited (HPL). The Committee referred the recommendation to this Council meeting with a request for further work to be completed.
- Advice from Tompkins Wake confirms that the assets and management of the Domain Endowment Funds can be transferred to HPL, which is able to comply with the legal and common law obligations relating to domain purposes.
- Public engagement supports HPL being re-activated and the principles and outcomes in the draft Municipal and Domain Endowment Funds Policy.
- The business case prepared by PWC concludes that the financial projections illustrate that the endowment funds appear to have sufficient capital to allow HPL to undertake development activity and project a sufficient return to the Council to comply with the draft Municipal and Domain Endowment Funds Policy principles.

8. The Business and Investment Subcommittee has reviewed and made changes to the HPL Constitution and updated the Municipal and Domain Endowment Funds Policy and recommends these documents be approved by Council.
9. The Policy sets out the Council’s objectives for the endowment funds. These objectives must be met by HPL and will be included in the Statement of Intent and the contract between the Council and HPL.
10. An implementation timeline to prepare for re-activation of HPL and the transfer of the Municipal and Domain Endowment Funds assets (approximately \$52 million) to a Council Controlled Trading Organisation (CCTO), HPL, is presented for approval.

11. Recommendations from Management

That:

- a) the report be received;
- b) assets and management of the Municipal and Domain Endowment Funds are transferred to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited;
- c) The Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited;
- d) The Council approves the timeline for activation and operation of Hamilton Properties Limited below;
- e) The Chief Executive is delegated the necessary authority to implement this decision;
- f) Staff are to report to Council or delegated Committee/Subcommittee in March 2017 on implementation progress.

Date	Action	Owner
STAGE 1 – APPROVAL STAGE		
29 September 2016	Council approval of Policy, Constitution and Business Case	Council Meeting
STAGE 2 – SET UP STAGE		
September 2016	Commission report into Director remuneration Commence recruitment of Directors	GM City Growth
March 2017	Appointment of Directors and remuneration approved Approve Letter of Expectation Activate HPL and revocation of CCO exemption (s7(7))	Council (delegated to CCO Subcommittee or equivalent)
STAGE 3 – TRANSITIONAL STAGE		
1 April 2017	HPL operational in transitional mode	

April – June 2017	1 st Board Meeting Prepare: <ul style="list-style-type: none"> • Contract HCC and HPL • Statement of Intent • HPL Strategy and Business Plan 	Board/Council (delegated to CCO Subcommittee or equivalent)
30 June 2017	Contract, Statement of Intent, HPL Strategy and business plan approved Approve delegated authority to manage assets not transferred	Council (delegated to CCO Subcommittee or equivalent)
STAGE 4 – OPERATIONAL STAGE		
1 July 2017 (effective)	Transfer of Cash and Assets	Council (delegated to CCO Subcommittee or equivalent)
1 July 2017	HPL fully operational	

12. Attachments

- 13. Attachment 1 - Municipal and Domain Endowment Funds Policy - FINAL
- 14. Attachment 2 - HPL - Domain Endowment Assets - Tompkins Wake Advice
- 15. Attachment 3 - HPL - Revised Draft Constitution
- 16. Attachment 4 - PricewaterhouseCoopers - HPL - Business Case
- 17. Attachment 5 - HPL - Engagement - Submissions

18. Key Issues

Background

- 19. The history, background information and proposed transfer of the Municipal and Domain Endowment Funds to HPL are detailed in the following reports and associated attachments:

29 June 2016	Business and Investment Committee	Policy Review Report Link
2 August 2016	Business and Investment Committee	Policy Review Report Link
30 August 2016	Strategy and Policy Committee	Policy Review Report Link

- 20. On 2 August 2016 the Business and Investment Subcommittee resolved that:
 - a) *The report be received;*

- b) *The Business and Investment Subcommittee recommend to the Strategy and Policy Committee that the assets and management of the Municipal and Domain Endowment Funds are transferred to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited;*
 - c) *The Business and Investment Subcommittee approves the draft Municipal and Domain Endowment Funds Policy and Constitution for Hamilton Properties Limited, noting changes made, and recommends adoption at the next Strategy and Policy Committee meeting [30 August 2016];*
 - d) *The Business and Investment Subcommittee approves the timeline for activation and operation of Hamilton Properties Limited attached [as per recommendation above] and recommends adoption of this timeline at the next Strategy and Policy Committee meeting [30 August 2016];*
 - e) *The Business and Investment Subcommittee recommends that the Chief Executive is delegated the necessary authority to implement this decision;*
 - f) *A report from the GM is presented to the Strategy and Policy Committee meeting with these recommendations and that it is to include the business case (PWC Report, staff validation, taxation position on CCTO/CCOs and any potential law changes, budget and impact on the financial strategy), and confirmation about how the Domain Endowment Fund will operate and a summary of engagement undertaken.*
21. On 30 August 2016 the Strategy and Policy Committee received this recommendation and an update report advising that because targeted engagement and development of the business case for the HPL proposal were still in progress, the report was for information only. Consequently the Strategy and Policy Committee made the following resolution:
- a) *the report be received.*
 - b) *the recommendations from the Business and Investment Subcommittee are referred to the Council Meeting of 29 September 2016 for adoption.*
 - c) *the Business Case, information on the Domain Endowment Fund and the results of the public engagement be reported to the 29 September Council Meeting.*
22. This report addresses the three matters in the resolution and seeks adoption of the recommendations from the Business and Investment Subcommittee’s meeting of 2 August 2016.

23. Domain Endowment

24. There is currently no specific Council policy governing deployment of the domain endowment fund. The domain endowment functions differently from the municipal endowment in that it was established and operates under the Hamilton Domain Endowment Act 1979, a unique legislative framework, and the money from sale of domain endowment land is utilised for different purposes as specified in the Act, specifically:
- To meet the cost of improvement or development of recreation reserves;
 - To purchase land as recreation reserve subject to the Reserves Act.
25. The fundamental obligation on Council regarding the domain endowment is to ensure that it is held to enhance existing reserves or to acquire new land for reserve. Domain endowment assets (land, buildings and cash) must retain a separate identity.
26. In the past Council has used money from sale of domain endowment land to develop commercial premises (such as *The Verandah* at Hamilton Lake Domain), on the basis that they

enhance the amenity of the reserve land on which they sit, and the income they generate is used to benefit reserves within the city.

27. Tompkins Wake’s advice on the inclusion of the domain endowment fund in the transfer to HPL is detailed in Attachment 2 and summarised as:

“So long as the constitutional documents of Hamilton Properties Limited (including its Constitution and Statement of Intent) and any contractual arrangements between Hamilton Properties Limited and Council require Hamilton Properties Limited to ensure that, in its capacity as a CCO, the obligations of the city are delivered by it on behalf of the city and all legal obligations under the various statutes and common law obligations relating to the management of the property are fulfilled, it is in order for Hamilton Properties Limited to take over the management of Council’s domain endowment properties and assets on behalf of Council.”

28. When HPL was trading previously it managed both Domain and Municipal Endowments.
29. Staff confirm its recommendation that the Domain Endowment Fund be transferred to HPL on the basis that:
- There is no legal impediment
 - The obligations in regard to this fund can be managed through the Constitution and other contract documents with HPL
 - HPL previously managed this fund appropriately and for the benefit of the city without issue

30. Engagement

31. As previously advised, Tompkins Wake advised that delegating the power to sell endowment assets and purchase replacement assets to HPL without reference back to Council is significant and some form of formal engagement is required.
32. Responding to the Strategy and Policy Committee resolution, engagement was undertaken between 29 August and 12 September 2016 as follows:

Medium	Detail
Direct email	Direct email to 74 of the Council’s Key Account Customers and Business Customers
Media release	Media release highlighting the policy change and that public consultation is in progress
Website	Link on homepage of the Council’s main website to the consultation page
Consultation page	“Have your say” consultation page with four key reference documents linked from Council’s webpage
Social media	Information and notices posted on Council’s Facebook page and Twitter account
Public notice	Public notice in local free newspaper advising the public of the consultation period

33. Ten submissions have been received (Attachment 5). All ten submitters:
- Agree that the principles in the draft Municipal and Domain Endowment Funds Policy are appropriate, and,

- Support the endowment funds and associated assets being transferred and managed by Hamilton Properties Limited.
34. A selection of consistent themes from the submitters on the substantive issues are summarised verbatim below:
- “We need to make sure that the terms of reference and commercial return requirements are consistent with the commercial realities and political variance need[s] to be accounted for appropriately.”
 - “The development community should be consulted on the Statement of Intent and strategic objectives as HPL should be used as an enabler. From consultation and feedback it is clear the wider community including the property sector do not want to see Hamilton Properties taking the lead role in developments.”
 - “That investment must only be within the city boundaries.”
 - “To maximise the development opportunities HPL should be tasked with partnering with key private sector and public sector organisations. This should be in the process of both development selection and execution to utilize the knowledge and expertise that exists within the City.”
 - “Wintec supports the use of the Endowment Fund being used to fund those strategic projects which benefit the community by driving economic and social development which would otherwise be unlikely to be developed by the private sector alone.”
 - “Right governors critical to success. Mix of age, experience and expertise. Right people, not just political people.”
 - “It is important that the selection of the appointed directors and management team is undertaken in an open and transparent basis. The documents discuss the use of HCC resource where appropriate although the staff should have the relevant private sector property experience.”
 - “Property Council welcomes further involvement with HPL. As a membership based organization representing leading corporate and private property owners, investors and developers, Property Council is uniquely placed to contribute to the scope and operation of HPL, including in respect of its statement of intent, governance and future direction.”
 - “The University would recommend that the Council ensures that an appropriate governance structure is put in place for HPL consisting of, at least, a chairperson and not less than two other appropriately qualified directors. It would also be prudent for the entity to provide regular reports to Council, and possibly publicly, to ensure accountability for the activities and transparency of investments.”

35. Business Case

36. PricewaterhouseCoopers (PWC) was engaged to review the Municipal Endowment Fund and provided options to maximise the fund’s benefit to the city. Their report to the Business and Investment Subcommittee on 2 August 2016 and subsequently provided to the Strategy and Policy Committee on 30 August 2016 is referenced in paragraph 19.
37. PWC has prepared the business case to validate the proposal (Attachment 4). The business case details:
- Critical success factors
 - Potential asset structure
 - Current asset portfolio

- Financial projections
 - Council's financial position
 - Tax implications
38. The business case assumes that HPL will utilise the endowment funds to undertake a number of property development projects to achieve both a commercial return and deliver other municipal benefits that support Council's key strategic objectives.
39. PWC conclude that the financial projections set out in the business case illustrate that the endowment funds appear to have sufficient capital to allow HPL to undertake \$105 million of development activity over a ten year period. Based on current industry margins, the projected return is also sufficient to allow Council to comply with the policy principles including an annual dividend to Council approximate to the cost of debt (5.5%).

40. Hamilton Properties Limited (HPL)

41. The Business and Investment Subcommittee reviewed the original HPL Constitution and the Municipal Endowment Policy with input and advice from PWC and Tompkins Wake. The following paragraphs provide information on the changes made.
42. Constitution
43. HPL's constitution (Attachment 3) has been revised to:
- Increase the number of directors (from 1 to 5);
 - Ensure consistency with Council's policy governing appointment and remuneration of board members of CCTOs (Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy);
 - Include addition specific provisions to ensure compliance with the Statement of Intent.
44. Board Structure:
- Council appoints additional or new directors (Mr Richard Briggs is currently HPL's sole director) in accordance with its policy for appointment of directors to CCTOs.
 - It is prudent to appoint the new directors at an early stage so that they can be actively involved in development of HPL's Statement of Intent, and other governing documents.
45. Municipal and Domain Endowment Policy
46. The Policy has been updated (Attachment 1) to include principles and specific outcomes required in the management of both the Municipal and the Domain Endowment Funds.
47. The Policy requires HPL to pay Council an annual minimum return (dividend) equivalent to the Council's prevailing cost of debt. The Policy sets a minimum distribution in order to allow flexibility.
48. Statement of Intent
49. HPL's Statement of Intent will be prepared with reference to the Policy principles and outcomes and will contain the specific actions that HPL will undertake to ensure that it meets the requirements that Council has set out in the Policy.
50. The Statement of Intent should be prepared by HPL and needs to show how they intend to meet the objectives that Council has set for them. The Statement of Intent is a complex and detailed document which will take some time to prepare and which the directors of HPL will need to approve.

Item 8

51. The specific distribution made by HPL to Council will be agreed annually between the two parties and specified in HPL's Statement of Intent. Council's expectation is that HPL will distribute average annual returns consistent with returns from equivalent market sectors.
52. The Statement of Intent will contain the specific annual financial performance measures that HPL must achieve.
53. Tax Status
54. HPL is a limited liability company and a taxable entity with the CCO exemption described below.
55. HPL has ceased trading and has losses carried forward (as at 31 March 2016) of \$130,606.
56. HPL remains a 100% owned Council-controlled company of Hamilton City Council and therefore any tax losses available to HPL can be offset against current or future taxable income of Hamilton City Council (or relevant group entities – subject to a “commonality” of shareholding).
57. In practice this means that if HPL is trading and making taxable income it will not be required to pay the first \$130,606 tax on its profit.
58. The PWC business case (Attachment 5) details the tax implications to be considered as part of the transfer of assets to HPL.
59. Currently Council does not pay tax on income derived from the Endowment Fund assets.
60. CCO Exemption
61. All HPL's shares are held by Council and it therefore falls within the statutory definition of a CCO. However while HPL ceased trading Council claimed an exemption under section 7 of the LGA 2002 in order to preserve tax losses attributable to HPL, and remove the need to comply with annual reporting requirements while the company remained dormant.
62. At present HPL is not a CCO for the purposes of the LGA. Council must resolve to revoke that exemption as part of the process to revive HPL. The sequencing of that decision is shown on the timeline included in the resolution.
63. Contractual Arrangements between Council and HPL
64. Council's policy objectives define the outcomes that the Council seeks from HPL. The Statement of Intent sets out how HPL will achieve those objectives. Tompkins Wake advise that there is merit in having, in addition, a formal contract between Council and HPL to deal with matters including the following:
 - The term of the arrangement
 - Initial funding obligations and expectations, including:
 - Staff and management
 - Premises
 - Other costs
 - The extent to which Council staff or resources might be seconded
 - Prioritisation of properties or activities if required
 - Reporting arrangements (over and above statutory requirements) if any.
65. Many of these items will be contained in the Statement of Intent. However Council's ability to require variation of the provisions of the Statement of Intent is limited by the current statutory regime. This contract would necessarily guide HPL in the preparation of its Statement of Intent, and would be enforceable.

66. Implementation

67. The business case confirms the outcomes Council is seeking from re-activating HPL are deliverable and public engagement supports this occurring. The Constitution and Policy have been updated to reflected Council's objectives and the feedback from the public engagement.
68. The steps in the implementation process (see recommendation) have been approved by the Business and Investment Subcommittee and are recommended to Council for adoption. In March 2017, staff will provide an update report on implementation progress recommendations for appointment of the directors and the documents requiring Council approval to enable HPL to commence operation in transitional mode. The date for HPL to begin operation will be 1 July 2017.

69. Financial and Resourcing Implications

70. \$60,000 has been spent to date on the project for consultant support from a budget of \$60,000.

71. Risk

72. There are no risks. If Council does not adopt the recommendations from the Business and Investment Subcommittee, the policy will remain unchanged and the Municipal and Domain Endowment Funds will continue to be managed as they currently are.

Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--

First adopted:	26 August 1998
Revision dates/version:	6 November 2002, 6 July 2005, 10 March 2008, 10 December 2008, 8 April 2009, 2 August 2016
Next review date:	2 August 2019
Engagement required:	Yes TBC
Document number:	D-2183176
Associated documents:	Appointment and Remuneration of Board Members of Council Controlled Trading Organisations (CCTOs) Policy; Freeholding of Council Endowment Land Policy; Sale and Disposal of Council Land Policy
Sponsor/Group:	General Manager City Growth

Municipal and Domain Endowment Funds Policy

Purpose and Scope

1. To provide principles and criteria for management of the Municipal Endowment Fund and Domain Endowment Fund ("Endowment Funds").

Principles

2. The capital must be preserved to comply with the common law principles of endowment.
3. Endowment Funds must be used for municipal and domain purposes.
4. Investment must aim to increase returns from the Endowment Funds and must return a dividend to Council that is equivalent to the average cost of Council's debt over the first three-year period of each 10-Year Plan.

Policy

5. Endowment Funds may be managed by Council, a Council Controlled Trading Organisation or any other entity or organisation that Council approves.
6. Endowment Funds must be used to directly or indirectly support, advance and implement Council's strategic plans. The Council will identify the priorities within these strategic plans in each 10-Year Plan.
7. To achieve the outcomes required in paragraph 6, the entity managing the Endowment Funds will:
 - a. Undertake new profitable investments as cash flows allow which, over their life, will yield a substantially greater return than previously achieved;
 - b. Promote development of properties in a manner which will maximise the commercial value of the asset by ensuring that the addition of any new capacity is related as closely as possible to actual and forecast market demand;
 - c. Encourage freeholding of endowment properties to generate capital for investment in higher yielding assets as soon as practicable;
 - d. Enter into joint venture or turn-key developments to provide flexible options for the future;
 - e. Manage its financial assets and liabilities on a prudent basis;
 - f. Seek and effectively administer service contracts with other public sector entities;
 - g. Strive to minimise operating costs.



WESTPAC HOUSE
430 VICTORIA STREET
PO BOX 258
DX GP 20031
HAMILTON 3240
NEW ZEALAND
PH: (07) 839 4771

DDI: (07) 838 6029
FAX: (07) 839 4913
MOBILE: 021 987 333
pduncan@tomwake.co.nz

Partner: A P Duncan

FILE REF: 348176-233

19 August 2016

Hamilton City Council
Private Bag 3010
Waikato Mail Centre
HAMILTON 3240

For: Nicolas Wells

Hamilton Properties Limited - Domain Endowment Fund

You have asked us for advice as to whether Hamilton Properties Limited could take over the management of the city's domain endowment fund, notwithstanding the provisions of the Hamilton Domain Endowment Act 1979 ("Act")

The Act addresses the management by Council of a limited number of properties that remain in Council ownership and which were specifically provided to the Council over the years as an endowment for reserves. The land subject to the Act is specifically defined in the schedules to the Act.

Section 4 of the Act requires the Council to hold the land in trust as an endowment for reserves, but permits the land to be leased by the Council under the Public Bodies Leases Act 1969. Extensions, variations, and renewals of existing leases of the land may be entered into by Council in accordance with the provisions of such existing leases.

Section 5 of the 1979 Act provides a regime under which land that is subject to the Act may be sold to the lessee of such land.

Both the rental from leases, and the proceeds of sale of land, are to be paid to the Hamilton Domain Board, and the proceeds utilised for the improvement or development of recreation reserves; or the purchase of land either in the name of the Crown or the Council for the purposes of the Act.

Pursuant to an Order in Council, the HCC now fulfils the duties of the Hamilton Domain Board, but separate accounts should be kept for the Board's activities.

The Local Government Act 2002 ("LGA") produced a dramatic change in the management of local government in New Zealand. Instead of a relatively prescriptive and regulated regime that governed territorial authorities when the Act came into force, where virtually all actions by Council had to be authorised by specific statutory provisions, the 2002 LGA created a general

competence on the part of Council to deliver the responsibilities of a territorial authority as specified under the LGA and other statutes the territorial authority was charged to administer.

The LGA also encouraged the Council to make use of Council Controlled Organisations to deliver services and perform duties on behalf of Council, and required Council to regularly review its activities to ensure that its services are being delivered efficiently.

We note the particular provisions of parts of the LGA:

- Section 10 (1) (b) defines one of the purposes of Local Government as being *performance of regulatory functions in a way that is most cost-effective for households and businesses*
- Section 12 (2) states that a Local Authority has
 - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and*
 - (b) for the purposes of paragraph (b), full rights powers and privileges*

and, most relevant to the current situation section 13 states that:

Sections 10 and 12 (2) apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment

Council has obligations under the Hamilton Domain Endowment Act 1979, the endowment provisions in the LGA, and common law principles relating to endowment properties, which all affect the manner in which Council may deal with the domain endowment properties. The regime introduced by the LGA in 2002 enables Council to deliver on those obligations by use of a Council Controlled Organisation, so long as the underlying legal obligations are complied with.

Those obligations principally require the application of money (income or capital) derived from domain endowment properties only for the purposes contemplated by the 1979 Act, and not dealing with any of the domain property in a way that was inconsistent with the Act.

Therefore, so long as the constitutional documents of Hamilton Properties Limited (including its Constitution and Statement of Intent) and any contractual arrangements between Hamilton Properties Ltd and Council require Hamilton Properties Limited to ensure that, in its capacity as a CCO, the obligations of the city are delivered by it on behalf of the city and all legal obligations under the various statutes and common law obligations relating to the management of the property are fulfilled, it is in order for Hamilton Properties Limited to take over the management of Council's domain endowment properties and assets on behalf of Council.

Please advise if you need further clarification.

TOMPKINS WAKE



A P Duncan

Partner

•

APD-348176-233-34-V1:apd

CONSTITUTION

of

HAMILTON PROPERTIES LIMITED

MBM-348176-233-20-V1.II

WESTPAC HOUSE
430 VICTORIA STREET
PO BOX 258, DX GP20031
HAMILTON 3240
NEW ZEALAND
PH: 07 839 4771
www.tomwake.co.nz



TABLE OF CONTENTS

	Page
1. Objectives and activities of the Company	2
2. Share Matters.....	2
3. Pre-emptive rights on issue of new Shares.....	3
4. Alteration of Shareholders' rights.....	3
5. Transfer of Shares.....	3
6. Meetings of Shareholders.....	5
7. Shareholder proposals	8
8. Appointment and removal of directors	8
9. Directors' meetings.....	10
10. Powers of Directors	12
11. Interested Transactions	13
12. Indemnity, insurance and remuneration.....	14
13. Reporting.....	15
14. Auditor.....	16
15. Official information.....	16
16. Dividends	17
17. Method of contracting.....	17
18. Definitions and Interpretation.....	18

MBM-348176-233-20-V1:II

1. Objectives and activities of the Company

Objectives of the Company

1.1 The principal objectives of the Company are to:

- (a) achieve the objectives of its Shareholder, both commercial and non-commercial as specified in the Statement of Intent;
- (b) be a good employer;
- (c) exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which the Company operates and by endeavouring to accommodate or encourage these when able to do so.

1.2 The Company must comply with its Statement of Intent.

1.3 The Company must comply with the relevant Council policies (stipulated in its Statement of Intent).

2. Share Matters

Board may issue Shares

2.1 Subject to the provisions of the Act and this constitution, the Board may issue, in such classes and on such terms as the Board thinks fit, any of the following:

- (a) Shares;
- (b) Securities that are convertible into or exchangeable for Shares;
- (c) Options to acquire Shares; or
- (d) shares that are redeemable by the Shareholder;

Provided that any such issue must first be approved by a Special Resolution of the Shareholders.

Consolidation and subdivision of Shares

2.2 The Board may do any of the following:

- (a) Consolidate and divide the Shares or the Shares of any class in proportion to those Shares or the Shares in that class.
- (b) Subdivide the Shares or the Shares of any class in proportion to those Shares or the Shares in that class.

Share repurchases

2.3 The Company may purchase or otherwise acquire Shares issued by it from one or more Shareholders and hold its own Shares.

3. Pre-emptive rights on issue of new Shares

MBM-348176-233-20-V1:

Section 45 applies

- 3.1 The pre-emptive provisions of section 45 of the Act apply to a new issue of Shares, unless waived in writing by a Special Resolution.

Transfer of Shares by the Company

- 3.2 Clause 3.1 applies to the transfer of Shares held by the Company itself as if the transfer was an issue of new Shares by the Company.

4. Alteration of Shareholders' rights**Special Resolution required**

- 4.1 Any action affecting the rights, privileges, limitations or conditions attached to any Shares by this constitution, the Act, or the terms on which the Shares were issued, must be approved by a Special Resolution.

5. Transfer of Shares**Right to transfer**

- 5.1 Subject to the restrictions contained in this constitution, a Shareholder may transfer any Share by an instrument of transfer that complies with this constitution.

Transferor to remain holder until registration

- 5.2 The transferor of a Share will remain the holder of the Share until the name of the transferee is entered in the Share register of the Company.

Form of transfer

- 5.3 Every instrument of transfer of Shares must comply with all of the following provisions:
- (a) The form of the instrument of transfer must be any usual or common form or any other form approved by the Board.
 - (b) The instrument of transfer must be signed or executed by or on behalf of the transferor.
 - (c) Where the Shares being transferred are not fully paid up, the instrument of transfer must also be signed by, or on behalf of, the transferee.

Delivery to Company

- 5.4 An instrument transferring Shares must be delivered to the Company or to the agent of the Company who maintains the Share register of the Company, together with the Share certificate (if any) relating to the Shares to be transferred. The transferee must provide such evidence as the Board or the agent reasonably requires to prove the title of the transferor to, or right of the transferor to transfer, the Shares.

Registration of transfer

- 5.5 On receipt of a form of transfer in accordance with clause 5.4, the Company must as

MBM-348176-233-20-V1:

soon as practicable enter the name of the transferee on the Share register as holder of the Shares, unless:

- (a) the Board resolves within 30 working days of receipt of the transfer to refuse or delay the registration of the transfer, and the resolution sets out in full the reasons for doing so;
- (b) notice of the resolution, including those reasons, is sent to the transferor and to the transferee within 5 working days of the resolution being passed by the Board; and
- (c) the refusal or delay in the registration is permitted by clause 5.6.

Power of Board to refuse or delay registration

5.6 The Board may refuse or delay the registration of a transfer of any Share for any of the reasons set out below.

- (a) The Company has a lien on the Share.
- (b) The Share is not fully paid up.
- (c) The form of transfer is not accompanied by the certificate for the Share to which it relates (if a certificate has been issued) and such other evidence as the Directors may reasonably require of the right of the transferor to make the transfer.
- (d) The holder of the Share has failed to comply with the terms of any contract with the Company relating to the Share.
- (e) The Board considers that it would not be in the best interests of the Company to do so.

6. Meetings of Shareholders

Annual meetings

- 6.1 An annual meeting of Shareholders is to be held not later than 6 months after the balance date of the Company, and not later than 15 months after the previous annual meeting.
- 6.2 It will not be necessary for the Company to hold an annual meeting of Shareholders under clause 6.1 if everything required to be done at that meeting (by resolution or otherwise) is done by resolution in accordance with clause 6.4.

Special meetings

6.3 A special meeting of Shareholders:

- (a) may be called at any time by the Board; and
- (b) must be called by the Board on the written request of a Shareholder.

Resolution in lieu of meeting

MBM-348176-233-20-V1:

- 6.4 A resolution in writing signed by the requisite number of Shareholders in accordance with section 122 of the Act is as valid as if it had been passed at a meeting of Shareholders.

Shareholder Representatives

- 6.5 Shareholders may exercise the right to vote by a Representative.
- 6.6 The Representative for a Shareholder is entitled to attend and be heard at a meeting of Shareholders as if the Representative were the Shareholder.
- 6.7 The Representative must be appointed by notice in writing signed by the Shareholder and the notice must state whether the appointment is for a particular meeting or a specified term.
- 6.8 No Representative's appointment is effective in relation to a meeting unless it is produced to the Company before the start of the meeting.

Chairperson

- 6.9 If the Directors have elected a chairperson of the Board, and the chairperson of the Board is present at a meeting of Shareholders, he or she must chair the meeting.
- 6.10 If no chairperson of the Board has been elected or if, at any meeting of Shareholders, the chairperson of the Board is not present within 15 minutes of the time appointed for the meeting, the Shareholders present may choose one of their number to be chairperson of the meeting.

Notice of meetings to Shareholders

- 6.11 An irregularity in a notice of a meeting is waived if all the Shareholders entitled to attend and vote at the meeting attend the meeting without protest as to the irregularity, or if all such Shareholders agree to the waiver.
- 6.12 Written notice of the time and place of a meeting of Shareholders must be given to every Shareholder entitled to receive notice of the meeting and to every Director and an auditor of the Company not less than 10 working days before the meeting.
- 6.13 The notice must state all of the following:
- (a) the nature of the business to be transacted at the meeting in sufficient detail to enable a Shareholder to form a reasoned judgement in relation to it;
 - (b) the text of any resolution to be submitted to the meeting.
- 6.14 The accidental omission to give notice of a meeting to, or the failure to receive notice of a meeting by, a Shareholder does not invalidate the proceedings at that meeting.
- 6.15 If a meeting of Shareholders is adjourned for less than 20 working days, it is not necessary to give notice of the time and place of the adjourned meeting other than by announcement at the meeting which is adjourned.

Entitlement to notice of meetings

- 6.16 The Shareholders who are entitled to receive notice of a meeting of Shareholders

MBM-348176-233-20-V1:

are, if the Board:

- (a) fixes a date for the purpose, those Shareholders whose names are registered in the Share register on that date; or
- (b) does not fix a date for the purpose, those Shareholders whose names are registered in the Share register at the close of business on the day immediately preceding the day on which the notice is given.

Methods of holding meetings

6.17 A meeting of Shareholders may be held either:

- (a) by a number of Shareholders, who constitute a quorum, being assembled together at the place, date and time appointed for the meeting; or
- (b) by means of audio, or audio and visual, communication by which all Shareholders participating and constituting a quorum, can simultaneously hear each other throughout the meeting.

Quorum

6.18 No business may be transacted at a meeting of Shareholders if a quorum is not present.

6.19 A quorum for a meeting of Shareholders is present if all Shareholders or their Representatives are present.

6.20 If a quorum is not present within 30 minutes after the time appointed for the meeting:

- (a) in the case of a meeting called by the Board on the written request of Shareholders pursuant to section 121(b) of the Act, the meeting is dissolved; and
- (b) in the case of any other meeting, the meeting is adjourned to the same day in the following week at the same time and place or to such other date, time and place as the Directors may appoint. If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the Shareholders or their Representatives present are a quorum.

Voting

6.21 In the case of a meeting of Shareholders assembled together in accordance with clause 6.17(a), unless a poll is demanded, voting by Shareholders will be by whichever of the following methods is determined by the chairperson of the meeting, by:

- (a) voice; or
- (b) show of hands.

6.22 In the case of a meeting of Shareholders held by means of audio, or audio and visual communication, unless a poll is demanded, voting at the meeting shall be by the Shareholders signifying individually their assent or dissent by voice.

MBM-348176-233-20-V1:

- 6.23 A declaration by the chairperson of the meeting that a resolution is carried by the requisite majority is conclusive evidence of that fact unless a poll is demanded in accordance with clause 6.24.

Poll

- 6.24 At a meeting of Shareholders a poll may be demanded by a Shareholder having the right to vote at the meeting, or the chairperson of the meeting.
- 6.25 A poll may be demanded either before or after the vote is taken on a resolution.
- 6.26 If a poll is taken, votes must be counted according to the votes attached to the Shareholder present in person or by the absent shareholder's Representative.
- 6.27 The chairperson of a Shareholders' meeting is not entitled to a casting vote.

Minutes

- 6.28 The Board must ensure that minutes are kept of all proceedings at the meetings of Shareholders.
- 6.29 Minutes that have been signed as correct by the chairperson of the meeting are evidence of the proceedings.

Other proceedings

- 6.30 Except as provided in this constitution, a meeting of Shareholders may regulate its own procedure.

7. Shareholder proposals

Notice to the Board

- 7.1 A Shareholder may give written notice to the Board of a matter the Shareholder proposes to raise for discussion or resolution at the next meeting of Shareholders.
- 7.2 If the notice is received by the Board not less than 20 working days before the last day on which notice of the relevant meeting of Shareholders is required to be given by the Board, the Board must, at the expense of the Company, give notice of the Shareholder proposal and the text of any proposed resolution to all Shareholders.
- 7.3 If the notice is received by the Board not less than 5 working days and not more than 20 working days before the last day on which notice of the relevant meeting of Shareholders is required to be given by the Board, the Board must, at the expense of the Shareholder, give notice of the Shareholder proposal and the text of any proposed resolution to all Shareholders.
- 7.4 If the notice is received by the Board less than 5 working days before the last day on which notice of the relevant meeting of Shareholders is required to be given by the Board, the Board may, if practicable, and at the expense of the Shareholder, give notice of the Shareholder proposal and the text of any proposed resolution to all Shareholders entitled to receive notice of the meeting.

Written statement

MBM-348176-233-20-V1:

- 7.5 If the Directors intend that Shareholders may vote on the proposal by Representative or by postal vote, they must give the proposing Shareholder the right to include with the notice given by the Board a statement of not more than 1,000 words prepared by the proposing Shareholder in support of the proposal, together with the name and address of the proposing Shareholder.
- 7.6 The Board is not required to include with the notice given by the Board a statement prepared by a Shareholder which the Directors consider to be defamatory, frivolous or vexatious.

Costs

- 7.7 Where the costs of giving notice of the Shareholder proposal and the text of any proposed resolution are required to be met by the proposing Shareholder, the proposing Shareholder must, on giving notice to the Board, deposit with the Company or tender to the Company a sum sufficient to meet those costs.

8. Appointment and removal of Directors

Number of Directors

- 8.1 The minimum number of Directors will be one and the maximum number of Directors will be five.

Appointment of Directors

- 8.2 Directors are appointed for a term of three (3) years and may be appointed for a further term of three (3) years or any period of time determined by the Shareholders.

- 8.3 Subject to clauses 8.4 and 8.5, the Directors will be such person or persons as may from time to time be appointed by:

- (a) a notice in writing to the Company signed by the holder or holders of a majority of the Shares in the Company; or
- (b) an ordinary resolution of the Shareholders.

Directors may be appointed individually or together unless the Shareholders by ordinary resolution require any Director's appointment to be voted on individually.

Removal of Directors

- 8.4 Any Director may be removed from office by:
- (a) a notice in writing to the Company signed by the holder or holders of a majority of the Shares in the capital of the Company; or
 - (b) an ordinary resolution of the Shareholders, passed at a meeting called for the purpose of, or for purposes that include, removal of the Director.

MBM-348176-233-20-V1:

Vacation of office

8.5 A Director vacates office if that Director:

- (a) resigns by written notice of resignation to the Company. The notice is to be effective when it is received at that address or at a later time specified in the notice;
- (b) is removed from office in accordance with clause 8.3;
- (c) becomes disqualified from being a Director pursuant to section 151 of the Act; or
- (d) dies.

9. Directors' meetings**Third Schedule to the Act not to apply**

9.1 The Third Schedule to the Act (relating to the proceedings of a board) does not apply to the Company except to the extent included in this constitution.

Notice of meeting

9.2 A Director may convene a meeting of the Board by giving notice in accordance with clause 9.3.

9.3 The following provisions apply in relation to meetings of the Board:

- (a) Not less than two working days' notice of a meeting of the Board is to be sent to each Director, unless the Director waives that right.
- (b) Notice to a Director of a meeting of the Board may be:
 - (i) delivered to the Director;
 - (ii) posted to the address given by the Director to the Company for such purpose;
 - (iii) sent by facsimile transmission to the facsimile number given by the Director to the Company for such purpose; or
 - (iv) sent by electronic means in accordance with any request made by the Director from time to time for such purpose.
- (c) A notice of meeting shall specify the date, time and place of the meeting and, in the case of a meeting by means of audio, or audio and visual communication, the manner in which each Director may participate in the proceedings of the meeting.
- (d) A notice given to a Director pursuant to this clause 9.3 is deemed to be given:
 - (i) in the case of delivery, by handing the notice to the Director or by delivery of the notice to the address of the Director;

MBM-348176-233-20-V1:

- (ii) in the case of posting, three days after it is posted;
- (iii) in the case of facsimile transmission, when the Company receives a transmission report by the sending machine which indicates that the facsimile was sent in its entirety to the facsimile telephone number given by the Director; or
- (iv) in the case of electronic means, at the time of transmission.

9.4 An irregularity in the notice of a meeting or a failure to give notice is waived if all Directors entitled to receive notice of the meeting attend the meeting without protest as to the irregularity or if all Directors agree to the waiver.

Methods of holding meetings

9.5 A meeting of the Board may be held either:

- (a) by a number of the Directors who constitute a quorum, being assembled together at the place, date and time appointed for the meeting; or
- (b) by means of audio, or audio and visual, communications by which all Directors participating and constituting a quorum can simultaneously hear each other during the meeting.

Quorum

9.6 A quorum necessary for a meeting of the Board, other than an adjourned meeting, will be the majority of the Directors.

9.7 No business may be transacted at a meeting of the Board if a quorum is not present.

Chairperson

9.8 The Directors may elect one of its number as Chairperson of the Board to hold office until he or she resigns or dies or until the Directors elect a different Chairperson in his or her place.

9.9 If no chairperson is elected, or if at a meeting of the Board the Chairperson is not present within 10 minutes after the time appointed for the meeting, the Directors present may choose one of their numbers to be Chairperson of the meeting.

9.10 The Chairperson must ensure that the Company holds at least six board meetings in every financial year of the Company.

Voting

9.11 Every Director has one vote.

9.12 The Chairperson does not have a casting vote.

9.13 A resolution of the Board is passed if a majority of the votes cast on it are in favour of it, unless a contract entered into by the Company and its shareholders requires a higher threshold.

9.14 A Director present at a meeting of the Board will be presumed to have voted in favour

MBM-348176-233-20-V1:

of a resolution of the Board unless he or she:

- (a) expressly abstains from voting; or
- (b) dissents from or votes against the resolution.

Minutes

- 9.15 The Board must ensure that minutes are kept of all proceedings at meetings of the Board.
- 9.16 Board minutes must be disclosed to the public in the manner set out in section 51 of the Local Government Official Information and Meetings Act 1987 on the proviso that the Board may refuse to disclose any information in the publicly available Board minutes that may be properly withheld if a request for that information were to be made to a local authority under the Local Government Official Information and Meetings Act 1987.

Written resolution

- 9.17 A unanimous resolution in writing, signed or assented to in written form by all of the Directors, is as valid as if it had been passed at a meeting of the Board duly convened and held.
- 9.18 A resolution pursuant to clause 9.17 may consist of several documents (including facsimile or other similar means of communication) in like form each signed or assented to by one or more Directors.
- 9.19 A copy of any such resolution must be entered in the minute book of Board proceedings.

Committees

- 9.20 A committee of Directors must, in the exercise of the powers delegated to it, comply with any procedural or other requirements imposed on it by the Board. Subject to any such requirements, the provisions of this constitution relating to proceedings of Directors apply, with appropriate modification, to meetings of a committee of Directors.

Validity of actions

- 9.21 The acts of a person as a Director are valid even though the person's appointment was defective or the person is not qualified for appointment.

Other proceedings

- 9.22 Except as provided in this constitution, the Board may regulate its own procedure.

10. Powers of Directors

Role of Directors

- 10.1 The role of a Director is to assist the Company to meet its objectives and any other requirements in the Company's Statement of Intent. This clause does not limit or affect the other duties that a Director has.

MBM-348176-233-20-V1:

Management of Company

- 10.2 The business and affairs of the Company must be managed by, or under the direction of, the Board.
- 10.3 All decisions relating to the operation of the Company must be made by, or under the authority of, the Board in accordance with:
- (a) the Statement of Intent;
 - (b) this constitution; and
 - (c) any agreement governing the affairs of the Company entered into by the Company and its shareholders.

Exercise of powers by Board

- 10.4 The Board may exercise all the powers of the Company which are not required, either by the Act or this constitution, to be exercised by the Shareholders.

Delegation of powers

- 10.5 The Board may delegate to a committee of Directors, a Director, an employee of the Company, or to any other person, any one or more of its powers, other than a power set out in the Second Schedule to the Act.

Appointment of attorney

- 10.6 The Company may exercise the power conferred by section 181 of the Act to appoint a person as its attorney, either generally or in relation to a specified matter. Any power of attorney may contain such provisions for the protection of persons dealing with the attorney as the Board thinks fit, and may also authorise any attorney to delegate all or any of the powers, authorities and discretions vested in the attorney.

11. Interested Transactions**Disclosure of interests**

- 11.1 A Director must comply with the disclosure requirements of section 140 of the Act but failure to comply with that section does not affect the validity of any contract or arrangement entered into by the Company.

Actions by interested Directors

- 11.2 A Director who is interested in a transaction entered into, or to be entered into, by the Company may do any of the following as if the Director were not interested in the transaction:
- (a) vote on any matter relating to a transaction;
 - (b) attend a meeting of the Board at which any matter relating to a transaction arises and be included among the Directors present at the meeting for the purposes of a quorum;

MBM-348176-233-20-V1:

- (c) sign a document relating to a transaction on behalf of the Company; and
- (d) do any other thing in his or her capacity as a Director in relation to a transaction.

Company best interests

- 11.3 When exercising powers or performing duties as a Director, a Director must act in what the Director believes to be the best interests of the Company.

Use of Company information

- 11.4 A Director who has information in his or her capacity as a Director or employee of the Company, being information that would not otherwise be available to him or her, must not disclose that information to any person, or make use of or act on the information, except:
- (a) for the purposes of the Company; or
 - (b) as required by law; or
 - (c) in accordance with clauses 11.5 to 11.6 of this constitution; or
 - (d) in complying with clause 11.1 of this constitution.

Necessary information

- 11.5 A Director may, unless prohibited by the Board, disclose information to:
- (a) a person whose interests the Director represents; or
 - (b) a person in accordance with whose directions or instructions the Director may be required or is accustomed to act in relation to the Director's powers and duties and, if the Director discloses the information, the name of the person to whom it is disclosed must be entered in the interests register.

Procedure for disclosure and use

- 11.6 A Director may disclose, make use of or act on the information if:
- (a) particulars of the disclosure, use or act in question are entered in the interests register;
 - (b) the Director is first authorised to do so by the Board; and
 - (c) the disclosure, use or act in question will not, or will not be likely to, prejudice the Company.

12. Indemnity, insurance and remuneration

Indemnity for Directors

- 12.1 Every Director will be indemnified by the Company for any costs referred to in section 162(3) of the Act and any liability or costs referred to in section 162(4) of the Act.

MBM-348176-233-20-V1:

Indemnities and insurance

- 12.2 In addition to the indemnity set out in clause 12.1, the Company may with the prior written approval of the Board do any of the following:
- (a) Indemnify a Director or employee of the Company for any costs referred to in section 162(3) of the Act.
 - (b) Indemnify a Director or employee of the Company in respect of any liability or costs referred to in section 162(4) of the Act.
 - (c) Effect insurance for a Director or employee of the Company in respect of any liability or costs referred to in section 162(5) of the Act.

Definitions

- 12.3 Words given extended meanings by section 162(9) of the Act have those extended meanings in this clause 12.

Directors' Remuneration

- 12.4 The Directors may not exercise any of the powers referred to in Section 161 of the Act unless authorised by the Shareholders of the Company.
- 12.5 Each Director will be entitled to be paid for all reasonable travelling, accommodation and other expenses incurred by the Director in connection with the Director's attendance at meetings or otherwise in connection with the Company's business and the Board may authorise such payments without Shareholder approval.
- 12.6 The Shareholders may by resolution authorise the payment of remuneration or the provision of other benefits by the Company to a Director for services as a Director or in any other capacity in accordance with any agreement between the Shareholders.

13. Reporting**Half yearly report**

- 13.1 Within 2 months after the halfway point of the Company's financial year, the Board must deliver to the Shareholders a report on the Company's operations during that half year. That report must include the information required to be included by the Company's Statement of Intent.

Annual report

- 13.2 Within 3 months after the end of the Company's financial year, the Board must deliver to the Shareholders, and make available to the public, a report on the Company's operations during that year. That report must include the information required to be included by:
- (a) clause 13.3;
 - (b) the Company's Statement of Intent; and
 - (c) the Act.

MBM-348176-233-20-V1:

Contents of reports on operations of the Company

13.3 A report on the operations of the Company under clause 13.2 must:

- (a) contain the information that is necessary to enable an informed assessment of the operations of the Company and its subsidiaries (if any), including:
 - (i) a comparison of the performance of the Company and its subsidiaries (if any) with the Statement of Intent;
 - (ii) an explanation of any material variances between that performance and the Statement of Intent;
- (b) include audited consolidated financial statements for that financial year for that organisation and its subsidiaries;
- (c) include an auditor's report on:
 - (i) those financial statements; and
 - (ii) the performance targets and other measures by which performance was judged in relation to the Company's objectives.

13.4 The audited financial statements under clause 13.3(b) must be prepared in accordance with generally accepted accounting practices.

Protection from disclosure of sensitive information

13.5 Nothing in this clause 13 requires the inclusion in any Statement of Intent, annual report, financial statement, or half yearly report required to be produced under this constitution by the Company of any information that may be properly withheld if a request for that information were made under the Local Government Official Information and Meetings Act 1987.

Statement of Intent

13.6 Without limiting the obligations of the Board and the Company under the Local Government Act 2002 in respect to the Company's Statement of Intent, the Board must:

- (a) deliver to the Shareholders a draft Statement of Intent on or before 1 March each year;
- (b) consider any comments on the draft Statement of Intent that are made to it within 2 months of 1 March by the Shareholders or by any one of them; and
- (c) deliver the completed Statement of Intent to the Shareholders on or before 30 June each year.

13.7 The Shareholders must make a decision whether or not to approve the draft Statement of Intent and modifications to each Statement of Intent within the time limits prescribed by the Local Government Act 2002 (or such earlier limits agreed to) so as to enable the Company to comply with applicable time limits.

14. Auditor

MBM-348176-233-20-V1:

14.1 So long as the Company remains a Council Controlled Organisation, the Auditor-General shall be the auditor of the Company and of every subsidiary of the Company (if any) and shall have all of the functions, duties and powers:

- (a) of an auditor appointed under the Act; and
- (b) that the Auditor-General has under the Public Audit Act 2001.

15. Dividends

Power to authorise

15.1 The Board may, subject to the Act and this constitution, authorise the payment of dividends by the Company at times, and of amounts, and in such form as it thinks fit and may do everything that is necessary or expedient to give effect to the payment of such dividends. Prior to authorising the payment of a dividend, the Board must be satisfied on reasonable grounds that the Company will immediately after payment of the dividend satisfy the solvency test.

Deductions

15.2 The Board may deduct from dividends payable to any Shareholder in respect of any Shares any of the following:

- (a) unpaid calls, instalments or other amounts, and any interest payable on such amounts, relating to the specific Shares; or
- (b) amounts the Company may be called upon to pay under any legislation in respect of the specific Shares.

Entitlement Date

15.3 Dividends and other distributions or payments to Shareholders will be payable to the persons who are registered as Shareholders on an entitlement date fixed by the Board.

Unclaimed dividends

15.4 Dividends or other monetary distributions unclaimed for one year after having been authorised may be used for the benefit of the Company until claimed. All dividends or other monetary distributions unclaimed for 5 years after having been authorised may be forfeited by the Board for the benefit of the Company, The Board may, nevertheless, agree to pay a claimant who produces evidence of entitlement.

16. Method of contracting

Deeds

16.1 A deed to be entered into by the Company may be signed on behalf of the Company by any of the following:

- (a) by 2 or more Directors of the Company;

MBM-348176-233-20-V1:

- (b) a Director, or other person or persons authorised to do so by the Board, whose signature or signatures must be witnessed; or
- (c) one or more attorneys appointed by the Company in accordance with section 181 of the Act.

Written contracts

- 16.2 An obligation or contract, which is required by law to be in writing and any other written obligation or contract which is to be entered into by the Company, may be signed on behalf of the Company by a person acting under the Company's express or implied authority.

Other contracts

- 16.3 An obligation or contract may be entered into on behalf of the Company orally by a person acting under the Company's express or implied authority.

17. Definitions and Interpretation

Definitions

- 17.1 In this constitution the following definitions apply:

Act means the Companies Act 1993 as amended from time to time;

Alternate Director means a person appointed in accordance with this Constitution as an alternate director in the place of a Director during the absence from time to time of that Director;

Auditor-General means the Controller and Auditor-General appointed under the Public Audit Act 2001;

Board in relation to the Company means those Directors who number not less than the required quorum acting together as a board of directors;

Chairperson means a person who is appointed chairperson of the Company in accordance with this Constitution;

Company means Hamilton Properties Limited;

Council-Controlled Organisation has the meaning given to that term by the Local Government Act 2002;

Director means a person appointed as a director of the Company in accordance with this constitution, and, when acting in place of a Director, includes an Alternate Director;

Distribution has the meaning set out in section 2(1) of the Act;

Representative means a person appointed as a Shareholder's Representative under clause 6.7;

Share means a share issued, or to be issued, by the Company;

MBM-348176-233-20-V1:

Shareholder means a person whose name is entered in the share register of the Company as the holder for the time being of one or more Shares;

Special Resolution means a resolution approved by 75% of the votes of those Shareholders entitled to vote and voting on the resolution;

Statement of Intent means each statement of intent to be completed by the Board in terms of the Local Government Act 2002; and

Territorial Authority has the meaning given to that term by the Local Government Act 2002.

Interpretation

17.2 In this constitution, unless the context otherwise requires:

- (a) except as specified in clause 18.1, words or expressions used in this constitution that are defined in the Act or the Local Government Act 2002 have the meaning given by the applicable act;
- (b) a reference to writing includes facsimile and electronic communications resulting in visible reproduction;
- (c) an expression referring to a natural person includes a company, trust, partnership, association, body corporate, Territorial Authority, Council Controlled Organisation or public authority;
- (d) a reference to any legislation or to any provision of any legislation (including regulations and orders) includes;
 - (i) that legislation or provision as from time to time amended, re- enacted or substituted; and
 - (ii) any statutory instruments, regulations, rules and orders issued under that legislation or provision.
- (e) a reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this constitution; and
- (f) a reference to the word 'include' or 'including' is to be construed without limitation.

Conflict between the Act and this constitution

17.3 If there is any conflict between:

- (a) a provision in this constitution and a mandatory provision in the Act or the Local Government Act 2002; or
- (b) a word or expression defined or explained in the Act or the Local Government Act 2002 and a word or expression defined or explained in this constitution, the provision, word or expression in the applicable act prevails.

MBM-348176-233-20-V1:

Consulting

Hamilton City Council HPL Business Case

*Strictly private
and confidential*

20 September 2016

pwc

Item 8

Attachment 4



Kelvyn Eglinton
General Manager – City Growth
Hamilton City Council
Garden Place
Hamilton

20 September 2016

**Business Case for the Management of the Municipal Endowment Fund
assets by Hamilton Properties Limited**

Dear Kelvyn

We are pleased to provide our business case report in relation to the potential management of the Municipal Endowment Fund (“MEF”) and the Domain Endowment Fund (“DEF”), together referred to as the “Endowment Funds”, through Hamilton Properties Limited (“HPL”) as a Council Controlled Trading Organisation (“CCTO”).

The business case assumes HPL will utilise the Endowment Funds to undertake a number of property development projects to achieve both a commercial return and deliver other municipal benefits to Council in support of Council’s key strategic objectives.

This report is provided in accordance with the terms of our engagement outlined in our letter dated 17 August 2016 and is subject to the restrictions set out in Appendix 1 of this report.

Yours faithfully
PricewaterhouseCoopers

Wayne Tainui
Partner
Email: wayne.n.tainui@nz.pwc.com
DDI: +64 (7) 838 7722

Andrew Ricketts
Director
Email: andrew.c.ricketts@nz.pwc.com
DDI: +64 (7) 838 7421

PricewaterhouseCoopers
Cnr Angelsea and Ward Streets, PO Box 191
Hamilton 3240
T: +64 (7) 838 3838
F: +64 (7) 838 4178

Hamilton City Council
PwC

Strictly private and confidential

20 September 2016
2

Contents

Transmittal Letter	2
At A Glance	4
Business Case	5
1 Scope and Process	6
2 Critical Success Factors	7
3 Potential Asset Structure	8
4 Current Asset Portfolio	10
5 Financial Projections	11
6 Council Financial Position	16
7 Tax Implications	17
8 Other Matters	18
9 Conclusions	19
Appendices	20
1 Restrictions	21
2 MEF and Domain Endowment Funds Policy	22
3 Illustrative Financial Projections	23
4 Glossary of Terms	26

At a glance

The financial projections set out in this business case illustrate that the Endowment Funds appears to have sufficient capital to allow HPL to undertake \$105m of development activity over a 10 year period, based on current industry margins the projected return is sufficient to allow Council to comply with the policy principles including an annual dividend to Council approximate to the cost of debt (5.5%)

The business case assumes that development will be undertaken in support of the Council's long-term strategic objectives as set within:

1. The 10 Year Plan 2015-2025; and
2. The Hamilton Plan.

The business case includes financial projections based on high-level assumptions formulated and agreed in conjunction with Council as the objectives and statement of intent of Hamilton Properties Limited ("HPL") are yet to be formulated.

The Endowment Fund, under HPL management, is forecast to undertake \$105m of development activity across a 10 year period with a margin of 20% assumed.

- The assumed margin is based on discussions with industry participants who estimate current margins for turn-key mixed use developments to be approximately 18-24% before the cost of funding.
- We note that these margins could vary over the 10 year period.

The key risk appears to be identifying and securing development opportunities in a timely manner in order to generate the projected returns

- The appointment of experienced directors and senior management team with a deep knowledge of the property market is important for the successful execution of HPL's strategy.

The Fund is projected to generate a cash return of \$32.6m over the 10 year period and assumed to provide a return of \$23.0m to Council

- The \$2.3m pa dividend to Council ensures a return approximate to the cost of debt (5.5% is earned), as required by policy.
- The development undertaken in accordance with Council objectives will provide a wider municipal purpose, including growing the local economy and contributing to positive change within the City.

Endowment Fund Capital is projected to increase from the current \$49.0m to \$62.0m in year 10, a compound annual growth rate of 2.4% per annum

- The retention of income above the Council cost of funds ensures that the Endowment Fund capital is preserved against inflation.

CCTO's are subject to income tax of 28% on taxable earnings, therefore to maximise returns the Endowment Assets are assumed to be held both within Council and by HPL

- All existing properties are assumed to be retained within Council and managed by HPL.
- All un-utilised cash is assumed to be applied to Council debt with no tax liability incurred on the notional interest earned.

The impact on Council debt projections is not forecast to be significant with peak debt increasing from \$493m in 2023 to \$503m

- Based on the financial projections Council debt will be between \$6m and \$16m higher over the 10 year period. We note this could increase depending on the timing and sale of completed developments.
- The impact on Council income is expected to be minimal assuming the annual dividend of \$2.3m.

Business Case

Scope and Process

- Following work undertaken by Council, supported by the PwC report on the Hamilton City Council MEF dated 24 June 2016, we understand that Business and Investment Subcommittee is considering a recommendation that the Endowment Funds be more actively managed via a CCTO.
- As part of the transition of the Endowment Funds to a CCTO, in the form of the legal entity known as HPL, Council has requested a Business Case be prepared to illustrate what is required to establish a CCTO, in particular highlighting and commenting upon four key areas of focus in transitioning the Endowment Funds as identified opposite.
- We understand that the Strategic Objectives and Statement of Intent for HPL has not yet been formulated by Council. However, changes have been made to the Policy and Constitution as detailed in Appendix Two and include the following guiding principles:

Principles

- The capital must be preserved to comply with the current law principle of endowment.
- Endowment funds must be used for municipal and domain purposes.
- Investment must aim to increase returns from the Endowment Funds and must return a dividend to Council that is equivalent to the average cost of Council's debt over the first three-year period of each 10-year Plan.

Our understanding is that the wider Strategic Objectives of Council include, but are not limited to:

1. The 10 Year Plan 2015-2025; and
2. The Hamilton Plan.

Potential Governance and Management Structure

01

Illustrative Financial Forecast

02

Taxation Implications

03

Impact on the Council's Financial Position

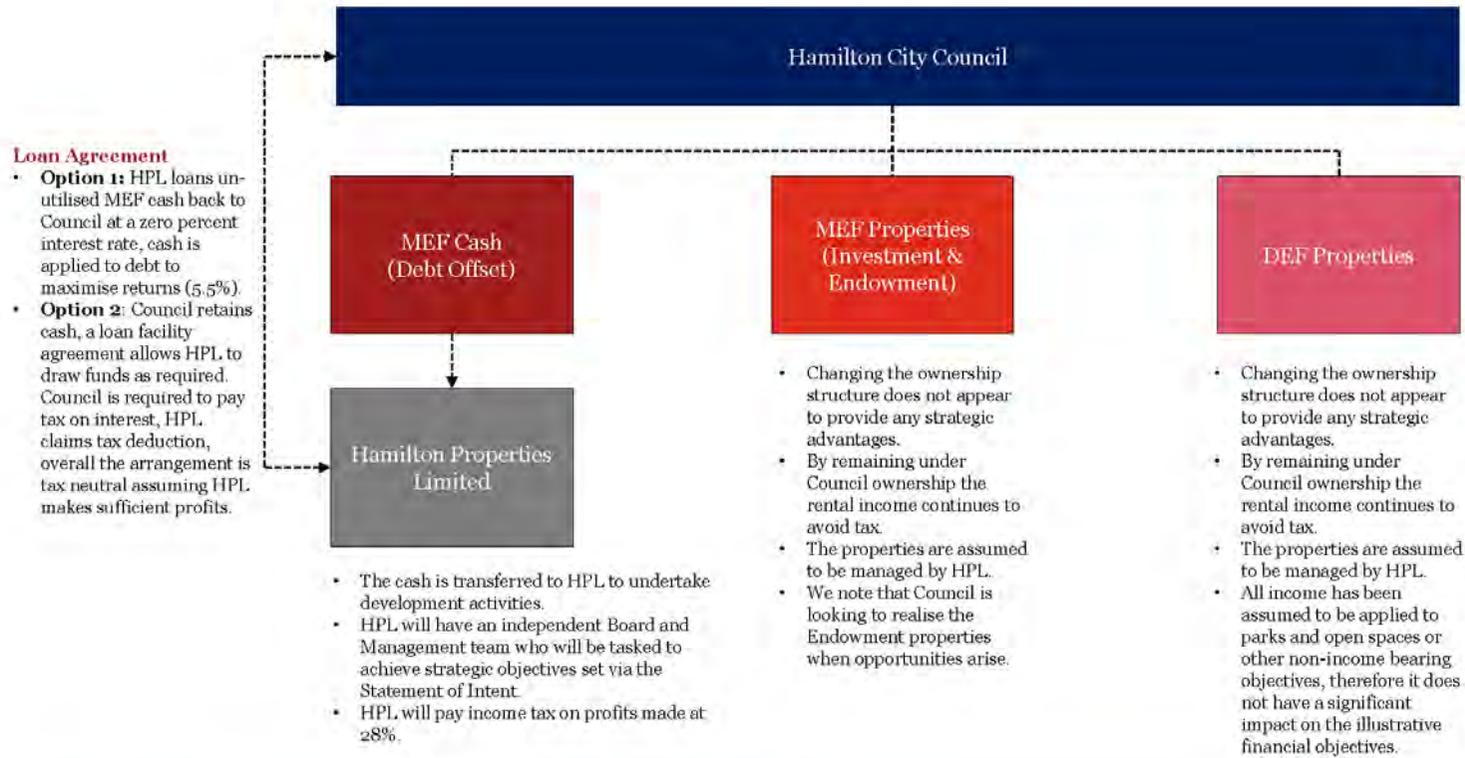
04

Critical Success Factors – at a glance

The critical success factors identified in the historical success of HPL appear relevant to the future success. These factors have been considered in determining the structure and the underlying assumptions contained in this Business Case



Overview of the recommended structure for the management of Endowment Fund assets



Retaining the existing properties within Council, whilst being managed by HPL, will reduce the tax liability and maximise the return to the Endowment Funds and Council

Council has to consider whether the existing assets of the Endowment Funds are either:

1. Retained by Council, but managed by HPL; or
2. Transferred to and managed by HPL.

Note: Assets transferred from Council to CCO’s can be done so at carrying value and are assumed to have been acquired by the CCTO at the original date of acquisition by Council.

Asset Type	Key Considerations	Within Council	Within CCTO
<p>MEF Funds in cash</p> <p>\$28.6m 58% of Endowment Funds</p>	<ul style="list-style-type: none"> • The CCTO will need long-term funding available to undertake property development activities. • The level of funding will fluctuate significantly. • To maximise returns in the short-term the best application of undrawn funds is to offset against Council debt making a notional 5.5% return. 	<ul style="list-style-type: none"> • Cash to be loaned from HPL to Council under a contractual agreement at a zero percent interest rate. • Flexibility required to allow undrawn cash to be applied to Council debt and cash to be on call to fund development costs as required. 	<ul style="list-style-type: none"> • Cash to be loaned to Council at a zero percent interest rate. • Given the current low cost of funding the CCTO should consider funding part of the development activities with external bank debt. • Based on current interest rates it is likely the tax adjusted interest cost will be lower than c.5.5% earned as a debt offset within Council.
<p>Existing Properties</p> <p>Including:</p> <ul style="list-style-type: none"> • Commercial properties • Land leases • DEF Properties 	<ul style="list-style-type: none"> • The properties are currently managed by the Council Strategic Property team. • Council intends to realise the endowment properties (land lease income) as opportunities arise. • Avoid tax leakage on rental income. 	<ul style="list-style-type: none"> • Existing properties will continue to be held within Council. • A management fee will be paid from the CCTO to Council for the time and cost of staff managing the properties. • This will avoid any assignment of leases and tax leakage. 	<ul style="list-style-type: none"> • A management fee will be paid from the CCTO to Council for the time and cost of staff managing the properties. • It is assumed no tax is paid on rental income as the properties remain in the ownership of Council.

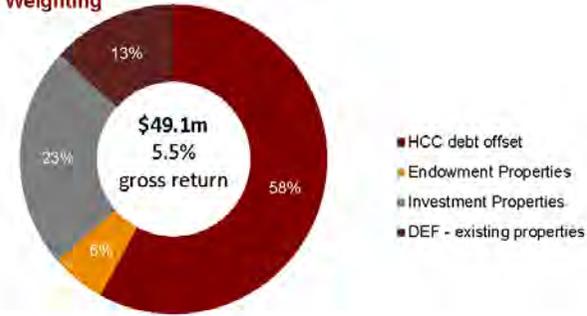
The majority of the Endowment Funds are now held in cash. The key consideration is the structuring of the contractual loan agreement between HPL and Council to minimise the level of tax expense incurred

The financial projections detailed in this business case are based on high-level assumptions formulated and agreed in conjunction within Council. They should be viewed as illustrative only. The financial projections are based on opening balance as at 30 June 2016 with the financial returns generated from the Endowment Fund assets.

The key assumptions for each asset category include:

Category	Treatment
Cash (Debt Offset) \$28.4m (58% of asset base)	<ul style="list-style-type: none"> Cash to be loaned from HPL to Council at a zero percent interest rate. Notional interest from debt offset assumes non-taxable earnings as outside the HPL legal entity.
MEF Existing Properties \$14.2m (29% of asset base)	<ul style="list-style-type: none"> All existing properties to remain with Council but to be managed by HPL. Therefore earnings are non-taxable. The three commercial properties to be retained, four of the endowment properties sold. Values to increase with inflation, rents increase by cumulative inflation in three yearly intervals.
DEF Endowment Properties \$6.5m (13% of asset base)	<ul style="list-style-type: none"> Properties remain with Council but to be managed by HPL. None of the existing properties to be divested. All earnings spent annually, either for funding Parks & Open Spaces or applied to new projects that would compliment the development undertaken by HPL. The assumed beautification of open spaces adjacent to developments is seen as a mechanism to de-risk development projects and attract further complimentary developments by the private sector.

Portfolio Weighting



Endowment Funds - Asset Categories



The Business Case assumes \$105m of development expenditure over a 10 year period at a turn-key developer margin of 20%, which, we understand is comparative with current margins being achieved by the sector

Development Activity

- A total of \$105m is to be spent over the 10 year period.
- Four larger projects (\$15m) and six smaller projects (\$7.5m) are forecast. The project numbers and timing are indicative and subject to change with the key driver of the financial result being the total amount spent over the period.

Gross Margin

- It is assumed that the developments undertaken are effectively turn-key developments, these could be undertaken as joint ventures or by HPL alone.
- It is our understanding, through discussion with industry participants, that currently a turn-key project typically earns a gross margin, before funding costs, of between 18% and 24%.
- We have assumed an average gross margin of 20% for the financial modelling presented in this business case.

Hold or Sell

- All developments are assumed to be sold on completion. If the intention is to hold a property, depending on value, debt capacity and appetite for debt, the ability to undertake further developments would be significantly impacted.

Strategy

- The development modelling is indicative at this stage as the Strategic Objectives of HPL have not been set.
- It would appear that development could include a mix of commercial / hospitality and residential construction in and around the Central Business District.
- There also appears to be a desire for an additional higher quality hotel offering for Hamilton which may provide an initial opportunity to deliver a key strategic development.

Development Cost
\$105m

Time Period
10 Years

Development Margin (Avg.)
20%

Project Timing Assumption (Development Spend)

\$ in millions		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Project One	\$15.0m	█									
Project Two	\$7.5m	█									
Project Three	\$15.0m			█							
Project Four	\$7.5m		█								
Project Five	\$15.0m				█						
Project Six	\$7.5m				█						
Project Seven	\$15.0m					█					
Project Eight	\$7.5m					█					
Project Nine	\$7.5m						█				
Project Ten	\$7.5m							█			
Total	\$105.0m	\$3.0m	\$7.5m	\$9.0m	\$13.5m	\$9.0m	\$13.5m	\$9.0m	\$15.0m	\$13.5m	\$12.0m

Source: PwC Estimate

Other Significant Assumptions

Assumption	Metric	Commentary	Risks / Mitigating Factor
Board of Directors 2 Executive 2 Independents	Nil \$60k each pa	<p>The constitution of HPL sets the maximum number of directors at five. We have assumed two independent directors in the financial forecast.</p> <p>The fees assumed are similar to those earned by other Council's property development entities. Should the role expected be substantial it may require higher remuneration, although this may reduce the allocation for management.</p>	<p>Council should consider the skill sets, expertise and relationships required from both the Executive and Independent directors before appointment.</p>
Management Structure General Manager Business Administration Strategic Property Team	\$250k pa \$60k pa \$100k pa	<p>The strategy for the CCTO and Statement of Intent will likely define the role of the General Manager ("GM"). It is assumed that the GM would be responsible for:</p> <ul style="list-style-type: none"> • The identification of land and opportunities; • The undertaking of feasibility assessments of opportunities; • Marketing of properties – tenants and sale; • Liaising with consultants on design, consents, financing etc. <p>The GM will be supported by a Business Administrator and the current Strategic Property Team who will predominately manage the existing properties within the MEF and DEE.</p>	<p>The role of the Directors and General Manager needs to be defined.</p> <p>There is a risk that HPL will not require a full time General Manager given the peaks and troughs of development activity.</p>
Other Management Costs	\$20k pa	<p>It is assumed that HPL will operate from a current Council facility, effectively renting a desk. An allowance for \$20k has been made to cover rent and operating expenses.</p>	<p>The appearance of independence from Council may be enhanced if HPL is operated from an independent location.</p> <p>This may cost more than the \$20k assumed.</p>

Other Significant Assumptions continued

Assumption	Metric	Commentary	Risks / Mitigating Factor
External Consultants Feasibility Studies	3 pa at \$30k each	<p>There is an allowance of \$90k per annum for feasibility analysis and an additional \$50k included in operating expenses (below) for external consultant costs.</p> <p>These costs are assumed outside of project or development costs and assume that there will be cost incurred in evaluating opportunities. Some of which will not proceed.</p>	This allowance may require adjustment once the initial strategic objectives are set and development locations identified.
Operating Expenses	\$220k per annum	<p>Other operating expenses include the additional administrative requirements of operating a separate entity, including:</p> <ul style="list-style-type: none"> • Audit; • Accounting; • Legal; • External consultants; • Insurance; • Motor vehicles and associated FBT; and • A general contingency. 	The expenses assumed have been based on the previous HPL experience, adjusted for time and are driven by the management structure.
Dividends to HCC	\$2.3m pa	<p>Dividends have been set to approximate the current return being achieved by Council through the debt offset, being 5.5%.</p> <p>The dividend will be in the form of the notional interest saving from the debt offset and also a cash component.</p>	<p>Given the volatility in cash flows due to development activities the dividend to Council will sometimes be funded from cash reserves (debt offset).</p> <p>Alternatively dividends could be funded through external borrowings.</p>

Indicative Financial Forecast

Projected Financial Results

- The indicative financial forecast shows NPAT fluctuating between \$1.4m and \$6.0m pa over the 10 year period, an average of \$3.5m.
- The average annual return on DEF assets is 4.5% and for MEF assets 7.5%.
- An annual return of \$2.3m, being 5.5% of the opening MEF asset value is assumed paid to Council, totalling \$23.0m over the 10 year period.
- Total income tax paid of \$3.6m over the 10 year period.

Projected Asset Values

- The asset balance is forecast to grow from \$49.1m to \$62.0m, a 10 year CAGR of 2.4% which approximates inflation (2.5% for MEF assets).
- The portfolio weighting at the end of the 10 year period is assumed to be \$39.8m (65%) cash (including debt offset) with the existing commercial properties and all but 4 of the endowment properties still held.
- The DEF properties are assumed to be held for the 10 year period with the income spent each year on the following basis:
 - In support of HPL development activities; or
 - Distributed to Council to contribute to the upkeep of reserve land by the Parks and Open Spaces Business Unit.

Financial Highlights



Indicative Profit and Loss

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Total
Development margin	-	1,500	-	4,500	-	4,500	-	4,500	1,500	4,500	21,000
Other income	2,774	2,639	2,532	2,580	2,667	2,929	3,170	3,271	3,409	3,746	29,717
Total Income	2,774	4,139	2,532	7,080	2,667	7,429	3,170	7,771	4,909	8,246	50,717
Overhead expenses	859	1,130	1,143	1,156	1,170	1,166	1,295	1,324	1,273	1,327	11,842
DEF allocation	251	263	263	263	263	274	385	395	395	432	3,184
NPBT	1,664	3,087	1,485	6,017	1,581	6,353	1,973	6,517	3,721	7,029	39,427
Tax expense	-	-	-	738	-	805	-	792	198	1,040	3,574
NPAT	1,664	3,087	1,485	5,279	1,581	5,549	1,973	5,724	3,523	5,989	35,854

Indicative Asset Values

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Cash at bank	2,602	3,184	3,084	2,785	3,005	3,284	2,319	2,847	3,665	2,440
Development WIP	3,000	3,000	12,000	3,000	12,000	3,000	12,000	4,500	10,500	-
HCC debt offset	22,422	22,422	12,422	24,422	14,422	26,422	18,422	28,422	22,422	37,422
MEF Properties	13,888	14,026	14,213	14,389	14,348	14,180	13,675	13,928	14,186	14,449
DEF Properties	6,560	6,626	6,725	6,826	6,928	7,067	7,208	7,352	7,499	7,649
Total	48,471	49,258	48,443	51,422	50,703	53,952	53,625	57,049	58,272	61,960
Dividend	2,300	2,300	2,300	2,300	2,300	2,300	2,300	2,300	2,300	2,300
DEF-ROA	3.8%	4.0%	3.9%	3.9%	3.8%	3.9%	5.3%	5.4%	5.3%	5.6%
MEF-ROA	4.0%	7.2%	3.6%	11.8%	3.6%	11.8%	4.3%	11.5%	6.9%	11.0%
MEF CAGR - cumulative	-1.6%	0.0%	-0.7%	1.1%	0.5%	1.6%	1.2%	1.9%	2.0%	2.5%
Total CAGR - cumulative	-1.3%	0.2%	-0.5%	1.2%	0.6%	1.6%	1.3%	1.9%	1.9%	2.4%

Source: PwC Calculations

The Endowment Fund is forecast to earn a cash return of \$32.6m over the 10 year period. The return, if achieved, is sufficient to pay the Council \$23.0m in Dividends over the 10 year period which is the equivalent of the 5.5% debt offset on the current MEF balance

Cash Generation

- Cash is assumed to remain in Council as a debt offset until drawn by HPL. Funds may need to be drawn in advance to allow HPL to meet its short-term commitments.
- The total cash generated by HPL in the financial forecast is \$32.6m across the 10 year period.
- It is assumed that \$23.0m is paid to Council, being approximately equivalent to a 5.5% return, the remainder is retained by HPL and applied to either the debt offset or development activity. This retention of cash, along with the assumed capital appreciation of property (CPI only) results in a 10 year CAGR of 2.5% for the MEF, the equivalent of inflation which ensures the real value of the endowment fund is preserved.

Council Returns

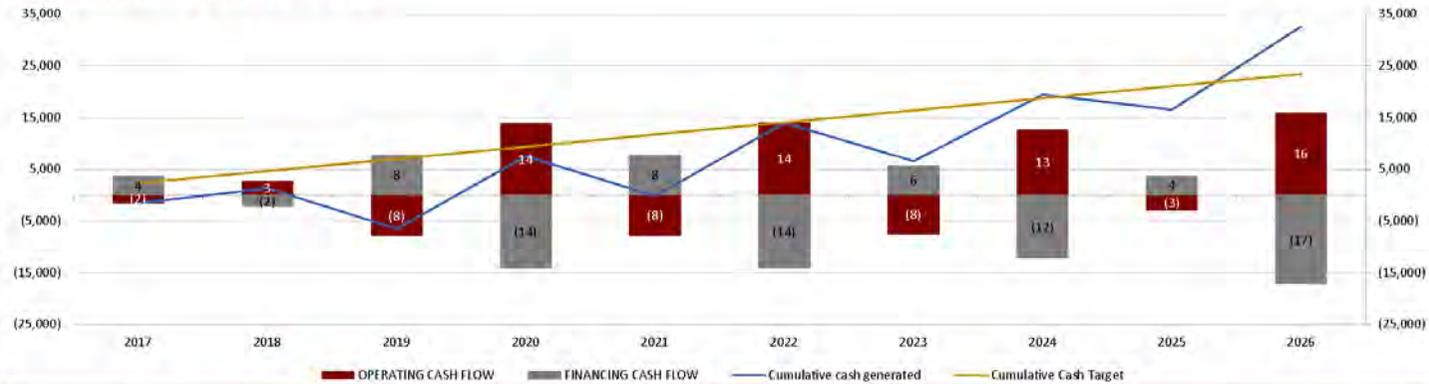
- Currently Council can achieve a 5.5% net return by applying MEF cash as a debt offset. This provides no inflationary protection for the MEF fund which arguably means the fund is not being preserved in the long-term.
- If the return was reduced to 4.5%, to allow the fund to increase by 1% per year the cash return to Council would decrease from \$23.4m to \$20.1m.

Cumulative Cash Flows

\$ in 000s	Forecast	5.5%	4.5%
10 Year Cash Flow	32,608	23,436	20,062

Source: PwC Calculations

Indicative Cash Flow Summary



The Business Case illustrates that the impact to the Council debt position is minimal and that Council is forecast to receive an annual return equivalent to their cost of debt

Returns to Council

- The total cash return assumed to Council is \$23m as follows:

Annual Cash to Council		
\$ in 000s	Annual	Total
Per 10 year forecast	2,300	23,000
5.5% of MEF value	2,344	23,436

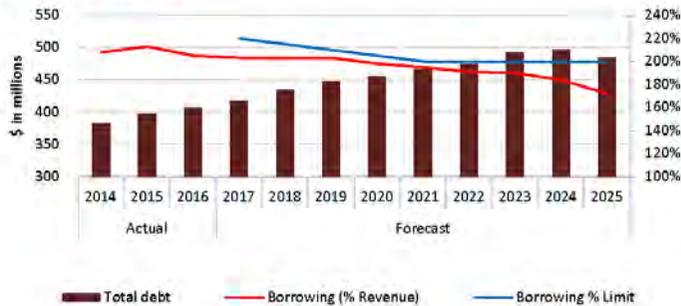
Source: PwC Calculations

- The cash return forecast is approximate to the equivalent of 5.5% of the opening MEF asset value. There is potential for the return to Council to increase as profits are earned and retained.
- Based on the indicative financial modelling the increase in the value of the MEF should increase the return to Council in the future should the objectives of HPL be achieved.

Impact of the MEF Drawdowns

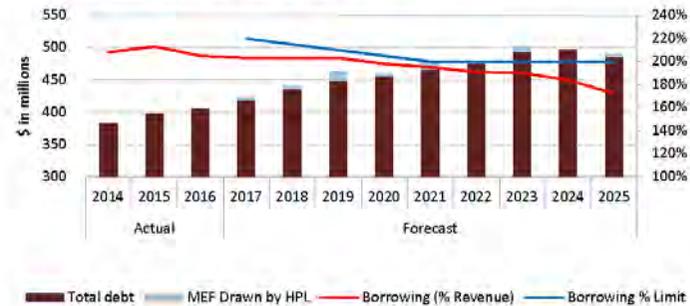
- Based on the financial projections, assuming the balance of MEF cash will remain as a debt offset when not drawn, Council debt will increase by between \$6m and \$16m.
- We note that actual project costs and timings could vary significantly from those projected, as could the timing of the sale of completed projects. This could result in a higher funding requirement than that presented below.
- We note that under the assumptions modelled total debt as a percentage of revenue remains within the limits set, total debt peaks at \$503m in 2023 compared to the original forecast of \$493m.

Total Council Debt



Source: HCC information

Total Council Debt - Impact of HPL



Source: HCC information and PwC Calculations

Tax Implications

Income Tax Act 2007 (“ITA”)

CW 39 Local Authorities

Income derived by a local authority is exempt income in accordance with the ITA. However, amounts derived from a CCO from commercial undertakings are excluded from the exemption.

Therefore CCO’s are subject to the corporate tax rate of 28%

Commercial Rationale

Therefore the commercial rationale and underlying municipal benefit for undertaking a taxable activity from a CCO needs to justify the potential tax expense.

Passive Investments – Passive investments such as managed funds have a low administrative requirement and therefore appear to be best held by Council to eliminate taxable income.

For example the notional return achieved through the current debt offset of 5.5%, if held within a CCO would require a pre-tax return of 7.64%.

Example 1: Equivalent to the debt offset

Pre-tax equivalent of 5.5% return

CCO
7.64%

Example 2: Balanced Managed Fund Example

5 Year average return

7.00%

If held within a CCO (7.0% less tax)

5.04%

Therefore to maximise the returns to Council it appears best to hold passive investments within Council.

Structuring

- Loans from Council to CCTO’s need to be on commercial terms in accordance with the Section 63 of the Local Government Act 2002. Assuming the CCTO makes sufficient profits this structure would create a tax liability for Council on the interest income from the CCTO, the CCTO would then claim the interest cost as a deductible expense and the resulting tax benefit in its own tax return, making the net tax position neutral but with the additional administration requirement.
- Alternatively, HPL could legally hold the MEF cash and it is loaned to Council at a zero percent interest rate. The terms need to have the funds on call to allow drawdowns to fund development costs as required.
- We have assumed no tax is paid on notional interest earned from the Council debt offset. The existing properties are held within Council to reduce the tax expense.
- Specialist legal and tax advice needs to be obtained before the structure and loan arrangements are finalised between HPL and Council.

Offset between CCTO’s

- We note that there are provisions within the Income Tax Act 2007 for the profits and losses between CCTO’s to potentially be offset.
- To be eligible for the offset of taxable profits and losses between CCTO’s there must be commonality of shareholders of a minimum of 66%.
- We are not aware of other CCTO’s with commonality of shareholding that are currently making losses which could reduce the tax leakage from profitable development activity through HPL.

Note: The Income Tax Act 2002 Amendments Bill (No 2) may restrict the ability to offset income with a CCO providing water services.

We understand that HPL has tax losses of \$130,606 to be utilised, this represents a tax saving of \$36,570k.

Other Matters

Local Government Act 2002 Amendment Bill (No 2)

We note that the LGA 2002 Amendment Bill (No 2) is before parliament. There are many changes impacting the compliance and reporting requirements in relation to Council Controlled Entities.

The amendments need to be considered in relation to the following areas:

- The appointment of Directors;
- Aligning the funding requirements and strategic objectives with the Council long-term plans;
- In setting the statement of intent; and
- The setting of and reporting on the Service delivery plan.

It is recommended that the requirements of the Amendments Bill are considered and enacted should they pass.

Conclusions

The business case financial projections are based on high-level assumptions taking into consideration the critical success factors detailed on page 6. The assumptions have been formulated and agreed in conjunction with Council.

The key assumptions driving the financial performance are:

- \$105m of development expenditure incurred over the 10 year period; and
- A gross margin of 20% on sale of each development.

The current Endowment Fund cash component is sufficient to fund this level of activity.

The key risk appears to be identifying and securing development opportunities in a timely manner in order to generate the projected financial return.

Furthermore, the structuring of where each asset category sits, either within Council, or within HPL, is important to reduce the tax liability and maximise the financial returns to Council.

Specialist legal and tax advice needs to be obtained before the structure and loan arrangements are finalised between HPL and Council.

We have reviewed the financial outcomes projected within the Business Case against the guiding principles of the revised policy as follows:

Principle	Conclusion
Endowment Capital Preservation	<ul style="list-style-type: none"> • The Endowment Fund capital is projected to increase from \$49.1m to \$62.0m over the 10 year period. • This equates to a 10 year CAGR of 2.4%.
Municipal or Domain Purpose	<ul style="list-style-type: none"> • By undertaking \$105m of development activity in alignment with the key Council Strategic Objectives HPL appears to be positioned to contribute to a wider municipal purpose. • The income derived from the DEF is assumed to be spent on either maintaining existing domain spaces or on developing new spaces.
Financial return	<ul style="list-style-type: none"> • The Business Case projects a total cash return of \$32.6m over the 10 year period. • The equivalent cost of debt (5.5%) is returned to Council in dividends, totalling \$23.0m. • As detailed above additional cash is retained to preserve capital against inflation.

Appendices

Appendices		20
1	Restrictions	21
2	MEF and Domain Endowment Funds Policy	22
3	Illustrative Financial Projections	23
4	Glossary of Terms	26

Restrictions

This business case has been prepared for Hamilton City Council (“HCC”) to provide an illustration of the potential financial performance of HPL and the impact on the financial position of HCC. This report has been prepared solely for this purpose and should not be relied upon for any other purpose. We accept no liability to any party should it be used for any purpose other than that for which it was prepared.

This report has been prepared solely for use by Hamilton City Council and may not be copied or distributed to third parties without our prior written consent.

To the fullest extent permitted by law, PwC accepts no duty of care to any third party in connection with the provision of this report and/or any related information or explanation (together, the “Information”). Accordingly, regardless of the form of action, whether in contract, tort (including without limitation, negligence) or otherwise, and to the extent permitted by applicable law, PwC accepts no liability of any kind to any third party and disclaims all responsibility for the consequences of any third party acting or refraining to act in reliance on the Information.

We have not independently verified the accuracy of information provided to us, and have not conducted any form of audit in respect of Hamilton City Council. Accordingly, we express no opinion on the reliability, accuracy, or completeness of the information provided to us and upon which we have relied.

We take no responsibility for the accuracy or completeness of the underlying financial assumptions and projections. We are unable to express an opinion as to whether actual results will approximate those projected because the projections are based on estimates and assumptions regarding future events, which, by their nature, are not able to be independently substantiated. Some assumptions inevitably will not eventuate and unanticipated events and circumstances will occur. Therefore, the actual results will vary from the projections.

The statements and opinions expressed herein have been made in good faith, and on the basis that all information relied upon is true and accurate in all material respects, and not misleading by reason of omission or otherwise.

The statements and opinions expressed in this report are based on information available as at the date of the report.

We reserve the right, but will be under no obligation, to review or amend our report, if any additional information, which was in existence on the date of this report, was not brought to our attention, or subsequently comes to light.

This report is issued pursuant to the terms and conditions set out in our engagement letter dated 17 August 2016.

MEF and Domain Endowment Funds Policy

Revision dated 2 August 2016

Purpose and Scope

1. To provide Principles and criteria for management of the Municipal Endowment Fund and the Domain Endowment Fund (Endowment Funds”).

Principles

2. The capital must be preserved to comply with the current law principles of endowment.
3. Endowment funds must be used for municipal and domain purposes.
4. Investment must aim to increase returns from the Endowment Funds and must return a dividend to Council that is equivalent to the average cost of Council’s debt over the first three-year period of each 10-year Plan.

Policy

5. Endowment Funds may be managed by Council, a CCTO or any other entity or organization that Council approves.
6. Endowment Funds must be used to directly or indirectly support, advance and implement Council’s strategic plans. The Council will identify the priorities within these strategic plans in each 10-Year Plan.
7. To achieve the outcomes required in paragraph 6, the entity managing the Endowment Funds will:
 - a) Undertake new profitable investments as cash flows allow which, over the life, will yield a substantially greater return than previously achieved;
 - b) Promote development of properties in a manner which will maximize the commercial value of the asset by ensuring that the addition of any new capacity is related as closely as possible to actual and forecast market demand;
 - c) Encouraging freeholding of endowment properties to generate capital for investment in higher yielding assets as soon as practicable;
 - d) Enter into joint venture or turn-key developments to provide flexible options for the future;
 - e) Manage its financial assets and liabilities on a prudent basis;
 - f) Seek and effectively administer service contracts with other public sector entities;
 - g) Strive to minimize operating costs.

Illustrative Financial Projections (1 of 3)

INCOME STATEMENT										
\$ in 000s	Budget									
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
REVENUE										
Development Margin	0	1,500	0	4,500	0	4,500	0	4,500	1,500	4,500
Interest income - HCC notional	1,398	1,233	1,045	1,105	1,165	1,327	1,457	1,522	1,652	1,945
Municipal Endowment - Rental income	72	72	72	68	52	32	32	32	32	32
Municipal Investment - Rental income	850	867	867	867	906	906	906	924	924	924
Domain Enowment - Rental Income	251	263	263	263	263	274	385	395	395	432
Revaluation gains	202	204	286	278	282	390	389	397	405	413
Total	2,774	4,139	2,532	7,080	2,667	7,429	3,170	7,771	4,909	8,246
OPERATING EXPENSES										
Feasibility Costs	91	92	93	95	96	65	67	68	0	0
Directors fees	121	122	124	126	128	131	133	136	139	141
Salaries & Wages	303	306	311	315	320	326	333	340	346	353
HCC Management fee	121	122	124	126	128	131	133	136	139	141
Overheads	222	224	228	231	235	239	244	249	254	259
Funding - DEF Parks & Open Spaces	251	263	263	263	263	274	385	395	395	432
Total	1,110	1,130	1,143	1,156	1,170	1,166	1,295	1,324	1,273	1,327
EBITDA	1,664	3,009	1,390	5,924	1,498	6,263	1,874	6,447	3,636	6,919
Depreciation	0	0	0	0	0	0	0	0	0	0
EBIT	1,664	3,009	1,390	5,924	1,498	6,263	1,874	6,447	3,636	6,919
Interest on trading account	0	78	96	93	84	90	99	70	85	110
NET PROFIT BEFORE TAX	1,664	3,087	1,485	6,017	1,581	6,353	1,973	6,517	3,721	7,029
Taxation	0	0	0	738	0	805	0	792	198	1,040
NET PROFIT	1,664	3,087	1,485	5,279	1,581	5,549	1,973	5,724	3,523	5,989

Illustrative Financial Projections (2 of 3)

BALANCE SHEET		Budget										
\$ in 000s		Opening	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
CURRENT ASSETS												
Cash at Bank	-	2,602	3,184	3,084	2,785	3,005	3,284	2,319	2,847	3,665	2,440	
Development Work in Progress	-	3,000	3,000	12,000	3,000	12,000	3,000	12,000	4,500	10,500	-	
Buildings Held for Sale	-	-	-	-	-	-	-	-	-	-	-	
	-	5,602	6,184	15,084	5,785	15,005	6,284	14,319	7,347	14,165	2,440	
CURRENT LIABILITIES												
Overdraft	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	
WORKING CAPITAL	-	5,602	6,184	15,084	5,785	15,005	6,284	14,319	7,347	14,165	2,440	
NON CURRENT ASSETS												
HCC Cash held	28,422	22,422	22,422	12,422	24,422	14,422	26,422	18,422	28,422	22,422	37,422	
Municipal Investment Property	11,385	11,499	11,614	11,788	11,965	12,144	12,387	12,635	12,888	13,145	13,408	
Municipal Endowment Property	2,805	2,389	2,413	2,424	2,424	2,204	1,793	1,041	1,041	1,041	1,041	
Domain Endowment Property	6,495	6,560	6,626	6,725	6,826	6,928	7,067	7,208	7,352	7,499	7,649	
Total	49,107	42,869	43,074	33,359	45,637	35,698	47,668	39,305	49,702	44,107	59,520	
NON CURRENT LIABILITIES												
Loans - new	-	-	-	-	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	-	-	-	-	
NET ASSETS	49,107	48,471	49,258	48,443	51,422	50,703	53,952	53,625	57,049	58,272	61,960	
EQUITY												
Opening Equity		49,107	48,471	49,258	48,443	51,422	50,703	53,952	53,625	57,049	58,272	
Current Period Retained Earnings		1,664	3,087	1,485	5,279	1,581	5,549	1,973	5,724	3,523	5,989	
Dividends		(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	
EQUITY	49,107	48,471	49,258	48,443	51,422	50,703	53,952	53,625	57,049	58,272	61,960	

Illustrative Financial Projections (3 of 3)

CASH FLOW	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget
\$ in 000s	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
OPERATING CASH FLOW										
Development Receipts		9,000	-	27,000	-	27,000	-	27,000	9,000	27,000
Rental income	922	939	939	935	957	938	938	956	956	956
Interest income	1,298	1,233	1,045	1,105	1,165	1,327	1,457	1,522	1,652	1,945
Feasibility Costs	(91)	(92)	(93)	(95)	(96)	(65)	(67)	(68)	-	-
Development expenses	(3,000)	(7,500)	(9,000)	(13,500)	(9,000)	(13,500)	(9,000)	(15,000)	(13,500)	(12,000)
Directors fees	(121)	(122)	(124)	(126)	(128)	(131)	(133)	(136)	(139)	(141)
Salaries & wages	(303)	(306)	(311)	(315)	(320)	(326)	(333)	(340)	(346)	(353)
HCC Management fee	(121)	(122)	(124)	(126)	(128)	(131)	(133)	(136)	(139)	(141)
Other expenses	(222)	(224)	(228)	(231)	(235)	(239)	(244)	(249)	(254)	(259)
Taxation payments (simple)	-	-	-	(738)	-	(805)	-	(792)	(198)	(1,040)
	(1,538)	2,805	(7,896)	13,908	(7,784)	14,068	(7,515)	12,758	(2,967)	15,966
INVESTING CASH FLOW										
Sale of Municipal Investment Properties	-	-	-	-	220	420	752	-	-	-
Sale of Municipal Endowment Properties	440	-	-	-	-	-	-	-	-	-
	440	-	-	-	220	420	752	-	-	-
FINANCING CASH FLOW										
Interest Received	-	78	96	93	84	96	99	70	85	110
Interest Paid	-	-	-	-	-	-	-	-	-	-
Working capital cash	6,000	-	10,000	(12,000)	10,000	(12,000)	8,000	(10,000)	6,000	(15,000)
Dividend payments	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)
	3,700	(2,222)	7,796	(14,207)	7,784	(14,210)	5,799	(12,230)	3,785	(17,190)
NET CASH MOVEMENT										
	2,602	583	(100)	(299)	220	279	(964)	527	818	(1,224)
Opening cash balance	-	2,602	3,184	3,084	2,785	3,005	3,284	2,319	2,847	3,665
CLOSING CASH BALANCE	2,602	3,184	3,084	2,785	3,005	3,284	2,319	2,847	3,665	2,440

Glossary of terms used in this document

Term	Meaning
CAGR	Compound Annual Growth Rate
CCO	Council Controlled Organisation
CCTO	Council Trading Organisation
DEF	Domain Endowment Fund
EBIT	Earnings before interest and tax
EBITDA	Earnings before interest, tax, depreciation and amortisation
HCC or Council	Hamilton City Council
MEF	Municipal Endowment Fund
NPBT	Net profit before tax
NPAT	Net profit after tax
ROA	Return on Assets

Municipal and Domain Endowment Funds

Name

Email

Organisation University of Waikato

Engagement

4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

6 Do you have any other comments?

The University would recommend that the Council ensures that an appropriate governance structure is put in place for HPL consisting of, at least, a chairperson and not less than two other appropriately qualified directors. It would also be prudent for the entity to provide regular reports to Council, and possibly publicly, to ensure accountability for activities and transparency of investments.

Ref: ANON-SYT7-EG23-8

Municipal and Domain Endowment Funds

Name Mark Flowers
Email mark.flowers@wintec.ac.nz
Organisation Wintec

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?
Yes

Comment:

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?
Yes

Comment:

Yes

- 6 Do you have any other comments?

Wintec supports the use of the Endowment Fund being used to fund those strategic projects which benefit the community by driving economic and social development which would otherwise be unlikely to be developed by the private sector alone.

To maximise the development opportunities HPL should be tasked with partnering with key private sector and other public sector organisations. This should be in the process of both development selection and execution to utilise the knowledge and expertise that exists within the City.

Ref: ANON-SYT7-EG2Y-E

Municipal and Domain Endowment Funds

Name Ryan Hamilton
Email ryan@inspirehamilton.co.nz
Organisation Public

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?
Yes

Comment:

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?
Not Answered

Comment:

Not Answered

- 6 Do you have any other comments?

An amount of up to 15 million should be allocated for the first 12-24 months with a view to raise the amount of the endowment fund subject to performance. The whole amount should not be given out in one swoop.

Ref: ANON-SYT7-EG2B-Q

Municipal and Domain Endowment Funds

Name Thomas Gibbons
Email thomas.gibbons@mccawlewis.co.nz
Organisation Property Council New Zealand, Waikato Branch

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

The principles are stated as legal requirements. It is unclear whether there is any discretion for Council over these.

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

- 6 Do you have any other comments?

Property Council welcomes further involvement with HPL. As a membership based organisation representing leading corporate and private commercial property owners, investors and developers, Property Council is uniquely placed to contribute to the scope and operation of HPL, including in respect of its statement of intent, governance, and future direction.

Thank you

Ref: ANON-SYT7-EG28-D

Municipal and Domain Endowment Funds

Name Robert Dol
Email robertd@greenstonegroup.co.nz
Organisation Greenstone Group (PCNZ)

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

Yes, although the development community should be consulted on the statement of intent and strategic objectives as Hamilton Properties should be used as an enabler. From consultation and feedback it is clear the wider community including the property sector do not want to see Hamilton Properties taking the lead role in developments.

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

- 6 Do you have any other comments?

It is important that the selection of the appointed directors and management team is undertaken in an open and transparent basis.

The documents discuss the use of HCC resource where appropriate although the staff should have the relevant private sector property experience.

Ref: ANON-SYT7-EG25-8

Municipal and Domain Endowment Funds

Name

Email

Organisation

Engagement

4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

6 Do you have any other comments?

Ref: ANON-SYT7-EG24-9

Municipal and Domain Endowment Funds

Name John Gallagher
Email
Organisation

Engagement

4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?
Not Answered

Comment:

5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?
Not Answered

Comment:

Not Answered

6 Do you have any other comments?

1. That investment must only be within the city boundaries.

2. That the Constitution states that no more than one Councillor is a director. That one Councillor should also have relevant expertise.

Ref: ANON-SYT7-EG22-7

Municipal and Domain Endowment Funds

Name Richard Douch
Email richard.douch@beca.com
Organisation Beca

Engagement

4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

6 Do you have any other comments?

Ref: ANON-SYT7-EG2H-W

Municipal and Domain Endowment Funds

Name Leonard gardner
Email Leonardg@fosters.co.nz
Organisation Foster construction group

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?
Yes

Comment:

But narrow. No economic activity mandate

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

- 6 Do you have any other comments?

Right governors is critical to success. Mix of age, experience and expertise. Right people, not just political people.

Ref: ANON-SYT7-EG21-6

Municipal and Domain Endowment Funds

Name Graham Dwyer
Email grahamd@realtyplus.co.nz
Organisation None

Engagement

- 4 Are the principles in the Municipal and Domain Endowment Funds Policy appropriate?

Yes

Comment:

We need to make sure that the terms of reference and commercial return requirements are consistent with the commercial realities and political variance need to be accounted for appropriately.

If HCC believe a fund like this is the best opportunity alternative funding methodologies must be examined, the endowment funds may not be the best source of funds, given the intended return bar is merely the HCC cost of borrowing, not even cost of capital

HCC could endow or inject capital to an organisation with the same objectives, are the funds just a low cost alternative to a great idea ?

- 5 Do you support the endowment funds and associated assets being managed by Hamilton Properties Limited?

Yes

Comment:

Yes

- 6 Do you have any other comments?

HPL should have access to all Hamilton City Council and subsidiaries property holdings to access opportunity, and be allowed a privileged position for future re zoning opportunities and such like

Ref: ANON-SYT7-EG2N-3

Committee: Council

Date: 29 September 2016

Report Name: Hamilton City Proposed
District Plan - Making the Plan
Partly Operative

Author: Luke O'Dwyer

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Hamilton City Proposed District Plan (PDP) November 2012</i>
Financial status	<i>There is budget allocated for this phase of the PDP project of \$20,000. This covers the costs associated with printing hard copies of the PDP for staff, for the community and for customers.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To obtain Council's approval to make the Hamilton City Proposed District Plan (PDP) partly operative.

3. Executive Summary

4. The overwhelming majority of appeals to the PDP have been resolved in full.
5. All substantive matters are settled and beyond challenge, allowing Council to make the PDP partly operative.
6. With Council's approval, the PDP would become partly operative on 21 October 2016.
7. This will provide certainty to the community about Hamilton's planning framework and result in administrative efficiencies for Council, the community, and developers.

8. Recommendations from Management

That:

- a) the report be received; and
- b) Council approves the Hamilton City Proposed District Plan (13 November 2012) being made partly operative on the 21 October 2016 pursuant to clause 17 and 20 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Proposed District Plan which relate to the Ruakura Variation, which becomes Plan Change 1, as identified within the Partly Operative District Plan Exclusions.

9. Attachments

- 10. Attachment 1 - Partly Operative District Plan Exclusions

11. Key Issues

- 12. Background
- 13. The PDP was notified in December 2012.
- 14. Decisions made by independent commissioners were released in July 2014.
- 15. Forty five (45) appeals were lodged against those decisions with the Environment Court.
- 16. Since 2014 staff have worked to resolve those appeals in accordance with a strategy endorsed by Council.
- 17. The overwhelming majority of those appeals have been resolved in full, allowing Council to
- 18. make the PDP partly operative.
- 19. The Ruakura Variation has also been notified and heard. No decisions have been made or released by independent commissioners at this time.
- 20. The Ruakura Variation will become Plan Change 1 upon the PDP becoming partly operative.

- 21. Legislative requirements
- 22. The manner in which a proposed district plan can be made operative is set out in Clauses 17 and 20 of the First Schedule of the Resource Management Act 1991.
- 23. The approval of the Proposed District Plan under clause 17 shall be effected once the Council’s seal is affixed to the plan.
- 24. Pursuant to clause 20(1) to the First Schedule, a plan approval under clause 17 shall become operative on the date which is to be publicly notified.
- 25. Council must publicly notify the date on which the plan becomes operative at least five working days before the date on which it becomes operative.
- 26. Should Council endorse the staff recommendations contained in this report, the necessary notice will be made public on 7 October 2016 and the PDP will become partly operative on 21 October 2016.

- 27. Risk**
- 28. Making the PDP partly operative will result in administrative efficiencies for Council and plan users.
- 29. Further, it will provide certainty to the development community that only one planning document is required to be given consideration as part of any future development proposals within the City.

Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--



PARTLY OPERATIVE DISTRICT PLAN EXCLUSIONS

The following sections of the Partly Operative District Plan are excluded from those parts of the district plan which have been approved by Hamilton City Council under clause 17(1A) of the Resource Management Act 1991. The parts which are excluded relate to the Ruakura Variation to the Proposed District Plan, now Plan Change 1, to the Partly Operative District Plan.

VOLUME 1

Chapter 1 – Plan Overview

- Clause 1.1.2.2c
- Figure 1a
- Clause 1.1.9 and Figure 1.1.9a

Chapter 2 – Strategic Framework

- Central City, Business and Industry – Policy 2.2.4a)iv

Chapter 3 – Structure Plans

- All of Section 3.7

Chapter 4 – Residential Zones

- Clauses 4.1f and 4.1.3
- Large Lot Residential Zone – 4.1.4a)ii
- Objectives, policies and explanations for 4.2.10, 4.2.10a-e, 4.2.11, 4.2.11a, 4.2.12, 4.2.12a-c
- Clause 4.3.2a
- Density – Clause 4.4.1 Large Lot Residential Zone for single dwellings in Percival/Ryburn Roads
- Comprehensive Development Plan Process – clause 4.5.1a and 4.5.2d
- Activity Status Table for Ruakura Medium Density Residential – Clause 4.5.4
- Rule 4.5.5 – Ruakura Structure Plan Area - Staging
- General Standards – Medium Density Residential Zone – Clause 4.6.2 – Ruakura only, 4.6.5 Permeable Surface for Ruakura, 4.6.6 Site Coverage, 4.6.7 Building Height
- Specific Standards Ruakura Medium Density Residential Zone – All of Clause 4.8
- Controlled Activities: Matters of Control – Clause 4.10
- Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria – Clause 4.11 xiv-xviii

Chapter 8 – Knowledge Zone

- Whole chapter

Chapter 10 – Ruakura Logistics Zone

- Whole Chapter

Chapter 11 – Ruakura Industrial Park Zone

- Whole Chapter

Chapter – 15 Open Space

- Purpose – Clauses 15.1c and f
- Objectives and Policies – Explanation to objective 15.2.1 and 15.2.9
- Ruakura Open Space – 15.2.10, policies 15.2.10a-h and explanation
- Activity Status Table – All activities for Ruakura – 15.3
- Interpretation of Ruakura Open Space – Clause 15.4
- General Standards – site coverage 15.5.1 for Ruakura only, gross floor area 15.5.2 for Ruakura only, building height 15.5.4 for Ruakura only, building setbacks 15.5.5 for Ruakura only
- Provisions in Other Chapters- 15.5.8 – bullet point two
- Organised Recreation – 15.6.3 – as it relates to Ruakura
- Ruakura minimum open space width – 15.6.6



- Parking Lot in Ruakura Open Space Zone – 15.6.7
- Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria – 15.7v,vi,and vii

Chapter 23 – Subdivision

- Policy 23.2.3a and explanation
- Explanation to objective 23.2.4 and its policies
- Table 23.3b Medium Density Residential – Two columns for Ruakura Medium Density Residential Zone
- Subdivision in the Ruakura Structure Plan Area – 23.6.1
- Subdivision in the Medium Density Residential and Rototuna Town Centre – 23.6.8a and d
- Allotment Size and Shape – 23.7.1g and u
- Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria – 23.8li

Chapter 25 – City Wide

- Rule 25.5.3.1a)iii – Landscaping and Screening
- Chapter 25.6 Lighting and Glare
- Activity Status – Electricity National Corridor – 25.7.4g-m
- Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria – 25.7.7 xiii-xv
- Noise and Vibration 25.8 – Clauses 25.8.3.7a and c; 25.8.3.9a)vii
- Noise Sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Precinct C of Knowledge Zone – 25.8.3.11
- Operational Variation from Rail Lines – 25.8.3.12b
- Noise Performance Standards for Activities in the Ruakura Logistics and Ruakura Industrial Park Zones – 25.8.3.13
- Non-Conformity with Standards in the Ruakura Logistics Zone – 25.8.3.14
- Signs – Activity Status Table – 25.10.3h
- Temporary Signs – 25.10.5.12a)ii and iii
- Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria – 25.10.6a)ii

VOLUME 2

Appendix 1 – District Plan /Administration

- Definitions Used in the District Plan 1.1.2 – Buffer Strip, Commercialisation of research and innovation activities (Precincts A and B - Knowledge Zone), Interface Area, National Grid Corridor, Offices – e) only, Planting Strip, Products Transported in Bulk, Temporary Logistics activities, Transport Corridor, Ruakura Structure Plan Area
- Information Requirements 1.2 – Sections 1.2.2.20 to 1.2.2.27
- Controlled Activities – Matters of Control – 1.3.2 – all of F Ruakura a-d
- Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria – 1.3.3 – all of N Ruakura (N1-N11)

Appendix 2 – Structure Plans

- Figures 2-14, 2-15A, 2-15B, 2-16, 2-17, 2-18

Appendix 3 – Residential Zones

- Figure 3-3

Appendix 14 – Noise and Vibration

- 14-1 and Name of schedule 14-2b and Figure 14-2a

Appendix 17 – Planning Maps

- Locality Plan and Legend as it relates to Ruakura, Plans A and B for Maps 20,21, 29, 30, 31, 38, 39, 40, 47, 48,49

Committee: Council

Date: 29 September 2016

Report Name: Recommendations to Council -
Strategy and Policy Committee
Meeting - 30 August 2016

Author: Mary Birch

Status	<i>Open</i>
---------------	-------------

The recommendations of the Strategy and Policy Committee meetings held on 30 August 2016 are presented.

The 30 August 2016 Committee Agenda is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

1. Rangatahi Youth Action Plan Annual Update 2015/16

That the following completed actions from the Rangatahi Youth Action Plan be removed:

- a) 3.1 – Implement recommendations from the Transport Centre research project relating to safety and security by June 2016.
- b) 4.2 – Monitor SMART Waikato’s FutureForce® Action Network (FAN) Activate Pilot, connecting youth and businesses and provide mentoring in the workplace.
- c) 4.5 – Identify gaps in existing research on Hamilton’s young people and prioritise five research projects.

2. Amendment to Class 4 Gambling Venue Policy

That the Amended Class 4 Gambling Venue Policy is adopted.

Note: A tracked-change version of the Amended Class 4 Gambling Venue Policy is attached as Attachment 1 to show the changes approved by the Committee.

3. Hamilton Lake Domain - Draft Management Plan

That:

- a) Council gives public notice of the draft Hamilton Lake Domain Management Plan (2016) under s41(6) of the Reserves Act 1977; and
- b) the public are invited to make written suggestions to Council on the draft Hamilton Lake Domain Management Plan (2016) during the statutory two month submission period.
- c) the appropriate Committee of the new Council, appoints members to a draft Hamilton Lake Domain Management Plan Hearings Panel, at their first meeting.
- d) staff report back to the appropriate Committee of the new Council with the final plan for adoption by April 2017.

Note: A revised version of the Hamilton Lake Domain – Draft Management Plan is attached as Attachment 2, with the changes made to reflect the Committee’s feedback set out in Attachment 3.

4. Policy Review - Freeholding of Council Endowment Land

That:

- a) the Freeholding of Council Endowment Land Policy be approved.
- b) the current Freeholding of Council Domain and Municipal Endowment Leases Policy be deleted.

5. Policy Review - Sale and Disposal of Council Land

That:

- a) Council:
 - i. approves the Sale and Disposal of Council Land Policy; and
 - ii. deletes the current Property Sale and Disposal Policy.
- b) the Financial Delegation be amended to allow the Chief Executive to negotiate sale and purchase of land where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

6. Policy Review - Road, Reserve and Park Naming Policy

That the draft Naming of Roads, Open Spaces and Council Facilities Policy be adopted.

Note: A tracked-change version of the Naming of Roads, Open Spaces and Council Facilities Policy is attached as Attachment 4 to show the changes requested by the Committee.

7. Policy Review - Growth Funding Policy

That the amended Growth Funding Policy be adopted.

8. Hamilton East Neighbourhood Plan Adoption Report

That:

- a) the Hamilton East Neighbourhood Plan be adopted.
- b) all Council’s strategies and plans include the date of adoption on the front page.

Note: The revised version of the Hamilton East Neighbourhood Plan is attached as Attachment 5.

9. Attachments

10. Attachment 1 - Class 4 Gambling Venue Policy (track-change)
11. Attachment 2 - Hamilton Lake Domain - Draft Management Plan
12. Attachment 3 - Hamilton Lake Domain - Draft Management Plan (Revisions Table)
13. Attachment 4 - Naming of Roads, Open Spaces and Council Facilities Policy (track-change)
14. Attachment 5 - Hamilton East Neighbourhood Plan

First adopted:	8 March 2004
Revision dates/version:	Adopted 29 September 2016
Next review date:	September 2019
Engagement required:	SCP
Document number:	D-2223966
Associated documents:	Gambling Act 2003
Sponsor/Group:	City Growth

CLASS 4 GAMBLING VENUE POLICY

Purpose and Scope

1. To control the growth of Class 4 gambling venues.
2. To minimise the harm caused by Class 4 gambling.

Definitions

Definition	Detail
Adjacent	Allotments sharing one or more common boundaries.
Allotment	<p>a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-</p> <p>i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</p> <p>ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</p> <p>b) Any parcel of land or building or part of a building that is shown or identified separately:-</p> <p>i). on a survey plan; or</p> <p>ii). on a licence within the meaning of Part I of the Companies Amendment Act 1964; or</p> <p>c) Any unit on a unit plan; or</p> <p>d) Any parcel of land not subject to the Land Transfer Act 1952.</p>
Class 4 gambling venue	A building located on one or more contiguous allotments at which gambling machines are located, or for the purposes of application at which it is proposed that gambling machines be located.
Gambling machine	As defined in the Gambling Act 2003.
Premises	A building in which a Class 4 gambling venue is located.
Private club	In this context, meeting the criteria of operating as a club as defined in Section 65 (3), in the Gambling Act 2003.
Society	A corporate society as defined in the Gambling Act 2003 (including reference to Section 33), which has an operator's licence for Class 4 gambling machines.

Policy

3. To be considered for a venue consent under this Policy, the primary activity of a venue must be either for:
 - a. the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on licence (but not being a bring-your-own licence) or club licence; or
 - b. the conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003 subject to compliance with s 33(3) of the Gambling Act 2003..
4. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines except in the following circumstance(s):
 - a. Where two or more private clubs merge and consolidate the operation of their Class 4 gambling activities at a single gambling venue that is located within a Gambling Permitted Area (Schedule 1); or
 - ~~b. Where a society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for new venue consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).~~
 - b. Relocation from a site within a Gambling Permitted Area to another site within the Gambling Permitted Areas will not be permitted except where:
 - i. Clause 12 applies; or
 - ii. The licensee's landlord has refused to renew the lease of the premises; or
 - iii. The building in which the venue is located is deemed under building legislation to be earthquake-prone, dangerous or insanitary; andThe society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for new venue consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
 - c. Where a society undertakes to permanently close an existing Class 4 gambling venue located **outside** of a Gambling Permitted Area as part of an application for a new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
5. This relocation policy only applies:
 - a. where the applicant surrenders the existing venue licence (with the Department of Internal Affairs) for the existing venue, and
 - b. the application meets all other provisions of this Policy.

Location restrictions

6. If the proposed gambling venue premises is located **within the Central City** (Map 4, Schedule 1):
 - a. the premises must not be adjacent to any other Class 4 gambling venue or casino; and
 - b. must not be adjacent to any school, or early childhood centre; and
 - c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).
7. If the proposed gambling venue premises is located **outside of the Central City** (Maps 1,2,3,5,6,7,8,9, Schedule 1):
 - a. the premises must not be within 50m (in a straight line) of the principal entrance of any other Class 4 gambling venue or casino; and
 - b. must not be adjacent to any school, or early childhood centre; and

- c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).

Number of machines

8. On the relocation of a Class 4 gambling venue, the maximum number of machines permitted to operate at the new Class 4 gambling venue at the time when the new Class 4 gambling venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled (as prescribed in Section 97A of the Gambling Act 2003).
9. Two or more private clubs which merge may consolidate the number of gambling machines being operated at the merged private club venue to the lesser of:
 - a. 24 gambling machines or
 - b. the sum of the number of gambling machines previously operated by each private club individually.

Application and fees

10. Applications for a Venue Consent must be made on the approved form.
11. Application fees and charges will be set annually through the Annual Plan (fees schedule) process

Exemptions from meeting parts of the Policy

12. Where a legally established venue is required to apply for a venue consent at a new site because its existing site has been rendered physically incapable of being reused for the purpose of the venue (meaning a fire, earthquake or similar event), Council will consider the application under clause 6 and 7 of the venue policy for venue consent. The consent shall allow for up to the number of gambling machines the venue was licensed for, immediately prior to the cessation of activity.

SCHEDULE 1 – GAMBLING PERMITTED AREAS

The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

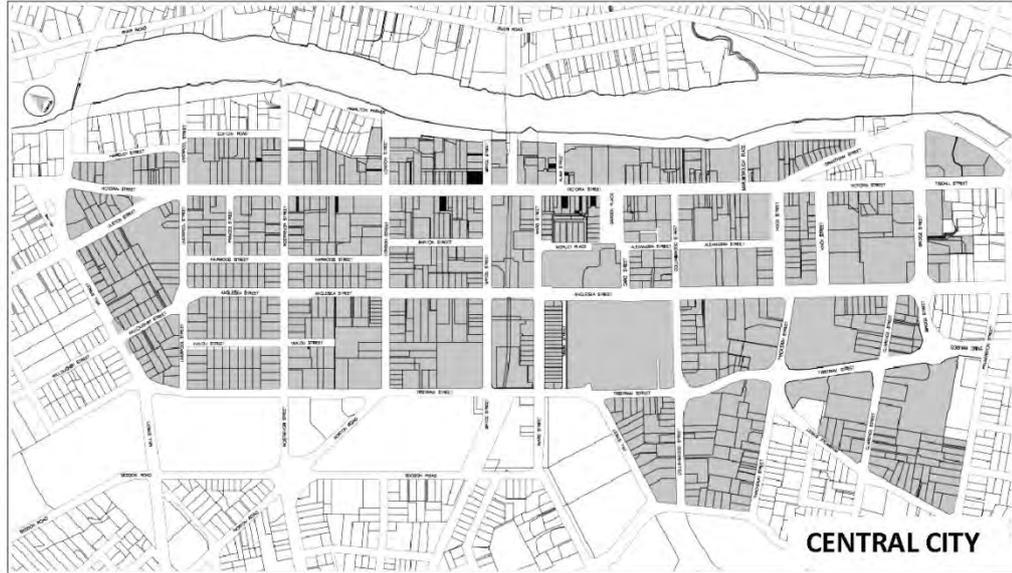
- Map 1 - Gambling Permitted Area Northern Te Rapa
- Map 2 - Gambling Permitted Area Southern Te Rapa
- Map 3 - Gambling Permitted area Frankton Industrial
- Map 4 - Gambling Permitted Area Central City
- Map 5 - Gambling Permitted Area Hamilton East
- Map 6 - Gambling Permitted Area Frankton Commercial
- Map 7 - Gambling Permitted Area Dinsdale
- Map 8 - Gambling Permitted Area Claudelands
- Map 9 - Gambling Permitted Area –Chartwell

MAP 1
Gambling Permitted Area, Northern Te Rapa





MAP 4
Gambling Permitted Area, Central City



MAP 5
Gambling Permitted Area, Hamilton East



MAP 6
Gambling Permitted Area, Frankton Commercial



MAP 7
Gambling Permitted Area, Dinsdale



MAP 8
Gambling Permitted Area, Claudelands

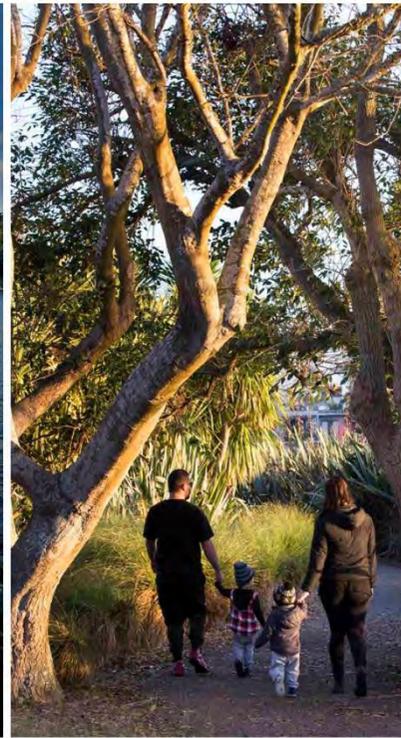


MAP 9
Gambling Permitted Area, Chartwell



Hamilton Lake Domain

Draft Management Plan



hamilton.govt.nz/lakedomain



Contents

02	Purpose of the management plan
03	About the Domain
04	Future of Lake Domain
05	History
07	Vision and principles
08	Strategic goals and objectives
10	Strategic direction
11	How the management plan works
13	Significance to Tangata Whenua
14	Considerations and opportunities
16	Management of the Reserves
22	Action list and timeframes
23	Appendix

Purpose of the management plan

Hamilton Lake Domain is in central Hamilton. It is a significant recreational facility for residents of Hamilton and beyond, providing a focal point for a variety of water and land-based activities as well as being valued for its natural and ecological characteristics.

The Management Plan for Hamilton Lake Domain (Plan) is the result of reviewing the operative Management Plan prepared in 2010, and has been prepared as a requirement of the Reserves Act (1977). The draft Plan has been developed in conjunction with park users and stakeholder groups and presents Council's proposed development and management of the Domain.

Reserves Act management plans are an important park management tool, and provide continuity between legislative requirements, council plans and policies, and the day-to-day operation of council-administered reserve land.

The area of reserve covered by the Plan includes Lake Rotoroa and the Rotoroa Esplanade, Hamilton Lake Domain, and Innes Common. The entire area is referred to throughout the Plan as the Domain.

A plan for the Domain was first prepared in 1985 and was subsequently reviewed in 1994, 2006 and 2010. These plans have guided the development and management of activities at the Domain during this time. Once adopted, this Plan will replace the operative 2010 version.



About the Domain

Lake Domain Reserve is a key destination for residents and visitors, and contributes significantly to the character of the City.

It is a site recognised and valued for its natural beauty and cultural and ecological importance. The lake and vegetation being part of the original western green-belt of the city, provides an important break from the surrounding developed urban environment while providing a central ecological link with the city's green network. Lake Domain Reserve is also an important site for leisure and recreation, with a popular destination playground and privately-operated café and function facility.

Hamilton Lake/Lake Rotoroa is valued for its ecological and aesthetic features, and providing for recreational activities. Rotoroa, meaning "long lake" in Te Reo, is the largest of three lakes located within Hamilton. The lake itself is 2m-6m deep and has a surface area of about 54 hectares. The lake is used for a number of water-based sports and recreation activities – these include dragon boating, waka ama, yachting, sea scouts and radio controlled boat racing.

Innes Common Reserve (to the east and west of Lake Domain Drive) is primarily used for three sports – cricket, hockey and football. The reserve acts as a venue for organised community events, including the annual Balloons Over Waikato event, and is the take-off point for the hot air balloons. Innes Common includes an off-lead dog exercise area, behind the Yacht Club.



Future of Lake Domain

The strategic direction for the Domain has been developed by a working group of councillors, specialist external advisers, local residents and Council staff.

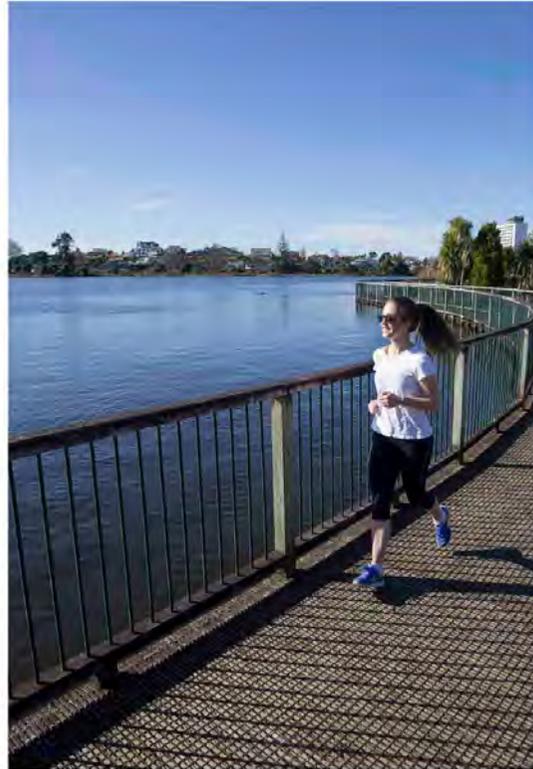
The long-term view is a balance of aspirations for the future and maintaining the aspects of the reserves that Hamiltonians and visitors know and love.

This strategic direction provides a framework for the Plan; with a Vision reflecting the role of the Domain in Hamilton's open space network. Principles have been developed to guide the management of the reserve.

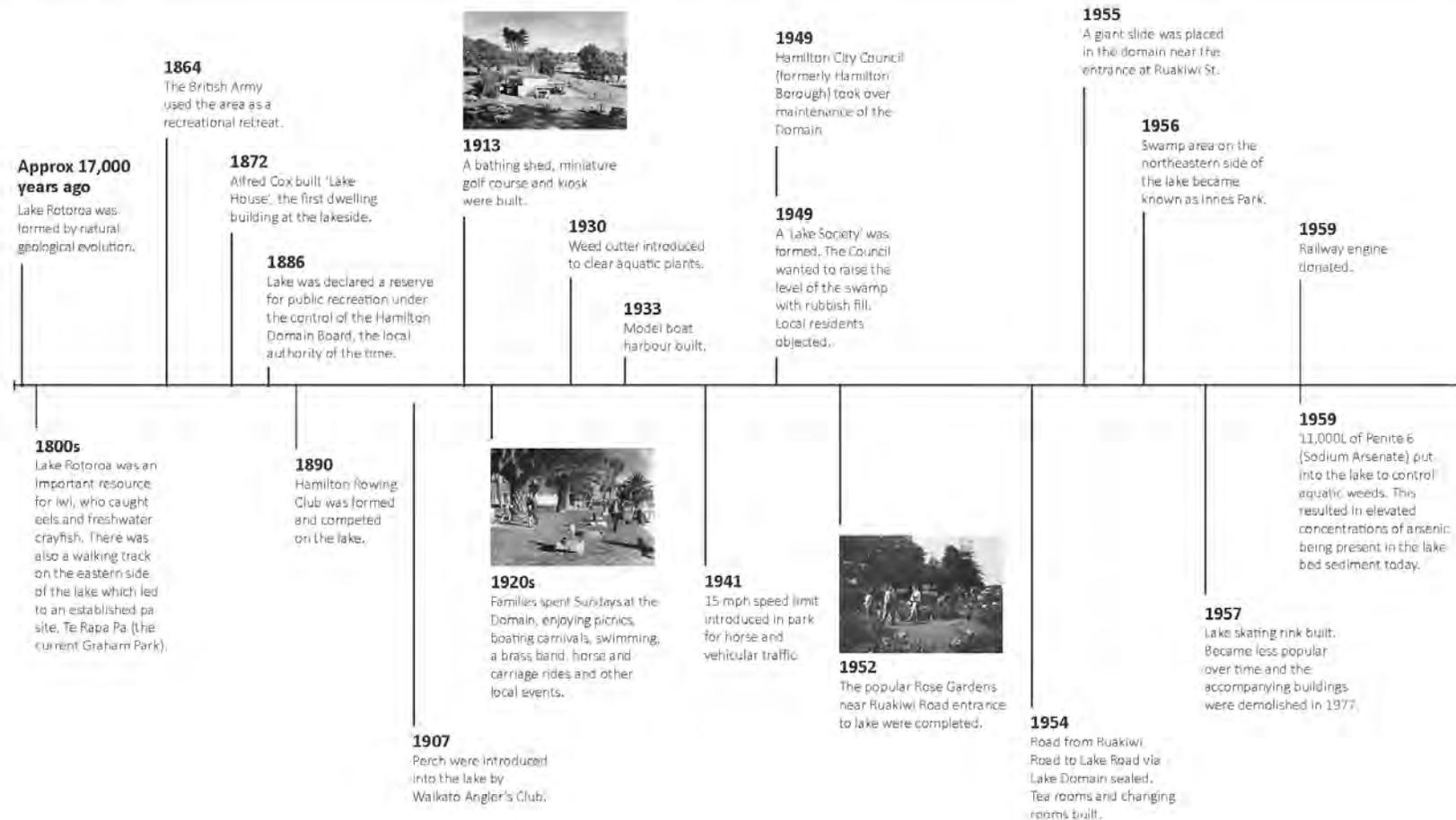
Strategic goals and objectives for the development and management of the Domain have been identified, with key projects to deliver on the goals and objectives for the Domain. The key projects are outlined in detail in the appendix.

The decision on whether key projects will be implemented will depend on funding, other processes, partners and outside agencies. Improvements at the Domain will be progressively implemented over time, and be informed by robust research and analysis.

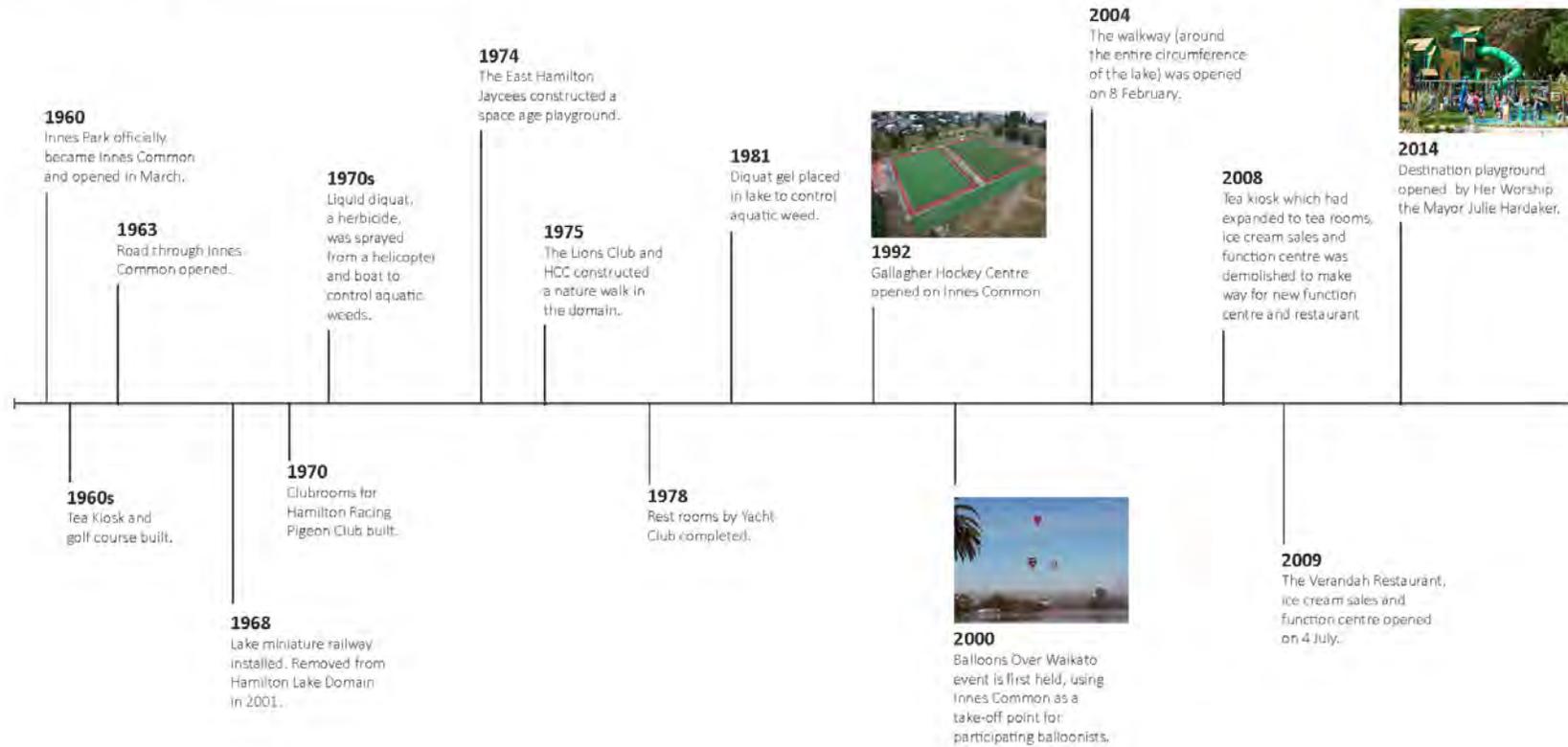
While the Plan makes all of the strategic goals possible, it's wider purpose is to define how the Domain is managed by Council for the benefit of the city.



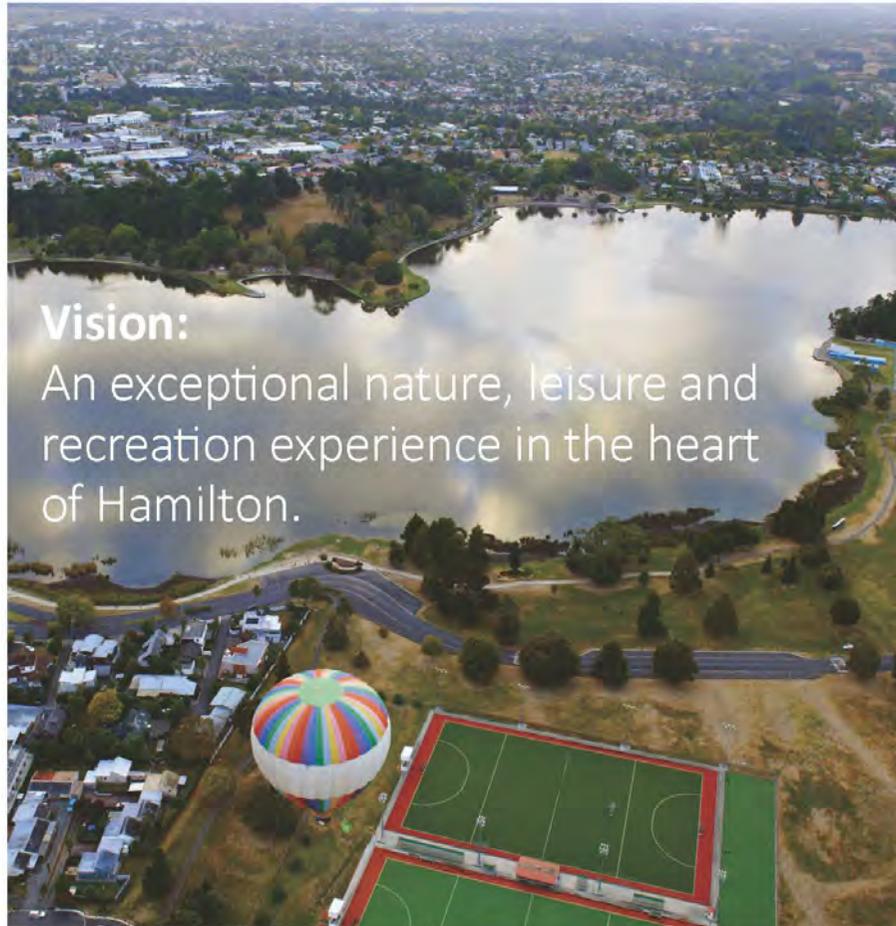
History



History



Vision and principles



Vision:

An exceptional nature, leisure and recreation experience in the heart of Hamilton.

Principles to guide and inform the management of the Domain:

- Conserve and enhance the open space natural character
- Historic and cultural values of the Domain are recognised
- Provide informal no-cost leisure and recreation opportunities
- Safe and accessible
- Lake water quality meets the needs of the community
- Provide for growth of selected sports
- Limit built environment and development to key areas

Strategic goals and objectives



Recreation and Leisure

The Domain caters for a variety of recreation and leisure opportunities.

Objectives

- Accommodate growth of hockey and select water-based sports including sailing, waka ama, dragon boating
- Innes Common provides sports fields for formal recreation
- Playground facilities are developed in accordance with the Council's Playgrounds Plan
- The Domain is a well-utilised venue for community events
- Allow for both formal and informal recreation
- Allow use by community groups and commercial activities that are appropriate and compatible with the management of the Domain to benefit the user experience.

Key projects

- Playground upgrades at Innes Common
- Investigate Waters sports hub



Ecological value

The Domain is a healthy, sustainable environment.

Objectives

- Lake Rotoroa water quality managed to meet the recreation and leisure needs of the community
- Manage activities at the Domain to reduce and avoid adverse effects on lake water quality and surrounding environment
- Restoration of natural lake patterns and processes to improve lake water quality
- Vegetation management will improve the health of the lake and margins
- Vegetation management will conserve and enhance natural character and amenity values
- Vegetation management will consider the balance of aspirations and needs of the lake environment and park users.

Key projects

- On-going analysis, development of lake water quality measure, and water quality improvements



Historic & Cultural Value

Visitors are connected to the history of the Domain through its history, culture and stories.

Objectives

- Visitors to the Domain are able to learn about the historical and cultural significance of the Domain and its features
- Public art is used to connect visitors with the history and culture of the Domain and its features.

Key projects

- Implement interpretative signage and interactive learning options
- Install new public artwork

Strategic goals and objectives



Partnerships

Work collaboratively with the community to achieve the aspirations of the Plan

Objectives

- Work alongside Tangata Whenua/Mana Whenua to understand their aspirations for the Domain
- Engage with stakeholders to ensure any proposed development will meet the needs of the community
- Enable the delivery of key projects through partnerships with key stakeholders
- Work with stakeholders to ensure the Domain is a user-friendly venue for events.

Key projects

- Promote the Domain as a venue for the city's outdoor community events



Accessible and safe

The Domain is safe and accessible for visitors

Objectives

- Ensure the Domain is an accessible environment for a wide range of users
- Enhance and improve entrances, and connections with the surrounding area, central city and open space network
- Ensure the design of the Domain reflects best practice Crime Prevention Through Environmental Design (CPTED) principles
- Retain free public access to all areas of the Domain, except leased areas and specific organised events.

Key projects

- Walkway lighting improvements between the main entrance (Ruakiwi Road) and exit (Lake Domain Drive)
- Improve pedestrian and cycle connections

Strategic Direction

Our Vision				
An exceptional nature, leisure and recreation experience in the heart of Hamilton.				
Principles				
<ul style="list-style-type: none"> Conserve and enhance the open space natural character Historic and cultural values of the Domain are recognised Provide informal no-cost leisure and recreation opportunities Safe and accessible 		<ul style="list-style-type: none"> Lake water quality meets the needs of the community Provide for growth of selected sports Limit built environment and development to key areas 		
Strategic Goals				
Recreation and Leisure	Ecological value	Historic and Cultural Value	Partnerships	Accessible and safe
The Domain caters for a variety of recreation and leisure opportunities	The Domain is a healthy, sustainable environment	Visitors are connected to the history of the Domain through its history, culture and stories	Work collaboratively with the community to achieve the aspirations of the Plan	The Domain is safe and accessible for visitors
Objectives				
Accommodate growth of hockey and select water-based sports including sailing, waka ama, dragon boating	Lake Rotoroa water quality managed to meet the recreation and leisure needs of the community	Visitors to the Domain are able to learn about the historical and cultural significance of the Domain and its features	Work alongside Tangata Whenua/Mana Whenua to understand their aspirations for the Domain and Lake Rotoroa	Ensure the Domain is an accessible environment for a wide range of users
Innes Common continues to provide sports fields for formal recreation	Manage activities at the Domain to reduce and avoid adverse effects on lake water quality and surrounding environment	Public art is used to connect visitors with the history and culture of the Domain and its features	Engage with stakeholders to ensure any proposed development will meet the needs of the community	Enhance and improve entrances, and connections with the surrounding area, central city and open space network
Playground facilities are developed in accordance with Council's Playgrounds Plan	Restoration of natural patterns and processes to improve lake water quality		Enable the delivery of key projects through partnerships with key stakeholders	Ensure the design of the Domain reflects best practice Crime Prevention Through Environmental Design (CPTED) principles
The Domain is a well-utilised venue for community events	Vegetation management will improve the health of the lake and margins		Work with stakeholders to ensure the Domain is a user-friendly venue for events	Retain free public access to all area of the Domain, except leased areas and specific organised events
Allow for both formal and informal recreation opportunities	Vegetation management will conserve and enhance natural character and amenity values			
Allow use by community groups and commercial activities that are appropriate and compatible with the management of the Domain to benefit the user experience	Vegetation management will consider the balance of aspirations and needs of the lake environment and park users			

How the management plan works

This Plan is informed and supported by legislation, planning documents and associated policies.

A detailed list of these documents and their context can be found in the Appendix.

Reserves Act 1977

The Reserves Act 1977 requires the preparation of this management plan.

The Domain is made up of Recreation Reserve and Local Purpose (Esplanade) Reserve. The main purpose of the reserve under both of these classifications is to protect the natural environment, while providing for public access, outdoor recreation activities and open space.

Council plans and policies

The Plan has then been informed by, and aligns to, Council's current plans and policies, including:

Hamilton Plan

The Hamilton Plan sets Hamilton's blueprint for development over the next 10 years. Hamilton City Council (HCC) identified 10 priorities to focus on over this period. Particularly relevant to the Domain:

Priority 9: An urban garden

This priority outlines a green Hamilton with parks, trees and destination playgrounds. The destination playground renewal and playground upgrades, and retention of open space and vegetation at the Domain aligns the management plan with this priority of the Hamilton Plan.



Open Spaces Plan 2013

The HCC's Open Space Plan identifies the importance of open space in Hamilton and identifies a number of guiding principles and goals to address future demand, challenges, and use of open space in the city.

These goals (including minimising buildings on reserve land, and developing walking and cycling corridors) are supported through a number of the strategic goals and objectives in the management plan.



Day-to-day management

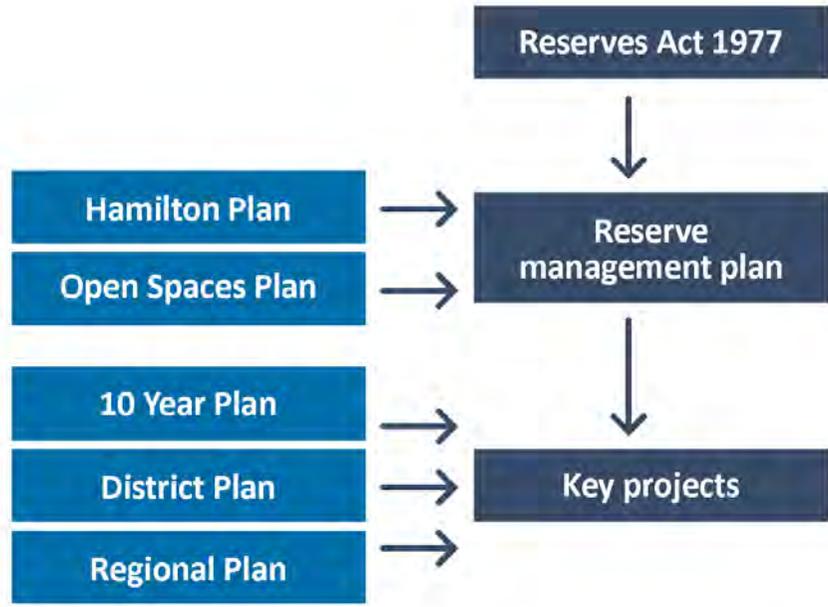
The day-to-day use, protection and development is also guided by other regulatory documents including the District Plan, Regional Plan, and Council's Parks, Domains and Reserves Bylaw.

Parks, Domains and Reserves Bylaw

At an operational level the Parks, Domains and Reserves Bylaw is intended to prevent reserves from being misused or damaged by the public. The bylaw complements management plans by defining unacceptable behaviour and providing for enforcement.

A detailed list of these documents and their context can be found in the Appendix.

How the management plan works



Significance to Tangata Whenua

Rotoroa has remained approximately the same size from 1860s to the present. Over the past 700 years Tainui Maaori have settled along coastal areas, river margins and lands of the Waikato region.

This settlement was fostered and supported by the rich soils and plentiful bird life of the forests and waterways. The land around Rotoroa was a significant and substantial source of food and building materials to pre-European Maaori. Raupo (Bull rushes) grew extensively and were used in construction of thatched walls and roofs of whare (houses).

The lake itself was a rich source of Tuna (eels), Koura (fresh water crayfish) and Kaeo (fresh water mussels) which formed a significant part of the diet of Maaori people of the area.

In the 1860s, the hill ridges at the southern end of the lake were dense with ferns, ti tree, native flaxes and toetoe. Raupo grew along the riparian margins of the lake. The area from the base of the Waikato Hospital Hill, southwards along the peat flats and swamps of what is now Innes Common was known in ancient times as Paretaru. In this area there were stands of Kahikatea, Tawa and Hinau trees which attracted a rich bird population.

There was a well formed walking track now covered by Ruakiwi Road. This track extended right down the ridgeline along Pembroke Street and formed a route for people living at Te Rapa Pa (located at what is now Graham Park) to get to the lake and its resources.

The hill at the Southern end of the lake, which now forms part of Pembroke Street was known as Te Ohaapu. On the northern slope of this hill overlooking the lake there was a Pohue – a site of fern cultivation.

There was an Urupa (burial ground) on the hill near the water tower. The bones from this Urupa were exhumed and relocated to Hukanui prior to the arrival of the British troops in 1864.



Considerations and opportunities

Ecology

Decisions around environmental management must be made in the knowledge all aspects of water quality, hydrology (the flow of water into and out of the lake, including evaporation) and the reserve's ecology are interrelated and that one objective can not be pursued at the expense of others. The area's ecological management must therefore be seen as an integrated whole; this particularly applies to the management and eradication of pest animals and plants. However the overall ecological health of the catchment is reflected in the well-being of the lake, so a primary focus of ecological management and monitoring is lake water quality.

Recreational activities at the Domain are to a greater or lesser extent dependent on the quality of the park's natural environment. Preserving and enhancing that environment is therefore important both intrinsically and as the setting for all park use.

Water Quality and Pest Plants

A particular challenge for the Council is the management of water quality and aquatic pest plants in the lake.

One of the biggest environment issues with Lake Rotoroa is its small confined catchment. The lake catchment has been highly modified resulting in a decline in the quality of water coming into the lake.

There is no consistent outflow of water from the lake; as there is for the vast majority of other lakes around the region. This lack of water flow through the lake intensifies the environmental and water quality issues the Council is faced with managing.

Historic management practices for the lake water involved the application of herbicides and other chemicals to eradicate pest plants. Those approaches may have been well-intentioned at the time (the 1950s-1970s), but contemporary environmental science has identified shortcomings with those practises.

The control of aquatic weeds Parrot's Feather and Yellow Flag Iris are required by the Waikato Regional Council Pest Management Plan. The aquatic weed control programme is achieving good success and plants are gradually decreasing and only apparent in a few sites. The planting of native species is continuing throughout the lake's margins.

Algae

Since 2011, Council has identified the presence of potentially toxic algae within Lake Rotoroa. It is a natural phenomenon which can occur in any lake with sufficient nutrients to support the growth of algae. In certain conditions the bacterial counts increase resulting in the lake water becoming unsafe.

The algae are buoyant and move through the water column to take advantage of nutrients and sunlight. The algae can cluster on the surface forming foamy scums which can be seen near the shoreline in locations around the lake.

Council regularly monitors the level of algae against Ministry for the Environment guidelines and advises public of the potential health risks if levels become elevated.

When levels are high the Council installs warning signage and publicises the need for visitors to keep themselves and their dogs away from the water and the lake shoreline. Unfortunately, this means swimming in the water, drinking it, cooking with it, and eating fish caught in the lake are discouraged for health reasons.

There is no "silver bullet" solution to deal with this algae and its related effects, nevertheless the Council has made changes to the stormwater system which feeds into the lake reducing the level of sediments and nutrients entering the lake.

Council continues to work with a range of experts and stakeholders, and in partnership with local iwi, to determine more practical long-term solutions to the algae problem.

Considerations and opportunities

Recreation

The open spaces, sports fields, lake, playground and walkways provide a range of opportunities for everyone to enjoy the Domain. The completed walkway between the café and Innes Common allows visitors to make a full circuit of the lake. Hockey and the various water sports groups (Hamilton Yacht Club, and waka ama and dragon boating clubs) are established at the Domain and want to expand their facilities to accommodate expected growth and improve the experience for their participants and supporters.

Consideration of how the growth of these sports can be enabled through possible expansion and more efficient use of space will require an assessment of any impact on the reserve character, and on other activities.

There is a maximum capacity of space the Domain provide for formal sports fields while still providing appropriate opportunities for informal recreation and natural parkland. This capacity would be reached with an improved water sports hub and expansion of the hockey turf area as provided for by this plan.

Leases, licences and concessions

There are existing leases, licences and concessions for the Domain allowing for recreational and commercial activities including:

- Verandah Café
- Hamilton Yacht Club
- Waka ama and dragon boating clubs
- Waikato Hockey.

New leases, licences and concessions will be considered for recreational activities and commercial activities that are appropriate for the Domain and enhance the park experience without having an adverse impact on the reserve and existing activities.

A number of proposed future outcomes for the Domain will require new and varied agreements. These include any expansion of the hockey turf, development of a water sports hub, and development of the former golf area.

Esplanade Reserve

Where relevant, as properties adjacent to the lake are further subdivided, Council will require esplanade reserve to meet the 20m requirement under the Resource Management Act 1991. The requirement of esplanade reserve will be assessed as part of the resource consent process.



Management of the reserves

The Domain has been divided into four reserve management zones. Each management zone reflects the nature of use and the important features of distinct areas of the Domain. Each of the management zones has policies to enable and ensure the different areas of the reserve are managed and used appropriately. There are also general policies that apply to the entire Domain. A full-sized map showing each zone is shown in the appendix.

Future development and improvement projects for the Domain have been identified illustrated on a map contained in the appendix.

Ecological Zone

The Ecological Zone comprises sections of Lake Rotoroa and its shore where the wildlife and natural vegetation must be managed with minimal disturbance.

Objective

Provide a sustainable level of desirable biodiversity in the indicated sections of Lake Rotoroa and its margins.

Policies:

- The Ecological Zone will be managed with minimal disturbance
- Water sports and casual boating will not be permitted in the Ecological Zone
- Aquatic vegetation will be retained in these areas as a wildlife habitat.
- Any development will enhance the character, wildlife potential and public appreciation of the natural environment
- Planting along the lake edge will be in character with the natural setting and should enhance wildlife habitats
- Small scale artificial wetland areas for stormwater treatment will be investigated for the lake shore as a means of improving water quality
- The lake's edge will be stabilised as required to prevent bank erosion and improve the water quality and vegetation of lake margins.

Vegetation will be the preferred management option and engineering solutions will be adopted only where planting cannot be carried out.

Natural Parkland Zone

Objective

Provide informal recreational opportunities in a natural environment and enhance public enjoyment of the lake.

Policies:

- Developments within the Natural Parkland Zone will be limited to those providing access and enhance public enjoyment of the natural character of this area
- Re-vegetation and under planting will be encouraged in the Natural Parkland Zone
- On larger open lawn areas licences may be granted for events and temporary activities
- No public vehicle access, leases, long term licences or concessions will be permitted in this zone.

Management of the reserves

Sport and Events Zone

Objective

Allow Innes Common, the main body of the lake and other parts of the domain to be used for organised sports, casual activities and organised events.

Policies:

- Un-leased open space areas within Sport and Events zone may be used as additional car parking for events with Council's approval
- Area on the lake side of Lake Domain Drive will be permitted as a hot air balloon training and launch site.
 - *Hot air balloon use is mainly between October and July. Activities begin at sunrise with inflation and launching taking four hours. Depending on weather, flights may be conducted between two and four hours before sunset.*
- The Balloons over Waikato festival has precedence over the area during the second or third week of April depending on the timing of the festival. Innes Common is considered to be the best venue because it is open and is located away from residents
- Innes Common is available for use by large scale events with Council's approval
- Craft powered by engines will be prohibited from using the lake. Rescue boats or craft used for research, weed control and lake maintenance will be allowed on application.
 - *Motorised craft are excluded from Lake Rotoroa as they disrupt the peaceful character of the park, discourage wildlife, disturb lake sediments and conflict with other water based activities, and contribute to the propagation of weed.*

- Trailer mounted boats will only be launched from the public ramp at the Hamilton Yacht Club, and will not be moored or beached overnight, except with Council's approval
- The Sport and Events part of the lake will be maintained free of obstacles that could affect the safety or practicability of water sports
- The operating water level of the lake will be maintained as close as possible to the agreed level of 37.15m, Moturiki datum¹
 - *Lake water level management is important for users of Lake Rotoroa and users of the land surrounding the lake, such as the Gallagher Hockey Centre which maintains artificial turf*
 - *In summer the lake loses more water from evaporation than it gains from precipitation and a slow drop in level is normal. The effects of this can be minimised by ensuring the lake is at or even slightly above the agreed optimum operating level in late spring*
- Swimming in the lake is discouraged
- Fishing is discouraged near paths, beaches, and launching ramps
- Back-casting from the shore will only be permitted from the central peninsulas
- The eating of fish from the lake is to be cautioned and discouraged
- Hamilton Yacht Club does not have exclusive rights over use of the lake or launching ramp but, during the regular season, has preferential use.

Lakeside Recreation Zone

Objective

Accommodate a variety of activities, concessions and facilities to provide for informal recreation and leisure.

Policies:

- Development within the Lakeside Recreation area will be limited to improvements to existing park facilities, and potential development of the area of the domain previously used as golf area. Development opportunities for this area will be fitting to the character of this zone
- The lake edge will be stabilised and will be maintained in a safe manner
- The former skating rink will be retained as a hard surface for recreation and leisure activities
- The rose garden will be maintained as a collection of roses.

¹ 4 mean sea level reference point for water level measurement

Management of the reserves

All zones

This section outlines policies relevant to the entire Domain.

Objective

General development, maintenance and operation of the Domain are in alignment with the Plan's vision, goals and objectives.

Vegetation

The intent of vegetation policies is to develop and manage vegetation at the Domain to strengthen the parkland character or promote revegetation of areas with primarily native plant species. Establishing and maintaining planting that creates an environment encouraging use and contributes to the biodiversity of the city.

Policies:

- New planting and re-vegetation should take into account the different characteristics of the landscapes of the Domain and the aspirations of the Plan to uphold the existing character of the park
- Views of the lake from within the domain will be taken into account when landscape design is carried out
- Where it is necessary for aquatic vegetation to be removed it will be disposed of appropriately: there are high arsenic levels in the sediment of the lake bed and potential for aquatic plants to uptake this
- In considering any request for the removal or pruning of trees, Council shall primarily consider any relevant statutory provisions, secondly, any Council policies and plans regarding the care and maintenance of trees. The protection and enhancement of views from private property will be a minor consideration
- Maintenance of vegetation will be minimised by species selection and planting design and practice
- Specialised gardens and features of interest will be maintained to a high standard. Specialised gardens include the rose garden and bedding plants around the Verandah Café. These provide contrast in a setting dominated by ecologically and historically important vegetation
- Re-vegetation of the lake and its margins will incorporate a wide variety of native species
- Water lilies will be monitored and their growth will be restricted. If *Nymphaea mexicana* is discovered at Lake Rotoroa it will be eradicated.
- Lake macrophytes (large aquatic plants) will be closely monitored and infestations will be removed manually where possible to prevent the lake bed becoming dominated by non-native (exotic) water plants, and avoid disruption of water-based recreation.

Management of the reserves

Walkways/Cycleways

Policies:

- Walkways will be upgraded and maintained in a way that minimises any impact on adjacent residents and existing wildlife habitats, and prevents aggravation of bank instability
- Walkways and access points will be made accessible where possible for people with disabilities or people who have restricted ability
- Vehicle and motorcycle access on the lake walkway will be prohibited, except for park and utility maintenance
- Rotoroa Esplanade Walkway (between the children's playground/toilet and the Hamilton Yacht Club) will not be lit at night

- Council will only provide lighting where it wishes to enable night-time use. In the hours of darkness the road network is usually safer for pedestrians than walkways through parks. Cycling is not permitted on Rotoroa Esplanade Walkway (between the children's playground/toilet and the Hamilton Yacht Club).

Interpretation and Signage

Policies:

- Permanent signs will be of a standard design and colour consistent with Council's signage guidelines
- The number of signs in the park will be kept to a minimum but allow for adequate information for park users to enhance their experience, provide direction and regulatory signage
- Advertising, sponsorship or hoardings that comply with any relevant statutory regulations, will be allowed to be displayed on a park for a maximum time equalling the duration of the approved event or other approved activity
- Advertising or sponsorship inside buildings is permitted.

Play Equipment and Furniture

Policies:

- Play equipment will be provided for different ages and abilities (including those with disabilities)
- Park furniture will be provided in high use areas including playgrounds, along walkways and cycle ways and in areas where people congregate such as Innes Common Dog Exercise Area and the launching ramp at the Hamilton Yacht Club
 - *Many of the seats located around the Domain have been donated or sponsored by the community. Council will maintain sponsored park furniture for the minimum life of the asset*
- Furniture such as seating and rubbish bins will be developed in a consistent manner.

Management of the reserves

Water Quality

Policies:

- No activity will be permitted on or in the vicinity of the lake which could cause a significant loss of water clarity by stirring up sediment or transporting solids into the lake
 - *Water clarity determines the depth to which plants can grow in the lake because it controls light penetration. Poor water clarity is caused by organic or inorganic solids suspended in the water column, by plankton in the water and by staining of the water (e.g. by tannin from peat or other organic matter).*
- The lake's edge will be stabilised as required to prevent bank erosion and improve the water quality and vegetation of lake margins.
- The lake bed will be managed as a contaminated site due to the arsenic levels present
 - *As levels of arsenic in the sediment of the bed of Lake Rotorua exceed the guidelines for protection of sediment-dwelling organisms, it is classed as contaminated land*
- That 75 per cent of Secchi Disk depth² measurements in a given 12-month period be in the range 2-2.5 M.
- Areas too large or too well established for hand weeding will be managed by herbicide application to prevent interference with recreational uses. Herbicides used will be of a type, or will be used in a way, that will not contribute to lake bed contaminants.

Algae, including Cyanobacteria (Blue-Green algae)

Policies:

- Blue-green algae levels will be monitored to detect public risk and identify trends over time, with monitoring frequency increased when blue-green numbers are high.

Car Parking and Traffic Management

Objective

These policies are intended to allow for an acceptable level on parking for the reserve while avoiding loss of open space values, and provide a safe road network through the Domain.

Policies:

- Where car parking facilities additional to those required under Hamilton's District Plan are required to accommodate the park's normal level of use, Council will take into account the need to safeguard both the park's open space values and the safety and efficiency of the roading network as a whole and will provide for such car parking either within park or road boundaries or within both as appropriate to the particular situation.
- Low-impact systems of stormwater management will be considered where appropriate in the design of proposed car park extensions and the development of any new hard surfaces
- Event organisers will be required to prepare a traffic management plan and/or parking plan for large-scale events
- Access roads within the Domain will be closed nightly, half an hour after sunset, unless special arrangements are made for specific events or activities
- Alterations to vehicle access and parking will be carried out with consideration of the aesthetic qualities of the lake and the surrounding reserve.

² Secchi Disk: Depth to the depth below water at which a standard white disk is visible. It is the usual measure of water clarity.

Management of the reserves

Leases and Concessions

Objective

Leases and concessions may be granted to appropriate clubs/ groups, organisations and commercial operators, which will enhance public use and enjoyment of the Domain without compromising the natural character.

Policies:

- Council will only grant further leases for recreational or commercial activities that:
 - are necessary to enable the public to obtain the benefit and enjoyment of the Domain or for the convenience of people using the reserve
 - will meet objectives for the reserve where it is not practical for Council to provide the facility
 - will be compatible with other park uses and do not impede public access or cause undue maintenance problems
 - will not cause inappropriate visual or audible intrusion to the natural park environment, or detract from the conservation values
 - will meet a demonstrated demand and do not duplicate other park facilities in the vicinity
 - can be accommodated in terms of access, parking, services, support facilities and future expansion.

- **Sport and Event Zone:** Commercial operators and events may be granted exclusive rights to commercial activity in a defined area on a concession basis
- **Lakeside Recreation Zone:** Concessions may be granted in this zone, provided they do not duplicate existing concessions or conflict with the vision for Hamilton Lake Domain. No further concessions or use agreements will be granted in the area around the main playground and Verandah Café due to congestion.
- **Natural Park Land Zone:** On some larger lawn areas licenses may be granted for events and temporary activities. No leases, long term licenses or concessions will be permitted in this zone.

Fauna

Objective

The Domain provides a habitat for a range of species including birds and fish, the management of these species is critical to ensure a sustainable and desirable level of biodiversity.

Policies:

- Pest species will be monitored and controlled as required
 - Pest and invasive species can damage the biodiversity of the Lake. Pigeons have been an especially prevalent pest species in recent years and efforts have been made to cull numbers
- Remains of dead fauna will be removed and disposed of appropriately and safely
 - Quick removal of deceased fauna is important to prevent the spread of diseases amongst local fauna and reduce the risk of affecting the lake water quality
- Encourage native fauna where possible, through the provision and protection of desirable habitat
- Feeding of ducks with inappropriate food will be discouraged.

Action list and timeframes

Action	Short term (1 to 3 years)	Medium term (within the next 10 years)	Long term (beyond 10 years)
Work with existing water-based sports groups and key stakeholders on the efficient use of the area around the Hamilton Yacht Club			
Playground on Innes Common will be upgraded			
Implement the Pooches in Parks' off-leash dog exercise areas, including fenced area (Innes Common behind the Yacht Club)			
Undertake an assessment of the stage area to gauge whether it is an adequate venue for outdoor events			
Options for the long-term future use of the former golf area will be assessed			
Work with Waikato Hockey to investigate the limited expansion of their artificial turf area and assess impacts on adjacent sports fields including relocation of the football field			
Establish the current state of the lake water quality utilising data from on-going monitoring and existing research			
Identify an appropriate lake water quality measure needed to support the recreation and leisure needs of the community			
Develop and implement a strategy to improve lake water quality and maintain the identified water quality measure			
Enhance and stabilise the lake edge and margins by planting species representative of the regions peat lakes and wetlands			
Implement interpretative signage and interactive learning options that tells the story of the Domain in consultation with Tangata Whenua/Mana Whenua and key stakeholders			
Install new public artwork that reflects the history of the Domain			
Promote the Domain as a venue for the city's outdoor community events			
Work with water-based groups for the development of a purpose-built water-sports hub on Innes Common			
Improve lighting on the path between the main entrance (Ruakiwi Road) and exit (Lake Domain Drive)			
Undertake an accessibility audit of the Lake Domain and implement recommended improvements			
Improve pedestrian and cycle connections with: <ul style="list-style-type: none"> • The hospital precinct • Ruakiwi Road • Western Rail Trail 			
Undertake an assessment of car and bus parking provision			
Provide outdoor exercise stations			
New public toilet on Innes Common (near the Western Rail Trail)			
Renewal of the toilet on Innes Common (near the Hamilton Yacht Club/playground)			
Develop new picnic areas and park furniture in high use areas			
Pest species will be monitored and controlled as required			

*Please note, some actions run across more than one term.
 **Term' references the start finish date of the actions

Appendix

Policy and Planning Framework

A hierarchy of legislation, planning documents and policies set the framework for the Hamilton Lake Domain Management Plan.

Non-legislative documents (such as internal Hamilton City Council policies and plans) that guide the plan are directed by the Local Government Act 2002 and the Resource Management Act 1991. Associated legislation such as the Heritage New Zealand Pouhere Taonga Act 2014 also contributes to the policy framework of the Plan.

The hierarchy of legislation, planning documents and policies that guide the protection, use and development of reserves in Hamilton include the following:

Legislation

- Reserves Act 1977
- Local Government Act 2002
- Resource Management Act 1991
- Heritage New Zealand Pouhere Taonga Act 2014

Internal Council Statutory Documents:

- 2015-25 Long Term Plan and succeeding documents
- Annual Plan
- District Plan
- Dog Control Bylaw
- Parks, Domains and Reserves Bylaw

Regional Statutory Documents:

- Waikato Regional Plan and Waikato Regional Policy Statement
- Waikato River Deed of Settlement

National Strategies

- New Zealand Biodiversity Strategy
- National Guidelines for Crime Prevention through Environmental Design (CPTED)

Regional Strategies

- Regional Pest Management strategy
- Waikato River Deed of Settlement Joint Management Agreement

Hamilton City Council Strategies and Plans

- Hamilton Plan
- Open Spaces Plan
- Playgrounds of the Future
- Biking Plan
- Dog Control Policy
- Pooches in Parks

Appendix

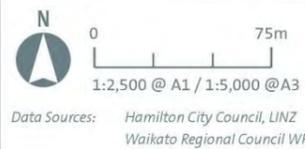
Legal descriptions

Reserve Name	Lot_No	Legal Description	Area (Ha)	Classification (under reserves act 1977)
Hamilton Lake (Rotoroa)	1	DP 305940	55.2600	Recreation
Lake Domain	1	DPS 91755	.1770	Recreation
Lake Domain		Section 22B Hamilton West	6.4749	Recreation
Lake Domain		Section 15 Hamilton West Town Belt	2.3320	Recreation
Lake Domain		Section 73 Hamilton West Town Belt	.1228	Recreation
Lake Domain		Section 74 Hamilton West Town Belt	10.9100	Recreation
Lake Domain	1	DP 16167	.2797	Recreation
Lake Domain		Section 2 SO 59570	.0867	Recreation
Lake Domain- Walkway	4	DPS 90435	.4342	Recreation
Lake Domain	3	DPS 6853	.0268	Recreation
Lake Domain	4	DPS 16122	.0225	Recreation
Lake Domain	4	DPS 21841	.0070	Recreation
Lake Domain	3	DPS 8411	.0068	Recreation
Lake Domain	8	DPS 7769	.0832	Recreation
Lake Domain	7	DPS 12593	.0230	Recreation
Lake Domain	8	DPS 12593	.0106	Recreation
Lake Domain	5	DPS 3378	.0379	Recreation
Lake Domain	3	DPS 4231	.0192	Recreation
Lake Domain	3	DPS 9577	.0228	Recreation
Lake Domain	3	DPS 17965	.0223	Recreation
Lake Domain	3	DPS 8463	.0200	Recreation
Lake Domain	3	DPS 90435	.0076	Recreation
Lake Domain	2	DPS 44564	.0221	Recreation
Lake Domain	3	DP 34122	.0007	Recreation
Lake Domain	26	DP 22569	.2048	Recreation
Lake Domain	2	DPS 90435	.0273	Recreation
Lake Domain	4	DP 33067	.1112	Recreation

Appendix

Legal descriptions

Reserve Name	Lot_No	Legal Description	Area (Ha)	Classification (under reserves act 1977)
Lake Domain	1	DPS 90435	.0900	Recreation
Lake Domain	3	DP 316094	.0014	Recreation
Lake Domain	4	DP 316094	.0014	Recreation
Innes Common Garden	Sec 1	SO 375056	.0845	Recreation
Innes Common Garden	42	DPS 65653	.1889	Recreation
Innes Common Garden	10	DP 316492	.2149	Recreation
Lake Domain- Walkway	7	DPS 13789	.0559	Local purpose (esplanade)
Lake Domain	4	DPS 50210	.0156	Local purpose (esplanade)
Lake Domain	4	DPS 16122	.0452	Local purpose (esplanade)
Lake Domain	4	DPS 21841	.0223	Local purpose (esplanade)
Lake Domain	3	DPS 8411	.0050	Local purpose (esplanade)
Lake Domain	4	DPS 7769	.0086	Local purpose (esplanade)
Lake Domain	3	DPS 12593	.0209	Local purpose (esplanade)
Lake Domain	5	DPS 12593	.0422	Local purpose (esplanade)
Lake Domain	3	DPS 3378	.0326	Local purpose (esplanade)
Lake Domain	3	DPS 4231	.0152	Local purpose (esplanade)
Lake Domain	3	DPS 9577	.0052	Local purpose (esplanade)
Lake Domain	5	DPS 17965	.0488	Local purpose (esplanade)
Lake Domain	4	DPS 8463	.0211	Local purpose (esplanade)
Lake Domain	4	DPS 90435	.0311	Local purpose (esplanade)
Lake Domain	3	DPS 44564	.0466	Local purpose (esplanade)
Lake Domain	10	DP 34122	.0132	Local purpose (esplanade)
Innes Common		Part Allotment 414 Te Rapa Parish	1.2468	Recreation reserve
Innes Common		Section 1 SO 61561SO 61561	.1422	Recreation reserve
Innes Common	Part 1	DPS 90061	21.4412	Recreation reserve
Innes Common	20	DPS 22654	.5618	Recreation reserve
Innes Common	99	DPS 55058	.2180	Recreation reserve

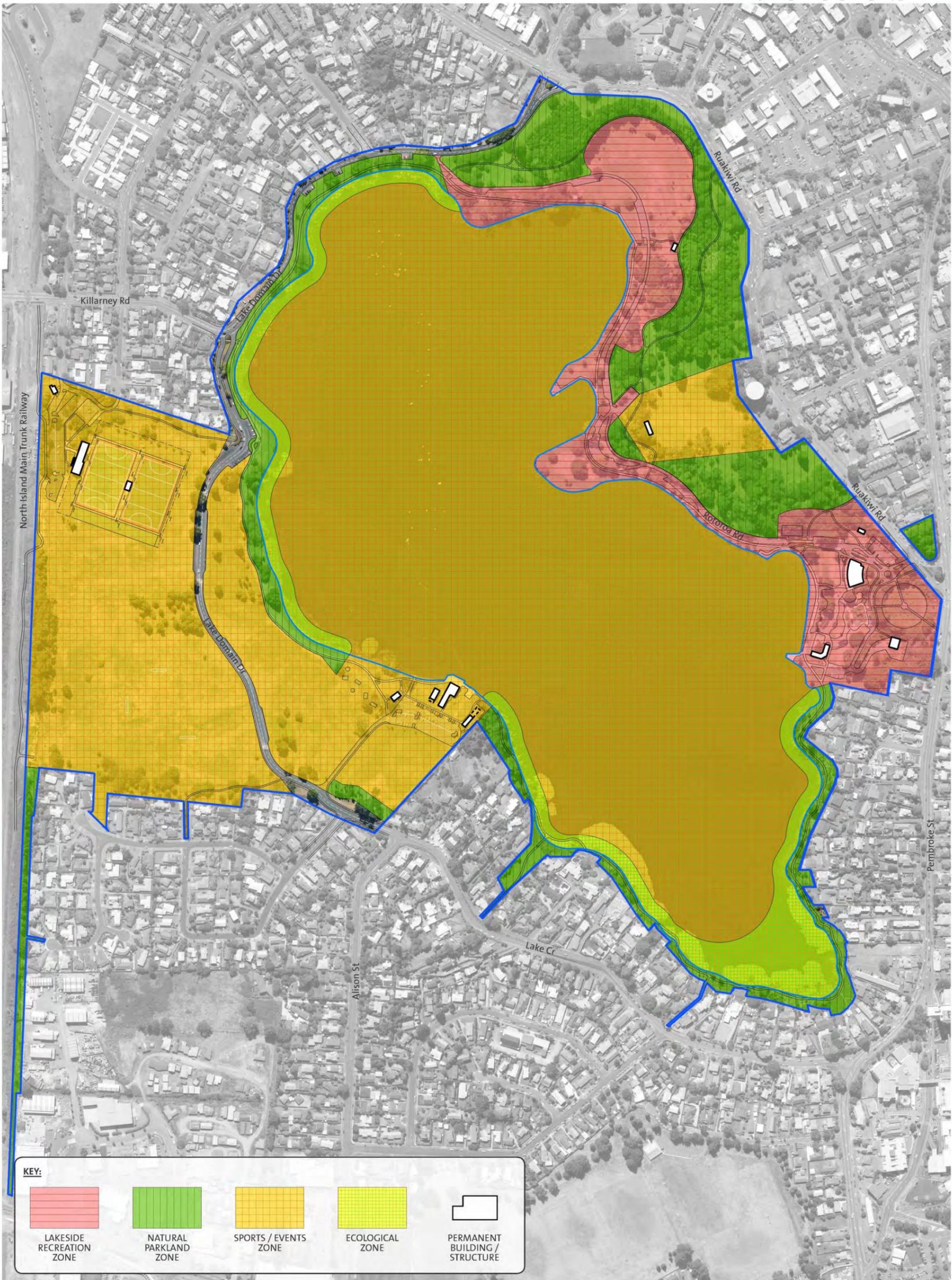


This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

HAMILTON LAKE DOMAIN Reserve Concept Plan

Date: 15 August 2016 | Revision: C |

Plan prepared for Hamilton City Council by Boffa Miskell Limited
 Project Manager: bryan.sanson@boffamiskell.co.nz | Drawn: BSa | Checked: MHU



KEY:

				
LAKESIDE RECREATION ZONE	NATURAL PARKLAND ZONE	SPORTS / EVENTS ZONE	ECOLOGICAL ZONE	PERMANENT BUILDING / STRUCTURE



Data Sources: Hamilton City Council, LINZ
Waikato Regional Council WRAPS 2012'

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

**HAMILTON LAKE DOMAIN
Management Zones Plan**

| Date: 10 August 2016 | Revision: A |

Plan prepared for Hamilton City Council by Boffa Miskell Limited
Project Manager: bryan.sanson@boffamiskell.co.nz | Drawn: BSa | Checked: MHu



Revisions made to the Draft Lake Domain Management Plan that was presented to Strategy and Policy Committee 30 August 2016

Suggested revision	Revision
Include reference that the off leash dog exercise to the west of Hamilton Yacht Club is fenced	<ul style="list-style-type: none"> • Revised Concept Plan appended to the Management Plan to include fencing of the off leash dog exercise to the west of Hamilton Yacht Club under the Future Development Possibilities table • Clarified in the relevant action included in the action plan
Revise the key projects table to an action plan that clearly illustrates all actions proposed by the Plan with timeframes	<ul style="list-style-type: none"> • The 'key projects' table formerly on page 22 has been replaced by an 'action plan' table on page 22

First adopted:	24 May 2012
Revision dates/version:	3 (30 August 2016)
Next review date:	August 2019
Engagement required:	No SCP
Document Number	D-2199895
Associated documents:	Approval of New Road Names Standard Operating Procedure (PGU SOP 6-01)
Sponsor/Group:	General Manager City Growth

Naming of Roads, Open Spaces and Council Facilities Policy

Purpose and scope

1. The purpose of this Policy is to provide a process for naming roads, open spaces and Council Facilities in Hamilton city.
2. Council is responsible for naming (and renaming) roads, open spaces and Council facilities within its boundaries.
3. This policy applies to the naming (and renaming) of roads (including private roads and private ways), open spaces and Council facilities.

Definitions

Definition	Detail
Applicant	An individual or entity which is making an application. This may include a consent holder or the party developing the infrastructure including but not limited to a Developer.
Area	One kilometre radius from the centre of a road, open space or Council facility.
Council	Hamilton City Council.
Council facility	A facility that is provided for public amenities including artistic, social or cultural facilities. Such facilities may include but are not limited to community halls, civic spaces and centres as well as major sport, recreation and entertainment facilities.
Culturally significant	Ancestral land, water, waahi tapu, valued flora and fauna, and other taonga significant to Tangata Whenua.
Name	The word or name used to identify a road, open space or Council facility. Name excludes the road type (see definition: road types).
Open space	Includes all parks and reserves administered by Council.
Park	Land owned by Council with a primary recreation function, not held under the Reserves Act 1977.
Private roads and private ways	Roads and accessways as defined under section 315(1) of the Local Government Act 1974 and includes right-of-ways, common access lots, retirement village roads. Also included is common property within a Unit Development as defined under section 5 of the Unit Titles Act 2010.
Reserve	As defined under s 2 of the Reserves Act 1977.
Road	Road as defined in section 315 of the Local Government Act 1974, and includes access ways and service lanes as defined in section 315, any square and any public place intended for the use of the public generally.
Road types	Road types in accordance with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011 (outlined in Schedule 1 below).

Principles

4. Council has a role in ensuring that local identity and local culture is recognised and maintained.
5. Council shall provide a consistent approach to determining appropriate names for roads, open spaces and Council facilities.

General Procedure

6. An application to name or rename a road, open space or Council facility must include evidence that the name(s) reflect one or more of the following:
 - a. The identity of Hamilton ~~and/or local identity.~~
 - b. The historical significance of particular locations.
 - c. The cultural significance of the area to Tangata Whenua.
 - d. ~~Deceased p~~People ~~who were~~ important in the history of an area.
 - e. Events, people and places significant to a community or communities ~~in Hamilton, locally,~~ nationally or internationally.
 - f. Flora and Fauna significant or important to the history of an area.
7. Prior to making an application, applicants are to consult Council staff to provide guidance as to the appropriate Tangata Whenua of an area. Applicants are to provide each Tangata Whenua group with at least 10 working days to identify if the area has cultural significance and provide feedback to the applicant. The purpose of the feedback is to provide non-binding advice to the applicant as to how culturally significant an area is to Tangata Whenua. The applicant must provide evidence that they have given Tangata Whenua an opportunity to provide feedback in accordance with this section.
8. Section 7 does not apply to private roads.
9. Where there is a theme or grouping of names in an area, names submitted should have an appropriate association with other names in the area.

Public and Private Roads

Criteria for all road names

10. Any proposed road names must also meet the following criteria:
 - a. Not be duplicated in Hamilton or in the Waipa or Waikato Districts.
 - b. Preferably be short (generally not longer than 12 characters).
 - c. Be single words to avoid cartographic problems.
 - d. Be easy to spell and pronounce.
 - e. Not sound similar, or be similar in spelling, to an existing road name.
 - f. Not include punctuation, e.g. hyphens.
 - g. Not include a preposition, e.g. Avenue of the Allies.
 - h. Not be abbreviated or contain an abbreviation excepting that "St" can be used for "saint" and 'Mt' can be used for "mount".
 - i. Not be in poor taste or likely to cause offense.
 - j. Not lead with 'The'.
 - k. Road types must comply with Schedule 1.

Naming of new public and private roads

11. The applicant must make an application to the Planning Guidance Unit by completing the application form for Road and Open Space Naming/Renaming. Up to two names can be proposed by the applicant.
12. Council's Planning Guidance Manager is empowered to consider and determine all new road name applications.
13. At the Planning Guidance Manager's discretion, applications may be referred to Council.
14. Council's Planning Guidance Unit will maintain an archive of the new road names and the reasons for selection of such names.

Renaming existing public and private roads

15. Council's Planning Guidance Manager will consider and determine road renaming applications originated due to the following:
 - a. To avoid confusion, duplication or ambiguity caused by the existing road name.
 - b. To avoid confusion and duplication of addresses associated with road name.
 - c. Following a change in layout.
 - d. To address a spelling correction.
 - e. To address geographical corrections.
 - f. Where Council is requested to do so by emergency services.
 - g. Where an infrastructure change necessitates the renaming of part of a road, e.g. an existing road is severed by a new road.
16. For applications initiated under section 15, the following process applies:
 - a. The applicant completes the application form for Road Open Space Naming/Renaming which is submitted to the Planning Guidance Unit.
 - b. The Planning Guidance Unit Manager will consider and determine the application.
 - c. The Planning Guidance Unit will notify all owners and occupiers on the road of the decision and if applicable, the new name.
17. Council will consider and determine road renaming applications originated due to the following:
 - a. Where 90 percent of the property owners on the road are in agreement to the change.
 - b. For issues of cultural sensitivity.
 - c. Where there is a demonstrated community desire.
 - d. By an elected member.
18. For applications initiated under section 17, the following process applies:
 - a. The applicant completes the application form for Road Open Space Naming/Renaming which is submitted to the Planning Guidance Unit.
 - b. The Planning Guidance Unit will notify all owners and occupiers in the road of the proposed name change.
 - c. Submissions on the proposed name change can be made to the Planning Guidance Unit within twenty (20) working days of notification.
 - d. The Planning Guidance Unit will prepare a report for Council outlining the request, the rationale for the change, the response from affected owners/occupiers on the road and a recommendation to Council.
 - e. Council will consider and determine the recommendation in regard to the change of name.
 - f. The Planning Guidance Unit will notify all owners and occupiers in the road of the decision and if applicable, the new name.

19. The costs associated with a change must be met in full by the applicant(s) except where the name change is initiated by Council Resolution.

Open spaces

20. Applications for naming and renaming open spaces must be made to the Parks and Open Spaces Unit by completing the Application Form for Road and Open Space Naming/Renaming.
21. Any naming or renaming of open spaces must consider the obligations set out in Part 6 of the Local Government Act 2002.
22. Reserves must be named or renamed by resolution of Council and in accordance with the Reserves Act 1977.
23. Council's Park and Open Spaces Unit Manager will consider the application, prepare a report outlining the request and make a recommendation to Council.
24. If Council resolves to change the name, the Parks and Open Spaces Unit will implement the changes to signage and maps.

Council facilities

25. Council facilities will be named for the primary function of the facility.
26. The Council Unit responsible for the Council facility will propose names for the Council facility to the General Manager Corporate.
27. The General Manager Corporate will consider the proposed names, prepare a report outlining the request and make a recommendation to Council.

Naming rights and sponsorship

28. Council can grant naming rights for an open space or Council facility or parts of an open space or Council facility.
29. Council will consider sponsorship opportunities for an open space or Council facility or parts within an open space or Council facility.
30. All requests to grant naming rights or sponsorship opportunities, whether permanent or for a fixed period of time, will be determined by Council.

Monitoring and implementation

31. Implementation of the policy will be monitored by the General Manager City Growth.
32. The policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- This Policy complies with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.
- Sections 319(1)(j), 319A and 319B of the Local Government Act 1974 apply to the Naming of Roads.
- Council may name or alter the name of any road under Section 319 Local Government Act 1974.
- Section 5 of the Unit Titles Act 2010 applies only to provide a meaning of common property.
- Where a reserve is vested in Council, the Minister of Conservation or Council may specify or change the name of a reserve by notice in the Gazette (Section 16(10) Reserves Act 1977).

SCHEDULE 1 – AS/NZS 4819 – TYPES OF ROADS

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or towns.	√	√	
Arcade	Arc	Passage having an arched roof or covered walkway with shops along the sides.			√
Avenue	Ave	Broad roadway, usually planted on each side with trees.	√		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	√		
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle.	√	√	
Close	Cl	Short enclosed roadway.		√	
Court	Crt	Short enclosed roadway, usually surrounded by buildings.		√	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.	√		
Drive	Dr	Wide roadway without many cross-streets.	√		
Glade	Gld	Roadway usually in a valley of trees.	√	√	
Green	Grn	Roadway often leading to a grassed public recreation area.		√	
Grove	Grv	Roadway that features a group of trees standing together.		√	
Highway	Hwy	Main thoroughfare between major destinations.	√		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway. (reserved exclusively for non-public roads)	√	√	√
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	√		
Mall	Mall	Wide walkway, usually with shops along the sides	√		
Mews	Mews	Roadway having houses grouped around the end.		√	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side.	√		
Place	Pl	Short, sometimes narrow, enclosed roadway.		√	
Promenade	Prom	Wide flat walkway, usually along the water's edge.			√
Quay	Qy	Roadway alongside or projecting into the water.	√	√	
Rise	Rise	Roadway going to a higher place or	√	√	

Page 6 of 7

		position.			
Road	Rd	Open roadway primarily for vehicles.	√		
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides.	√	√	
Steps	Stps	Walkway consisting mainly of steps.			√
Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides.	√		
Terrace	Tce	Roadway on a hilly area that is mainly flat.	√	√	
Track	Trk	Walkway in natural setting.			√
View		A road with a view	√	√	
Walk	Walk	Thoroughfare for pedestrians.			√
Way	Way	Short enclosed roadway. (reserved exclusively for non-public roads)		√	√
Wharf	Whrf	A roadway on a wharf or pier.	√	√	√

Celebrate Hamilton East

Hamilton East Neighbourhood Plan



September 2016

 **Hamilton City Council**
Te kaunihera o Kirikiriroa

Introduction

Hamilton East is Hamilton's oldest suburb.

Hamilton East's distinctive identity is created by its strong heritage appeal, village atmosphere and layered lifestyle. It is a much-loved suburb, known for its eclectic, nostalgic ambience, central location and genuine mix of commercial, residential and leisure activity. Hamilton East is located within walking distance of the central city. A key feature of Hamilton East is its connection to the Waikato River which provides important links between the Hamilton Gardens, Hayes Paddock and the Wellington Street Beach.

This Plan provides direction for the future development of Hamilton East to ensure it is consistent with, and contributes strongly to, the suburb's character and identity. The Hamilton East Neighbourhood Plan is not a statutory planning document.

The Plan is about working to refresh and enhance the features that people most value about this neighbourhood, features that make it a great business and lifestyle choice and a delightful place to visit.

This Plan takes an action-focused approach, identifying new projects and targeted business-as-usual activities to achieve this.

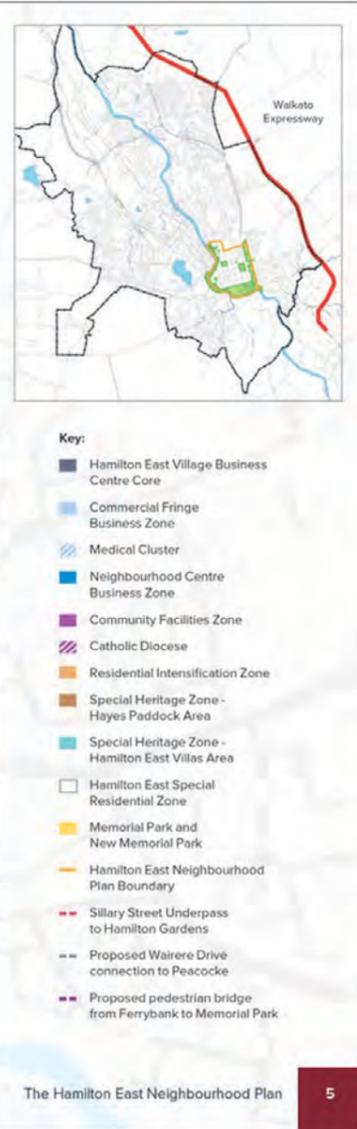


Hamilton East

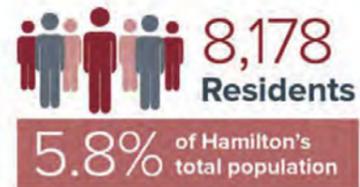
The area covered by the Hamilton East Neighbourhood Plan is defined by the green belt to the east and the Waikato River to the west and south. To the north, the boundary follows a developed gully system and borders Hamilton Boys' High School.

Within the area, consideration has been given to growth patterns, land use and zoning, demographic profiles, access and connectivity, and contextual and geographic linkages beyond the boundaries of the study area.

Hamilton East is a genuine mixed-use suburb that works well. It is economically successful with a loyal and long-standing commercial and residential base that is committed to a positive future for the neighbourhood. It is a destination in itself and a connector for the central city. Given this solid platform, enhancing Hamilton East is about working to its strengths.



About Hamilton East



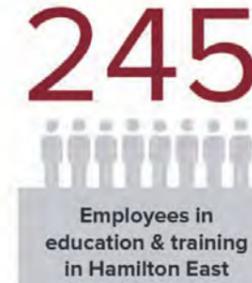
Education

Schools in Hamilton East Plan area:

- Hamilton East School
- Sacred Heart Girls' College
- Marian Catholic School

Schools in close proximity to Hamilton East Plan area:

- Peachgrove Intermediate
- Patricia Avenue School
- Hamilton Boys' High School



Business Activity

Hamilton East Village has a distinct flavour created by independent retail and business, and the absence of large chain stores.

Within Hamilton East there is a defined medical cluster around Von Tempsky and Beale Streets. This business activity brings a volume of visitors to the whole area.

Hamilton East is an enclave of professional services. A distinctive feature is family businesses with one to two employees. There is a low number of large employers.

Hamilton East is an attractive location to work in due to its location close to the central city and its well-developed roading network.



Main industries:

1. Health care
2. Public administration
3. Professional, scientific & technical services
4. Education & training
5. Accommodation & food

Residential Living

Hamilton East is an attractive leafy suburb, close to the river and within walking distance to the central city.

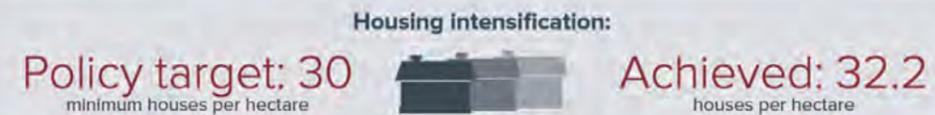
It has a designated residential housing intensification zone to provide for the city's growth needs.

The density of housing in this area is 32.2 dwellings per hectare which meets the policy target of the Proposed District Plan of a minimum of 30 dwellings per hectare. This has been achieved by the construction of blocks of flats, apartments and townhouses. Other residential living types include rest homes and retirement villages.

Hamilton East has two special heritage zones, the Hamilton East Villas Area and Hayes Paddock Area. The Hamilton East villas are an intact grouping of villas built on original town acres between 1891 and 1916. Hayes Paddock is one the largest examples of state house development, designed and built by the first Labour Government from the late 1930s.

There is also a Dwelling Control Area with pre-1940s dwellings that make a significant contribution to the character and amenity values of Hamilton East.

- Five distinct housing areas:
1. Hamilton East Residential Intensification Area
 2. Special Residential Zone - Hamilton East
 3. Special Residential Zone - Dwelling Control Area
 4. Special Heritage Zone - Hayes Paddock Area
 5. Special Heritage Zone - Hamilton East Villas Area



Hamilton East Today

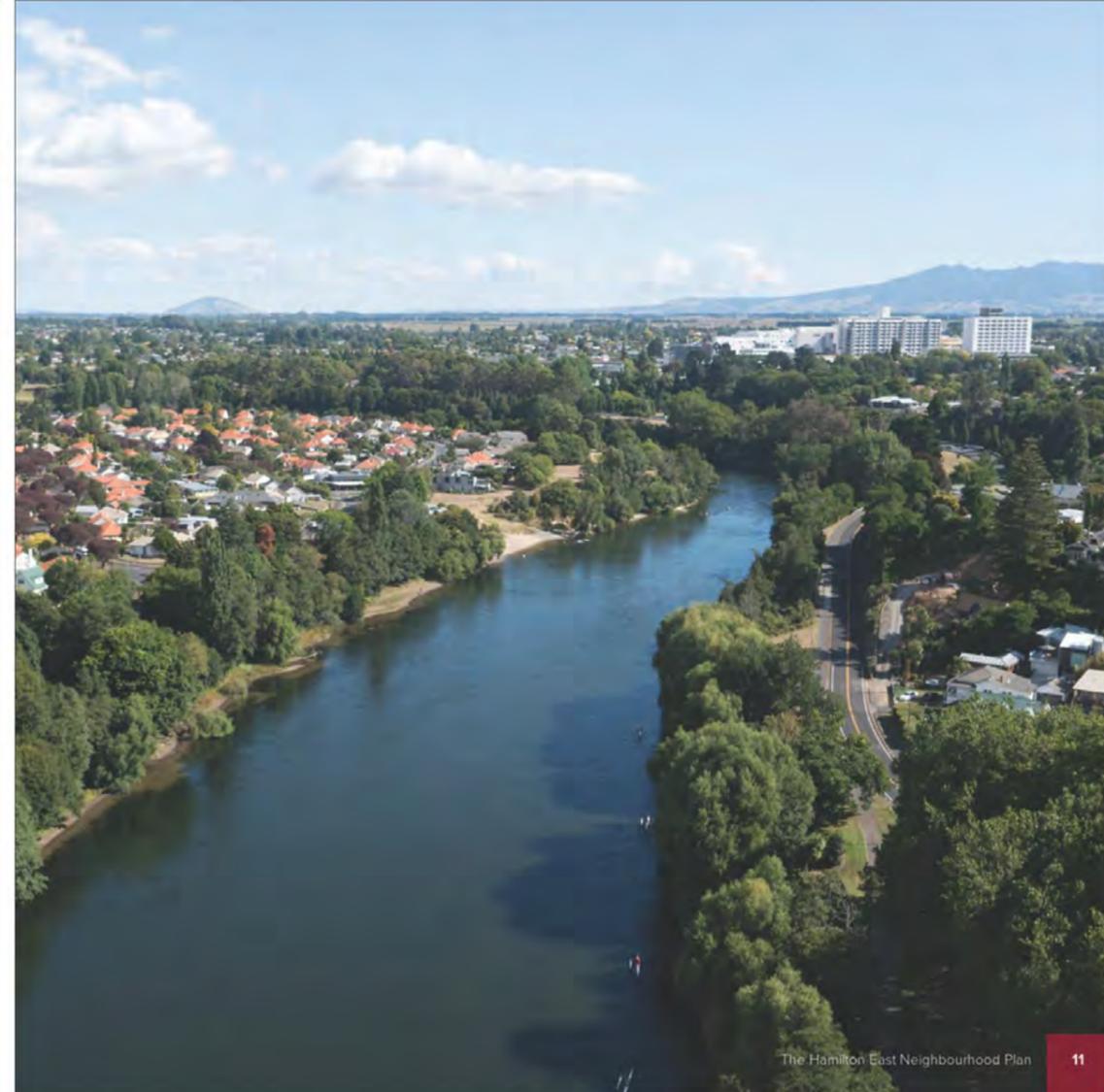
Many people live, work and spend much of their leisure time in the neighbourhood. Hamilton East residents, businesses, community groups, and visitors to the neighbourhood were surveyed about the things they most liked about Hamilton East and the things they found most challenging.

Likes

- Cafés and places to meet relatives and clients
- Local shops
- Village atmosphere
- Clustering of businesses, especially medical services
- Local employment
- Location close to the central city, university and schools
- High foot traffic
- Ease of commute and free parking
- Established community
- Heritage look and feel
- Green space areas

Challenges

- Engaging with the River
- Declining amenity and ambience of the Village
- Traffic volumes, pedestrian and bike safety
- Protecting heritage and telling the history
- Anti-social behaviours and safety issues in some public spaces including Steele Park
- Connections particularly to the central city and Hamilton Gardens
- Parking



Outcome & Themes

The Hamilton East Neighbourhood Plan is an action-focused initiative to deliver the Hamilton Plan priority for an active, strong commercial centre with distinctive suburban villages.

The Plan has strong connections with the River Plan and its sister plan, the Central City Transformation Plan, as well as linkages to a number of other plans such as the Heritage Plan, Biking Plan and Older Persons' Plan.

The purpose of the Plan is to ensure Hamilton East's special character is preserved and enhanced into the future. In 10 years' time, Hamilton East's visible history, strong connections to the Waikato River, Hamilton Gardens and central city, and its village identity, will make it a popular, safe destination as well as a great place to work and live.

Plan Outcome

Hamilton East is a popular and attractive character suburb that remembers its history

Themes

- Four themes provide areas of focus that will stimulate positive outcomes for the Hamilton East neighbourhood:
 - Hamilton East Village
 - Connections
 - Living Heritage
 - Active Places



Hamilton East Village

Hamilton East is known for its village atmosphere and heritage.

The village shopping area is a popular destination for residents, local workers and visitors.

The main street has high volumes of traffic which create challenges to public enjoyment of the space, including Steele Park. There are opportunities to maximise village appeal through streetscape and amenity projects which also enhance the heritage value of the area and connections to the River.

Page 16

Connections

Hamilton East is a busy thoroughfare.

Natural features and transport infrastructure are creating physical barriers for safe access to places in Hamilton East and connections to the River and central city.

Natural routes to places of interest such as the Hamilton Gardens or Wellington Street Beach are not defined.

Page 18



Living Heritage

Heritage features and archaeological sites are a significant part of Hamilton East.

There are opportunities to enhance Hamilton East's status as Hamilton's oldest suburb and to integrate heritage into the identity and character of everyday activities in Hamilton East.

Page 20

Active Places

Hamilton East has distinct geographic areas of activity and character that contribute to the layered working, living and recreational experiences the neighbourhood offers.

These include medical, business, education and retail areas that attract steady flows of people. It also includes the Waikato River and green spaces that complement the urban landscape, providing recreational opportunities and visitor attractions.

Page 22



Hamilton East Village

The Grey Street shopping centre is a popular mix of business, retail, services and hospitality and the area people most associate with Hamilton East.

The Village has many positive aspects which users of Hamilton East enjoy and support. These aspects include its central location, loyal community, and steady flow of vehicle and foot traffic created by people who live and work locally, destination visitors and people passing through.

However traffic volumes and congestion are also contributing to a sense of disconnection. This disconnection and the tired state of the general environment and Steele Park is compromising the vibrant village atmosphere.

The built environment inhibits access to the Waikato River and the network of river pathways.

The Plan focuses on creating a feeling of arrival, beautifying and renewing the streetscape, revitalising Steele Park, safety enhancement, and connecting the Village with the River physically and visually.

Outcomes

- Hamilton East Village is busy with people
- Steele Park is a focal point for the Village and actively used by a wide range of the community
- The River is visible from Grey Street and easier to access from the Village



Projects

Hamilton East Beautification

- This project will refresh Hamilton East Village by introducing a consistent historic theme for streetscape elements. This project will include:
 - footpath treatments, planting and street furniture
 - community-led upgrade of the Rotary Clock Tower
 - entrance point treatments will provide a sense of arrival in the Village
 - Investigate undergrounding of powerlines in Grey Street.

Steele Park Rejuvenation

- This is a project to improve the amenity and safety of Steele Park to encourage greater use. The project has a number of sub-projects:
 - Steele Park neighbourhood playground
 - upgrade the Steele Park toilets
 - BBQ area and additional seating
 - joint Council/community project to refresh the exterior of the Steele Park Pavilion. In the longer term, explore replacement of the Steele Park Pavilion with a heritage themed building in the southwest corner of the park
 - makeover of the WEL Networks substation.

Brand and Identity

- Work with Hamilton East businesses, retailers and community to develop and implement a branding plan for Hamilton East Village that consistently reflects its special character and improves the profile of the Village.

Business Association

- Work with Hamilton East businesses to establish a business association.

Safety Project

- Collaborative project with Council, local businesses, community groups and government agencies to improve safety in Hamilton East. This will be done through conscious use of design and spaces, lighting, signage and road safety management identified in other Plan projects or additional initiatives.
- Explore CitySafe patrols for Hamilton East.

River Access

- This project is about making the River part of the Hamilton East Village experience and environment by developing easy gradient river access from Cook Street and Wellington Street. The implementation of the River Plan's vegetation management will create river windows through Grey Street.

Development Sites

- There are a few privately-owned sites in Hamilton East that have high residential and commercial development value and/or provide opportunities to better integrate the Hamilton East Village with the River, visually and physically. The Council will encourage appropriate development that is consistent with, and gives effect to, the Proposed District Plan, on these sites to support the outcomes in the Plan. Council will actively work with developers to achieve the aspirations of this Plan.

Hamilton East Clean Street Project

- Council has commenced a review of its delivery of waste management services which includes collection for medium- and high-density living.

Connections

Hamilton East is a destination and also serves as a connection to other parts of the city such as the central city, the eastern suburbs, the University of Waikato and eastside schools. Major arterial routes such as State Highway One and high traffic volumes create access issues and congestion for all transport modes.

The neighbourhood is a significant location for engagement with the river and an east-west city connection.



Hamilton East's largely flat topography presents opportunities to create a connected, easy to navigate pedestrian and bike-friendly environment.

Improving access and connections to places of activity and interest within Hamilton East, visitor attractions and the central city is important for people, business, and tourism.

Outcomes

- Easier and safer to get around Hamilton East and to places of interest
- Better pedestrian and bike links between Hamilton East, Hamilton Gardens and the central city
- Safe and attractive connections to the Waikato River from the Hamilton East Village

Projects

AUSTROADS Safe System Project

- Grey Street will be included in a research project for mixed use urban arterials that will be undertaken by an independent Australasian expert panel. It will provide recommendations for the delivery of safer traffic flows and pedestrian and biking links in and around the Village.

Entrance Points to Hamilton East

- This project focuses on creating attractive entrance points at the Grey Street/Cook Street intersection, Grey Street/Clyde Street intersection and Galloway Street/Cobham Drive entrance to Hamilton East.

Grey Street Avenue of Trees

- This project is about enhancing the connection between the Hamilton East Village and the Hamilton Gardens along Grey Street with a tree-lined corridor. Rows of flowering cherry trees will begin where the oak trees end, creating a visual and spatial gateway to the Hamilton Gardens.

Hamilton City River Plan

- Ferrybank Development Plan connection to Hamilton East.

Sillary Street Underpass

- A 2016 NZTA project to provide a safe pedestrian connection under Cobham Drive between Hamilton East and the Hamilton Gardens.
- Council will create themed planting to ensure a seamless transition between the two locations.

Parking Plan

- A parking plan for Hamilton East will be developed in consultation with the Hamilton East community and will consider resident, shopper and employee on-street parking options, time restrictions, mobility parks and parking technology.

Bike Plan

- Two projects from the Bike Plan provide walking and biking connections to Hamilton East:
 - School Link (bike route to east side schools separated from traffic and parking)
 - central city (from the central city to the University along the railway line).
- Installation of signage for biking routes is part of the Bike Plan.

Living Heritage

This theme is about recognising Maaori and European history and the unique historical features that make up Hamilton East.

Hamilton East is Hamilton's oldest suburb. It contains many sites and features of historic significance to both Maaori and Europeans. In pre-European times, it was home to a number of Maaori settlements, pa sites and productive gardens and thriving river-based trading activities.

In 1864 Hamilton East was established as a military settlement, known as 'Irishtown' due to the large number of militiamen of Irish descent. Grey Street was originally destined to be the main street of Hamilton with Steele Park, planted with oak trees in 1889, developed as a focal point for the community.

Hamilton East has many features that support the unique character of the area – among which are the Hamilton East Villas, Hayes Paddock state housing and Hamilton Gardens, which was developed on the site of a former city rubbish tip. The suburb contains mature and semi-mature trees, with a wide range of residential building styles that cover many of the eras from the 1870s until the present.

Outcomes

- Hamilton East's stories and heritage are visible and accessible
- Adaptive reuse of heritage buildings and places



Projects

Implement the Beale Cottage Management Plan

- This provides for the preservation of Beale Cottage, Hamilton's oldest building, and improved public access to the cottage.

Heritage Signs

- This is a project to develop and install consistent and themed heritage signs on all heritage buildings and sites.

Heritage Plan

- The identification, assessment and listing in the District Plan of additional heritage buildings in Hamilton East by 2018 as part of the Council's Heritage Plan.

Maaori Landmarks

- Implement the Ngaa Tapuwae O Hotumauea Maaori Landmarks on Riverside Reserves Management Plan,
- Commemorate Maaori landmarks located in other locations in Hamilton East.

Hamilton East Heritage Trail

- The Hamilton East Heritage Trail is a community initiative by the Hamilton East Community Trust that covers 32 points of historic interest in the Hamilton East area. This project is a Joint Council/community initiative to upgrade the trail with consistent branding, signage, storyboards and marketing information.

Character Retention Development Guidelines

- Develop design guides and information sheets to provide clarity regarding interpretation of heritage protection and character elements within Hamilton East Special Residential Zone. Council will continue to ensure the character of the Hamilton East area is maintained by liaising with developers through pre-application meetings and encouraging the use of the urban design panel.

Hamilton Cemeteries Plan 2015

- Implement the actions in the Hamilton Cemeteries Plan 2015 that relate to heritage aspects of the Hamilton East Cemetery.

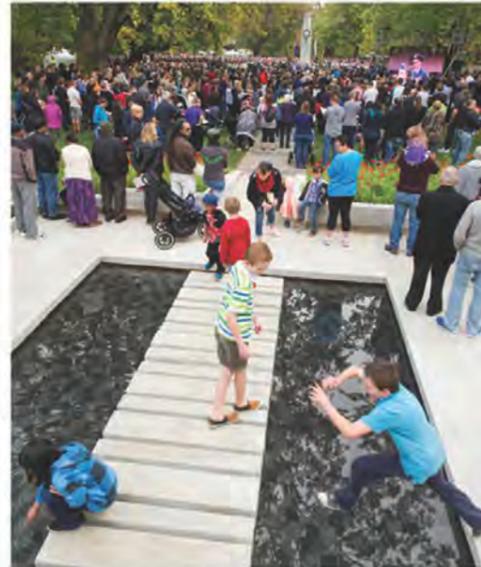
Active Places

Hamilton East is a hub for businesses, retail, services, and hospitality. Its central location and riverside setting means there are many places of activity and visitor interest within the neighbourhood and close by.

Ensuring these areas contribute to the appeal and personality of the neighbourhood, attract people, and function well is a strong focus in this Plan. This involves improving entry points, streetscape amenity, beautification and parking so that these areas deliver positive, appropriate experiences for customers, businesses, visitors and residents.

Outcomes

- Places for people are well-known, attractive and used



Projects

Memorial Parks Enhancement

- Within the context of the Riverside Reserves Operative Management Plan:
 - vegetation management
 - beautification of entrance to Memorial Park below Deloitte's
 - improving public interaction with the PS Rangiriri
 - explore alternative use of houses in Memorial Park
 - commemorative signage.

Hamilton Arts Agenda

Implement the Hamilton Arts Agenda in Hamilton East.

- Support art projects that promote city, suburb and neighbourhood identity.
- Support TOTI Charitable Trust to install a warhorse sculpture in Memorial Park.

Medical Cluster

- This is a project to increase the profile of the Medical Cluster by enhancing brand and signage, vehicle access to and from the cluster and streetscape. It will also explore stronger connections to Dawson Park and Memorial Park as leisure and relaxation spaces for staff, residents and visitors to the retirement homes, hospital, and medical services.

Hamilton Gardens

- Implement the Hamilton Gardens Development Plan.

Catholic Church Redevelopment

- This is the Catholic Church's own project to give life to St Mary's Convent Chapel and transform the chapel site to create a special place of contemplation in the midst of a busy city. This will involve earthquake strengthening, restoration work and the upgrading of facilities.

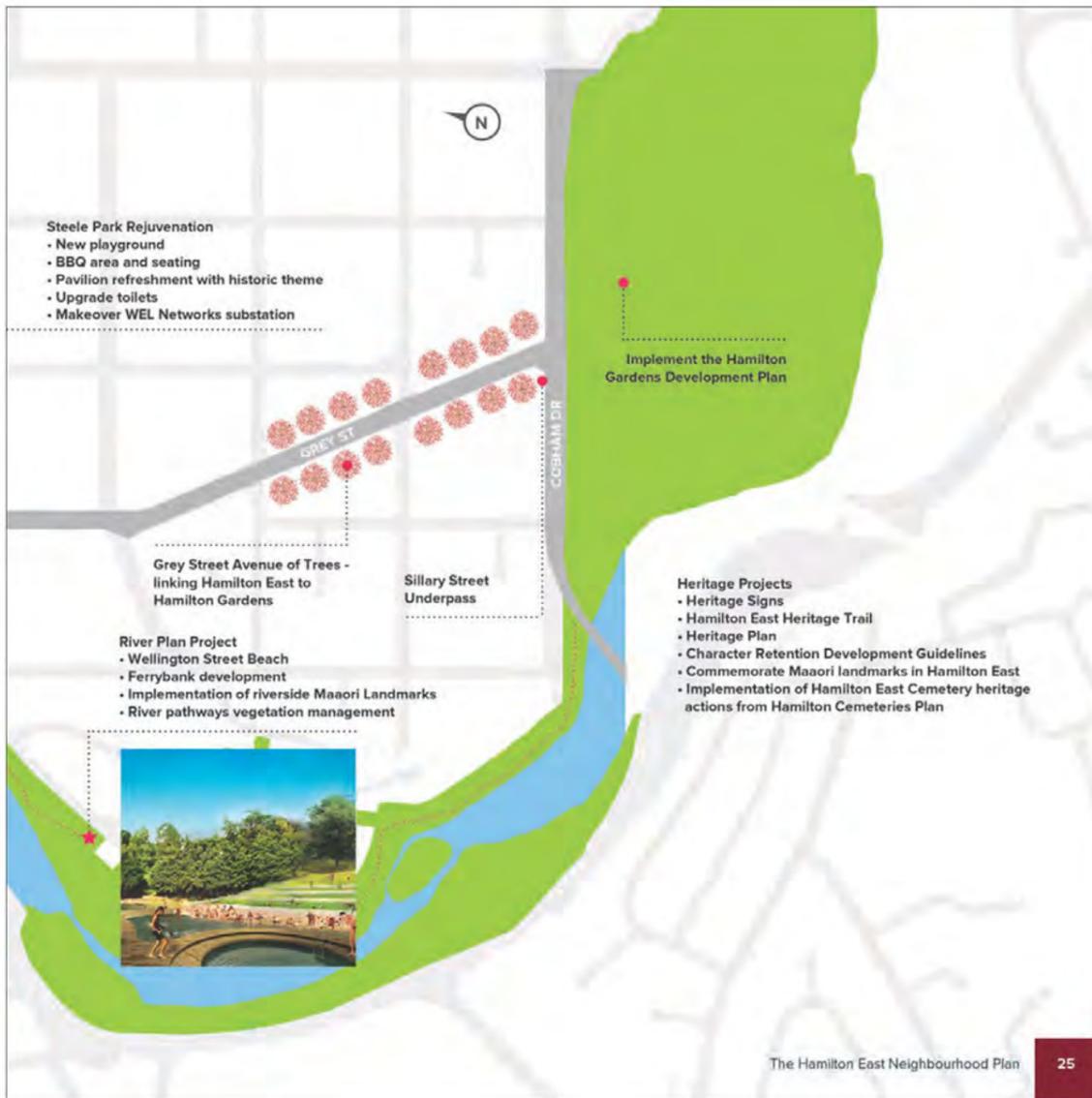
Hamilton City River Plan Projects

- Implement the River Plan projects to create an enhanced river swimming experience at Wellington Street Beach and redevelopment of the riverbank area and amenity facilities.
 - build an easy access pedestrian path to the water
 - install rubbish bins, BBQ tables and better lighting
 - implement the River Plan project to create the city's best beach and a swimming feature on the River.

Dawson Park

- Explore options to optimise Dawson Park's potential as a shared community and school pocket park, install signage and a storyboard to mark the history of the site.

Neighbourhood Plan Projects



Feature Projects



1. Grey Street Avenue of Trees

Hamilton East communities wish to see stronger associations between Hamilton East Village and Hamilton Gardens.

This means better physical connections, better marketing and promoting between the destinations and better visual connections. The Grey Street Avenue of Trees is a project to create a beautiful visual connection between Hamilton East Village and Hamilton Gardens using the natural corridor between these two sites created by Grey Street. The flowering cherry is also representative of the acres of flowering fruit trees Maori often cultivated in the early colonial period.

This project will extend the current row of trees by planting flowering cherry trees (*Prunus awatere*) from Naylor Street through to Cobham Drive.

Flowering trees were chosen to suggest a garden connection (blossoms) and because they are a well structured and suitable street species. The Council has a supply of relatively mature trees available.



2. Steele Park Playground

This is a project to install a neighbourhood playground in the northwest corner of Steele Park with junior and senior play zones. The theme of the playground picks up on the natural environment and Steele Park oak trees.

Equipment designs include a 'birds nest roundabout' carousel, stepping logs and poles, a 'kākāpō' climbing structure and surfaces which reference oak leaves and the Waikato River.

A 'pedestrian plaza' feature entrance is positioned to allow for direct access from the corner of Grey and Cook streets and to provide welcoming visual connections for pedestrian traffic.

The playground has been designed to comply with CPTED (crime prevention through environmental design) principles and will create a destination and passive observation of the rest of the park. The playground will be installed in 2016.

KPIs & Measures

1. Hamilton East's annual growth aligns with Hamilton's annual GDP growth
2. Hamilton East's heritage features, as listed in the Proposed District Plan, are preserved
3. An increase in numbers of pedestrians and people who bike between Hamilton East and the River, Hamilton Gardens and the central city
4. Perceptions of safety in Hamilton East improve
5. Perceptions that Hamilton East is easier to get around improve



Implementation & Timeframes

	Funding	Project Description
Existing Projects	Funded	Steele Park Rejuvenation - Steele Park Playground
	Unfunded	River Plan - River pathways vegetation management
	Funded	Implement the Hamilton Gardens Development Plan
	Funded	Implement the Beale Cottage Management Plan
	Funded	Heritage Plan - Identify, assess and list additional heritage buildings in Hamilton East by 2018
	Funded	Bike Plan - Signage
	Unfunded	Bike Plan - School link and central city link
	Funded	Waste Management Review - Hamilton East Clean Street Project
	Funded	Hamilton Arts Agenda - Support TOTI Charitable Trust to install a warhorse sculpture in Memorial Park
	Unfunded	Hamilton Cemeteries Plan 2015 - Implement the actions that relate to the heritage aspects of the Hamilton East Cemetery
	Unfunded	River Plan - Wellington Street Beach development
	Unfunded	River Plan - Ferrybank Development Plan connection to Hamilton East
	Unfunded	River Plan - Implement riverside Maori Landmarks
	New Hamilton East Plan Projects	Funded
Funded		Grey Street Avenue of Trees
External		Sillary Street Underpass
Unfunded		Dawson Park review - Shared community and school pocket park
Unfunded		Steele Park Rejuvenation - BBQ area and additional seating
Funded		Parking Plan - Will consider resident, shopper, employee on-street parking, time restrictions, mobility parks and parking technology
Unfunded		Commemorate Maori landmarks located within Hamilton East
Unfunded		Hamilton East Beautification - Entrance point treatments
Unfunded		Medical Cluster improvements - Branding, signage and linkages
Funded		Character Retention Development Guidelines
Unfunded		Safety Project - Explore CitySafe patrols for Hamilton East
Unfunded		Memorial Parks Enhancement
Unfunded		Steele Park Rejuvenation - Makeover of the WEL Networks substation
Unfunded		River Access - Developing easy gradient river access from Cook Street and Wellington Street
Unfunded		Steele Park Rejuvenation - Makeover of the WEL Network Substation
Partially Funded		Hamilton East Beautification - Streetscape refreshments
Community Projects		Unfunded
	External	Hamilton East Beautification - Clock Tower Upgrade
	Unfunded	Brand and Identity - Develop and implement a branding plan to improve profile of the Hamilton East Village
	External	Catholic Church Redevelopment
	External	Business Association
	Funded	Steele Park Rejuvenation - Joint Council/community project to refresh the Steele Park Pavilion
	Unfunded	Hamilton East Heritage Trail
	Unfunded	Heritage Signs - Develop and install
	Unfunded	Safety Project - Collaborative safety project to identify opportunities to enhance safety in Hamilton East
	External	Development Sites
Unfunded	Steele Park Rejuvenation - Explore replacement of the Steele Park Pavilion with a heritage-themed building	



Timeline

Pre 1860s

Hamilton East was home to Ngaati Wairere, Ngaati Hauaa, Ngaati Mahanga, Ngaati Korokii and Tamainupoo. There were gardens, settlements, burial grounds and the ancient pa sites of Te Parapara, Te Nihinihi, Te Moutere o Koipikau, Te Tara-ahi Pa.

1864

Captain William Steele landed from the gunboat Rangiriri on the site of Memorial Park and established the first redoubt. Hamilton East was surveyed by W.A. Graham and designed as a military settlement after the land was confiscated from Maaori at the close of the Waikato War.



1872

Beale Cottage (the oldest surviving house in Hamilton) is built around 1872. Hamilton East Primary School opens.

1884

Sacred Heart Girls' College is established.

1879

The kauri timber Union Bridge is completed linking Hamilton East with Hamilton West.

1865

Hamilton East Cemetery established.

1907

Waikato River floods – Union Bridge base is eroded.

1910

Union Bridge is replaced with the Iron Victoria Bridge.

1889

Sydney Square is renamed Steele Park and planted out on the 25th anniversary of the landing of the Rangiriri by veterans of the 4th Waikato Militia.



1939 - 1945

Development of Hayes Paddock as a state housing garden suburb.

1960

Hamilton Gardens are officially opened on site of a former pa, British Military redoubt, city rubbish dump, Victorian rifle range and dog-dosing station.



1964

Rotary Hamilton East erect a street clock to celebrate 100 years of settlement.

2010

Opening of a traditional Maaori productive garden commemorating the Te Parapara Pa site that Hamilton Gardens is built on.



2014 - 2016

Wairere Drive construction continues.

References & Acknowledgements

Facts and Figures

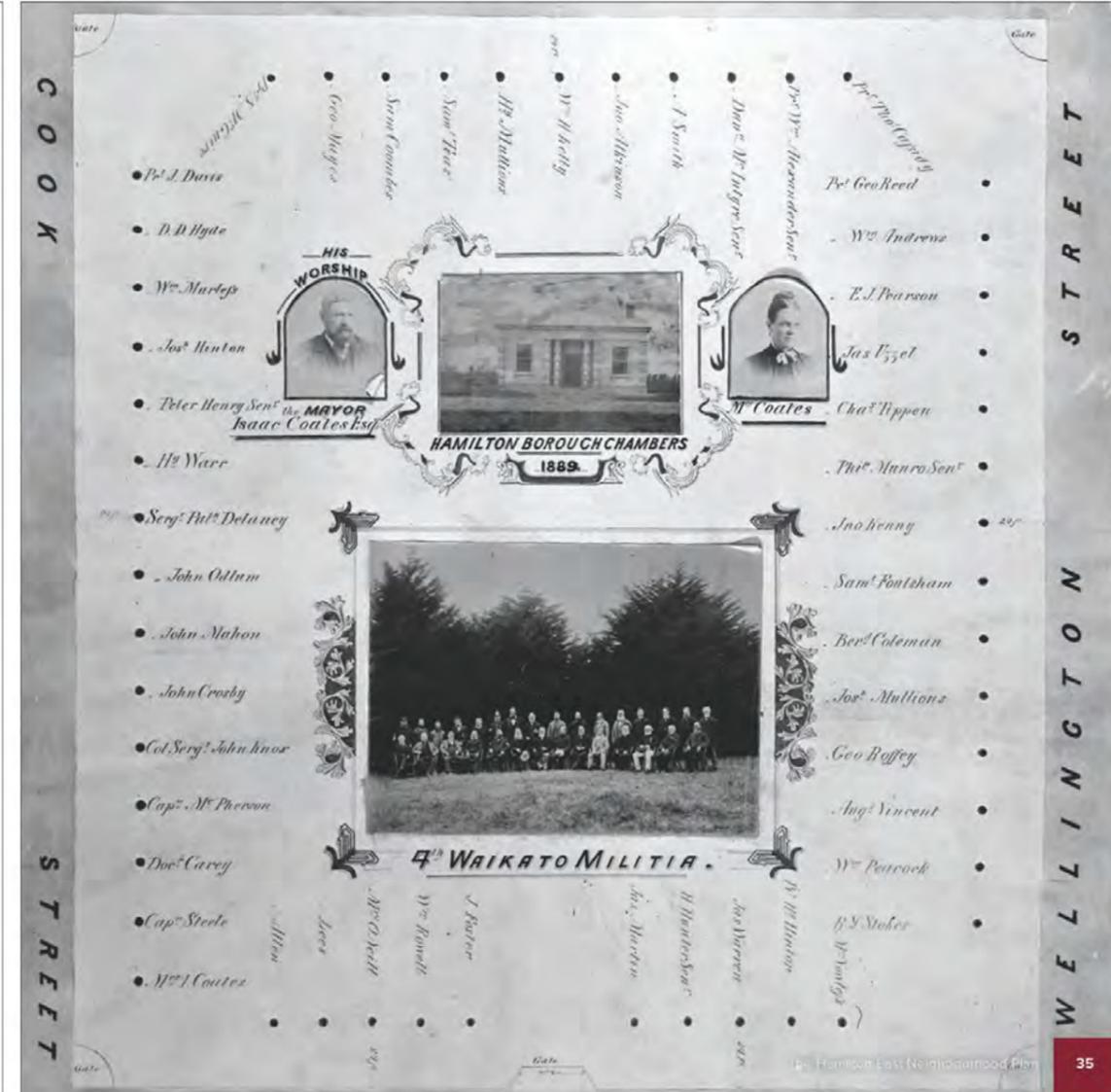
- Demographic data – Statistics New Zealand Census 2013
- Housing areas – Hamilton Proposed District Plan
- Business indicators – Statistics New Zealand 2015
- GDP indicators – Hamilton City Council dataset – Market Economics 2014
- Traffic flow data – Hamilton City Council traffic counting data 2011-2015
- Housing intensification – Hamilton City Council dataset
- Heritage features – Hamilton Proposed District Plan
- Schools rolls – Ministry of Education
- Education employee numbers – Statistics New Zealand 2015
- The University of Waikato student and staff data – 2015 counts

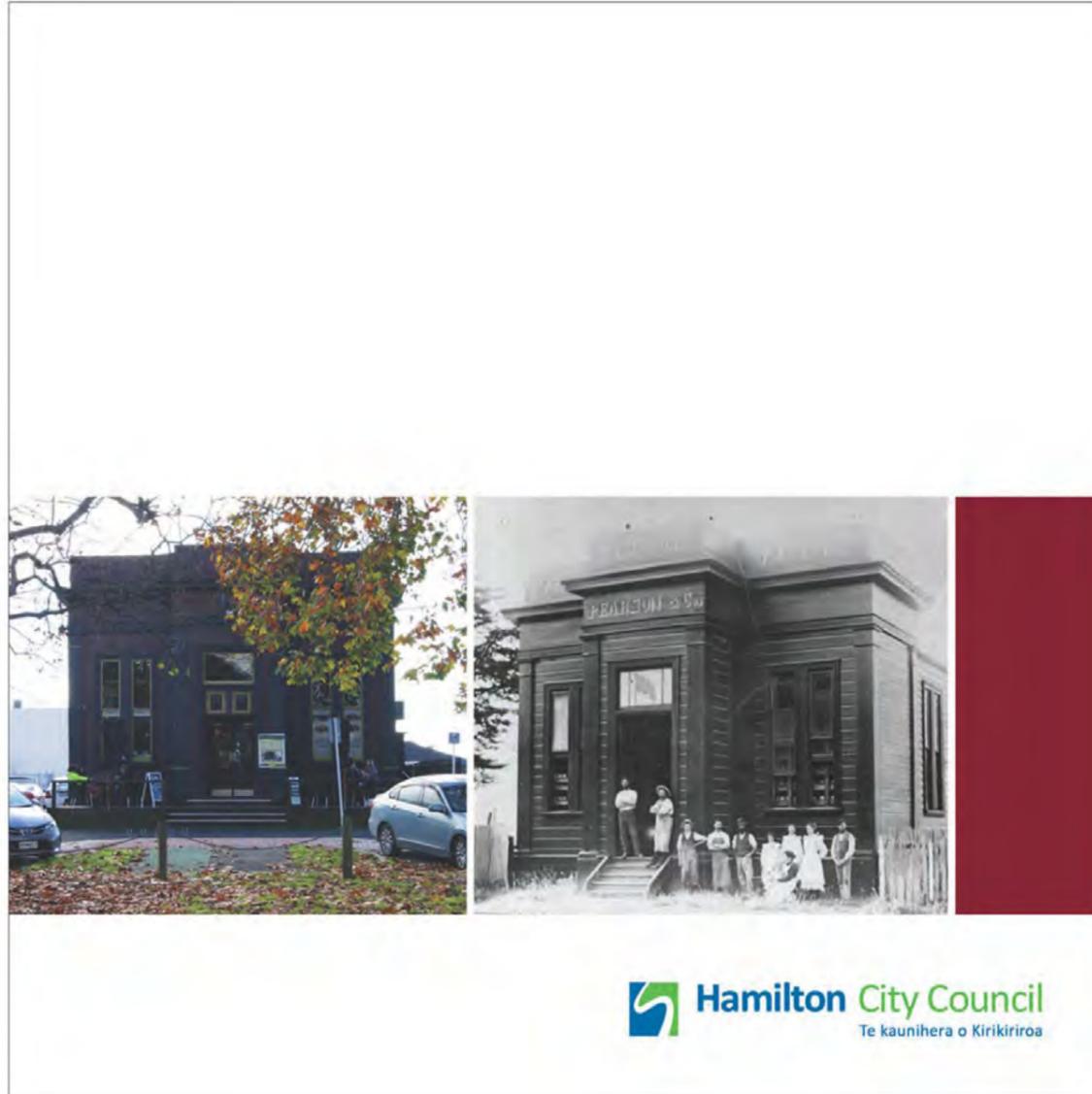
The following groups contributed to the Plan:

- Council advisory panels – Heritage, Youth and Older Persons
- Maaori Reference Group – Te Haa o te Whenua o Kirikiriroa
- Focus group – Hamilton East stakeholders
- Community groups – Waimarie Hamilton East Community House, Hamilton East Community Trust
- General survey – General public, Hamilton East workers
- Business survey – Business owners

Photo References

- Page 13
Ebbett Volkswagen/Ebbett Audi; Grey Street 1940; Royal Hotel pre 1900.
 - Page 20
Greenslade House; Hayes Paddock houses.
 - Page 32 - Timeline
Map of Hamilton East 1927; Union Bridge 1907 – Waikato River flooding; Maypole dancing in Sydney Square 1886 – renamed Steele Park; Men employed in the formation of Memorial Park to commemorate WWI soldiers – 1920s.
 - Page 35
Plan of Sydney Square, before it was renamed Steele Park, showing the names of the veterans who planted oak trees on the 25th anniversary of the 4th Waikato Militia landing in Hamilton - 26 August 1889.
 - Back cover
Cook Café and Bar – 2016; Oddfellows Hall – Pearson & Co Soap Factory.
- All photos not separately acknowledged are property of Hamilton City Council.





Committee: Council

Date: 29 September 2016

Report Name: End of Triennium - Open
Minutes to be Confirmed and
Adopted

Author: Emily Acraman

Status	<i>Open</i>
---------------	-------------

Recommendations:

- 1) Civil Defence and Emergency Management Subcommittee - Open Minutes – 28 June 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Civil Defence and Emergency Management Subcommittee Meeting held on 28 June 2016.
- 2) Public Art Subcommittee - Open Minutes – 29 July 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Public Art Subcommittee Meeting held on 29 July 2016.
- 3) Community Forum Subcommittee - Open Minutes – 2 August 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Community Forum Subcommittee Meeting held on 2 August 2016.
- 4) Council - Open Minutes – 25 August 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Council Meeting held on 25 August 2016.
- 5) Strategy and Policy Committee - Open Minutes – 30 August 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting held on 30 August 2016.
- 6) Business and Investment Subcommittee - Open Minutes – 2 September 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Business and Investment subcommittee Meeting held on 2 September 2016.
- 7) Audit and Risk Committee - Open Minutes – 13 September 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Audit and Risk Committee Meeting held on 13 September 2016.
- 8) Finance Committee - Open Minutes – 20 September 2016**
That the Council confirm and adopt as a true and correct record the Open Minutes of the Finance Committee Meeting held on 20 September 2016.

9) Extraordinary Council - Open Minutes – 20 September 2016

That the Council confirm and adopt as a true and correct record the Open Minutes of the Extraordinary Council Meeting held on 20 September 2016

10) Hearings Subcommittee - Open Minutes – 21 September 2016

That the Council confirm and adopt as a true and correct record the Open Minutes of the Hearings Subcommittee Meeting held on 21 September 2016.

1. Attachments

2. Attachment 1 - Civil Defence and Emergency Management Subcommittee - Open Minutes - 28 June 2016
3. Attachment 2 - Public Art Subcommittee - Open Minutes - 29 July 2016
4. Attachment 3 - Community Forum Subcommittee - Open Minutes - 2 August 2016
5. Attachment 4 - Ordinary Council - Open Minutes - 25 August 2016
6. Attachment 5 - Strategy and Policy Committee - Open Minutes - 30 August 2016
7. Attachment 6 - Business and Investment Subcommittee - Open Minutes - 2 September 2016
8. Attachment 7 - Audit & Risk Committee - Open Minutes - 13 September 2016 *(to be circulated Under Separate Cover)*
9. Attachment 8 - Finance Committee - Open Minutes - 20 September 2016 *(to be circulated Under Separate Cover)*
10. Attachment 9 - Extraordinary Council - Open Minutes - 20 September 2016 *(to be circulated Under Separate Cover)*
11. Attachment 10 - Hearings Subcommittee - Open Minutes - 21 September 2016 *(to be circulated Under Separate Cover)*

Civil Defence and Emergency Management Subcommittee

OPEN MINUTES

Minutes of a meeting of the Civil Defence and Emergency Management Subcommittee held in Kauri Room, Municipal Building, Garden Place, Hamilton on Tuesday 28 June 2016 at 2.00pm.

PRESENT

Chairperson Cr L Tooman
Members Cr D Macpherson

In Attendance: Kelvyn Eglinton – General Manager City Growth
 Blair Bowcott – Executive Director Special Projects
 Kelvin Powell – City Safe Unit Manager
 Lee Hazlewood – Group Manager, Waikato Region CDEM Group
 Greg Ryan – Group Recovery Manager, Waikato Region CDEM Group

Committee Advisor: Becca Brooke.

1. Apologies

Resolved: (Crs Tooman/Macpherson)

That the apologies from Cr O’Leary be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs Tooman/Macpherson)

That the Agenda be confirmed.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. **Civil Defence and Emergency Management Subcommittee - Open Minutes - 17 March 2016**

Resolved: (Crs Tooman/Macpherson)

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Civil Defence and Emergency Management Subcommittee Meeting held on 17 March 2016.

5. **Civil Defence and Emergency Management Subcommittee - Open Action List - 28 June 2016**

Note: General Manager Responsible for Action 1 to be changed to General Manager City Growth.

Resolved: (Crs Tooman/Macpherson)

That the Report be received.

6. Emergency Management Update

Executive Director Special Projects and City Safe Unit Manager spoke to the Staff report highlighting the below points:

- City Safe Unit Manager had completed the national Civil Defence Controller Development Course in Wellington and had assumed responsibility within Council for the discharge of Councils legal obligations and delivery of Civil Defence Emergency Management (CDEM);
- A service delivery review of Hamilton City Council's CDEM activity had been carried out. Staff recommended that a shared service model with Waikato Regional Council would be the best option;
- A new draft Waikato CDEM Group Plan had been approved for public consultation; and
- The CDEM Joint Committee had agreed that Waikato Regional Council should look into establishing a Group Emergency Coordination Centre at the new Genesis Energy Building.
- CDEM Conference – Two Hamilton City Council staff attended the CDEM conference. Waikato Region CDEM Group Manager, Lee Hazlewood was recognised at the conference with a Ministers Award for his contribution in the area of CDEM.
- Exercise Tangaroa – Hamilton City Council staff will be participating in the response phase of the national exercise which is to take place over 3 days - 31 August 2016, 14 September 2016 and 28 September 2016, with the main day being 31 August 2016.

Greg Ryan – CDEM Group Recovery Manager provided a presentation to the Subcommittee outlining the CDEM Group plan.

Subcommittee Members discussed the below points:

- Hamilton's role in the event of a tsunami;
- contingency plans in place should a significant event take out Hamilton's bridges;
- the issue of consolidating area boundaries for the various emergency response teams.

Subcommittee Members congratulated Kelvin Powell on completing his controller accreditation and Lee Hazlewood on receiving a Ministers Award for his contribution to the area of CDEM.

Action: Executive Director Special Projects to make contact with the Community Group to discuss providing presentations and to seek feedback from the community on the CDEM Group Plan.

Resolved: (Crs Tooman/Macpherson)

That:

- a) the report be received; and
- b) Elected Members be advised that the Civil Defence and Emergency Management Group Plan is open for public consultation.

7. **Service Delivery Review - Civil Defence Emergency Management Activity –
*Recommendation to Council***

Executive Director Special Projects took the report as read, noting that Kelvyn Eglinton (General Manager City Growth) would be taking over as the Principal Advisor to the CDEM Subcommittee.

He outlined that a review had been undertaken of Hamilton City Councils CDEM arrangements and that it had been determined that a shared service arrangement with Waikato Regional Council would be the most cost effective option in the long run. The non-financial benefits would also be greater than staying with the status quo or increasing in house staff capacity. He strongly recommended entering into a shared services CDEM arrangement with Waikato Regional Council.

Subcommittee Members discussed the options outlined in the staff report for the management of Hamilton City Council's CDEM activities.

That:

- a) the report be received;
- b) Council approves a shared service arrangement with Waikato Regional Council (WRC) for delivery of Hamilton City Council's (HCC) Civil Defence and Emergency Management (CDEM) activity;
- c) Council approves the Chief Executive to negotiate an appropriate contract with Waikato Regional Council (WRC) to deliver a shared service arrangement; and
- d) Council notes that the details of the final contract will be reported to the 28 July Council Meeting for approval.

The Meeting was declared closed at 3.25pm.

Public Art Subcommittee

OPEN MINUTES

Minutes of a meeting of the Public Art Subcommittee held in Kauri Room, Municipal Building, Garden Place, Hamilton on Friday 29 July 2016 at 3:00pm.

PRESENT

Chairperson	Her Worship Mayor J Hardaker
Members	Cr G Chesterman Cr P Yeung
In Attendance	Lance Vervoort, General Manager Community Nick Johnston, Strategic Advisor (Arts and Culture) Sally Sheedy, Parks and Open Spaces Manager Margaret Evans, Waikato Combined Equestrian Group Noeline Jeffries, Waikato Combined Equestrian Group Mavora Hamilton, TOTI Trust
Committee Advisor	Deborah Smith

1. Apologies

Cr A O'Leary tendered apologies for the meeting.

Resolved: (Her Worship the Mayor Hardaker/Cr Yeung)

That the Subcommittee accept the apologies.

2. Confirmation of Agenda

A new Item – Public Forum – was added to the agenda to allow representatives from the Waikato Combined Equestrian Group and TOTI Trust to speak to Item 5 – Waikato Combined Equestrian Group – War Horse Memorial.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the Subcommittee confirm the agenda with the amendment above.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Public Art Subcommittee - Open Minutes - 17 November 2015

Resolved: (Her Worship the Mayor Hardaker/ Cr Chesterman)

That: the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Public Art Subcommittee Meeting held on 17 November 2015.

The additional Item as agreed in the confirmation of the agenda was taken next.

**NEW
ITEM Public Forum**

Margaret Evans – Waikato Combined Equestrian Group

The only outstanding topic of discussion is the site that the War Horse installation would be placed at. The site preferred by the Waikato Combined Equestrian Group and TOTI Trust is Site 1 (to replace the existing picnic table). Placing the War Horse here will create a “cluster” of memorials with a nice movement between each. There would be no impacts on existing events from placing the installation here.

There had been some discussion with Officers as to the possibility of placing the War Horse so that it is surrounded by grass, as opposed to being on a small plinth. Some concern around mowing accessibility had been raised. The Public Art Panel would prefer that the Horse appear to be standing directly on grass as this would be much more visually engaging. While recognising the aesthetic appeal of the Horse being on grass, the TOTI Trust would be happy with either option.

Mavora Hamilton – TOTI Trust (*Bill McArthur*, TOTI Trust Chief Executive, tendered his apologies)

A site visit of all three proposed sites for the War Horse was undertaken recently and Site 1 was found to be most visually appealing.

Noeline Jeffries – Waikato Combined Equestrian Group

Her Worship the Mayor invited Noeline Jeffries to speak as the initiator of the Project. Noeline reminded the Subcommittee that it was in 2012 that Rodney Martin first raised the concept of recognising the significant contribution of horses in war. He drew together multiple equestrian groups in support of the idea. It would be extremely meaningful to have Mr Martin’s conception brought to life.

The speakers were thanked for their time in joining the meeting.

5. Waikato Combined Equestrian Group - War Horse Memorial

The General Manager Community advised that maintenance around the installation was a minor issue. The visual appeal of the War Horse standing on grass was understood and arrangements could be made for mowing to allow for this.

There are a number of options that could be explored to keep the immediate area presentable despite heavy foot traffic. Either site was workable from this perspective.

The Strategic Advisor (Arts And Culture) noted that the Public Art Panel and staff prefer Site 3 as a location. This would create a line of monuments, allow for 360 degree engagement with the piece, and would be less 'cluttered' while still in the 'line of sight' of the Cenotaph. It would extremely poignant in terms of how the piece would be 'read' in relation to the other memorials within the Park. However there were no serious concerns about any of the sites.

It was confirmed that there is money within the existing Public Art budget for ongoing maintenance of the bronze.

Some discussion took place around the annual poppy installation for ANZAC Day, which is set up in the vicinity of site 3; it was clarified that this had not been considered at the Public Art Panel meeting.

The Parks and Open Spaces Manager noted that Site 3 would give good visibility of the installation from the road.

Referring to the ANZAC Day celebrations within the Park, it was noted that the St John's ambulance staff have tended to use the existing picnic table at Site 1 as a central point for tending to those who require aid.

At the request of Her Worship the Mayor, Noeline Jeffries spoke to her personal preference for the location. It was reiterated that the Waikato Combined Equestrian Group felt that Site 1 would have greater impact. The War Horse would be visible from the public footpath and may become a destination for visitors.

It was proposed that the War Horse installation be the final addition to the memorials within Memorial Park. Space is increasingly at a premium and any further additions may impact on the sight lines and accessibility of those already in place, creating a 'cluttered' effect.

It was also noted that the proposed pedestrian bridge from Ferrybank is intended to land in the Memorial Park which will also affect the space.

It was agreed that, in keeping with the wishes of the Waikato Combined Equestrian group and the TOTI Trust, along with those others who have invested time and effort into the War Horse Project, the installation be placed at Site 1, replacing the existing barbecue table.

Resolved: (Crs Chesterman/Yeung)

- a) That the report be received
- b) That the Waikato Combined Equestrian Group's public art project is approved at Stage 3 of the Public Art Development Process and accepted as a gift to the city.
- c) That the artwork is installed at Site 1, where the existing barbecue table is currently located.
- d) That \$6,000 from the Public Art Support Fund is allocated to support the installation of the artwork, including building and resource consent costs.

The meeting was declared closed at 3.26 pm

Community Forum Subcommittee

OPEN MINUTES

Minutes of a meeting of the Community Forum Subcommittee held in the Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 2 August 2016 at 9:30am.

PRESENT

Chairperson	Cr M Gallagher
Deputy Chair	Cr P Yeung
Members	Cr K Green
	Cr D Macpherson
	Cr L Tooman

In Attendance	Cr R Pascoe
	Cr A O'Leary

Andy Mannering – Manager Social Development
 Sally Sheedy – Parks and Open Spaces Manager
 Nick Chester – Social Development Policy Advisor
 Judy Small – Disability Advisor
 Matthew Bayliss – Manager Swimming and Recreation
 Mareta Ford – Senior Community Advisor
 Fungai Mhlanga – Senior Community Advisor
 Jovi Abellanos – Ethnic Development Advisor

Professor Peggy Koopman-Boyden – New Zealand Disability Strategy Reference Group
 Dr Anna Casey Cox – Poverty Action Waikato
 Dr Rose Black – Poverty Action Waikato

Committee Advisor	Emily Acraman – Committee Advisor
	Brendan Stringer – Committee Advisor

1. Apologies

Resolved: (Crs Yeung/Green)

That the apologies from Her Worship the Mayor Hardaker and Councillor Macpherson (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs Yeung/Tooman)

That the Subcommittee confirm the Agenda.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Public Forum

There was no Public Forum.

5. Community Forum Subcommittee Minutes 4 May 2016

Resolved: (Crs Gallagher/Tooman)

That the Subcommittee confirm and adopt as a true and correct record the Minutes of the Community Forum Subcommittee Meeting of 4 May 2016, subject to further clarification being provided as to the Workshop session at that Meeting due to a lack of quorum.

6. New Zealand Disability Strategy Review

The Disability Advisor Judy Small and Professor Koopman-Boyden, representing the New Zealand Disability Strategy Reference Group, highlighted, and responded to questions in relation to, the following points:

- **Council's Disability Policy and Action Plan**

The Council was well placed in relation to its Policy and Action Plan, which would need to be reviewed once the Government's Disability Strategy is circulated for consultation later in 2016.

- **New Zealand Disability Strategy**

Three key issues in the national strategy for Council to take account of were:

- i. Disabled people were to have equal rights and opportunities.
- ii. Universal Accessibility Design was advocated, rather than minimum requirements under current legislation; this would have a positive impact on the wider community.

iii. Recognition of the diversity of people with disabilities. The example was noted of people experiencing multiple disabilities in older age and the impact this had on various sectors.

- **Disability and Age Friendly City**

There were synergies between actions required for the older and disabled persons' communities; 50% of older people in New Zealand had a disability. A Universal Accessibility approach ensured collaboration between the two sectors.

- **Council's Role as an Employer**

The Council could be an advocate for disabled peoples' employment rights by changing attitudes, recognising and acting appropriately in relation to peoples' disabilities, and contributing to leadership in the sector.

The Chairperson thanked the presenters.

Cr Pascoe joined the meeting (10:00am) during discussion on the above Item.

Item 8 was taken at this time to account for the availability of the external presenters for Item 7.

8. **Community Assistance Funding Policy 2016**

The Social Development Manager explained the background and purpose of the report, and then noted, and responded to questions on, the Council's requirements for community grants:

- It was acknowledged that some small community groups did not meet the requirements to apply to the Single-Year Community Grant Allocation Committee as they were not registered with Charities Services. Any change to those requirements would need to be approved by Council.
- Other councils and philanthropic funders did not require registration with Charities Services; however staff expected that such a pre-requisite for community grants would become more prevalent given increased scrutiny.
- Staff worked closely with community groups to assist them with various funding requirements and processes. An umbrella structure for smaller organisations that were not registered with Charities Services to partner with larger, registered groups was noted as a possible solution.

The next round of Single-Year Community Grant applications would open at the beginning of March 2017; to close at the end of that month.

Resolved: (Crs Gallagher/Yeung)

That:

- the report be received; and
- staff present an appropriate report on the Community Assistance Funding Policy to the Strategy and Policy Committee (or equivalent Committee), prior to the opening of the 2017 Single-Year Community Grant process, such report to outline appropriate assistance to small, non-registered community groups on that process.

Item 7 was taken at this time with the arrival of external presenters.

7. Poverty Action Waikato, Windows on Poverty Follow-up

Councillor Macpherson joined the meeting (10:27am) during the introduction of Item 7.

The Social Development Manager introduced the item, and the external presenters of the report – *Neglect and Nurture – Window on Waikato Poverty (Report 6)* - Dr Anna Casey-Cox and Dr Rose Black, representing Poverty Action Waikato ('PAW'). Drs Cox and Black discussed, and responded to questions on, the following points:

- **Actions for the Council**

- i. Affordable Housing

Council was encouraged to:

- include affordable housing options in future residential development across the city. This could be by way of providing infrastructure and administrative support to organisations that support such initiatives;
- be an advocate for those in the city who were endeavouring to find affordable housing;
- extend existing resources promoting living in healthy homes. The work of Ian Mayes, Council's Eco Design Advisor, was complimented.
- promote initiatives such as the Living Wage, to enable residents to afford better housing and address high levels of youth unemployment.

- ii. Mobile Retail Trucks

- The PAW representatives believed mobile retail trucks were causing significant social harm to the community by way of targeting lower socio-economic areas; selling high-priced goods through easy credit at high interest rates.
- A 2014 study indicated that 31 of 32 mobile retail trucks surveyed breached requirements of the Fair Trading Act.
- Staff advised that any restrictions on such vehicles would need to be considered as part of a review of the Public Places Bylaw and Policy.

- iii. Alcohol and Gambling

- The social harm caused by gambling and alcohol was noted by the PAW representatives.

- iv. Community Group Support

- There was an urgent need for a Pasifika hub or centre to reflect the different experiences and needs of Pasifika people to other ethnic groups.
- The promotion of safe 'community houses' and funding models to support community organisations were advocated. Contestable funding acted as a barrier to ongoing development and delivery of services in the community.
- Opening of funding to community groups enabled more groups to apply. The application process needed to take account of the time and resources community organisations had to complete required applications.

Action: Staff were requested to circulate the report from PAW to all Elected Members.

The Chairperson thanked the PAW representatives for their presentation.

Resolved: (Crs Green/Yeung)

That:

- a) the report be received;
- b) staff provide relevant historical information to Elected Members in relation to community centre and infrastructure grants as compared to current information under the multi-year grant process; and
- c) staff further review the current activities of mobile retail traders operating in the city, and that staff report further with reference to options available to Council as to the regulation of such activities.

In relation to the resolution, the Chairperson noted that these matters would be best presented to the Strategy and Policy Committee (or the equivalent Committee) under the new Council; he would discuss this with the Chair of the Strategy and Policy Committee.

The Meeting adjourned from 11:15am to 11:25am.

9. Sports Facilities Fees and Charges

The Parks and Open Spaces Manager and Manager Swimming and Recreation provided the background to, and purpose of, the report and responded to questions on the following points:

- **Statistics**

Staff acknowledged that there were inaccuracies of some of the data set out in the attachment to the staff report, given the analysis undertaken by third parties. It was more important to focus on the wider story as to the value each sport provides to the community. Staff suggested this could be done through connections with Sports Waikato and the Sports New Zealand's Active New Zealand survey, as well as further analysis and discussion with codes and user groups. Any Hamilton-specific questions in the national survey would need to be agreed with Sports New Zealand upfront. Staff noted additional budget and resource would be required.

- **Active Hamilton Strategy**

- i. Staff recommended that, as part of the review of the Active Hamilton Strategy in the next triennium, work be undertaken to provide clarity as to:
 - what Hamilton residents wanted in terms of sports and recreation; and
 - the barriers to participation for Hamilton residents.Data analysis should be targeted at the local or regional level, and assess both social and competitive elements of sports and recreation.
- ii. Sports Waikato would present its new Sports and Recreation Strategy later in 2016, which would provide an opportunity to discuss community access issues.
- iii. Staff were working with the Ministry of Education on enabling shared services through

schools; reference was made to Deanwell School and Rototuna Junior High.

Councillor O'Leary joined the Meeting (11:40am) during discussion on Item 9.

Resolved: (Crs Gallagher/Macpherson)

That:

- a) the report be received;
- b) staff are to report to the Strategy and Policy Committee (or equivalent Committee under the new Council) by February 2017 with reference to the implementation of the Active Hamilton Strategy; and
- c) the Subcommittee notes that such report is to address the neighbourhood amenities and potential barriers to participation.

10. Hamilton City Youth Report 2016

The Social Development Policy Advisor, supported by Ms Ford, the Senior Community Advisor, introduced the report. They highlighted, and responded to questions on, the following matters:

- **Youth Action Plan**

The annual progress report would be presented to the Strategy and Policy Committee on 30 August 2016.

- **Council responsibility**

Some elements of the report were not principally Council's responsibility (for example, 'identity and disengagement'); staff worked with other agencies in relation to such issues.

- **Emergency Housing**

The lack of emergency housing for youth was recognised as a current issue.

- **Disability Policy**

The Youth Council Advisory Panel had an advocate for the Disability Policy.

- **Social Space for Youth**

Work was being undertaken through Zeal and the City Safety team as to issues and perceptions of young people gathering in public places; some youth believed there was an unfair perception that a congregation of young people made an area unsafe for other members of the public.

Staff confirmed that Elected Members had been invited to attend the Htown Youth Connect meeting, which would take place on 2 September 2016.

Councillor O'Leary retired from the Meeting (12:03pm) during discussion on Item 10.

The Subcommittee thanked the Youth Council Advisory Panel and staff for their work.

Resolved: (Crs Gallagher/Tooman)

That the report be received.

11. **Hamilton City Older Persons Report 2016**

The Social Development Policy Advisor, supported by Mr Mhlanga, the Senior Community Advisor, responded to questions on the following points:

- **Transport and Access**

- i. Staff reviewed anecdotal cases of complaints in relation to transport and access issues for older persons, noting improvements were required as to post-incident communications to affected people.
- ii. Staff continued to have open dialogue internally and with external agencies in relation to concerns raised by members of the public.

The Subcommittee thanked the Older Persons Advisory Panel and staff for their work.

Resolved: (Crs Gallagher/Yeung)

That the report be received.

12. **Hamilton City Ethnic Report 2016**

The Manager Social Development, supported by the Ethnic Development Advisor, responded to questions on the following matters:

- **Employment**

People born outside of New Zealand were more likely than New Zealand-born residents to be in employment in Hamilton; however, it was more prevalent that they would be in lower-income occupations.

- **Translation Services**

The funding gap to provide community interpretation services had been raised with the Waikato Refugees Forum and Ministry of Business, Innovation and Employment. An increased effort in education and advocacy from Council could assist.

The Subcommittee thanked staff for their work in this area.

Resolved: (Crs Macpherson/Yeung)

That the report be received.

13. **Community Forum Subcommittee Action List and Summary Discussion - 2 August 2016**

The Manager Social Development spoke to the following Subcommittee Actions in response to questions:

- **Fairfield Feasibility Study**

Discussions with community organisations were ongoing as to the wider use of Fairfield Hall; the proposed facilities required for a Pasifika community centre had been discussed as part of this topic (and was unlikely to fit the scope of the project).

- **Enderley Social Housing Project**

The first six houses would open at the end of August 2016; staff would extend the invitation to Elected Members to attend the opening ceremony.

Minute Note; subsequent to the Meeting staff reported that only 3 houses would be opening at the end of August 2016, rather than the six previously discussed in the Meeting.

- **DHB Interpretation Services**

In relation to this issue, referred to in the Community Development Activity Report in the Subcommittee's Agenda of 4 May 2016, the Chairperson provided an update to Members present as to the ongoing conversations that were taking place with central government agencies.

Action: Staff were requested to continue to monitor progress on this matter.

Resolved: (Crs Gallagher/Green)

That the report be received.

Summary Discussion

The Chairperson provided suggestions as to the future role of the Subcommittee or as a full Council Committee under the new Council, and likely new governance structure. He thanked the Subcommittee Members and staff for their work on the issues presented during the triennium.

The Meeting was declared closed at 12:45pm.

Council

OPEN MINUTES

Minutes of a Meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 25 August 2016 at 1:30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance:	Richard Briggs – Chief Executive
	Blair Bowcott – Executive Director Special Projects
	Sean Murray – Executive Director H3 and Events
	Sean Hickey – General Manager Strategy and Communications
	Kelvyn Eglinton – General Manager Growth
	Andrew Parsons – City Development Unit Manager
	Helen Paki – Acting General Manager Community
	Maire Porter – City Waters Manager
	Jason Harrison – City Transportation Manager
	Ken Cunningham – Strategic Property Manager
	Lee Cowan – Communications Unit Manager
	Jeff Neems – Communications Advisor
	Kelvin Powell – City Safe Unit Manager
	Luke O'Dwyer – City Planning Unit Manager
	Jacob Quinn – Special Projects Manager
	Malcolm Frethey – Business Analyst

Megan Wraight and John Hardwick-Smith (Wraight Athfield Landscape)

Democracy Advisors: Architecture)
Mrs M Birch and Mrs B Brooke.

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Gallagher)

That the apologies from Cr Forsyth and Cr Wilson (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the Agenda be confirmed.

3. Declarations of Interest

There were no declarations of interest.

4. Public Forum

Mr Bryce Arnold (Hamilton Rowing Club)

Mr Arnold spoke in support of the overall concept for the River Plan but felt there needed to be further consultation with the Hamilton Rowing Club over integrating the plan with the club.

The Chief Executive and the City Development Manager provided a verbal update to Council on the safety of Hamilton's water supply in response to concerns raised about the Hawkes Bay water contamination issue. Hamilton had a very good water rating and complied with all NZ water safety standards. There were robust systems and processes in place to monitor, test and analyse water samples; should an incident occur, procedures were in place to respond appropriately. The scale of an incident would determine the response protocol followed.

5. Chairperson's Report - Event Sponsorship Subcommittee

Resolved: (Cr Chesterman/Her Worship the Mayor Hardaker)

The Chair of the Event Sponsorship Subcommittee (Cr Chesterman) spoke to the report explaining that the quorum of the Subcommittee needed to be changed due to the External Subcommittee Member being unable to attend (due to illness) a number of Meetings.

That:

- a) the report be received; and
- b) the Event Sponsorship Subcommittee's Terms of Reference are changed to read:

Quorum: Any three members

6. River Plan - Ferrybank Development Plan – Adoption

The Special Projects Manager introduced Megan Wraight and John Hardwick-Smith from Wraight Athfield Landscape Architecture (WALA) who presented the proposed Ferrybank Development Plan and responded to questions from Elected Members concerning:

- **Plan specifics regarding staging and implementation strategy.**
The plan was flexible and able to be adjusted as needed in terms of timing and implementation. Elected Members discussed the impact of the proposed plan on other projects such as Founders Theatre. It was explained that before Council implemented any plans, Elected Members would be consulted.
- **Total spend to date.**
It was confirmed that \$200,000 had been spent on the development of the plan to date and that \$500,000 had been budgeted for, for each subsequent year of the 10 Year Plan.
- **The use of 'high yield' in terms of the developments proposed for the site.**
It was explained that there would be a high yield in terms of residential development return and some of the commercial ventures.
- **Flooding mitigation.**
Flooding mitigation cost had not been specifically split out in the plan but the proposed river bank edge and ecological terraces had been designed to withstand flooding events.
- **Geotechnical Issues.**
Ted Wilson from Tonkin Taylor advised that careful geotechnical investigation and planning would need to be undertaken. The costing for this had been accounted for in the plan. Most of the building structures were proposed to be on previously tested ground.
- **Maintenance and renewals.**
The plan had accounted for some maintenance and renewals costs but was not specific on what was included. Elected Members noted that it would be useful to have more details on the proposed spend on this area.
- **Bridge clip on.**
The proposed bridge clip on was an opportunity to accommodate the pedestrian usage in the area. It would help to promote connectivity with Hamilton East.
- **Rowing Clubs.**
Both rowing clubs had been incorporated into the plan.
- **Proposed Plan consultation.**
The proposed River Plan itself was not required to go out to consultation at this point in the process. The recommendation from management was for the plan be adopted as a high level concept. It would then come back as part of the 10 Year Plan process.
- **Placement of buildings on reserve land.**
It was explained taking in to account the overall design and plan for the Ferrybank area, and in making best use of the space available, some buildings had been proposed to go on reserve land.

Cr Wilson joined the Meeting (2.50pm) during the above Item. He was present when the matter

was voted on.

The Meeting adjourned (3.25pm – 3.45pm) during the above Item.

Following the adjournment, the Chief Executive provided legal advice to the Committee concerning whether the Proposed River Plan needed to go out to Consultation at this point in the process.

The Council thanked WALA, the Special Projects Manager, and the Evaluation Panel for their involvement and work on the Proposed River Plan.

Motion: (Her Worship the Mayor Hardaker/Cr Chesterman)

That:

- a) the report be received;
- b) Council adopt the Ferrybank Development Plan as a conceptual plan as presented in Attachment 1 of the staff report;
- c) staff commence the planning processes associated with enabling the implementation of the Ferrybank Development Plan, including District Plan and relevant Reserve Act Management Plan reviews;
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan);
- e) staff report back to Council with a Stage 1 detailed implementation plan and a funding plan for the publicly funded projects, as part of the Annual Plan, with the report to include a progress update on the planning matters outlined in points C and D of this resolution; and
- f) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

Amendment: (Crs King/Macpherson)

That:

- a) the report be received;
- b) Council receive the Ferrybank Development Plan as presented in Attachment 1 of the staff report;
- c) staff report back to Council with a detailed implementation plan, before 31 December 2016, which includes a progress update on the planning matters, including District Plan and relevant Reserve Act Management Plan reviews; and
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan).
- e) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

The Amendment was put.

Those for the Amendment: Councillors King, Green and Macpherson.

Those against the Amendment: Her Worship the Mayor Hardaker,
Councillors Gallagher, Wilson, Pascoe,
Chesterman, Yeung, Mallett, Tooman and
O'Leary.

The Amendment was declared lost.

The Motion was then put.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That:

- a) the report be received;
- b) Council adopt the Ferrybank Development Plan as a conceptual plan as presented in Attachment 1 of the staff report;
- c) staff commence the planning processes associated with enabling the implementation of the Ferrybank Development Plan, including District Plan and relevant Reserve Act Management Plan reviews;
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan);
- e) staff report back to Council with a Stage 1 detailed implementation plan and a funding plan for the publicly funded projects, as part of the Annual Plan, with the report to include a progress update on the planning matters outlined in points C and D of this resolution; and
- f) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

Those for the Motion: Her Worship the Mayor Hardaker,
Councillors Gallagher, Green, Wilson,
Pascoe, Chesterman, Yeung, , Tooman,
O'Leary and Macpherson.

Those against the Motion: Councillors King and Mallett.

The Motion was declared carried.

7. Civil Defence Contract Approval

The Executive Director Special Projects and the City Safe Manager spoke to the report, noting that the Civil Defence Emergency Management (CDEM) Subcommittee had approved that a service level agreement with Waikato CDEM Group to provide and manage the CDEM service on behalf of Hamilton City Council.

As part of the contract, City Safe staff and the Emergency Management Office would be relocated to the new Genesis building which had a level four rating, required for Emergency Management facilities. The shared services arrangement had been modelled on other successful partnerships and would provide a number of benefits for Hamilton CDEM.

Staff responded to questions concerning the extra costs associated with the chosen arrangement. It was explained that in the short term there would be an increase in costs with setting up a new office and with the new contract being in place, however long term, increased investment in the CDEM area was needed and would ultimately provide a good level of security regarding the ability for Hamilton to appropriately deal with any CDEM events in the future.

Resolved: (Her Worship Mayor Hardaker/Cr Tooman)

That:

- a) the report be received;
- b) Council approves a service level agreement with Waikato Regional Council to deliver Hamilton City Council's Civil Defence Emergency Management Activity for a term of 6 years 9 months with a total approved contact sum of \$2,800,000 at an average \$415,000 per annum (including a contingency of 2.5% to reflect actual employee related costs once recruited);
- c) the CEO be delegated to finalise the terms and execute the contract with WRC; and
- d) the annual cost of the service level agreement be funded from:
 - i. the existing budget for Civil Defence and Emergency Management;
 - ii. the lease of existing City Safe accommodation; and
 - iii. an adjustment to the year-end projected result (compared to budget) to be identified through the Risks and Opportunities Report.
- e) staff report quarterly to Hamilton City Council on the performance and delivery of the work plan.

8. Easement for Pedestrian Underpass - Hamilton Gardens

The Strategic Property Manager and City Transportation Manager took the report as read and responded to questions from Elected Members concerning the funding agreement in place for maintenance of the underpass and clarification on the design aesthetics leading into the Hamilton Gardens.

NZ Transport Authority would be funding the underpass itself; Hamilton City Council would be responsible for maintaining the underpass as per the funding agreement. Maintenance costs were not expected to impact greatly on current budgets. Hamilton City Council would have input into the design and look of the pathway leading into the Gardens.

The underpass was due to start construction in 2017.

Resolved: (Crs Gallagher/Chesterman)

That:

- a) the report be received;
- b) a pedestrian underpass easement be granted to Her Majesty The Queen for the area of Hamilton Gardens shown on Attachment 1 (approximately 120m² and conditional on survey) subject to:
 - (i) The Department of Conservation (or delegate), approval for the pedestrian easement being granted.
 - (ii) All construction costs of the pedestrian underpass being the responsibility of the New Zealand Transport Agency; and
- c) the Chief Executive be delegated authority to sign all documentation relating to the easement agreement.

9. Road Stopping - Jebson Place & Parts of Old Farm Road

The Strategic Property Manager spoke to the report, noting that staff were proposing the road stopping to assist Housing NZ with their proposed subdivision. Staff responded to questions from Elected Members concerning the design of the proposed subdivision and the timing and delays in completing the project.

It was explained that Housing NZ had delayed starting and completing the project due to the current flats needing to be vacant before work could begin. The process of moving tenants onto more suitable homes had caused significant delays in the project. Hamilton City Council staff met with Housing NZ on a regular basis to ascertain progress and to assist in any way possible. Housing NZ were committed to good urban design and staff were confident the project would be completed to a high standard.

Resolved: (Crs Macpherson/Chesterman)

That:

- a) the report be received;
- b) all of Jebson Place and two areas of Old Farm Road, as identified in Attachment 1, (total area approximately 2330m², subject to survey) be stopped and sold to Housing New Zealand Corporation subject to:
 - i. a certificate of title being issued for the three road stopped areas.
 - ii. the purchase price being agreed to.
 - iii. costs associated with the road stopping and sale and purchase of the land being met by Housing New Zealand Corporation.
 - iv. an approved Resource Consent being issued by Hamilton City Council for all the land owned by Housing NZ bounded by Old Farm Road, Cassidy Street and Dey Street.
- c) The Chief Executive be delegated authority to:
 - i. sign all documentation relating to the road stopping process.
 - ii. negotiate the sale and purchase of the stopped road land, subject to the value being supported by a current market valuation, being no more than two months old, obtained by Council from an independent registered valuer.
 - iii. sign all documentation relating to the sale and purchase of the land.

10. Growth in Hamilton

The Chief Executive noted that a request from an Elected Member for information concerning social housing had been received but that the information was currently not available but would be distributed as soon as possible.

The General Manager Growth took the report as read and responded to questions from Elected Members concerning:

- **Growth Projections**
Elected Members raised concern over the projected growth figures being accurate. It was explained that the figures were broad figures taken from Statistics NZ.
- **Infrastructure Investment and Timing**
Timing of infrastructure spend may have to move slightly to comply with the draft National Policy Statement on Urban Development requirements as outlined in the staff report. Any significant infrastructure spend would still need to come back to Council through the Annual Plan process.
- **Areas of land available for development**
Current areas available to be developed now or in the future were the Peacockes/Dixon Road area. The Temple View area was also being considered though there were complications arising from zoning/designation and infrastructure restrictions.

Action: That a report concerning growth and Development Contribution projections come to the 20 September 2016 Finance Committee Meeting; roads and vested infrastructure was to be included.

The Meeting adjourned (6.30pm – 7.00pm) during the above Item.

Cr Wilson retired from Meeting (6.30pm) during the adjournment. He was not present when the matter was voted on.

Resolved: (Cr King/Her Worship the Mayor Hardaker)

That:

- a) the report be received; and
- b) Council endorses the commencement of a draft proposal to the Government \$1Billion infrastructure fund based on advancing the Peacockes growth cell and related infrastructure requirements.
- c) that a quarterly growth report is presented to Council.

11. City News Overview

The General Manager Strategy and Communication took the report as read. Staff responded to questions from Elected Members concerning:

- **Trends and figures of print versus online news.**
Recent survey's had shown that there was a declining readership of City News with the majority of readers being in the age bracket 45 years and over. City News was still considered to be of wide benefit especially for older persons who relied on it for information.
- **Steps taken to ensure balanced and accurate articles were being included in City News.**
The Chief Executive advised that he had implemented a new review process to intercept any articles that may be of concern. He would personally be reviewing all articles prior to City News being released for printing.
- **Specifics around the LGOIMA request outlined in Attachment 1 of the staff report.**
In response to questions concerning the specific incident involving an article about Claudelands Event Centre that was to go into City News in July 2016, but was pulled due to inaccuracies, the CE advised that a mistake had been made and the publication withdrawn. New processes had since been put into place to ensure articles were accurate and balanced.

Resolved: (Crs Chesterman/Yeung)

That:

- a) The report be received; and
- b) Staff do not bring a further report on City News to the Council meeting on 29 September 2016.

Cr Green (7.50pm) retired from the Meeting during the above Item. She was not present when the matter was voted on

12. Recommendations to Council - Finance Committee Meeting 18 August 2016

Resolved: (Crs Pascoe/Tooman)

Proposed Easements over Recreation Reserve

That:

- a) Council grant an easement pursuant to section 48(1)(f) of the Reserves Act 1977 in favour of the owner of 34 and 34A Morris Road, for the purposes of vehicle access, over that part of the land classified as Recreation Reserve and legally described as Lot 85 DPS 7196 (part of Jansen Park) subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation;
 - (ii) Council meeting all costs of the preparation and registration of the easement against appropriate certificates of title, and the reasonable legal costs (including survey) and all other costs agreed to within the easement instrument.
- b) Council grant an easement pursuant to section 48(1)(d) of the Reserves Act 1977 in favour of WEL Networks Ltd, for the right to convey electricity in, through and below that part of the land vested in Council as Recreation Reserve and legally described as Lot 1 DP 9845 ("Embassy Park"), subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation.
- c) the Chief Executive be delegated the power to negotiate the terms of the easement with Dennis Wheatley, and WEL Networks Ltd; and to sign all documents and do all things necessary to enable the easement to be granted and registered.

Cr O'Leary left the Meeting (8.18pm – 8.22pm) during the above Item. She was not present when the matter was voted on.

13. Recommendations to Council - Council Controlled Organisations (CCO) Subcommittee Meeting - 9 August 2016

Cr Mallett (Chair of the CCO Subcommittee) took the report as read. He responded to questions around the justification for the amount of Directors Fee's increase proposed.

Resolved: (Crs Mallett/Pascoe)

Waikato Innovation Park Ltd – Directors remuneration to be considered at 22 September 2016 AGM.

That:

- a) the Report be received, and
- b) the Directors' fee increase of \$22,500 (from \$137,500 to \$160,000 in total, outlined in Attachment 1 of the staff report) be approved at the Waikato Innovation Park Ltd AGM on 22 September 2016 effective from 1 October 2016.

Cr Mapherson Dissenting.

At 8.25pm, in accordance with Standing Order 3.2.7 an extension of time was required for the meeting to carry on beyond 6 hours.

Resolved: (Crs Pascoe/Yeung)

That the Meeting be extended to carry on beyond 6 hours.

14. Council - Open Minutes - 7, 14 and 28 July 2016

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the Council confirm and adopt as a true and correct record:

- a) the Open Minutes of the Council Meeting held on 7 July 2016;
- b) the Open Minutes of the Council Meeting held on 14 July 2016; and
- c) the Open Minutes of the Council Meeting held on 28 July 2016.

Before moving into the Public Excluded session of the Meeting, Elected Members discussed moving Item C1 (Growth in Hamilton – Public Excluded) into the Open section of the Agenda. Whilst staff advised that they had sought legal advice around this issue, it was acknowledged that a conservative approach had been taken.

Elected Members noted this advice. It was acknowledged that the information in the report was in the public domain already, though not in the format presented.

Resolved: (Crs Macpherson/Chesterman)

That Item C1 (Growth in Hamilton – Public Excluded) be moved into the open section of the Meeting.

Crs Pascoe and Tooman Dissenting.

Minute Note: *Item C1 (Growth in Hamilton – Public Excluded Report) would be available as Appendix 1 of Council Minutes of 25 August 2016.*

C1. Growth Report (Moved from the Public Excluded section of the Agenda in accordance with the above resolution)

The General Manager Growth took the report as read and responded to questions from Elected Members concerning delays in the availability of land for development.

It was acknowledged that there were also other complex issues concerning the release of land from other jurisdictions in the Waikato area and also with developers land banking available sections to increase prices.

Resolved: (Cr Chesterman/Her Worship the Mayor Hardaker)

That:

- a) the report be received; and
- b) staff are to include in the Peacockes \$1 Billion Infrastructure fund report, information relating to stage 1 (a) and (b) Peacockes and Dixon Road Roundabout.

15. Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

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
C2. Council - Public Excluded Minutes - 28 July 2016) Good reason to withhold information exists under) Section 7 Local Government Official Information and Meetings Act 1987))	Section 48(1)(a)

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

Item C2. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

The Meeting moved into a Public Excluded Session at 9.10pm.

The Meeting was declared closed at 9.10pm.

Appendix 1



Committee: Council **Date:** 25 August 2016
Report Name: Growth in Hamilton - Public Excluded **Author:** Kelvyn Eglinton

Report Status	<i>This report is taken as a publicly excluded item to protect the privacy of natural persons.</i>
Strategy, Policy or Plan context	<i>Hamilton Urban Growth Strategy Proposed District Plan Growth Funding Policy 2015-2025 Long Term Plan 30 Year Infrastructure Strategy</i>
Financial status	<i>There are no financial matters directly addressed in this report</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To provide additional information in support of the report in the Open agenda "Growth in Hamilton" relating to individual developers.

3. Executive Summary

- Whilst ownership of land and subdivision consents are public information, this is not available in bulk and when presented this way is commercially sensitive information.
- Attachment 1 outlines maps by growth cell which shows land ownership and land that is developer ready now and that which will be developer ready by the end of the 10-Year Plan.

Recommendation from Management

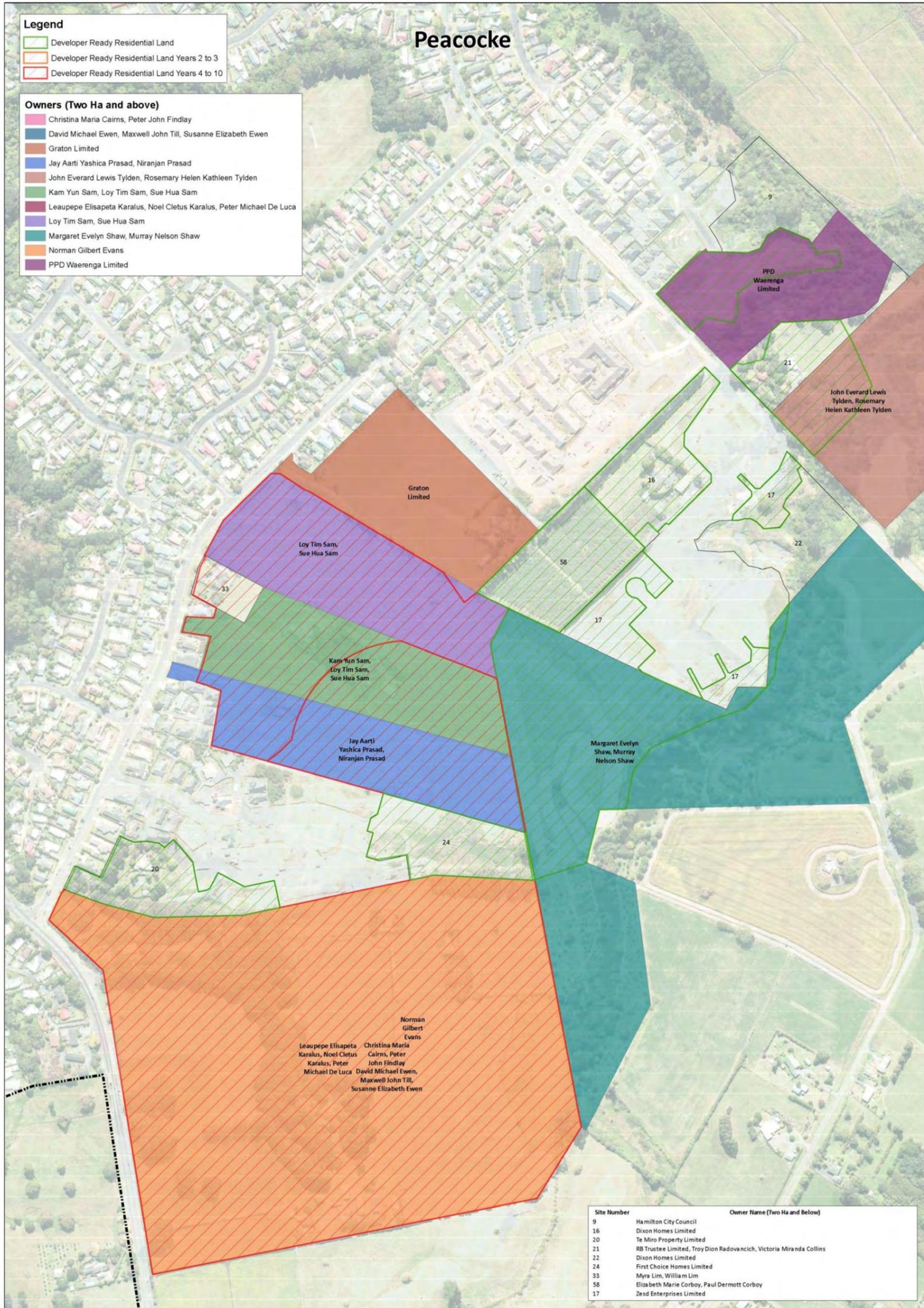
That the Report be received.

6. Attachments

- 7. Attachment 1 - Land availability land owners by cell - **PUBLIC EXCLUDED**
- 8. Attachment 2 - Top 10 Developers - **PUBLIC EXCLUDED**

Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
------------	--

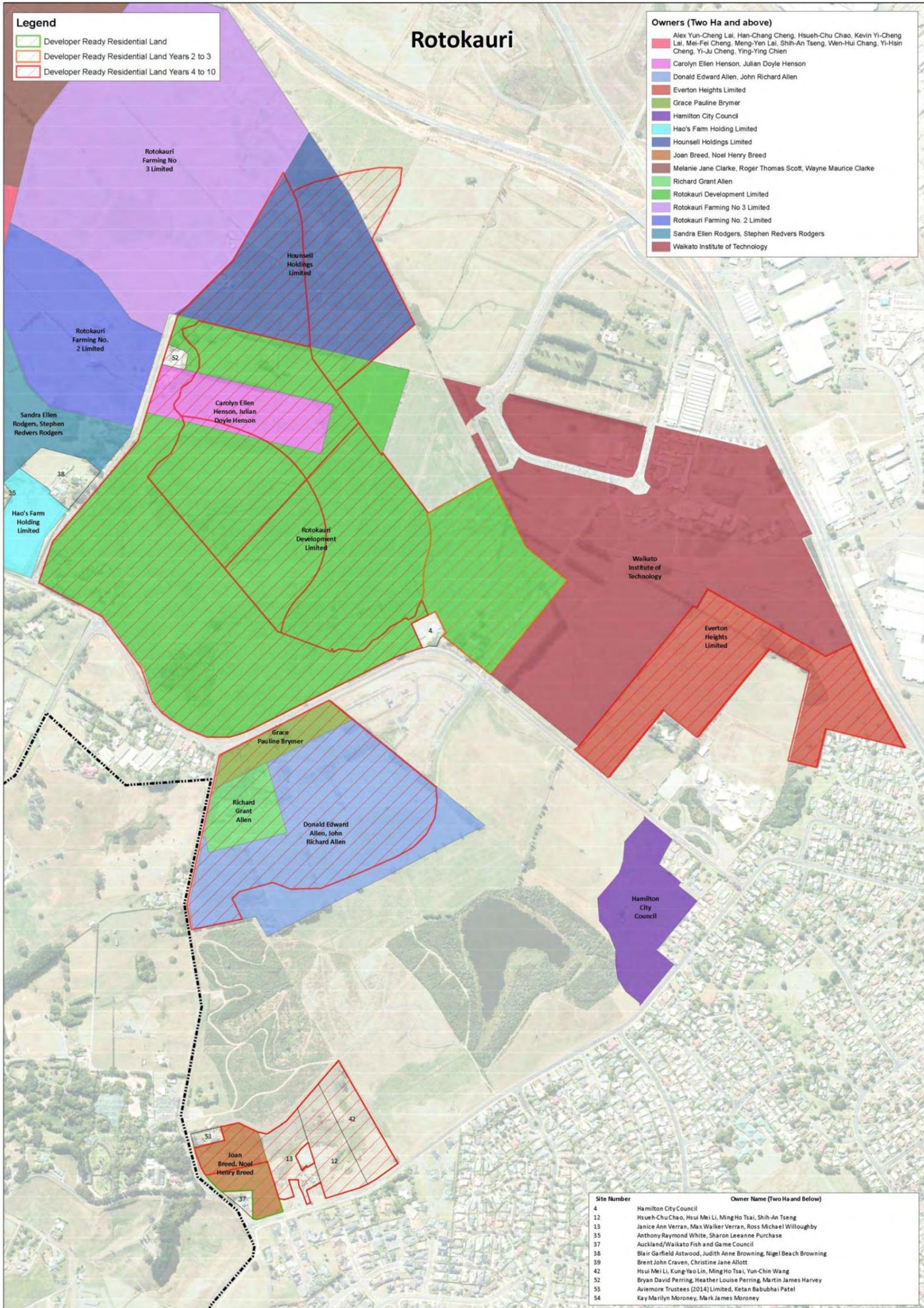


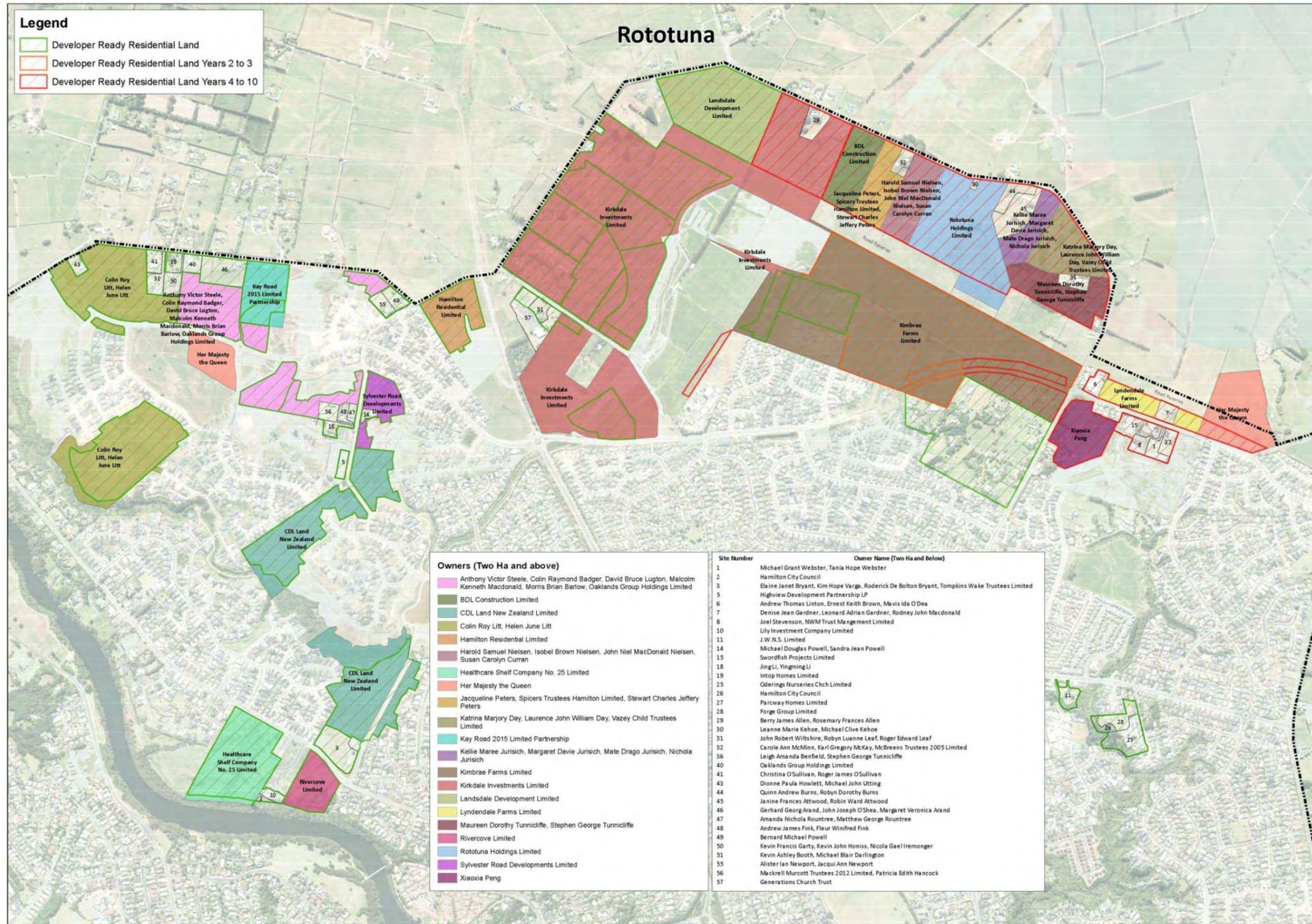
Item C1

Attachment 1

Item 11

Attachment 4



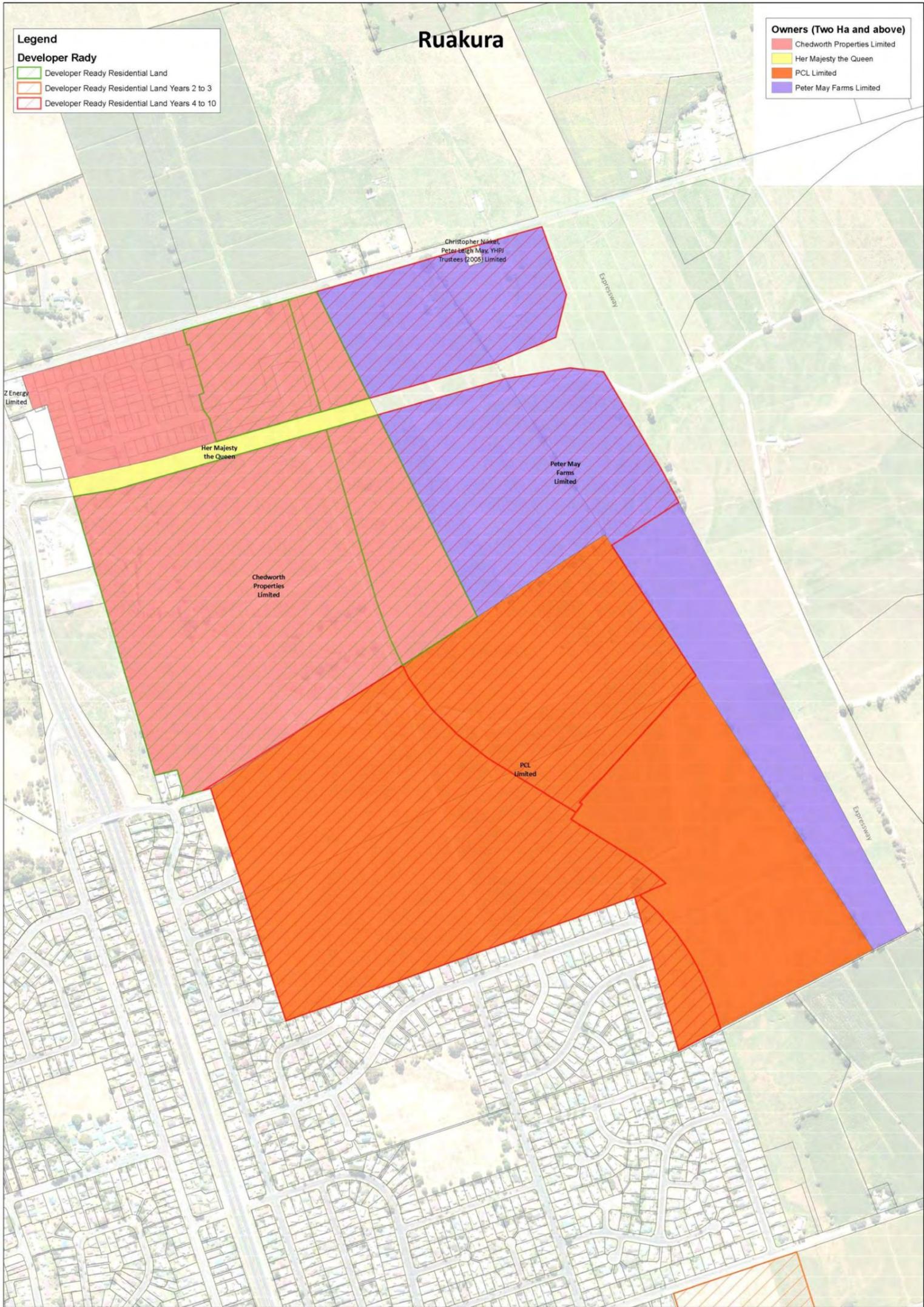


Item C1

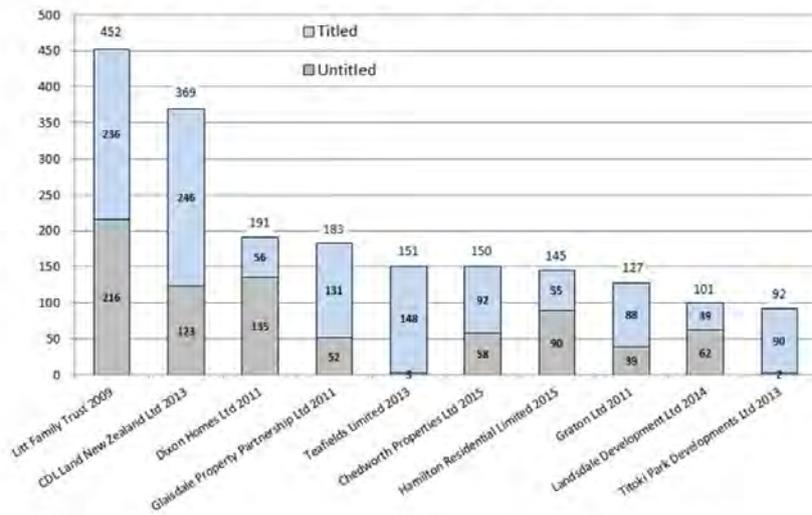
Attachment 1

Item 11

Attachment 4



10 largest developments - sections titled since subdivision



Strategy & Policy Committee

OPEN MINUTES

Minutes of a Meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 30 August 2016 at 1.30pm.

PRESENT

Chairperson	Cr A O’Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker
	Cr G Chesterman
	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr D Macpherson
	Cr G Mallett
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Richard Briggs – Chief Executive
	Sean Hickey – General Manager Strategy & Communications
	Kelvyn Eglinton – General Manager City Growth
	David Bryant – General Manager Corporate
	Andrew Parsons – Acting General Manager City Infrastructure
	Helen Paki – Acting General Manager Community
	Julie Clausen – Programme Manager - Strategy
	Jason Harrison – Transportation Manager
	Nicolas Wells – Strategic Property Manager
	Sally Sheedy – Parks & Open Spaces Manager
	Debra Stan-Barton – Planning Guidance Manager
	Andy Mannering – Social Development Manager
	Alice Morris – City Planning Policy Team Leader
	Robyn Denton – Operations Team Leader
	Renee McMillan – Team Leader – Planning & Assets
	Nick Johnston – Strategic Advisor (Arts and Culture)
	Nick Chester – Social Development Advisor
	Jamie Sirl – Senior Planner

Pieter Bronkhorst – Chief Technology Officer
 Muna Wharawhara – Amorangi Maaori
 Rachael McMillan – Strategic Analyst

Professor Peggy Koopman-Boyden – Chair, Older Persons Advisory Panel
 Damien Puddle – Member, Youth Council Advisory Panel
 Pam Roa – Chair, Arts Forum Advisory Panel
 James MacGillivray – City Solicitor, Tompkins Wake

Committee Advisors Brendan Stringer and Mary Birch

The Chairperson opened the Meeting by providing a summary of the highlights for the Committee during the triennium. She thanked Elected Members, staff, external members of working groups and Advisory Panels for their respective contribution to the Committee.

1. Apologies

There were no apologies.

The Chairperson noted that some members were due to attend an East Ward Candidates' Evening from 6:30pm.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/Yeung)

The Committee to confirm the Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

There was no public forum.

5. Strategy and Policy Committee Open Minutes 19 July 2016

- In relation to Item 5 of the Minutes – *Submissions report – Amendment to Class 4 Gambling Venue Policy* – it was noted that it was important for minutes of Hearings' Meetings to record where information presented by submitters was agreed to be factually incorrect.
- In relation to Item 13 of the Minutes – *Beale Cottage Historic Reserve Management Plan Review* – it was requested that an additional point was included to clarify the statutory process for a non-comprehensive review under the Reserves Act, as discussed at the 19 July 2016 Meeting.

Resolved: (Crs Yeung/Chesterman)

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 19 July 2016, subject to the change to Item 13 as noted.

6. Annual Reports from the Chairs of the Advisory Panels

Older Persons Advisory Panel

Professor Peggy Koopman-Boyden, Chairperson of the Older Persons Advisory Panel, supported by the Social Development Advisor, presented her report; highlighting the key achievements of the Advisory Panel.

Councillor Yeung, as the Council representative on this Advisory Panel, reflected on the work undertaken and thanked the Panel's members and staff for their contribution.

Resolved: (Crs Yeung/Chesterman)

That the Chairperson's Report for the Older Persons Advisory Panel be received.

Youth Council Advisory Panel

Damien Puddle, representing the Youth Council Advisory Panel in the absence of its Chairperson, supported by the Social Development Advisor, summarised the strengths and weaknesses of the Panel and spoke to the Panel's recommendation for better recognition of young people in Hamilton.

Councillor Forsyth, as the Council representative on this Advisory Panel, referred to the work of the Panel and thanked its members and staff.

Resolved: (Crs Forsyth/Yeung)

That:

- a) the Chairperson's Report for the Youth Council Advisory Panel be received.
- b) the Panel recommends that Council gives consideration to ensuring that young people have an equal opportunity at being awarded a Civic Award. The Council could direct staff to formally explore the option of establishing a youth category awarded only to individuals under the age of 25 in future Civic Awards as well as explore other options for an annual mechanism of recognising the contributions of young people in Hamilton.
- c) Council ask staff to explore other mechanisms for recognising young people in the city.

Councillor Chesterman agreed to discuss the proposal of a youth category in the Civic Awards at the next Civic Awards Panel Meeting.

Arts Forum Advisory Panel

Pam Roa, Chairperson of the Arts Forum Advisory Panel, supported by the Strategic Advisor (Arts and Culture) highlighted the achievements of the Panel and thanked the Strategic Advisor for his work. Ms Roa explained the Panel's recommendations, and agreed that the strategy to commemorate pa sites along the Waikato River was encapsulated within the Council's River Plan.

Ms Roa clarified some of the points in her report in response to questions, noting that the Panel was satisfied with the position Council had reached in relation to the Founders Theatre. The Strategic Advisor confirmed that staff had actions from both the Advisory Panel and Arts Agenda, which they were progressing.

Councillor Chesterman, as the Council representative on this Advisory Panel, thanked Ms Roa and the Strategic Advisor for their work.

Resolved: (Crs Chesterman/Gallagher)

That:

- a) Council investigates the update of the Public Art Catalogue, including an update of the print edition and the digitisation of the catalogue.
- b) the Chairperson's Annual Report for the Arts Forum Advisory Panel be received.

Heritage Advisory Panel

Councillor Chesterman, as Chairperson of the Heritage Advisory Panel, supported by the City Planning Policy Team Leader, thanked the Panel members and staff and tabled a copy of the Hamilton Heritage Plan. He referred to the Panel's recent consideration of applications to the Hamilton Heritage Fund; recommendations on which would be submitted to Council for approval in due course.

Resolved: (Crs Chesterman/Gallagher)

That the Chairperson's Report for the Heritage Advisory Panel be received.

7. Rangatahi Youth Action Plan Annual Update 2015/16

The Social Development Manager and Social Development Advisor responded on the following points in response to questions:

- **Htwn youth website**

The purpose of the website was to be a communication channel with the youth sector in Hamilton; the Council had been the lead organisation for the website. Following an assessment and feedback, it was likely that the website would be removed in preference for other avenues to connect with young people.

- **Budget**

Most costs in relation to the Plan constituted staff time.

Resolved: (Crs Forsyth/Chesterman)

Recommendation to Council

That:

- a) the report be received.
- b) the following completed actions from the Rangatahi Youth Action Plan be removed:
 - (i) 3.1 – Implement recommendations from the Transport Centre research project relating to safety and security by June 2016.
 - (ii) 4.2 – Monitor SMART Waikato’s FutureForce® Action Network (FAN) Activate Pilot, connecting youth and businesses and provide mentoring in the workplace.
 - (iii) 4.5 – Identify gaps in existing research on Hamilton’s young people and prioritise five research projects.

8. Amendment to Class 4 Gambling Venue Policy

The General Manager City Growth (‘GM City Growth’) and Programme Manager – Strategy summarised the background of this Class 4 Gambling Venue Policy (‘the Gambling Venue Policy’), why an amendment to the Gambling Venue Policy was proposed and the basis of the three options presented in the deliberations report.

In response to questions, staff, supported by the City Solicitor, noted the following points:

- **Conflict of Interest**

The issue of whether the Council was conflicted in making a decision on the Gambling Venue Policy when the Council separately applied for grants from organisations that received income from gaming machines was discussed.

- i. The City Solicitor advised that there was a very low risk of a conflict; the Council’s application for funding grants did not satisfy a reasonable interest in gambling to establish any reasonable perception of bias.
- ii. Any such risk would be mitigated by:
 - acknowledging the interest Council had in that application process;

- Committee Members accepting the legal advice to discount that interest as irrelevant in their deliberations.
- iii. The Council was required, through its statutory function, to make a decision on the Gambling Venue Policy. While the Council was under no obligation to seek funding grants from gambling institutions, it was considered that it would be a disproportionate response to cease such applications; however that was a decision for the Council.
- iv. The City Solicitor reconfirmed previous advice provided to Elected Members that for any decision, a member must consider whether they can ignore irrelevant considerations and participate with an open mind.
- v. Local authorities were not prohibited under legislation from applying for grants from gambling organisations.

Motion: (Crs Macpherson/O'Leary)

That:

- a) the report be received.
- b) the Amended Class 4 Gambling Venue Policy is recommended to Council for adoption subject to clause 4(b) being reworded as:
 - 4(b) Relocation from a site within a Gambling Permitted Area to another site within the Gambling Permitted Areas will not be permitted except where:*
 - i. Clause 12 applies; or*
 - ii. The licensee's landlord has refused to renew the lease of the premises; or*
 - iii. The building in which the venue is located is deemed under building legislation to be earthquake-prone, dangerous or insanitary; and*

The society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for a new venue consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).

Amendment: (Crs King/Gallagher)

That:

- a) the report be received.
- b) staff report to the 20 September 2016 Finance Committee Meeting on Council ceasing to apply for grants from organisations which are funded by gaming machines.
- c) the current Class 4 Gambling Venue Policy is retained without amendment (Option C in the staff report).

At the request of the Mover of the Amendment (Crs King/Gallagher), it was agreed that paragraph (b) in the Amendment would be taken as a separate Motion.

The Meeting adjourned from 3:00pm to 3:15pm.

The Acting Democracy Manager clarified that the issue of whether Council should apply for grants from organisations funded by gaming machines was not included in the Agenda, nor did the Committee resolve to include it in the Agenda when the Agenda was confirmed. That issue should be addressed by way of a Notice of Motion under Standing Orders or through the Committee resolving to refer it to another Committee or Council Meeting (as proposed in the Amendment (Crs King/Gallagher)).

Staff confirmed that:

- clause 12 in the Gambling Venue Policy applied regardless which option, as detailed in the report, was adopted by the Council.
- under the Amendment (Crs King/Gallagher), clubs would only be permitted to merge to an existing Class 4 venue site.

The Amendment was then put:

Amendment: (Crs King/Gallagher)

That:

- a) the report be received.
- b) the current Class 4 Gambling Venue Policy is retained without amendment (Option C in the staff report).

Those for the Amendment: Councillors King, Gallagher, Green, Yeung and Macpherson

Those against the Amendment: Councillors Wilson, Forsyth, Pascoe, Chesterman, Her Worship the Mayor Hardaker, Mallett, Tooman and O'Leary

The Amendment was declared lost. The Motion was then put.

Resolved: (Crs Macpherson/O'Leary)

Recommendation to Council

That:

- a) the report be received.
- b) the Amended Class 4 Gambling Venue Policy is recommended to Council for adoption subject to clause 4(b) being reworded as:

4(b) Relocation from a site within a Gambling Permitted Area to another site within the Gambling Permitted Areas will not be permitted except where:

- i. Clause 12 applies; or*
- ii. The licensee's landlord has refused to renew the lease of the premises; or*
- iii. The building in which the venue is located is deemed under building legislation to be earthquake-prone, dangerous or insanitary; and*

The society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for a new venue consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).

Those for the Motion: Councillors King, Gallagher, Green, Wilson, Yeung, Mallett, Tooman, O'Leary and Macpherson

Those against the Motion: Her Worship the Mayor Hardaker, Councillors Forsyth, Pascoe and Chesterman

The following additional Motion was put:

Motion: (Crs King/Macpherson)

That staff report to the 20 September 2016 Finance Committee Meeting on Council ceasing to apply for grants from organisations which are funded by gaming machines.

Those for the Motion: Councillors King, Gallagher, Green, Wilson, Mallett and Macpherson

Those against the Motion: Councillors Forsyth, Pascoe, Chesterman, Yeung, Her Worship the Mayor Hardaker, Tooman and O'Leary

The Motion was declared lost.

9. Regional Operations Roundup Report

The Transportation Manager and Operations Team Leader responded to questions on the following matters:

Waikato Regional Transport Committee

- Both the Hamilton and Huntly sections of the Waikato Expressway were now due to be concluded by 2020.
- There were a number of initiatives that the New Zealand Transport Agency were leading in relation to the Cambridge to Piarere section of State Highway 1. The Agency was targeting June 2017 to complete the business case for the Regional Land Transport Plan.

Hamilton Public Transport Committee

The key issues arising from the 3 August 2016 Joint Committee meeting were:

- Bus fare concessions for Waikato University students would be trialled for one year from February 2016; the University funding the discount;
- The Waikato Regional Council had approved the interim bus ticketing solution until the national system is available; such interim contract to be for five years from late 2017;
- The tender for providing Real Time information would be issued in the second half of 2017; the new contract to be in place in 2018.

Public Transport for Disabled People

- **Accessible curves**

- i. It was likely that an accessible curve would be constructed at the same time as a new bus shelter for efficiency purposes and to maximise benefit to users.
- ii. Staff worked closely with the Waikato Regional Council to ensure 'good practice' designs were followed in order to encourage the public to use buses.

- **Technology**

Staff were not aware if the advancement of technology had been considered as part of any review of the public transport options provided to disabled people.

- **Mobility Vans**

No solutions had been presented in relation to the difficulty of accessing mobility vans on Sundays.

- **Patronage Decrease**

The Waikato Regional Council had not undertaken specific analysis on the decrease in the number of wheelchair users utilising the public bus network; though such reduction was in line with general patronage numbers.

Resolved: (Crs O'Leary/Gallagher)

That the report be received.

Resolved: (Crs O'Leary/Gallagher)

That staff prepare a report for the appropriate Committee of the new Council with options for increasing the roll-out of accessible kerbs in the 2018 Long Term Plan.

Cr Mallett dissenting

Resolved: (Crs O'Leary/Gallagher)

That staff are to provide a further comprehensive report for the appropriate committee of the new Council, with reference to a commuter rail link between Hamilton and Auckland with specific reference to future-proofing available land in Hamilton for commuter rail.

Crs King and Mallett dissenting

10. Hamilton Lake Domain - Draft Management Plan

The Parks & Open Spaces Manager and the Senior Planner responded to questions on the following points:

- **Public Consultation**

- i. People would be able insert their names when completing submissions.
- ii. The proposed Open Day would be held at the lake; those who had already indicated interest would be contacted in advance.

- **Key Projects**

- i. Some of the key projects (page 22 of the Draft Management Plan, Attachment 1 of the staff report) were intentionally drafted to ensure any actions to be taken were supported by robust data.
- ii. The water quality of the lake was a topic of discussion with stakeholders; staff did not believe it was appropriate to put measures in place until more was known as to the current standard and what would be required to enable the lake to be used for swimming. The issue would be included in the public consultation.

- **Costs**

It was estimated there could be an additional 100 staff hours spent on finalising the Plan, depending on the number of submissions received.

Staff were asked to:

- amend page 3 of the Plan to confirm the dog exercise area was fenced; and
- include the future development possibilities identified on the map on page 110 of the Agenda in the Key Projects list and provide clarity on timeframes, as a single reference point. Reference was made to the draft Hamilton East Neighbourhood Plan as a comparison.

Resolved: (Crs Gallagher/Chesterman)

Recommendation to Council

That:

- a) the report be received.
- b) the Strategy and Policy Committee recommend to Council that:
 - i. Council gives public notice of the draft Hamilton Lake Domain Management Plan (2016) under s41(6) of the Reserves Act 1977; and
 - ii. the public are invited to make written suggestions to Council on the draft Hamilton Lake Domain Management Plan (2016) during the statutory two month submission period.
- c) the appropriate Committee of the new Council, appoints members to a draft Hamilton Lake Domain Management Plan Hearings Panel, at their first Meeting.
- d) staff report back to the appropriate Committee of the new Council with the final plan for adoption by April 2017.
- e) staff will include a project list and timeframe as part of the Plan when it is brought back to Council in September 2016.

11. Open Space Plan Implementation Update

The Parks & Open Spaces Manager and Team Leader Planning & Assets highlighted the achievements and the current actions that were being undertaken in relation to the Open Space Plan.

In response to questions, they confirmed the following:

- **Signage**
Replacement or new signs were prioritised; there were approximately 20-30 signs replaced each year. Council signs were dealt with by different groups.
- **Skate Park Plan**
 - i. Staff continued to work with the Skate Park community group in order to prioritise projects.
 - ii. The concept plans provided the costings that staff could now include in future 10 Year Plans. Changes could be made to the concept plans by Council subject to public consultation; the plans would also be included in the Sports Park Management Plan when it was next reviewed.
- **Waiwhakareke**
No further Council funding was proposed for planting at the Waiwhakareke Reserve; this work would continue to be supported by the Waiwhakareke Advisory Group.
- **Gully Restoration Project**
The Waikato River Trust provided funding; staff were working with the Waikato Regional Council for additional financial resource going forward.

Resolved:	(Her Worship the Mayor Hardaker/Cr O'Leary)
That	
a)	the report be received.
b)	staff present a report to the Annual Plan 2017/18 budget meeting on the Htown Skate Park proposal for a skate park at Hinemoa Park/Mill Street, including cost estimates and funding options for Council to consider.

The Meeting adjourned from 5:40pm to 6:15pm.

Her Worship the Mayor Hardaker and Councillors Macpherson, Wilson, Yeung and Pascoe retired from the Meeting (5:40pm) at the adjournment.

Item 18 was taken at this time to take account of the availability of the Chief Executive.

18. Strategic Plan Implementation

Resolved:	(Crs Tooman/O'Leary)
That:	
a)	the report be received
b)	a progress report on implementation of the following Council plans is reported to the appropriate Council Committee in early 2017: Waikato Museum Strategic Plan, Heritage Plan and Hamilton East Neighbourhood Plan.
c)	progress reports on implementation of Council's plans that are not subject to separate individual reporting are reported annually.

12. Policy Review - Municipal and Domain Endowment Fund Policy

The GM City Growth and Strategic Property Manager outlined changes to the staff recommendation to better reflect the resolution of the Business and Investment Subcommittee Meeting of 2 August 2016; the effect of which was that the recommendations from that Subcommittee Meeting would be presented to the Council Meeting on 29 September 2016.

In response to questions, the Chief Executive was satisfied that it was appropriate for the Council to decide on this item in the current triennium; it was part of the Council's work programme and had been considered by the Business and Investment Subcommittee. The new Council would be entitled to revisit the matter.

An overview of the stages outlined on pages 120 to 121 in the Agenda was discussed.

Resolved: (Crs Chesterman/Forsyth)

That:

- a) the report be received.
- b) the recommendations from the Business and Investment Subcommittee are referred to the Council Meeting of 29 September 2016 for adoption.
- c) the Business Case, information on the Domain Endowment Fund and the results of the public engagement be reported to the 29 September Council Meeting.

13. Policy Review - Freeholding of Council Endowment Land

The GM City Growth and Strategic Property Manager provided an overview of the report, noting the following changes in Schedules 1 and 2 of the Freeholding of Council Endowment Land Policy ('the Freeholding Policy'):

Property Reference	Property Address	Status
10010	225 Dey Street	Pending freeholding application
10017	189 Fox Street	Pending assignment of leasehold; expected to be freeholding application.
20007	92 Clyde Street	Freehold process completed.

In response to questions, it was confirmed that the freeholding of land was completed on a 100% market valuation basis, noting that the existing buildings situated on the land usually belonged to the tenants.

Resolved: (Crs Mallett/Chesterman)

Recommendation to Council

That:

- a) the report be received.
- b) the Committee recommends to Council that the Freeholding of Council Endowment Land Policy be approved; and
- c) the current Freeholding of Council Domain and Municipal Endowment Leases Policy be deleted.

14. Policy Review - Sale and Disposal of Council Land

The GM City Growth and Strategic Property Manager in response to questions clarified that the recommendation in paragraph 4(c) of the staff report was to enable staff to conclude a sale without reporting back to the Council with different iterations. The decision as to whether Council land should be sold would still be presented to the Council and would note if the proposed sale price was less than full market value.

Resolved: (Crs Chesterman/Mallett)

Recommendation to Council

That:

- a) the report be received.
- b) the Strategy and Policy Committee recommends that Council:
 - i. approves the Sale and Disposal of Council Land Policy; and
 - ii. deletes the current Property Sale and Disposal Policy.
- c) the Financial Delegation be amended to allow the Chief Executive to negotiate sale and purchase of land where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

Councillor King retired from the Meeting at the conclusion of Item 14 (6:45pm) and took part in the voting.

15. Policy Review - Road, Reserve and Park Naming Policy

The Planning Guidance Manager and Programme Manager – Strategy responded to questions on the following points:

- **Consultation**
 - i. Staff confirmed that consultation with Maaori already occurred should a developer want to use a Maaori name for a road or open space.
 - ii. Staff had not specifically spoken with Elected Members who had experienced the current Road, Reserve and Park Naming Policy.
- **Council facilities**

The inclusion of facilities (for example, a library) in the Naming of Roads, Open Spaces and Council Facilities Policy ('the Policy') reflected Councillor feedback at an earlier Briefing. Staff recommended that, as there was no current policy that considered the naming of facilities, it was best practice to have rules and guidance in place before a decision was required on such a matter.
- **Process**
 - i. Should the Council, as a governance body, wish to name a road, open space or Council facility, it would need to comply with the process set out in the Policy as with any other applicant; the effect being that staff would consider and report back to Council for a decision on the particular matter.
 - ii. Section 6 of the Policy, noting the evidence required for an application to name or rename a road, open space or Council facility, reflected stakeholder feedback; specific and clearer rules were requested.
 - iii. Section 10 in the Policy – the criteria for all road names – aligned with Land Information New Zealand ('LINZ') requirements; the authority of LINZ on such matters was noted.
- **Review**

Staff confirmed that the Policy would be reviewed for effectiveness as part of the standard process.

Following discussion, the Committee requested the following changes to the Policy:

- Section 6(a) be amended to read:
 - “The identity of Hamilton and/or the local identity”
- Section 6(d) be amended to read:
 - “People who are or were important in the history of an area”
- Section 6(e) be amended to clarify that events, people and places may have national or international significance.

Resolved: (Crs Forsyth/Mallett)

Recommendation to Council

That:

- a) the report be received.
- b) the Committee recommends to Council that the draft Naming of Roads, Open Spaces and Council Facilities Policy be approved for adoption, including the changes requested by the Committee.

16. Policy Review - Growth Funding Policy

The GM City Growth outlined the purpose of the change that was being recommended to the Growth Funding Policy. In response to questions on the revised Policy, and supported by the Acting Manager City Infrastructure, he noted the following:

- Different valuation methods were discussed in the context of upsizing infrastructure developments. While the clause in the current policy, which staff were requesting be deleted, provided certainty on this point, the revised Policy gave flexibility to the developers and the Council to negotiate the issue.
- It would be for the Council to determine whether it wanted to negotiate its contribution to a development; it was under no obligation to do so.
- The proposed change to the Policy would assist developers when working with Council, but would not be seen as a solution to all issues from their perspective.

Resolved: (Crs O'Leary/Chesterman)

Recommendation to Council

That:

- a) the report be received; and
- b) clause 4.3.2(e) of the Growth Funding Policy (below) be removed:
 - “Any calculations relating to upsizing infrastructure requested and payable by Councils to the developer(s) will be made on an incremental contribution basis not a volumetric or proportional basis.”*
- c) the Strategy and Policy Committee recommends to Council that the amended Growth Funding Policy be adopted.

17. Hamilton East Neighbourhood Plan Adoption Report

The Programme Manager – Strategy, supported by the Strategic Analyst and Amorangi Maaori, outlined the consultation undertaken and changes proposed to the draft Hamilton East Neighbourhood Plan ('the Plan'). Staff then responded to questions on the following matters:

- **Monitoring**
The type of projects and KPIs, as detailed in the Plan, were discussed as to how the Plan would be monitored going forward. Staff would present findings from an annual review of the Plan to the Council.
- **Costs**
Projects or actions envisaged by the Plan, if currently unbudgeted, would need to come through the Annual Plan or 10 Year Plan process for funding as normal. Resourcing for some projects had already been confirmed.
- **Consultation**
Staff referred to the consultation undertaken with Maaori in relation to the Plan; opportunities for hapu to explore other historical stories in Hamilton East, which aligned with the Heritage Plan.
- **Grey Street Precinct**
Staff expected the AUSTRROADS Safe System Project would provide clear direction as to what road treatments could be implemented to enhance the village environment, including street lighting.

Staff were requested to:

- include a cross-reference to the Council's Cemeteries Management Plan in the Plan, to align with the projects affecting the Hamilton East cemetery; and
- investigate the place and inclusion of public art as part of the Plan; in addition to the heritage features that were already included.

Resolved: (Crs Chesterman/Gallagher)

Recommendation to Council

That:

- a) the report be received.
- b) the Hamilton East Neighbourhood Plan is recommended to Council for adoption, with the minor changes requested by the Committee.
- c) all Council's strategies and plans include the date of adoption on the front page.

19. Free Wi-Fi Cost Estimate for Municipal Building

The General Manager Corporate and Chief Technology Officer responded to questions on the following points:

- **Central City Wi-Fi**
The structure of the free Wi-Fi provided in the central city was discussed; the equipment in relation to which belonged to third parties. Staff were investigating means to extend this network.
- **Municipal Building Wi-Fi**
For security reasons, it was not recommended that guests had access to the existing Wi-Fi networks in the Municipal Building.
- **Costs**
Staff explained the reasons for the estimated cost in implementing a visitor Wi-Fi network; a significant proportion of which related to security and management of that additional network.

Resolved: (Crs O'Leary/Forsyth)

That:

- a) the report be received; and
- b) staff present a report to the Annual Plan 2017/18 budget meeting on this proposal.

Staff were asked to outline whether an additional free Wi-Fi network was cost effective based on the number of visitors to the Municipal Building, when they reported back to the Council in the Annual Plan meeting.

20. Action List for 30 August 2016; and Actions Still Underway or Pending for HCC submissions to External Organisations

It was noted that an action from the last Community Forum Subcommittee Meeting on 2 August, in relation to a staff report on the operation of mobile retail trucks in Hamilton, would be referred to the appropriate Committee of the new Council.

The Chairperson referred to the action in relation to the review of the Standing Orders, and expressed disappointment as to the standard of a recent Local Government New Zealand webinar on the proposed new Standing Orders. The Democracy team would continue work on the review; a revised version of the Standing Orders would be presented for adoption at the new Council.

Resolved: (Crs O'Leary/Chesterman)

That the Committee:

- a) receive the report; and
- b) agree to the deferment of the items noted in the following table:

Item and Resolution Date	Original Due Date	Deferred To
Zoo Strategic Review – Zoo Master Plan 16 July 2014	19 November 2014 Deferred to: 30 August 2016	To be reported in 2017 <i>The Zoo Strategic Review will be presented to the September 2016 Finance Committee Meeting for discussion. The Zoo Master Plan is to be presented to the new Council following the conclusion of the new Strategic Review.</i>
Urban Design Advisory Panel 22 September 2015	16 August 2016	31 March 2017 <i>Briefing to be provided to new Council as part of the new Governance Framework.</i>

The Meeting was declared closed at 8:10pm.

Business and Investment Subcommittee

OPEN MINUTES

Minutes of a Meeting of the Business and Investment Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Friday 2 September 2016 at 9.30am.

PRESENT

Chairperson Her Worship the Mayor J Hardaker
Members Cr A King
 Cr A O'Leary
 Cr R Pascoe

In Attendance: Kelvyn Eglinton – General Manager City Growth
 Sean Murray – Executive Director H3 & Events
 Jamie Reid – Customer Services and Key Account Manager
 Jason Cargo – Key Account Manager
 Vaughan Henry – Key Account Manager
 Sandy Turner – General Manager Hamilton Central Business Association
 Michelle Bailey – Chair Hamilton Central Business Association
 Jason Dawson – Hamilton and Waikato Tourism
 Albert Stafford – Stafford Group

Committee Advisors: Emily Acraman & Becca Brooke

1. Apologies

2.

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)

That the apologies from Cr Forsyth be received and accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

That the Subcommittee confirm the agenda and note that Item 5 was taken first to accommodate guest presenters.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

5. **Hamilton Central Business Association Year End Report to 30 June 2016, Three-year Strategic Business Plan and Annual Action Plan 2016/2017**

The Report was presented by Michelle Bailey Chair of Hamilton Central Business Association (HCBA) and Sandy Turner General Manager of HCBA. They responded to questions from Subcommittee Members concerning:

Financial Statements

- The association ran at a surplus of \$10,000 for the last financial year.

Collaboration with Property Council and Chamber of Commerce

- HCBA, Property Council and Chamber of Commerce had met together a number of times to discuss key issues and enjoyed a good working relationship. Additional Meetings had been scheduled to deal with the Garden Place proposal. The groups were working well together and the Property Council had put a notice out to their members encouraging active collaboration with HCBA.

BID Funding

- Concerns have been raised about the Business Improvement District Policy (BID), however no concerns had been raised about the management or credibility of the HCBA. Council had recently put in place an economic team; consisting of 3 staff who will look into a report regarding the appropriateness of the BID funding policy. HCBA were happy to be part of these discussions and would support Councils choice to look into alternative options.

Parking in the City

- General feedback from the HCBA members was that free parking in the CBD was not the supported notion as cost was not the main issue. Current parking was not considered user friendly and the development of a new technology application was expected to remedy this. Representatives from Council would be attending the next 'Business After 5' to see the full presentation of the application. HCBA are positive and supportive about the parking plan in the Central City Transformation Plan (CCTP).

Garden Place Project

- HCBA were proposing to meet with stakeholders and gather feedback to take to PAUA Architects to develop a concept plan which would be closely aligned with the CCTP. The proposal to take over the management of Garden Place was pushed back as it required more research around new Health and Safety rules. It was envisioned the HCBA would take over management of green spaces in the next 2-3 years.
- The HCBA Garden Place project consists as a component part of a larger Garden Place plan and Council staff would be involved in the development of the overall development of the plan.

Public Perception and Brand

- HCBA were aiming to improve public perception of Hamilton by identifying and introducing ambassador training, attracting new businesses to the city, and encouraging leaders to speak openly and positively about the City.

Business and Investment Attraction Plan

- HCBA were being involved in this project as part of the CCTP plan with Council coordinating a narrative that the City can get behind. 7 major industry players had been identified across the city, Council will then work with those identified to develop attraction plans to get business into the CBD.

Pedestrian Counters

- These had not yet been installed, they were going to be included in partnership with another technology roll out; such as new parking technology, or street lights, rather than being rolled out as a separate exercise.

Motion: (Crs King/Pascoe)

That:

- a) the Report be received; and
- b) a Report is prepared considering options and alternatives to the HCBA and the BID funding

Those for the Motion:

Councillor King

Those against the Motion:

Her Worship the Mayor Hardaker,
Councillors Pascoe and O'Leary

The Motion was declared lost.

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

That the Report be received.

4. Hamilton and Waikato Tourism Year End Report to 30 June 2016

The Report was presented by Jason Dawson from Hamilton and Waikato Tourism. Apologies were noted for Graham Osbourne – Chair of Hamilton and Waikato Tourism. Executive Director H3 & Events and Jason Dawson responded to questions from Subcommittee Members concerning:

Waiwhakariki and Kingitanga

- Two strands of work are in place under each of these attractions; 1) working with current attractions and products and taking them through product maturity; and 2) Identifying the new attractions, looking at where the opportunities are to grow the city. Council would play a role in the development of these as attractions.

Areas in need of Further Accommodation Infrastructure

- There were a number of areas within the region that needed to raise the quality of accommodation infrastructure. There were suitable low level accommodation facilities, but there was a need for higher quality accommodation in Waitomo, Matamata Piako, and especially Hamilton. Hamilton is the fourth largest city in New Zealand but ranks number 9 in terms of Hotel capacity.

Cycle Ways

- Hamilton and Waikato Tourism had a key role in showing visitors how to access the cycle ways through avenues such as signage and information online. The river had been included as the central attraction in pitch about cycle ways.

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

That:

- a) the Report be received; and
- b) Hamilton City Council staff are to provide Regional Tourism Organisation with a presentation on current Council's key strategic plans

Cr Gallagher joined the Meeting at 11:19am.

6. Hotel Demand in Hamilton City

The Report was presented by Albert Stafford of the Stafford Group. He responded to questions from Subcommittee members concerning:

Proposed Sites

- Land behind the arts Post site and Hamilton Hotel were seen as being particularly suitable to accommodate a 4 or 4+ star hotel given their location; both on Victoria Street, both in the CBD, close to other existing key facilities. A Council owned site is preferable in that it provided Council with a greater range of options to attract an investor with.

Role of Council

- A market lead approach would struggle to achieve the yield to support a true 4 star plus hotel because of the increased investment required. Council needed to actively identify a preferred site (specifically a council owned site), and actively engage with interested parties for the identified site by determining it's offering and preparing an Investment Memorandum which would state its proposition.

Time Frame

- Currently there was a lot of interest from international brand operators coming into New Zealand and it was crucial Hamilton take advantage of this opportunity now. If Council are to produce an Investment Memorandum now, to present to a group of selected investors, the soft opening of the proposed Hotel would be 3 years away (2019).

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

That:

- a) the Report be received;
- b) Staff are to work with Stafford Group to prepare an Investment Memorandum for a new 4 to 4+ star hotel development on Council owned sites, to market to an international brand, and that Investment Memorandum is to be presented to Council for approval and;
- c) The Stafford Group Hotel Demand in Hamilton City Assessment Report is to be circulated to parties that have expressed an interest in receiving it.

7. Better Business Services Plan

Jamie Reid – Customer Services and Key Account Manager took the Report as read, and responded to questions from Subcommittee Members concerning:

Communication with Key Customers

- Hamilton City Council had 79 key customers requiring various levels of service. All key customers had been given the option to speak directly to their personalised Key Account Manager. A number of initiatives were being rolled out internally to ensure Hamilton City Council was a more customer focused organisation. An example of this was the new customer complaints system.
- A briefing was being prepared for the incoming Elected Members around Councils key customers and the process in communicating with them.

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)

That the Report be received.

8. Economic Development Key Performance Indicators

General Manager City Growth took the Report as read.

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)

That:

- a) the Report be received; and
- b) that the metrics be adopted as a baseline reporting framework for monitoring the city economic performance

9. Business and Investment Subcommittee - Open Minutes - 2 August 2016

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Business and Investment Subcommittee Meeting held on 2 August 2016.

10. Business and Investment Subcommittee - Open Action List - 2 September 2016

Resolved: (Cr Pascoe/Her Worship the Mayor Hardaker)
That the Report be received.

11. Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr O'leary)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Hotel in Hamilton City) Good reason to withhold	Section 48(1)(a)
C2. Business and Investment Subcommittee - Public Excluded Minutes - 2 August 2016) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	

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

Item C1.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The Meeting went into a Public Excluded Session at 1:20pm.

The Meeting was declared closed at 1:42pm.

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. Victoria on the River - Delegations to Chief Executive) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. 2016 Heritage Fund Allocations)	
C3. City Honours - Civic Awards - 2016		
C4. End of Triennium - Public Excluded Minutes to be Confirmed and Adopted		

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

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