

Notice of Meeting:

I hereby give notice that a meeting of Hamilton City Council will be held on:

Date: Thursday 30 July 2015
Time: 1.30pm
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

Jude Pani
Democracy Manager

24 July 2015
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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
	Opening Prayers will be led by the Reverend Alastair McBride from the Presbyterian Community.	
1	Apologies	4
2	Confirmation of Agenda	4
3	Declarations of Interest	4
4	Public Forum	4
5	Council Minutes - Open - 25 June and 30 June 2015	5
6	Recommendations to Council - Strategy and Policy Committee Meeting - 7 July 2015	25
7	Recommendations to Council - Finance Committee Meeting 23 July 2015	29
8	Joint Committees - Agreements	31
9	Waikato Sub-Regional Waters Study	44
10	Riverlea Theatre	52
11	Ferrybank Development Plan (River Plan) - Design Brief	58
12	Resolution to Exclude the Public	68

Opening Prayers

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 6772.

Committee: Council

Date: 30 July 2015

Report Name: Council Minutes - Open - 25
June and 30 June 2015

Author: Jude Pani

Status	<i>Open</i>
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1. Recommendation

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 25 June and 30 June 2015.

2. Attachments

3. Attachment 1 - Council Minutes - Open - 25 June 2015
4. Attachment 2 - Council Minutes - Open - 30 June 2015

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 25 June 2015 at 1.30pm.

PRESENT

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

In Attendance Chief Executive, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Customer Relationships, General Manager Events and Economic Development, General Manager Performance and Chief Financial Officer,.

City Safe Unit Manager, Parks & Open Spaces Manager, Community Development & Leisure Manager, Team Leader Planning and Assets and Communications Unit Manager

Committee Advisors Mrs J Pani, Mrs M Birch and Mr B Stringer

Opening Prayers

The Opening Prayers were led by Sylvie Rabinovitch and Todd Nachowitz from the Jewish Community.

1. Apologies

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

That apologies for an absence for part of the Meeting from Councillor Gallagher (attending a funeral) and for early departure from Councillor Forsyth (attending an Urban Cycleway funding announcement) be accepted.

Personal Explanation

Her Worship the Mayor advised that under Standing Orders 3.6.9, she had indicated to Councillor Macpherson that he could make a personal explanation.

Councillor Macpherson stated that owing to previous personal arrangements that had been in place for several months and the late decision of the Council (Council resolved at 4.30pm on 4 June 2015 to reconvene at 9.00am on 5 June 2015) he was unable to attend the 5 June reconvened Council Meeting. He expressed disappointment at the comments regarding his unavailability and also that the apology was not accepted by two of his colleagues at the reconvened session.

Councillor Gallagher left the meeting at 1.35pm.

2. Confirmation of Agenda

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

That the Council confirm the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

Item 5 was taken prior to the Public Forum.

5. Council Minutes - Open - 28 May 2015

On page 10, the point under Item 9 – Frankton Railyards – to read “Council does not have any further financial liability”.

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 28 May 2015, as amended .

4. Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes was set aside for a public forum.

Jason Wade representing the Clarence Street Theatre Trust spoke to Item 9 – Clarence Street Theatre – Approval of Gifting to Community Trust. Mr Wade spoke in support of the staff recommendation.

6. Classification, naming and reclassification of reserves

The Group Manager Community introduced this Report for the Council, under the Reserves Act 1977, to classify and name new reserves and reclassify part of Enderley Park. The GM responded to questions with the following noted:

- While working through the review of the Community Occupancy Policy similar issues to Enderley Park had come to light and were being worked through with the community. Enderley Park was a classification matter under the Reserves Act 1977; some issues in other locations related to what the District Plan allowed, whether they needed a resource consent and the extent of existing use rights.
- Staff had an ongoing relationship with the occupiers to assist with alignment with the various legislation.
- Reserve Naming Policy was generic and pragmatic and usually matched street names.
- Staff were to investigate signage and storyboard panels being installed at the same time to minimise costs.
- Staff were to report back to the September 2015 Council meeting with any objections received.

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

That:

- a) The report be received;
- b) Council hereby classifies and names the reserves described in Schedule One, as recreation reserves, subject to the Reserves Act 1977;

Schedule One

Reserve Name	Area (ha)	Legal Description	Computer Freehold Register	Attachment Reference
Hare Puke Park	8.4307	Lot 505 DP 458063	595035	Map 1
Junction Reserve	0.0519	Lot 39 DP 462567	618024	Map 2
Hillary Park	0.9699	Lot 724 DP 453111	591000	Map 3
Mangaiti Park	7.5880	Lot 701 DP 461506	612101	Map 4
Sandford Park	1.1518	Lot 102 DP 466423	622853	Map 5
Te Awa O Katapaki Esplanade	0.4685	Lot 500 DP 473527	647767	Map 6
Te Awa O Katapaki Esplanade	0.0464	Lot 501 DP 473527	647768	Map 6
Te Awa O Katapaki Esplanade	0.2000	Lot 702 DP 468283	630555	Map 6

)

- c) Council hereby classifies and names the reserve described in Schedule Two, as local purpose (esplanade) reserve, subject to the Reserves Act 1977;

Schedule Two

Reserve Name	Area (ha)	Legal Description	Computer Freehold Register	Attachment Reference
Sylvester Esplanade	0.1198	Lot 30 DP 466328	622561	Map 7

- d) Council agrees to notify the proposed change of classification of part of Enderley Park, part Lot 2 DPS 7131, from recreation reserve to local purpose (community) reserve; and
- e) Staff report back to Council Meeting on 30 September 2015 on any objections received and make a recommendation about the change of classification of part of Enderley Park.

7. Request to increase membership of Hamilton District Licensing Committee

The General Manager City Environments spoke to this Report for the Council to approve commencement of a recruitment process to identify two additional members for the Hamilton District Licensing Committee (DLC). The GM, in response to questions, commented that the number of hearings was relatively high and that the Sale and Supply of Alcohol Act 2012 was being followed closely by the DLC. The cost of hearings was covered by licence fees and was operating within budgets.

Resolved: (Crs Wilson/Mallett)

That:

- a) The report be received;
- b) Staff commence a recruitment process, based on the recruitment process used to identify the initial committee members, to identify two additional members for the Hamilton District Licensing Committee;
- c) An Internal Selection Panel comprising of the General Manager City Environments, the City Safe Unit Manager and the DLC Commissioner be approved; and
- d) The Internal Selection Panel recommendations be presented to Council for approval and appointment.

8. 2016 Local Authority Elections - Online Voting Trial

The General Manager Customer Relationships presented this Report for the Council to consider registering an interest with Local Government New Zealand for participation in the online voting trial in 2016 local authority elections.

Councillor Forsyth retired from the meeting at 2.10pm prior to voting on this Item.

Resolved: (Crs Mallett/Macpherson)

That:

- a) The report be received; and
- b) The Council registers an interest with LGNZ, for Hamilton City Council to participate in online voting trial for the 2016 Local Authority Elections, conditional upon:
 - (i) Council approving the costs; and
 - (ii) The technical aspects of the election process relating to councils participating in the online voting trial being resolved to the satisfaction of the Electoral Officer.
- c) Council notes that it will receive a report for decision on whether to participate in an online trial when full costs are known and all the requirements for the trial are resolved.

9. Clarence Street Theatre - Approval of Gifting to Community Trust

The General Manager Events and Economic Development introduced this Report. The GM responded to questions with the following noted:

- The Deed of Gift needed to include a reference to the schedule for earthquake works.
- Staff were still to clarify with the Clarence Street Theatre Trust (“the Trust”) matters relating to earthquake strengthening. It was noted that the Trust had been provided with the report from the structural engineers and the estimated cost.
- A correction was required to paragraph 2.7: Donee to read Donor.

Resolved: (Crs O’Leary/Chesterman)

That:

- a) The report be received;
- b) Council approves the Deed with the inclusion of a schedule for the earthquake works, to gift Clarence Street Theatre (buildings and fixtures only) to the Clarence Street Theatre Trust;
- c) Council approves a once only operational start-up grant of \$75,000 to be paid in the 2015/16 financial year; and
- d) Council approves a payment of up to \$150,000, or that limited to the amount specified in 2.8 of the Deed, for the purpose of earthquake strengthening works on the building if required, on the terms in the agreement; and
- e) Council annotates the certificate of title to record its interests as contained in the Deed.

10. Property Update – Beggs Wiseman Building

The Strategic Property Unit Manager presented this report for the Council to approve the sale of the Beggs Wisemen Building, with the following noted:

- Being presented was a recommendation from the Business and Investment Subcommittee.
- Government Valuation was not available. However, a market valuation could be tabled in the public excluded session.
- Marketing of the property through a public sale process was a transparent process which could include an auction.
- The intention was to go to a tender process with consideration of both price and intended use, giving Council flexibility at the end of the process over both aspects.
- Council purchased the property in 1994 for \$1.226M.
- Intention was to market the property in one month’s time for one month and report to Council on the outcome of that process in September 2015.

Motion: (Crs Pascoe/O'Leary)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:
 - i. Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy, and;
 - ii. Development and use, including timeframes, of the purchaser's intentions for the redevelopment of the building and the ability of their redevelopment to enhance the Central Business District and street-scape.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

SCHEDULE

An estate in fee simple comprising all that land contained in Certificate of Title SA13A/1086 South Auckland Land Registry legally described as Lot 1 Deposited Plan South Auckland 15240 comprising 276 square metres more or less and physically located at 445 Victoria Street (on the corner of Victoria and Ward Streets), Hamilton.

Amendment: (Crs Mallett/Wilson)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:

Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

SCHEDULE

An estate in fee simple comprising all that land contained in Certificate of Title SA13A/1086 South Auckland Land Registry legally described as Lot 1 Deposited Plan South Auckland 15240 comprising 276 square metres more or less and physically located at 445 Victoria Street (on the corner of Victoria and Ward Streets), Hamilton

The Amendment (Crs Mallett/Wilson) was Put.

Those for the Amendment:	Councillors Mallett, King, Green and Wilson
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Macpherson, Yeung, Chesterman, O'Leary, Pascoe and Tooman

The Amendment was declared lost.

The Motion (Crs Pascoe/O'Leary) was then Put.

Resolved: (Crs Pascoe/O'Leary)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:
 - i. Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy, and;
 - ii. Development and use, including timeframes, of the purchaser's intentions for the redevelopment of the building and the ability of their redevelopment to enhance the Central Business District and street-scape.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

SCHEDULE

An estate in fee simple comprising all that land contained in Certificate of Title SA13A/1086 South Auckland Land Registry legally described as Lot 1 Deposited Plan South Auckland 15240 comprising 276 square metres more or less and physically located at 445 Victoria Street (on the corner of Victoria and Ward Streets), Hamilton.

11. Resolution to Exclude the Public

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

Section 48, Local Government Official Information and Meetings Act 1987

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. Council Minutes - Public Excluded - 28 May 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Proposed District Plan - Appeals to the Te Rapa North Industrial Zone) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Proposed District Plan Appeals - Recommended settlement position for an appeal relating to industrial land at Te Rapa)	
C4. Chief Executive Review		

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

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i) Section 7 (2) (g)
Item C3.	to maintain legal professional privilege on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i) Section 7 (2) (g)
Item C4.	to maintain legal professional privilege to protect the privacy of natural persons	Section 7 (2) (a)

That the City Solicitor remain in the Public Excluded Meeting for Items C2 and C3 to provide legal advice to the Council.

The Meeting moved into Public Excluded Session from 3.00 until 4.30pm.

Councillor Gallagher returned to the Meeting at 3.14pm, during the Public Excluded session.

The Meeting was declared closed at 4.30pm.

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 30 June 2015 at 9.00am.

PRESENT

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

In Attendance	Chief Executive, Chief Financial Officer, General Manager City Environments, General Manager Community, General Manager Customer Relationships, General Manager Events and Economic Development, General Manager Organisational Development and General Manager Performance.
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Corporate Projects Accountant, Waters Manager, Revenue Manager and Senior Communication Advisor

Committee Advisors	Mrs J C Pani and Mrs M Birch
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1. Apologies

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

That apologies for lateness from Councillors Macpherson and Wilson be accepted.

2. Confirmation of Agenda

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

That the Council to confirm the agenda, including receiving an update on the Riverlea Theatre as a late item on to the agenda, in accordance with Standing Orders 3.5.7. The reason why the item was not on the agenda is that new information had recently come to hand and needed to be discussed because of the high public interest.

3. Declarations of Interest

Councillor King declared a conflict of interest for Item 8 – Rates Resolution to Set and Assess Rates for 2015/16.

4. Public Forum

No public forum was required.

5. Council Minutes – Open – 4 June 2015

Personal Explanation

Her Worship the Mayor advised that under Standing Orders 3.6.9, she had indicated to Councillor Forsyth that she could make a personal explanation.

Councillor Forsyth advised of her late arrival to the reconvened Meeting on 5 June 2015 and her error when voting not to accept the apologies.

The first two bullet points on page 8 to be amended as follows to indicate more clearly the change to the hearing process for the 10-Year Plan 2015-2025:

- The submission process was wider than in previous years. Submissions were also received via the usual communication channels. The only change for this 10-year planning process was the way that people spoke and discussed their submissions with representatives of the Council in community engagement meetings.
- This was in contrast to previously when submissions have been made to the full Council via a hearings process.

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meeting held on 4 June 2015 and reconvened on 5 June 2015, as amended.

Councillor Macpherson dissenting.

Councillor Wilson (9.03am) and Councillor Macpherson (9.05am) joined the meeting during discussion on Item 5. They were present for voting on this Item.

6. Development Contributions Policy 2015/16

The General Manager Performance, supported by the Senior Strategic Policy Analyst, presented this Report for the Council to adopt the Development Contributions Policy 2015/16 and to confirm a Terms of Reference for a working group. They responded to questions with the following noted:

PriceWaterhouseCooper review of Council's Model

- Complexity is driven by the use of different catchments – there had not been any changes recommended to the catchments.
- Other than complexity, the only recommendations (which could be addressed by the working party) were the process by which the capacity of assets was allocated over time with possibly more accuracy achieved by using cost recovery across Housing Unit Equivalents (“HUEs”). This was too fundamental to deal with prior to the adoption of the Policy.
- All other recommendations or observations had been included and were now part of the model. Other matters would be referred to the Working Group.
- There was a mechanism through the Local Government Act that allowed Council to consider community impacts, including caps on non-residential charges.

Resources

- Mitigations were in place to manage resourcing issues with a secondment to fill the soon to be vacant Senior Strategic Policy Analyst role. A contractor experienced in working with Hamilton City Council would be engaged to ensure a level of assurance. Additional focus in the new organisation structure is placed on development contributions.

Working Group

- There are several outcomes for the Working Group, firstly being a forum for discussion between the Council and the community to work through matters and a range of issues that were raised through the submission process. Some of the issues raised might never get solved, but parties would be able to understand each other's position. It would also address matters that continue to be raised.
- The first two phases for the Working Group go through to April 2016, with reporting to Strategy and Policy Committee.
- Costs for the facilitator had not yet been assessed. This process will incur costs which would be met from within existing budgets.
- Opportunity to get Council experts and experts from the development community.
- It was requested that the Deputy Chairperson Finance be added to the Working Group membership.

Resolved: (Crs Macpherson/Gallagher)

That:

- a) The report be received;
- b) The Development Contributions Policy 2015/16 including the Schedule of Assets be adopted effective 1 July 2015;
- c) The Development Contributions and Growth Funding Working Group Terms of Reference, (Attachment 4 of the Report) be adopted;
- d) The Mayor, Chairperson and Deputy Chairperson of the Finance Committee be appointed to the Working Group; and
- e) The Chief Executive be given delegated authority to appoint the independent facilitator to the Working Group based on the Terms of Reference.

7. Adoption of 10-Year Plan 2015-2025

The Chief Executive introduced this Report to adopt the audited 10-Year Plan 2015-25, stating that it was the conclusion of a long and comprehensive process which commenced in August 2014.

Following the introduction by the Chief Executive, the staff recommendation was moved by the Mayor, seconded by Councillor Chesterman.

During Debate the Meeting adjourned from 9.55 until 10.15am and from 10.25 until 11.00am

Following these adjournments, the Mayor set out proceedings for the remainder of the Meeting. She reminded Councillors that, along with the debate being governed by Standing Orders, it was also governed by respect and relevancy. She asked Councillors to confine speeches to the Motion or Amendment.

The Meeting adjourned from 11.28 until 11.45am

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

That:

- a) The report be received;
- b) The 10-Year Plan 2015-2025 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 10-Year Plan 2015-2025 be adopted.

Those for the Motion:	Her Worship the Mayor Hardaker, Councillors Forsyth, Yeung, Chesterman, O'Leary, Pascoe and Tooman
Those against the Motion:	Councillors Mallett, King, Gallagher, Green, Wilson and Macpherson

Councillor King withdrew from the table and took no part in discussion or voting on Item 8.

8. Rates Resolution to Set and Assess Rates for 2015/2016

The Chief Financial Officer, supported by the Revenue Manager, presented this Report for the Council to set and assess the rates for the 2015/16 financial year.

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

That:

- a) The report be received; and
- b) Council sets and assesses the rates for the 2015/16 financial year (1 July 2015 to 30 June 2016) as set out in Attachment 1 to the staff Report and detailed below:

Councillor Macpherson dissenting

All figures are GST inclusive

General Rate

A general rate is set and assessed on the capital value of all rateable land in the City.

General rates are set under Section 13 of the Local Government (Rating) Act 2002 on a differential basis on the categories of land identified below. The rating categories are defined in the Rating Policy. The differential basis is the use to which the land is put and the area of the land and in the case of the BID Commercial differential, the location of the land. The different categories of rateable land are outlined in the table below.

This funding mechanism covers all services of Council. The total revenue sought for 2015/2016 is \$15.335 million..

A general rate set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GENERAL RATES	GENERAL RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
General Rate	Residential	1.0000	65.00%	0.00056887	\$9,967,762
	Commercial	1.5801	26.85%	0.00089885	\$4,116,902
	BID Commercial	1.5011	7.15%	0.00085391	\$1,097,005
	Rural	0.4346	1.00%	0.00024722	\$153,350

Land described in Part 2 of Schedule 1 of the Local Government (Rating) Act 2002 (broadly land owned or used by societies for arts or sports) will be assessed 50% of the residential rate (general and transitional rates) that applies to the land.

The revenue sought for 2015/16 is \$185,361.

Targeted Rates

Transitional Rate

The rate is set and assessed on the land value of all rateable properties in the City.

The transitional rates are set on a differential basis on the categories identified in the table below. The rating categories are defined in the Rating Policy. The differential basis is based on the use to which the land is put, the location of the land and/or area of the land.

The total revenue sought is \$138,015 million).

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL TRANSITIONAL RATES	TRANSITIONAL RATE IN THE DOLLAR OF LAND VALUE (GST INCL)	RATES REVENUE (GST INCL)
Transitional Rate	Residential	1.0000	63.16%	0.01101898	\$87,176,504
	Commercial	2.3281	26.31%	0.02565286	\$36,306,941
	BID Commercial	2.2117	7.69%	0.02437022	\$10,618,300
	Multi Unit Residential	1.4171	1.79%	0.01561533	\$2,470,814
	Rural Residential	0.4618	0.05%	0.00508876	\$62,694
	Rural Small	0.3478	0.75%	0.00383238	\$1,034,532
	Rural Large	0.1653	0.25%	0.00182198	\$345,622

Metered Water Rate

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

The rate is:

- i. a fixed amount based on the nature of the connection as follows:
 - \$422 for all metered rating units(except rural receiving a restricted flow supply);
 - \$312 for rural rating units receiving a restricted flow supply.
- ii. a charge per unit of water consumed or supplied on every metered connection in accordance with the following scale:
 - All metered rating units (except rural receiving a restricted supply) - \$1.76 per kilolitre of water supplied after the first 240 kilolitres of consumption or supply;
 - rural rating units receiving a restricted flow supply - \$1.30 per kilolitre of water supplied after the first 240 kilolitres of consumption or supply.

The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.

The total revenue sought is \$8.684 million.

Commercial and Rural Non-metered Water Rate

The rate is set and assessed on non-metered Commercial and Rural properties which are connected to or have a water supply available. The rate is \$422 per separately used inhabited part of the rating unit.

The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities. The total revenue sought is \$254,150.

Access Hamilton Rate

The rate is set and assessed at a uniform rate per dollar of capital value on all rating units in the City (excluding 100% non-rateable and 50% non-rateable properties).

The rate is \$0.00023951 per dollar of capital value. The total revenue sought is \$5,750,000.

The Access Hamilton rate funds the work programmes and/or financing costs relating to this project as part of the Transport Network activity.

Business Improvement District Rates (BID)

The rate is set and assessed on all separately used or inhabited part of commercial rating units in the BID area as mapped in the Rating Policy. The rate is:

- i. BID Fixed rate: a fixed amount of \$230 per separately used or inhabited parts of a rating unit within the defined area; and
- ii. BID CV Rate: a rate per dollar of capital value required to meet the total revenue (after allowing for the total revenue raised by the fixed amount of \$230 per rating unit or separately used portion of a rating unit, is \$0.00003738

The rate provides funding to the Economic Initiatives activity. The total revenue sought is \$322,000.

Hamilton Gardens Rate

The rate is set and assessed as a fixed amount on all separately used or inhabited part of each rating unit within the City. The rate is set at \$11.50.

The rate contributes funding to develop themed gardens and infrastructure as part of the Hamilton Gardens activity.

The total revenue sought is \$701,500.

Services Category Use- Water Rate

The rate is set and assessed on properties as defined as service category (see Rating Policy) and which are connected to the water supply.

- i. a fixed amount of \$422 per separately used or inhabited part of a rating unit; and
- ii. a rate per dollar of land value of the rating unit, set at \$0.00273303

The rate provides funding towards the water distribution and water treatment and storage activities.

The total revenue sought is \$143,921.

Services Category Use- Refuse Rate

The rate is set and assessed on properties defined as service category (see Rating Policy) and which are provided with refuse collection service. The rate is:

- i. a fixed amount of \$148 per separately used or inhabited part of a rating unit; and
- ii. a rate per dollar of land value) per rating unit set at \$0.00098732

The rate provides funding towards the refuse collection activity.

The total revenue sought is \$43,720.

Service Category Use -Sewerage Rate

The rate is set and assessed on properties defined as service category (see Rating Policy) and which are connected to the sewerage network. The rate is:

- i. a fixed amount of \$404 per separately used or inhabited part of a rating unit; and
- ii. The rate per dollar of land value set at \$0.00254788.

The rate provides funding towards the sewage distribution and sewage treatment and storage activities.

The total revenue sought is \$884,143.

Due Dates for Payment of Rates

The due dates for rates covering the financial period 1 July 2014 to 30 June 2015 are as follows:

Area	Instalment 1	Instalment 2	Instalment 3	Instalment 4
North East	20 Aug 2015	12 Nov 2015	11 Feb 2016	12 May 2016
South East	27 Aug 2015	19 Nov 2015	18 Feb 2016	19 May 2016
North West	03 Sep 2015	26 Nov 2015	25 Feb 2016	26 May 2016
South West	10 Sep 2015	03 Dec 2015	03 Mar 2016	02 Jun 2016

Penalties

Pursuant to Section 57 and 58 of the Local Government (Rating) Act 2002 Council authorises the following penalties that may be applied:

- (a) A penalty of 10% of the amount due and unpaid on the due date to be added on the day after the due date.
- (b) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 7 July 2015 to be added on the day after 7 July 2014.
- (c) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 7 January 2016 to be added on 7 January 2016.
- (d) A penalty of 10% of the amount unpaid for water-by-meter rates charged to be added on the day after the due date.

Councillor King returned to the table at the conclusion of Item 8.

9. Riverlea Theatre and Land Update

The Chief Executive and General Manager Events and Economic Development presented an update on the current situation regarding the Riverlea Theatre land and responded to questions, with the following noted:

- Following the Council decision on 25 September 2014, staff had been in discussions with the lessee Riverlea Theatre and Arts Centre (“Riverlea”) regarding their purchasing the land.
- A signed sale and purchase agreement was received from Riverlea with several additional clauses. One of the additional clauses was seeking to extend the purchase to December 2016, with Riverlea having the right to withdraw from the purchase up until December 2016. This agreement had not been counter-signed.
- An email had been sent to Riverlea but staff had yet to meet with Riverlea to discuss these matters.
- There has been no discussion with agents regarding any open market sale process.
- In terms of Riverlea being treated differently to similar groups, the Riverlea Theatre building was gifted to Riverlea a number of years ago. This was more recently been done for the other theatres.
- Riverlea has a lease until 2022. They do not use all of the land, which could be subdivided. Existing rights would have an impact on valuation.
- The sale of Riverlea land was foreshadowed in the 2012-22 10 Year Plan, with the right to occupy the building, depending on key performance indicators (KPIs). If the KPIs are not met, or there are any financial challenges, this matter comes back to the Council.
- This is a freehold title with the land tenure different to similar organisations.
- Staff to investigate gifting arrangements compared to other similar organisations.

During discussion the Democracy Manager confirmed that as this was a late item on the agenda in accordance with Standing Orders 3.5.7, no resolution may be made in respect of this Item except to refer the Item to a subsequent Meeting of the Council.

Resolved: (Crs Gallagher/Chesterman)

That:

- a) The Council receives the verbal report on the current state of the Riverlea Theatre from the Chief Executive and General Manager Events and Economic Development, and the tabled transcript is noted; and
- b) This matter be referred to the 30 July 2015 Council Meeting, and that the staff report includes a comparison of terms and conditions offered to the Riverlea, Clarence and Meteor Theatre groups.

Those for the Motion: Councillors Mallett, King, Gallagher, Green, Wilson, Macpherson, Yeung, Chesterman, O'Leary, Pascoe and Tooman

Those against the Motion: Her Worship the Mayor Hardaker and Councillors Forsyth

The Meeting was declared closed at 1.05pm

Committee: Council **Date:** 30 July 2015
Report Name: Recommendations to Council - Strategy and Policy Committee Meeting - 7 July 2015 **Author:** Jude Pani

Status	<i>Open</i>
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The recommendations of the Strategy and Policy Committee meeting held on 7 July 2015 are presented. The 7 July 2015 Committee agenda is available via the following link:

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

1. Policy Review Programme – Update

That:

- a) the Playgrounds, Cellular Network Sites, Graffiti Management and Asset Management Policies be deleted;
- b) the key content of the Asset Management Policy (in particular around roles) and Graffiti Management Policy be captured in Management Policies; and
- c) the ‘Playgrounds of the Future’ document be updated to capture key policy direction and adopted as Council’s Playgrounds Plan.

2. Draft Hamilton Alcohol Control Bylaw 2015 for Public Engagement

That:

- a) Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 is the most appropriate form of bylaw;
- b) Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 does not give rise to implications under the New Zealand Bills of Rights Act 1990;
- c) the proposed draft Hamilton Alcohol Control Bylaw 2015 be adopted by Council for public engagement;
- d) Council note that:
 - i. an Alcohol Control Bylaw Hearing Subcommittee (comprising of Councillors Tooman (Chairperson), Mallett and O’Leary) was established by the Committee to hear and deliberate on submissions made to the Proposed Hamilton Alcohol Control Bylaw 2015, and that the Subcommittee will be disestablished at the completion of the hearing process; and
 - ii. the Subcommittee will report a summary of the oral submissions and evidence presented on the Proposed Hamilton Alcohol Control Bylaw 2015, including

recommendations, to the 3 November 2015 Strategy and Policy Committee meeting as part of the staff report for deliberation and adoption.

3. **Gambling Polices Review**

That:

- a) Council support the general updating of the Class 4 Gambling Venues Policy including simplifying the layout and language of the policy, ensuring the clause on merging clubs appropriately reflects legislative requirements and the removal of detailed information on fees;
- b) for the TAB Board Venues Policy, Council agrees to a 'no new TAB Board venues' approach and this be tested through the public consultation process; and
- c) Council note that staff are instructed to prepare a Statement of Proposal reflecting Options 2 and 3 (from the staff report), and the decisions made in (a) and (b), to be brought back to the 11 August 2015 Strategy and Policy Committee meeting for approval to commence public consultation.

4. **Strategic Round Up Report**

That Council adopt the Future Proof Implementation Committee Agreement and Terms of Reference, as contained in Attachment 2 of the Committee's report, and are signed on behalf of HCC.

5. **Waikato Expressway**

That Council:

- a) delegates approval to the Chief Executive to enter into a Memorandum of Understanding with the New Zealand Transport Agency (NZTA), Waikato District Council and Tainui Group Holdings Ltd for the development of the Hamilton section of the Waikato Expressway as set out in this report and included as Attachment 2 to the Committee's report;
- b) agrees to revise the macro scope of its Resolution Drive project to exclude a vehicular connection between Resolution Drive and Kay Road west, and to complete the Borman Road west extension to Kay Road instead, as shown on Attachment 3 to the Committee's report;
- c) approves in principle NZTA undertaking the construction of HCC's Resolution Drive extension project subject to reporting back on the financial details in the form of a Multi-Party Funding Agreement to the 23 July 2015 Finance Committee meeting; and
- d) confirms its support for the Horsham Downs link and the full interchange, with both north and south facing ramps being constructed as part of the Waikato Expressway.

6. **Wairere Drive - Cambridge to Cobham Drive Section**

That:

- a) the revised macro scope for the section of Wairere Drive from Cambridge Road to Cobham Drive is approved as shown on Attachment 2 of the Committee's report; and
- b) staff report back to Council on options for the pedestrian/cycle over bridge prior to committing to any particular design.

7. Integrated Transport Initiative Programme

That Council:

- a) approves the following broad allocations for the Integrated Transport Initiative programme over the next 10 years:

Integrated Transport Initiatives	Year 1 2015-16 \$	Year 2 2016-17 \$	Year 3 2017-18 \$	Years 4-10 2018-2025 \$	10-year total \$
- Biking	600,000	600,000	500,000	2,100,000	3,800,000
- Walking	53,000	100,000	100,000	700,000	953,000
- Public Transport	100,000	200,000	300,000	3,500,000	4,100,000
- Gallagher Intersection	147,000	0	0	0	147,000
Total	900,000	900,000	900,000	6,300,000	9,000,000

- b) note that staff are to work with the Discretionary Transport Working Group to prioritise projects within the Discretionary Transport programmes and the broad allocations approved for the Integrated Transport Initiative programme.

8. Public Art Sub-Committee

That the revised Public Art Plan and Development Guide Appendix 3 amendments (as attached to the Committee report) be adopted.

Additional Recommendations from Chair of the Committee:

That:

- a) the Terms of Reference for the Public Art Subcommittee, attached as Attachment 1, be approved and Council note that the Public Art Subcommittee reports directly to the Strategy and Policy Committee;
- b) the following amendments (highlighted) to Appendix 1 of the Public Art Plan and Development Guide be adopted:

Stage Three

Artist and project group prepare developed design of the artwork.

The developed design is reviewed by the Public Art Panel. Recommendations and rationale from the Public Art Panel and staff are reported to the ~~Hamilton City Council CE and the Chairperson of the~~ Public Art Subcommittee for approval.

~~CE and Chair of the Public Art Subcommittee decision to approve the developed design.~~

9. Attachments

10. Attachment 1 - Public Art Subcommittee Terms of Reference

Public Art Sub-Committee

Reports to:	Strategy and Policy Committee
Chairperson:	TBA
Membership:	TBA
Meeting frequency:	As required
Quorum:	A majority of members

Terms of Reference:

1. To make decisions on public art projects in accordance with the Public Art Plan and Public Art Development Process.
2. To receive information from, and provide advice to, the Public Art Panel and staff.
3. To make decisions on allocation of the Public Art Support Fund.

Special Notes:

- The sub-committee may request expert advice through the Public Art Panel or Chief Executive when necessary.

Power to act:

- Make decisions in accordance with the Public Art Development Process.
- Approve funding from the Public Art Support Fund.
- Approve all other matters in accordance with the terms of reference of this sub-committee.

Power to recommend:

- The sub-committee may make recommendations to the Strategy & Policy Committee.

Committee: Council **Date:** 30 July 2015
Report Name: Recommendations to Council - Finance Committee Meeting
23 July 2015 **Author:** Jude Pani

Status	<i>Open</i>
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Councillor Pascoe, the Chair of the Finance Committee, will present the recommendations of the Committee Meeting held on 23 July 2015. The 23 July 2015 Finance Committee Agenda is available via the following link:

[http://www.hamilton.govt.nz/AgendasAndMinutes/D-1861457%20%20FINANCE%20COMMITTEE%20AGENDA%20-%20OPEN%20-%2023%20JULY%202015\(4\).pdf](http://www.hamilton.govt.nz/AgendasAndMinutes/D-1861457%20%20FINANCE%20COMMITTEE%20AGENDA%20-%20OPEN%20-%2023%20JULY%202015(4).pdf)

1. Contract 14378 - Three Waters Network Physical Works Contract Award

- a) That the tender submitted by HEB Construction Ltd, in the sum of sixteen million, eight hundred and six thousand, five hundred and eighty one dollars and sixteen cents (\$16,806,581.16) excluding GST, be approved for Contract No. 14378 – Three Waters Network Physical Works; and
- b) That the Approved Contract Sum be set at \$18,500,000.00, excluding GST, comprising of \$16,806,581.16, the tendered amount, and \$1,693,418.84 for contingency and provisional work (if deemed necessary) in accordance with this report.

2. Contract 0663 Collection and Disposal of Biosolids

Contract 12046 Disposal of Sewage Sludge by Vermicomposting

- a) That a 3 year extension for Contract 12046 Disposal of Sewage Sludge by Vermicomposting from 1 February 2016 to 1 February 2019 be approved;
- b) That the Approved Contract Sum of \$2,025,000 for Contract 12046 Disposal of Sewerage Sludge by Vermicomposting be extended by \$2,863,000 to \$4,888,000 excluding GST for the period to 1 February 2019; and
- c) That the Approved Contract Sum of \$8,769,000 for Contract 0663 Collection and Disposal of Biosolids be increased by \$2,852,000 to \$11,621,000 excluding GST for the period to 1 February 2019.

3. Hamilton Gardens Nursery Review

- a) That staff implement Option 4 (of the staff report) – enhance the existing model through improved operational systems and processes, irrigation and greenhouse infrastructure; and
- b) That a business plan (including a plan for external funding) is developed and staff make a recommendation to the 2016/17 Annual Plan on any required adjustments to revenue, expenditure and capital budgets.

1. Attachments

- 2. There are no attachments for this report.

Committee: Council

Date: 30 July 2015

Report Name: Joint Committees -
Agreements

Author: Jude Pani

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Governance</i>
Financial status	<i>Administrative</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 present for approval the draft:
 - Hamilton Public Transport Joint Committee Agreement, and
 - Waikato Plan Joint Committee Agreement and Terms of Reference.
3. To meet the requirements of the new clause (clause 30A of schedule 7) City Council must enter into an agreement specifying key aspects of the constitution and operation of Joint Committees.

4. Background

5. The Local Government Act 2002 Amendment Act 2014 became law on 8 August 2014 and inserted a new clause (clause 30A of schedule 7) in relation to joint committees. For established joint committees, clause 5 of schedule 1AA requires councils to enter into agreements that comply with Clause 30A within 12 months of the date of commencement of the Act. The new Clause 30A provides a specific statutory code for joint committees. The most significant aspect of the new clause is the requirement for participating bodies to enter into an agreement, specifying key aspects of the constitution and operation of the joint committee. The agreement must cover:
 - the membership of the joint committee;
 - processes for appointing the chair and deputy-chair;
 - terms of reference;
 - any delegations; and
 - the process for amending the agreement.
6. A joint committee appointed under clause 30(1)(b) of schedule 7, is deemed to be both a committee of the appointing local authority and a committee of each other local authority or public body that has appointed members to the committee. For Hamilton City Council, the

committees deemed to be joint committees in accordance with clause 30(1)(b) are the:

- Waikato Plan Joint Committee, and
- Hamilton Public Transport Joint Committee.

7. Hamilton Public Transport Joint Committee

8. To meet the requirements of the new clause (clause 30A of schedule 7) Waikato Regional Council and Hamilton City Council must enter into an agreement. An agreement (attached) has been drafted in collaboration with Waikato Regional Council and it is anticipated that they will adopt the agreement at their Council meeting scheduled for 30 July 2015. Other than the requirement to comply with the LGA amendments, the agreement does not change the way in which the Hamilton Public Transport Joint Committee operates.

9. Councillors Forsyth and Tooman are Hamilton City Council appointments to this Joint Committee.

10. Waikato Plan Joint Committee

11. The WPJC presently operates in accordance within a terms of reference. This Terms of Reference has been updated in order to comply with legislative amendments and will be attached to the WPJC proposed agreement.

12. It is important to note that there is no change to the way in which WPJC operates other than a requirement to comply with the recent LGA amendments.

13. The Waikato Plan Joint Committee met on Friday 24 July 2015 to consider this matter.

14. Attached is a draft agreement confirmed by this Joint Committee on 24 July 2015.

15. The agreement covers the purpose of the Committee, its membership, meeting frequency, delegations (taken from the existing terms of reference) and variations of the agreement. Each Waikato Plan partner Council that has voting members on the Committee will be going through a similar process to sign the agreement.

16. Recommendation from Management

- a) That the report be received.
- b) That Council approves the Hamilton Public Transport Joint Committee Agreement (Attachment 1); and
- c) That Council approves the Waikato Plan Joint Committee Agreement (Attachment 2).

17. Attachments

18. Attachment 1 - Hamilton Public Transport Joint Committee Agreement and Terms of Reference July 2015

19. Attachment 2 - Waikato Plan Joint Committee Agreement July 2015

20. Attachment 3 - Waikato Plan Joint Committee Terms of Reference July 2015

Appendix 1: Draft Hamilton Public Transport Joint Committee Agreement

1. Purpose

This Agreement is made pursuant to Clause 30, Schedule 7 of the Local Government Act 2002. The purpose is to provide for a Joint Committee of Waikato Regional Council and Hamilton City Council. The Joint Committee has additional public body representation from the New Zealand Transport Agency, and CCS Disability Action [to represent Access and Mobility]. The member nominated by CCS Disability Action is appointed as an observer with speaking rights but in a non-voting capacity.

The Hamilton Public Transport Joint Committee has been established to oversee the implementation and monitoring of the Regional Public Transport Plan in Hamilton in accordance with the functions as set out in the Terms of Reference attached to this Agreement as **Appendix 1**.

The Committee is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30, Schedule 7).

2. Membership

The Hamilton Public Transport Joint Committee is to comprise of two (2) members appointed by Waikato Regional Council; two (2) members appointed by Hamilton City Council; one (1) member appointed by New Zealand Transport Agency; and one (1) member appointed by CCS Disability Action [to represent Access and Mobility].

A Co-chair from each council is to be appointed by the Joint Committee, and the Chair of the Joint Committee is to rotate between the Council's each calendar year, commencing with Hamilton City Council from January 2014. The Co-chair of the Council, not in the office of Chair, will act as the Deputy Chair.

The New Zealand Transport Agency may appoint one (1) member and CCS Disability Action may appoint one (1) member [to represent Access and Mobility].

The member appointed by CCS Disability Action will be appointed as an observer with speaking rights but in a non-voting capacity.

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be 3 members being one member from each council and either the New Zealand Transport Agency or CCS Disability Action.

3. Meeting Frequency

Quarterly or as required. Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by Waikato Regional Council.

4. Delegations

The Joint Committee has delegation to recommend in respect of matters relating the implementation and monitoring of the Regional Public Transport Plan as they affect Hamilton City.

The Joint Committee reports to Waikato Regional Council and Hamilton City Council [via its Strategy and Policy Committee].

5. Variation of this Agreement

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

Execution

Representative of Waikato Regional Council:

Chairperson Paula Southgate

Dated:

Representative of Hamilton City Council:

Mayor Julie Hardaker

Dated:

Appendix 1: Terms of Reference

Hamilton Public Transport Joint Committee	
Reporting to	Waikato Regional Council Hamilton City Council [Strategy and Policy Committee]
Constitution	Waikato Regional Council (two members) Hamilton City Council (two members) New Zealand Transport Agency (one representative) Access and Mobility (one representative) [<i>non voting</i>]
Meeting Frequency	Quarterly <i>or as required</i>
Quorum	Three members – being one member from each council and either the NZTA or the Access and Mobility representative.
Chairmanship	To rotate between a Waikato Regional Council member and Hamilton City Council member with HCC representative taking the Chair from January 2014
Administration	The administration of the Hamilton Public Transport Joint Committee will be provided by the Waikato Regional Council for the triennium.
Objective	To oversee the implementation and monitoring of the Regional Public Transport Plan in Hamilton.

SCOPE OF ACTIVITY

1. To consider and recommend on matters relevant to the implementation and monitoring of the Regional Public Transport Plan as it affects Hamilton City

POWER TO ACT

1. To recommend in respect of matters relating to the implementation and monitoring of the Regional Public Transport Plan as they affect Hamilton City.

Waikato Plan Joint Committee – Agreement – Local Government Act 2002

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002. The purpose is to provide for a Joint Committee of Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, Waitomo District Council and tāngata whenua, to develop, advocate and implement the Waikato Plan.

The Joint Committee has additional public body representation from Thames Coromandel District Council, Rotorua District Council, the New Zealand Transport Agency, the Waikato District Health Board and the National Infrastructure Unit, as observers with speaking rights but in a non-voting capacity.

The Waikato Plan Joint Committee has been established to develop and implement the Waikato Plan in accordance with the functions as set out in the Terms of Reference attached to this Agreement as **Attachment 1**. These Terms of Reference replace those agreed to on 30 March 2015.

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

2. Membership

The Waikato Plan Joint Committee is to be comprised of the Mayors of the partner territorial local authorities (except for the Matamata Piako District Council where either a Councillor or the Mayor will be a member) and the Regional Council Chairperson as appointed by the local authorities along with one alternate member for each partner Council, tāngata whenua representatives, five independent non local government members and observers.

An Independent Chairperson (non-elected member) is to be appointed by the Committee to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the Committee, who may be an elected member and a committee member.

The partner councils shall also appoint alternates. These alternates will only attend Joint Committee meetings if the relevant Mayor, Councillor or Regional Chair is unavailable. The alternates can only speak or vote when deputising for the respective Mayor (or in the case of the Matamata Piako District Council a councillor) or Regional Council Chair.

Initially the standing membership of the Committee shall be limited to 25 members (including the Independent Chairperson and alternates), but with the power to co-opt up to a maximum of two additional non-voting members as observers where required to ensure the effective development and implementation of any part or parts of the plan.

Thames Coromandel District Council and Rotorua District Council can nominate one member each as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

The Waikato District Health Board and NZ Transport Agency are represented through the Chair (or nominee) and Regional Director (or nominee) as observers with speaking rights but in a non-voting capacity. A representative of the National Infrastructure Unit of Treasury can attend as an observer.

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be half of the voting members.

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

3. Meeting Frequency

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

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

4. Delegations

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

- Overseeing the development and subsequently the implementation of the Waikato Plan and to recommend its adoption to the partner councils.
- Champion integration through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Establish protocols to ensure that strategy development, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.
- Monitoring and reporting progress against milestones.
- Ensuring organisation systems and resources support strategy development.
- Overseeing the management of the risks identified.
- Facilitating consultation with the community at appropriate stages.
- Make submissions as required
- Formulation of a community engagement strategy, including determining key issues.
- Formulation, management and the oversight of the running of the special consultative procedure or any other consultation.
- To oversee the ongoing selection and appointment of representatives to the Waikato Plan Joint Committee.
- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Responsibility for approving and implementing the Agreement as adopted by the Committee, to provide and maintain partnership relationships and provide for the resolution of any conflict.

5. Variation of this Agreement

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

**Terms of Reference for the Waikato Plan
Joint Committee**

24th July 2015

Contents

- 1) Objectives of the Waikato Plan Joint Committee
- 2) Specific Responsibilities of the Waikato Spatial Plan Joint Committee
- 3) Membership
- 4) Operating Principles
- 5) Standing Orders
- 6) Delegations
- 7) Duration of the Committee

1) Objectives of the Waikato Plan Joint Committee

This is a Committee established to govern, lead and resource the development and recommendation to adopt the Waikato Plan to Councils within the Waikato region.

The primary objective of the Waikato Plan itself is “to contribute to the Waikato’s social, economic, environmental and cultural well-being through a comprehensive and effective long-term (30 year) strategy for Waikato’s growth and development”.

2) Specific Responsibilities of the Waikato Plan Joint Committee

Subject to the delegations set out in clause 6 below, the Committee’s responsibilities include:

- a) To oversee the development and subsequently the implementation of the Waikato Plan and any parts thereof, and to recommend its adoption to the partner councils.
- b) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the Waikato Plan Joint Committee.
- c) To appoint tangata whenua representatives to the Waikato Plan Joint Committee.
- d) To approve the Waikato Plan Joint Committee Agreement and the associated Terms of Reference.
- e) On behalf of all the Councils of the Waikato Region to take responsibility for overall guidance on and further development of the Waikato Plan.

3) Membership

3.1 Quantum of Members

The membership will be up to 25 persons in total, made up and appointed by the Committee (from time to time), as follows:

Ten Local Government Members

The Mayors and Regional Chair of most of the Local Authorities within the Region – namely Waikato Regional Council, Hamilton City Council, Hauraki District Council, Ototohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waipa District Council, and Waitomo District Council. One Councillor from Matamata-Piako District Council.

The Local Government Members may be replaced from time to time by the respective Local Authorities providing written notice to the Committee confirming the amended nomination.

Tangata Whenua Members

To be determined.

Five Non-Local Government Members

Five non-Local Government members, recommended by the ten Local Government Members, appointed on the basis of skills, experience, standing and networks in the regional community relevant to the goals of the Waikato Plan.

Observers

The two Local Authorities without specific membership are Thames-Coromandel District Council and Rotorua District Council. These Councils can nominate one member each as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

The Waikato District Health Board and NZ Transport Agency represented through the Chair (or nominee) and Regional Director (or nominee) are also observers with speaking rights but in a nonvoting capacity. A representative of the National Infrastructure Unit of Treasury can attend as an observer.

3.2 Chairperson

Appointment of the Chairperson and deputy to be determined by the Committee.

The Chairperson must be one of the five non-Local Government members.

3.3 Quorum

Must include half of the voting membership.

3.4 Alternates

Each of the Councils is entitled to appoint an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so. Such alternates are technically part of the composition of the Joint Committee as there is no specific provision for alternates in the Local Government Act 2002.

3.5 Remuneration

Each Council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

The remuneration of the non-Local Government Members will be determined and approved by the Councils, following consideration of any recommendation by the Committee.

3.6 Term of Appointment

The initial ten Local Government Members shall be appointed for terms that expire on the date of each Local Government triennial election.

The subsequent Local Government Members shall be appointed in accordance with the process set out above as soon as possible after each Local Government triennial election, and for a term that expires on the date of the next Local Government triennial election.

The tāngata whenua representatives shall be appointed for terms that expire on the date of each Local Government triennial election.

The initial non-Local Government Members shall be appointed for terms that expire on the date of the Local Government triennial election in 2016. Each of the initial non-Local Government Members shall be eligible for re-appointment at the beginning of the Triennium following the 2016 elections.

4) Operating Principles

4.1 The Councils have agreed that they will not act independently of the Committee, so that any Joint Committee recommendations that the Council(s) are not prepared to accept will be referred back to the Committee for further consideration.

4.2 Local Authority Shared Services Ltd (LASS) will be the administering body for the Joint Committee.

5) Standing Orders

The Model Standing Orders are adopted.

6) Delegations

The Councils delegate to the Committee the following functions and powers to enable the Committee to achieve the specific responsibilities:

- a) To oversee the ongoing selection and appointment of five (5) non-Local Government Members to the Waikato Plan Joint Committee.
- b) To appoint tāngata whenua representatives to the Waikato Plan Joint Committee.
- c) To oversee the observers to the Joint Committee.
- d) Management and oversight of the development of a Waikato Plan, including recommending the Plan to the partner councils for adoption
- e) Overseeing the process for community engagement, including any LGA 2002 consultation processes.

7) Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Waikato Plan Joint Committee is not deemed to be discharged following each triennial election.

Committee: Council

Date: 30 July 2015

Report Name: Waikato Sub-Regional Waters
Study

Author: Blair Bowcott

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>2015-25 Long Term Plan – Review of Service Delivery</i>
Financial status	<i>There is budget allocated of \$10,000 to support interim period works</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

- To formally receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”) following its public release at a Karapiro briefing on 11 May 2015 and HCC briefing on 12 May 2015.
- To support “in principle” the formation of ratepayer owned Waters Council Controlled Organisation (CCO), subject to other councils also approving the same.

4. Executive Summary

- During 2014 Council received a series of reports analysing the best option for managing water within the sub-region (Waipa and Waikato District and Hamilton City Council). The reports were based on outcomes and the recommendations of previous work undertaken by the Waikato Mayoral Forum.
- In November 2014 the three Councils engaged Cranleigh (as the main consultant) to analyse in detail three options for future water management in the sub-region and to provide a definitive recommendation for moving forward. The options were Status Quo, Enhanced Shared Services and a ratepayer-owned Council Controlled Organisation. Waikato District Council also commissioned and paid independently for a study to examine options for working more closely with Watercare.
- On 11 May 2015 Cranleigh presented the outcomes of the main study to the three Councils. There were two recommendations:
 - Councils should transfer their water and wastewater assets into a jointly owned not-for-profit CCO; and
 - Councils should retain ownership of their urban stormwater assets, but outsource management of those assets to the CCO on a cost recovery basis.
- Council work-shopped the report on 12 May 2015 and discussed the recommendations and information contained within the report.

9. At the time of drafting this report, Waikato District Council has approved in principle the formation of a Waters CCO. Waipa District Council has not formally considered the recommendation nor made any resolutions regarding the process moving forward. Until all three councils have made a decision, no further substantive progress can be made.
10. In the interim a small amount of future planning work continues on the project, and it is deemed appropriate for the Waters Project Group (Executive Staff) to continue to manage this.
11. The Cranleigh recommendation to form a ratepayer-owned CCO with three Council shareholders would be a significant decision. It is acknowledged that further work and formal consultation will be needed if the Waters CCO is to be established and that this will be subject to a further Council report. Attachment 3 outlines the process followed to date on the Waikato Sub-Regional Waters Study and the likely next steps in the project if all councils have made a decision on the Cranleigh Report.

12. Recommendations from Management

- a) That the report be received.
- b) That Council receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”).
- c) That Council support in principle the formation of a Waters CCO for the Hamilton City, Waikato and Waipa District Councils.
- d) That staff report back to Council once all three Councils have formally considered and determined their position on the business case.

13. Attachments

14. Attachment 1 - Cranleigh Report (*Under Separate Cover*)
15. Attachment 2 - Mott Report (*Under Separate Cover*)
16. Attachment 3 - Flowchart of process to progress Waters Study

17. Key Issues

18. Background

19. The history and all associated Council, consultant reports and media releases linked to the Waikato Sub-Regional Waters Study can be found on the project website www.waterstudywaikato.org.nz.
20. Hamilton City Council has received the following reports associated with the Waters Study:

28 April 2014	Waikato Water - Mayoral Forum Consultants Report circulated to Elected Members
15 May 2014	Elected Member briefing - Peter Winefield presented the Waikato Water Report
26 June 2014	Council report (Item 12, page 11) – Business Case for a CCO for Water and Wastewater. CEO delegated to run REOI process to select consultant.
30 October 2014	Council report (Item 11, page 32) – Sub-Regional Waters Detailed Business Case approval for project to commence (to approve

	consultant (Cranleigh consortium), scope, cost allocation and governance arrangements). Cnlrs Pascoe and Mallett appointed to Governance Group.
11 December 2014	Council report (Item 12, page 37) – Sub-Regional Business Case – information on Project Timeline.
11 May 2015	Public Release of Cranleigh Report <ul style="list-style-type: none"> Refer copies in Attachments 1 (Cranleigh Report) and 2 (Mott Report)
12 May 2015	HCC Elected Member briefing following release of Cranleigh Report <ul style="list-style-type: none"> Cranleigh representatives presented report and answered questions

21. In November 2014 Cranleigh was engaged, in partnership with Mott MacDonald and Martin Jenkins (Cranleigh) to undertake a study to look into the future management of water in the sub-region (the study).
22. The study was to look at three options for future management:
 - Retaining the status quo
 - An Enhanced Shared Service (ESS) and
 - Forming a ratepayer-owned Council Controlled Organisation (CCO)
23. The study used the central Government’s “Better Business Case” methodology, which was developed by the National Infrastructure Unit, to ensure a robust and transparent reporting methodology.
24. Waikato District Council commissioned a fourth option for consideration, expanding their current relationship with Watercare (option 4). This study was funded by and solely for, the Waikato District Council.
25. The report development process, looking at the three options, was overseen by a Governance Group and managed through a Project Group. The Governance Group consisted of elected members from each of the Councils. This Council was represented by Councillors Rob Pascoe and Garry Mallett on the group. The Project Group consisted of senior staff from each Council.
26. **Cranleigh Report**
27. On 11 May 2015 all three councils were invited to a presentation from Cranleigh on the outcomes of the study at the Don Rowlands Centre, Lake Karapiro. The report was publicly released following this presentation.
28. The Executive Summary of the Cranleigh Report (page 7 of Part A) concluded that the ratepayer-owned CCO was the most effective model moving forward and the report offered the following key recommendations:
 - Council should transfer their water and wastewater assets into a jointly owned not-for-profit CCO, and
 - Council should retain ownership of their urban stormwater assets, but outsource management of those assets to the CCO on a cost recovery basis.
29. The Executive Summary outlined three key benefits of a Waters CCO over the other options:
 - 1) Lower water charges producing savings for councils and customers;

- 2) A stronger and more resilient waters network across the sub-region;
 - 3) Improved quality of drinking water and treated wastewater across the sub-region.
30. Other strong benefits of the CCO were identified as:
- 1) Ability to attract and retain talented staff;
 - 2) Support for economic growth through improved 3 Waters network and integrated planning;
 - 3) Creating a centre of excellence that can share expertise with other councils in the region on a cost recovery basis.
31. The estimated financial savings for each option are summarised on Pages 8 and 11 of Part A.
32. The table below presents the analysis of all three options for all councils and for Hamilton City Council. It shows the CCO as the preferred option with the lowest risk and the highest cost savings. Estimated financial savings are calculated from a commencement date of 1 July 2017, reflecting a 2 year implementation period from the start of the current 2015-25 Long Term Plan.

Decision Factor	All Three Councils			Hamilton City Council	
	Status Quo	ESS	CCO	ESS	CCO
Multi – Criteria Score	58%	60%	82%	60%	82%
Combined \$ Savings (10 years)	N/A	\$27m	\$107m	Note	\$52.3m
Combined \$ Savings (28 years)	N/A	\$104m	\$468m	Note	\$282.1m
Risk Rating	Medium	High	Low	High	Low
Overall Ranking	2nd	3rd	1st	3rd	1st

NOTE: Split of savings by council for ESS not outlined in Cranleigh Report, but page 43 of Part B, recommends savings to be shared on agreed basis such as percentage of water volumes or operating and capital costs.

33. The report (page 33 of Part A) also outlines the impact on the debt/revenue financial ratio for Hamilton City Council with the establishment of a Waters CCO, and the impact at both a parent and group consolidation level.
34. Governance of the CCO was addressed by Cranleigh in both their report (page 21-23 of Part A) and at the workshop discussions with each Council. Cranleigh explained that while a Waters CCO is a corporate structure, there will need to be a strong “Waikato” flavour to the governance arrangements to reflect local preferences in important matters including accountability, relationship management and independence of the board. These preferences would be reflected in the Constitution, Statement of intent (SOI) and role of the Establishment Committee.

35. Discussion and Analysis of Options

36. Discussion

37. The study represents a robust, independent view into the best model for managing water services within the sub-region. A significant amount of work and in-depth analysis by the Cranleigh team has led them to the conclusions and recommendations outlined within the report.
38. Subsequent to the report being published, commentary by national bodies/organisations and government representatives has been favourable in terms of support for the findings and recommendations.
39. Whichever option is selected by Council (with the exception of the Status Quo), an implementation plan will need to be developed prior to progressing. This is acknowledged in the study (page 37 of Part A) with an estimated two year implementation process for a CCO and one year for the ESS option.
40. The study identifies costs and benefits over a 28 year period (based on 30-year infrastructure plans less two years for implementation). As with any longer term financial analysis there are inherent difficulties in ensuring absolute accuracy over that longer timeframe and the identification of potential sustainable water network efficiencies.
41. The Cranleigh Report (page 24 of Part A) acknowledges the financial saving projections for the first 10 years (largely based on the councils Long Term Plans) are more reliable than years 11-28 which are long term estimates based on the 30 year infrastructure strategies with less moderation of capital expenditure.

42. Council's Consideration of the Cranleigh Report

43. Waikato and Waipa District Councils have held public workshops with Elected Members (Waikato 15 May 2015, Waipa 2 June 2015) to discuss the Cranleigh Report.
44. Waikato District Council on 16 June 2015 resolved to support in principle, the formation of a Waters CCO for three Councils. They also received a report investigating options for an expanded Watercare relationship, but determined that the formation of a Waters CCO was the preferred outcome. The report concluded that while Waikato is leveraging network opportunities with Watercare in the northern part of their district, any expanded relationship would only be pursued if the Waters CCO was not supported by all three councils.
45. Waipa District Council has not yet determined their preferred option. Following 2 June 2015 workshop, staff were requested to provide more information and it is anticipated that Waipa District Council will formally consider the Cranleigh Report during August 2015.

46. Options

47. Whilst there are a number of other aspects surrounding the Cranleigh recommendation, such as public consultation, the requirement for an amended LTP, cost and transition processes along with the positions of both Waikato and Waipa District, the base consideration and purpose of this report is to determine whether Council supports in principle the recommendations of the Cranleigh study.
48. With this in mind, there are three main options available to Council.

Option 1: Not support the recommendations of the study

Option 2: Support in principle the recommendations of the study

Option 3: Undertake further work as required for Council to make a decision.

49. It is recommended that Council support Option 2, because of the key benefits that would be provided by the establishment of a Waters CCO, summarised earlier in this report. Waikato District Council has already resolved to support this option.
50. If Waipa do not support the outcomes of the report, then Council will need to reconsider its position. If Council wanted to analyse and test a two council Waters CCO with Waikato District Council, (and they were supportive of this approach) then Cranleigh advise that to provide robust information on this scenario would require further work of approximately four weeks duration at an approximate cost of \$40k.

51. Next Steps

52. Should the recommendations of the study be supported by all three Councils, the next phase of the project would need to be scoped.
53. At this stage there is no project brief, timeframe or cost for the next steps and these would all be subject to a full report to Council prior to progressing further.
54. Attachment 3 outlines in a flowchart the journey to date and proposed next steps (at a high level) if all three councils support (in principle) the Waters CCO. An agreement in principle would not bind any council to forming a Waters CCO and does not in any way constitute a final decision. More detailed work is likely to be required including the investigation and testing of financial implications for each council, the specific LTP amendment financial proposals, shareholder and constitution arrangements and the form of engagement and public consultation. A detailed project plan will need to be prepared to consider and address all these matters and brought back to each council for consideration.
55. Maintaining strong governance connection to the process via the waters Governance Group is considered essential. The Governance Group has concluded its role with the current phase of the project, and if the project progresses to the public consultation phase, a new Governance Group and terms of reference for their role would need to be established.
56. During this period of each council considering the report, there is still a small amount of background work that continues to be undertaken, such as supporting each council's decision process and early planning for the potential next stage of the project. The Waters Project Group is providing oversight to this work.

57. Financial

58. The delivery of the Cranleigh Report to the three Councils represents the end of the initial commission and the budgets allocated for the work. The study and associated works were all completed just under the \$650,000 budget.
59. The budget for the next stage of the project, if it was to move into a public consultation phase, would be the subject of another Council report and resolution.
60. The Project Group has estimated up to \$20,000 may be required for the interim period works. This Council's share of this would be up to \$10,000, which will be funded from existing operations budgets.

61. Legal

62. In accepting the recommendations of this report there are no known legal issues.

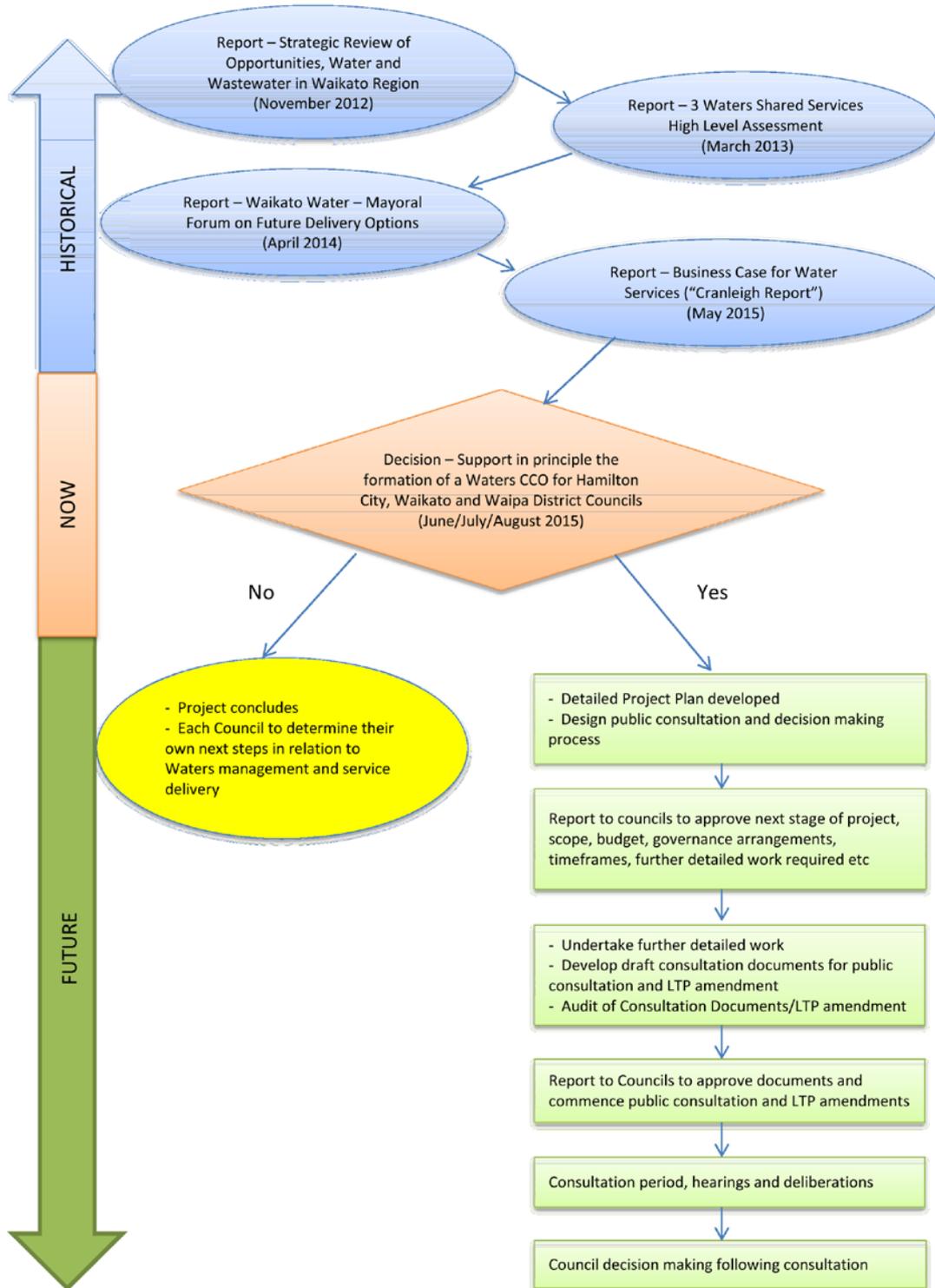
63. Risk

- 64. The Cranleigh Report considered a number of risks against each option. These are described, evaluated and ranked in detail on page 88 of Part B.
- 65. The next steps for the project cannot be determined until all three councils have made a decision on the Cranleigh Report. During this consideration period, the Waters Project Group has ensured that information is being regularly shared between all three councils so that all parties are kept informed.

Signatory

Authoriser	Blair Bowcott, General Manager Performance Group
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Waikato Sub-Regional Water Study Process



Committee: Council

Date: 30 July 2015

Report Name: Riverlea Theatre

Author: Nicolas Wells

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>The land adjoining Riverlea Theatre was included in the 2012-22 10-Year Plan for consideration for sale.</i>
Financial status	<i>No sale proceeds have been anticipated in the 2015-25 10 Year Plan.</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 approval to execute a conditional sale and purchase agreement with the Riverlea Theatre and Arts Centre ["RTAC"].

3. Riverlea Theatre – Sale and Purchase Agreement

4. This report should be read in conjunction with a confidential staff report to Council on 25 September 2014 which fully detailed the matter – including a comparison between the Meteor, Clarence Street and Riverlea Theatres and the value of the land.
5. On 25 September 2014 Council considered the sale of the Riverlea Theatre land and resolved:
 - a) *The report be received;*
 - b) *Council approves the sale of the land physically located at 83 Riverlea Road, Hamilton, and described in the Schedule;*
 - c) *Council offers the property for sale by private treaty to the existing lessee for a sum at a level acceptable to the Chief Executive having regard to the current market value assessed by a registered valuer;*
 - d) *If the property is not sold to the existing lessee then Council markets the property for sale through a public sale process for a sum not less than the current market value assessed by a registered valuer in accordance with Council policy;*
 - e) *Staff will report back to Council and seek further direction in respect of any matters or issues arising that materially affect the disposal process or detrimentally affect the sale price;*
 - f) *Net sale proceeds be used to repay debt;*
 - g) *Council authorises the Chief Executive Officer to prepare and execute (1) an Agreement for Sale and Purchase and (2) any other instruments required to give effect to this resolution.*

6. In accordance with Council's resolution staff have been in discussions with RTAC over the past nine months to finalise an agreement for sale and purchase of the land.
7. RTAC has advised Council formally that *"it is committed to the purchase of the property" and "it is the opinion of Riverlea that it is in the best interests of both Riverlea and the Societies which use Riverlea Theatre that certainty of tenure is obtained as soon as possible and that the land purchase proceed"*.
8. RTAC have however repeatedly said that before entering into a binding agreement they require certainty that the purchase funds can be obtained.
9. RTAC has advised that *"fundraising activities are underway but due to the nature of applications for grants, the time required to prepare the necessary feasibility studies and submit the applications, and then wait for the outcome of the various funding rounds Riverlea needs the longest possible time available to it to secure confirmed funds to complete the purchase"*.
10. A conditional sale and purchase agreement was received from RTAC on 22 July 2015, which was conditional on the following:
 - RTAC obtaining a feasibility study of the proposed purchase as appropriate to meet the requirements of any grant application by 1 September 2015; and,
 - RTAC obtaining sufficient funding (by way of grants and other applications) to complete the purchase of the property by 1 May 2016.
 - Settlement of the purchase on 1 June 2016 or earlier by mutual agreement.
11. The conditional sale and purchase agreement falls within the scope of Council's resolution of 25 September 2014.

12. Recommendations from Management

13. That:
 - a) The report be received;
 - b) Council confirms the resolution of 25 September 2014 described in this report and authorises the Chief Executive Officer to execute (1) the conditional Agreement for Sale and Purchase and (2) any other instruments required to give effect to the resolution.

SCHEDULE

All that land contained in Certificate of Title SA1031/22 South Auckland Registry legally described as Lot 15 DPS 988 comprising 1.0459 hectares more or less and physically located at 83 Riverlea Road, Hamilton [Riverlea Theatre].

14. Attachments

15. Attachment 1 - Riverlea Theatre - Aerial Photograph

16. Theatre Comparisons

17. On 30 June 2015 Council received a verbal report on the status of the sale of the Riverlea Theatre land and resolved:
 - a) *That the Council receives the verbal report on the current status of the Riverlea Theatre from the Chief Executive and General Manager [Events and Economic Development], and the tabled transcript is noted;*

b) That this matter be referred to the 30 July 2015 Council meeting, and the staff report includes a comparison of terms and conditions offered to the Riverlea, Clarence and Meteor Theatre groups.

18. The arrangements for each of the three theatres (Meteor, Clarence Street and Riverlea) are summarised and tabulated below:

19. Meteor Theatre

20. Originally one of three Council-owned and operated theatres (the other two being Clarence Street and Founders' Theatres).

21. The *Theatres Review* recommended the Meteor Theatre be gifted to a community trust to operate the facility as a community theatre and arts hub.

22. The building was gifted by Council to the One Victoria Trust Board Incorporated [OVTB] on 31 January 2014. The venue is wholly operated by the OVTB.

23. Council retains ownership of all the land (including the land under the building, the adjoining vehicle access strip and the neighbouring public carpark).

24. The gift is revocable (within three years up to 31 January 2017) and requires the OVTB to:

- Undertake earthquake strengthening works on the buildings by 31 January 2019
- Comply with a range of stipulated Key Performance Indicators
- Pay all costs associated with the building

25. The OVTB is not permitted to treat the gift as a tangible asset for security against borrowing.

26. Council provided a one-off \$75K operating grant for the first year of the gift. Council will also provide a \$150K grant towards the capital cost of earthquake strengthening works provided that occurs prior to 31 January 2019. No request for this funding has been received.

27. If the OVTB satisfies all the requirements of the gift by 31 January 2017 then ownership of the building transfers unconditionally. Council will still retain ownership of all the land.

28. If the OVTB fails to satisfy the requirements of the gift by 31 January 2017 then the gift is revoked and ownership of the building reverts to Council.

29. Clarence Street Theatre

30. Originally one of three Council-owned and operated theatres.

31. The *Theatres Review* recommended Council dispose of the Clarence Street Theatre (options being to close and mothball, to demolish, to sell on the open market, to sell to a sympathetic operator at a reduced price or to gift to a community trust).

32. The building was gifted by Council to the Clarence Street Theatre Trust [CSTT] on 30 June 2015. The venue is wholly operated by the CSTT.

33. Council retains ownership of all the land (including the land under the building and adjoining access and landscape strips).

34. The gift is revocable (within three years up to 30 June 2018) and requires the CSTT to:

- Undertake earthquake strengthening works on the buildings
- Comply with a range of stipulated Key Performance Indicators
- Pay all costs associated with the building.

35. The CSTT is not permitted to treat the gift as a tangible asset for security against borrowing.

36. Council provides a one-off \$75K operating grant for the first year of the gift. Council will also provide the lesser of \$150K or 20% of the capital cost of earthquake strengthening works.
37. If the CSTT satisfies all the requirements of the gift by 30 June 2018 then ownership of the building transfers unconditionally. Council will still retain ownership of all the land.
38. If the CSTT fails to satisfy the requirements of the gift by 30 June 2018 then the gift is revoked and ownership of the building reverts back to Council.
39. **Riverlea Theatre**
40. Riverlea Theatre is not one of the three (Meteor, Clarence Street and Founders') Council-owned and operated theatres and was not included in the *Theatres Review*.
41. The land and buildings were acquired by Council in 1983 for \$160,000 as a new home for a number of established arts groups.
42. The building was gifted by Council to the Riverlea Theatre and Arts Centre [RTAC] on 21 September 2005. The venue is wholly operated by the RTAC.
43. Council owns all the land (shown bordered in red on the aerial attached including the land under the building, the adjoining car park and neighbouring field). The land used by RTAC (shown in yellow on the aerial attached) is leased to Riverlea until 2032 for an annual rental of \$148.76 plus GST.
44. RTAC pay all costs associated with the building.
45. Council has expended approximately \$26,400 in capital and operational costs between the date of purchase and gifting the building to RTAC.
46. RTAC has paid \$1,183 total rent over the duration of their lease (2007 – 2015).
47. Council has made no quantifiable grant to RTAC (noting that RTAC's constituent groups [Playbox, Musikmakers and Stagecraft] may have received grant funding from the Council's Events Sponsorship, Performing Arts Contestable or Arts and Culture Funds).
48. Council has offered the land for sale and purchase by RTAC at current market value assessed by a registered valuer in accordance with Council policy. The current market value reflects the impact of the RTAC lease. The current market value of the land unencumbered by the lease increases by approximately 48%. RTAC is uniquely positioned to potentially realise this difference in value.

49. **Table 1 – Theatres Comparison**

	Meteor	Clarence	Riverlea
Venue Operator	Meteor (OVTB)	Clarence (CSTT)	Riverlea (RTAC)
Building Owner	Meteor (OVTB)	Clarence (CSTT)	Riverlea (RTAC)
Land Owner	HCC	HCC	HCC
OPEX and CAPEX	Meteor (OVTB)	Clarence (CSTT)	Riverlea (RTAC)
Tenure	Revocable Gift	Revocable Gift	Ground Lease
Obligations	Earthquake Upgrade KPIs	Earthquake Upgrade KPIs	Nil
Grants	Year 1 \$75K operating (*) \$150K capital (*)	Year 1 \$75K operating (*) \$150K capital (*)	Nil

50. The grants (*) are described in the relevant sections above – noting that the Council contribution towards capital cost of earthquake strengthening works is only payable upon completion of the physical works.

51. Risk

52. If RTAC choose not to purchase then the property will be offered for sale on the open market in accordance with the resolution. A competitive sale process will maximise the number of potential purchasers thereby ensuring that Council receives the best possible price through a fully transparent and robust process.
53. The operational and service delivery risks of holding the asset are low. There is no risk associated with retaining the property should the sale negotiations collapse. Similarly there is no operational or service delivery risk associated with sale of the asset.

Signatory

Authoriser	Sean Murray, General Manager Events and Economic Development Group
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 Hamilton City Council Te kaunihera o Kirikiriroa	Riverlea Theatre D-1557703		
	Scale :- 1 : 1075 Date :- 10/09/2014		

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Committee: Council

Date: 30 July 2015

Report Name: Ferrybank Development Plan
(River Plan) - Design Brief

Author: Jacob Quinn

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>River Plan, 10-Year Plan, Hamilton Plan</i>
Financial status	<i>There is budget allocated \$250,000 River Plan budget in 2015/16</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 approve the Design Brief for the Ferrybank Development Plan project.

3. Executive Summary

4. The Ferrybank Development Plan is the first major deliverable of the Hamilton City River Plan (The River Plan), as agreed by Council in the 2015-25 10 Year Plan.
5. Staff seek Council's endorsement of a Design Brief, which once approved will be used as the basis of a Request for Expressions of Interest (REOI) for the procurement of urban design and development planning services to assist in the production of the Ferrybank Development Plan.
6. The procurement process, a multi-stage open tender process that will have the feel of a public design competition, provides additional benefits to Council resulting from the associated publicity and public engagement activities.

7. Recommendations from Management

- a) That the report be received.
- b) That the Ferrybank Development Plan Design Brief (Attachment 1) is approved.

8. Attachments

9. Attachment 1 - Ferrybank Development Plan Design Brief (July 2015)

10. Key Issues

11. [Background](#)
12. Council adopted the River Plan on 11 December 2014 ([agenda/minutes](#)).

13. The Ferrybank and Roose Commerce Park Development Master Plan (to be known as the Ferrybank Development Plan) was identified as a priority project (for immediate start) under the Implementation section of the [River Plan](#).
14. In the 2015-25 10 Year Plan \$250,000 in Year 1 and \$500,000 in each subsequent year is set aside for implementation of River Plan projects (see [page 16](#)).
15. The River Plan funding proposal adopted by Council on 25 February 2015 ([agenda/minutes](#)) as part of the 10 Year Plan highlighted the Ferrybank Development Plan as the first priority. It described the project as “this is a development and master plan for this River Plan site. It will provide the detail about how this area will be developed over the coming decades. The master plan process is expected to take a year to develop using internal and external resources with specific expertise as appropriate.”
16. The River Plan Project Governance Group (PGG) (members include the Chief Executive and General Managers for Community and City Environments) has approved a project budget of \$200,000, the procurement process, timeframe and Tender Evaluation Panel membership.
17. Council sign-off stages:
The Design Brief provides for the following approval requirements from Council. Council will be asked to:
 - 1) Sign-off the Design Brief (today)
 - 2) Approve a recommendation from the Tender Evaluation Panel for the Chief Executive to appoint the final design team to complete Stage 3 (December 2015)
 - 3) Adopt the final Development Plan (July/August 2016)
18. Strategic alignment
19. The delivery of the Ferrybank Development Plan is aligned with the River Plan and the Hamilton Plan.
20. Iwi consultation
21. Waikato-Tainui staff have been briefed on this project, have had input to the Design Brief and have representation on the Tender Evaluation Panel.

22. Financial and Resourcing Implications

23. The Ferrybank Development Plan project has a PGG approved budget of \$200,000 for 2015/16. The funding comes from the \$250,000 River Plan budget approved for the same period in the 10 Year Plan.
24. The Ferrybank Development Plan budget is:
 - \$30,000 for Concept Planning (\$10,000 fee for each Stage 2 selected design team);
 - \$150,000 for Detailed Development Planning (fee for the Stage 3 design team);
 - \$15,000 for publicity, communications, associated events and project costs;
 - \$5,000 for travel and accommodation costs of Tender Evaluation Panel members.

25. Risk

26. Failure to endorse the Ferrybank Development Plan Design Brief will create delay in undertaking a key component of the River Plan, as endorsed by this Council.

Signatory

Authoriser	Richard Briggs, Chief Executive
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BRIEFING DOCUMENT STAGE 1 AND 2

1. Overview

1.1. The Opportunity

The opportunity exists to be part of transforming the future of Hamilton through the submission of a Development Plan for the iconic riverside Ferrybank and Roose Commerce Park areas (The Ferrybank).

The Ferrybank is intended to become Hamilton's premier waterfront destination and a crucial driver in the transformation of the central city and of Hamilton's identity as a city. This project builds on the ideas captured in the recently adopted River Plan.

(<http://www.hamiltoncityriverplan.co.nz/uploads/files/D-1642901-River-Plan.pdf>).

The Development Plan will identify the location of future public open spaces, mixed use developments, tourism opportunities, a pedestrian bridge, riverside boardwalks, and plans for the development of purpose built boatsheds, clubhouses and other facilities.

The area should be developed as an urban park-like environment which will anchor the southern end of the central city within easy walking distance of the entertainment, cultural and retail areas, as well as public transport routes and river walk and cycleways. It is essential that the design is 'right sized' for Hamilton and fits within and complements the surrounding landscape.

The Ferrybank Development Plan study area is a key piece of land connecting the central city to the Waikato River (the River), across mostly Council-held lands. These lands are culturally significant to Waikato-Tainui; with lands in which the Crown has an interest being subject to the iwi's first right of refusal under the Waikato Raupatu land Settlement legislation.

Council is committed to making the planning and regulatory changes required, and working with Iwi, to enable the implementation of the Development Plan, once it has been completed.

1.2. The Challenge

To achieve the above, Hamilton City Council is seeking independent expert input, where team knowledge, innovation and experience can be applied to provide an appropriate, achievable and enduring design solution for The Ferrybank.

Council have commissioned and compiled a number of background reports and studies. These include a preliminary geotechnical assessment, a desk-top assessment of the archaeological and cultural values, a high level assessment of likely traffic implications of changes to Grantham Street and a land status report. These reports including a summary report will be made

available to participating teams. A high level constraints report and background briefing paper (used to inform the River Plan formation process), provides other useful information and context.

These and a number of others factors will inform the Development Plan process. However, it is important that the precinct will function as a space that is:

1. **Public** – a space that provides opportunities for people to access and appreciate the River;
2. **Connected** – a space that is safely and easily accessible from neighbouring precincts
3. **Active** - an active public space, with high quality new development opening out towards and visually connected to the River;
4. **Culturally Significant** – a space showcasing development that is culturally and environmentally sustainable and aligned with Waikato-Tainui's vision and aspirations for the Waikato River;
5. **Iconic** - a unique tourist destination for Waikato and New Zealand including the use of high quality materials, lighting and landscaping.

1.3. The Study Area

The study area is shown in the figure below. It includes the traditional Ferrybank area (from the east side of Victoria St to the River's edge), Roose Commerce Park and the connections between these areas and Hamilton's Central Business District (CBD). Key connections to consider are the corner of Hood and Victoria Streets, the South end of Victoria Street, the existing River walk and cycleways, and Victoria Bridge to Hamilton East.



1.4. The Context

Hamilton is the largest inland city, the fourth largest metropolitan centre in New Zealand and is also one of New Zealand's fastest growing cities. It is unique in that it is strongly defined by its location straddling to the Waikato River, which is the longest river in the country and of paramount cultural significance to the region's tangata whenua, Waikato-Tainui.

As described in the River Plan (pg. 21-23) Ferrybank is named because it is where boats (punts) used to land prior to the bridges being constructed. It was an important landing place used by Māori, and early European settlers, in central Hamilton/Kirikiri. In the early 1900s the area was planted and the band rotunda installed. The Hamilton Rowing Club has been located at Ferrybank since 1905, where it remains today.

Roose Commerce Park was once occupied by a company transporting mined sand from the River. In the 1960s this became an unsafe practice and buildings were handed over to the Waikato Rowing Club. The gazebo was built in the 1970s for a flower show at Claudelands and was moved to the riverside location. A large remnant from the original Union Bridge is located beside this structure.

Ferrybank and Roose Commerce Parks provide the home for rowing and other water sports, such as waka ama, in the city, and the clubs and schools

who row with them have produced generations of successful athletes who have gone on to represent our region and country.

Acknowledging the history, heritage, uses and cultural significance of the site will play an important role in the formation of the Development Plan.

2. Development Plan Process

2.1. Format and Timeline

The Development Plan will be developed using a multi-stage open tender process that will have the feel of a public design competition. Finalists work will be exhibited and public engagement activities will occur concurrently. The purpose of this procurement method is to maximise public enthusiasm and engagement. The 3 stages are as follows:

- 1) Expression of Interest - open to everyone. The tender evaluation panel to select three design teams capable of delivering outcomes of the scale, quality and user experience expected (see evaluation criteria);
- 2) Concept Plan – short-listed design teams will respond to a closed request for proposal that incorporates a design concept and methodology for the further development of the Development Plan. The tender evaluation panel will select a winning concept to serve as the foundation for stage 3. The three teams selected to develop Concept Plans will each receive a partial success fee of \$10,000 on submission of their entry;
- 3) Detailed Development Plan - subsequent design refinement and development by the winning design team including further consultation and methodology for delivery. The winning design team will receive a success fee of \$150,000 on completion of the work.

In addition to the success fee, the winning design team will benefit from valuable publicity and media coverage as a result of their company name and experts being associated with public engagement activities relating to this iconic “once in a generation” project.

Timetable:

Stage 1 REOI opens	Sept 2015
Stage 1 closes, evaluated and shortlisted	Oct 2015
Shortlist for Stage 2 confirmed	Oct 2015
Stage 2 RFP Concept Plan opens	Oct 2015
Stage 2 closes, evaluated and winner announced	Dec 2015
Stage 3 commences	Jan 2016
Stage 3 completed and Development Plan delivered	July 2016

2.2. Council sign-off stages

Hamilton City’s Elected Council will be asked to:

1. Sign-off the Design Brief (July 2015)

2. Endorse a recommendation from the Tender Evaluation Panel for the Chief Executive to appoint the final design team to conduct Stage 3 (December 2015)
3. Adopt the final Development Plan (July/August 2016)

2.3. Design Parameters and Objectives

The challenge is to design an innovative urban park-like environment that incorporates new development and commercial opportunity that is balanced against the natural beauty and function of the River and reserve. Designs must cater to the vision and direction of the Council found within the River Plan, Hamilton Plan and Proposed District Plan (available at www.hamilton.govt.nz).

Council wishes to see a range of objectives and outcomes considered.

In particular, the Development Plan (and the initial Stage 2 Concept Plans) must consider and make reference to:

- Preferred or optimal location for commercial mixed-use development that compliments and doesn't undermine the CBD;
- Location of cafes/restaurants near (visual proximity) the River's edge;
- New public open spaces (hard and soft) set within a park-like environment;
- Enhanced, modernised and co-located rowing, waka ama, and sports facilities and clubhouses;
- Provision of a regionally significant tourism experience or hub;
- Location of a modernised jetty or on-water transport hub;
- Acknowledgment of Waikato-Tainui and mana whenua's significant connection to the River and region;
- The outcomes and goals in the Central City Transformation Plan;
- Acknowledges the flood risk, geotechnical and archaeological constraints identified in the supplementary briefing reports.

Development Plans (detail would be expected at Stage 3, references may be made at Stage 2) would also be expected to have considered:

- Enhanced pedestrian connections to the surrounding arts, cultural and entertainment precincts and future River promenade;
- Connections to Victoria Street (via streets and laneways), from Hamilton East (via bridges), from the River walk and cycle ways, and from the River itself (via watercraft);
- Location of a future pedestrian (walking and cycling) bridge;
- Interaction with a future development opportunity at the Museum carpark location (such as hotel and/or gallery);
- Links to Te Awa River Ride (consider Ferrybank as a regional hub);
- Unique Waikato River natural environment and eco-system;
- Surrounding landscape and green spaces, streets and local environmental conditions, e.g. prevailing wind, shadow and shade direction;
- Existing built and natural Heritage features;
- Application of Crime Prevention Through Environmental Design (CPTED) principles and approaches;
- Disability Access;
- Opportunities/spaces for public art;

- Acknowledgement of existing built and natural Heritage items;
- New views and vistas toward and from the River (consider pest tree species removal/thinning and appropriate planting);
- On-street/Off-street parking.

2.4. The Tender Evaluation Panel

The tender evaluation panel has been selected to provide a broad range of experience and expertise to ensure the chosen scheme reflects international best practice and the aspirations of the Council and the residents who will use and benefit from the completed development. The panel consists of the five members covering the following areas of expertise:

- 1) Urban Design/Architecture
- 2) Environmental planning
- 3) Tangata Whenua/Waikato Tainui
- 4) Major Projects/Project Management
- 5) HCC Chief Executive or their nominee

2.5. Assessment Criteria

This is a design-led process to demonstrate how each submission responds to the brief. While submissions will be judged on their design excellence the ability to deliver a Development Plan that is viable, practical and can be implemented will also be considered.

2.5.1. Stage 1

Submissions for Stage 1 will be assessed on:

- Relevant experience and track record
- Relevant skills (staff that will be involved in the project team)
- Methodology (high level detail on how the work will be undertaken).
- Written vision statement

2.5.2. Stage 2

Concepts will be assessed against the following criteria - whether the proposal is:

- **Viable** – the design concept must be commercially feasible and should respond to the specific opportunities and constraints of the site.
- **Deliverable** – design concepts that are appropriate for Hamilton and that can be practically and affordably delivered.
- **Liveable** – the concept must meet the current and future lifestyle needs of the city's residents and must balance private and communal public spaces.
- **Sustainable** – the concept should incorporate sustainable design features, be resource-efficient in design and over the life of its use and be responsive to the local climate and ecology.

- **Enduring** – promote excellence in resilient, safe and healthy design, and be adaptable and enduring for generations to come.
- **Distinctive** – the form and function of the proposal enhances the Hamilton context and provides a strong identity for the City and sense of place.
- **Innovative** – design concepts that showcase best practice and creative thinking to reshape the way people view and interact with the River and Hamilton.

2.6. Deliverables (stage 1 and 2)

2.6.1. Stage 1 Expression of Interest:

Interested parties should submit an Expression of Interest document (ten A4 single sided, size 11 font, pages max) that addresses the Stage 1 assessment criteria. (No EOI will be accepted that is longer than this).

2.6.2. Stage 2 Design Concept:

The successfully design teams will need to translate the project vision into a clear design concept that will underpin the detailed design (stage 3). The submission should contain:

1. A site analysis (demonstrate understanding of constraints and opportunities);
2. A design concept including key structuring elements (non-negotiable);
3. A set of high-level design principles;
4. An indicative built form and landscaping response.

The following material will be required of the teams invited to participate in Stage 2:

1. Minimum of 4 A1 sheets or lightweight board to illustrate the Development Plan design concept. The content of the board is left to the discretion of the participants. The boards should include a short description of the concept and the underlying philosophy.
2. Visual presentation of the concept including:
 - a site plan @ an appropriate scale;
 - cross sections through the site;
 - an indicative built form response;
 - a high level concept image.

Entries should also include printed reductions of the boards in A3 colour format (minimum 7 copies) as well as a CD / DVD with all the information and key images. These should be useable, reproducible and editable by HCC (including website and/or published media) in perpetuity.

All information made available as part of Stage 2 will be made public and provided to the media.

2.6.3. Stage 3 Detailed Development Plan:

A separate Stage 3 briefing document will be prepared and discussed with the winning design team. Stage 3 would, however, involve the following:

1. Further refinement and development of the conceptual design;
2. Consultation and engagement with interested and affected parties including eliciting feedback from the community;
3. Development of a detailed set of design principles and guidelines relating to aspects such as land use, site planning, engineering, architectural design and landscaping that can be used to inform a variation to the Proposed District Plan.

Whilst stage 3 does not include the detail architectural design of individual buildings, it should provide further detail and certainty in relation to the objectives and outcomes Council have set for the project (see 2.2 above).

Item 12

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. Council Minutes - Public Excluded - 25 June 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Waikato Stadium Commercial Agreement) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Potential Settlement of Council's appeal to Ministry of Education's decisions on modified designations in the Hamilton Proposed District Plan)	

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

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)