
Extraordinary Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 10 May 2018 at 9.42am.

PRESENT

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

In Attendance:

- Richard Briggs – Chief Executive
- Chris Allen – General Manager City Infrastructure
- Blair Bowcott – Executive Director Special Projects
- Lance Vervoort – General Manager Community
- Jen Baird – General Manager City Growth
- Sean Hickey – General Manager Strategy and Communication
- Andrew Parsons – City Development Manager
- Elizabeth McKnight – Project Manager City Planning
- Paul Bowman - Team Leader Economic Growth and Urban Policy
- Claire Douglas – Intermediate Planner
- Alisa Neal – Planner
- Mark Roberts – Senior Planner
- Fraser McNutt – Acting Planning Guidance Unit Manager
- Greg Carstens – Acting Unit Manager Economic Growth and Planning
- Nicola Walsh – Communications Advisor
- Stafford Hodges – Analyst
- Jackie Collier – Strategic Infrastructure Manager
- Lisa Topscov – Partnership and Sponsorship Manager

Lachlan Muldowney (Council Lawyer)
Luke O’Dwyer (Beca Consultant)

Governance: Lee-Ann Jordan – Governance Manager
Beca Brooke – Governance Team Leader
Amy Viggers – Committee Advisor

Tame Pokaia carried out a blessing and Rev Stephen Black a reading to open the Council Meeting.

A minute's silence was observed to acknowledge the passing of Tony Steele, former MP and former Boys High Principal.

1. Apologies

Resolved: (Crs Bunting/Hamilton)

That the apologies from Cr Taylor and Cr Southgate (early departure) are accepted.

2. Confirmation of Agenda

Resolved: (Crs Casson/Tooman)

That the agenda be confirmed noting the following;

- that the debate will be 2 minutes with an extension of 1 minute if required;
- attachment 1 (*HCCs Draft Submission to the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2)*) for Item 10 (*Submission (Approval) - Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2)*) has been circulated under separate cover;
- that item C1 (*Special Housing Area Application - Rotokauri North - Statement of Intent*) is to be taken during item 5 (*Special Housing Area Application - Rotokauri North*) to allow Council to finalise the Statement of Intent (SOI); and
- that the late item (*10 Year Plan Hearings Process*) be added to the agenda as minor item as per Standing Order 3.5.7.; this item was unable to be taken at another time due to availability of the City Solicitor.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Paul Radich and Aaron Collier (Perry's Representatives) - Spoke to Item 9 (Special Housing Area Policy Review Update), They advised that Perry's were supportive of SHAs in general. They agreed that the policy should include affordability measures but thought that further changes were needed to the policy to enable a more streamlined process to facilitate the delivery of fast, efficient housing developments.

Norm Hill (Tangata Whenua Working Group Representative) - Spoke to Item 9 (Special Housing Area Policy Review Update). Mr Hill noted that Tangata Whenua supported the advancement of the SHA policy as it encouraged the provision of affordable housing.

Thomas Gibbons & Katherine Wilson (Property Council NZ Representatives) - Spoke to Item 9 (Special Housing Area Policy Review Update). They supported the advancement of the SHA Policy as it provided an opportunity to respond to high growth and increased housing needs in Hamilton.

5. Special Housing Area Application - Rotokauri North

Luke O’Dwyer (Consultant to Council) introduced the report noting that any issues to do with the Statement of Intent for this application would be dealt with in the public excluded session of the meeting. He summarised the main points outlined in the report and noted that the objections to the SHA had been included in the report. He responded to questions from Elected Members concerning the following:

- Discussions between the developer, Council and Ministry of Education regarding the need for schools in the area and possible locations.
- Types of housing and possible risks such as the impact of affordability on good urban design.
- The difference between the intended Private Developers Agreement and the Statement of Intent.
- The process once a Special Housing Area Application is approved, including when Council will consider issues such as the sensitive catchment area, storm water and erosion.
- Public Transport.
- Further costs to Council and decision making around the process.

The meeting went into a Public Excluded session at 10.42am during the discussion of the above Item.

11. Resolution to Exclude the Public

Resolved: (Mayor King/ Cr Bunting)

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. Special Housing Area Application - Rotokauri North - Statement of Intent) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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

- Item C1. to enable Council to carry out commercial activities without disadvantage Section 7 (2) (h)

The meeting came back into an open session and adjourned (11.35am – 11.50am) before continuing with the resolution for Item 5 (Special Housing Area Application - Rotokauri North) as below.

CONTINUED – Item 5 (Special Housing Area Application – Rotokauri North)

Resolved: (Mayor King/Cr Southgate)

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive to:

(i) finalise and sign a Statement of Intent (SOI) around how, at a high level, key infrastructure is to be provided and funded in accordance with the Hamilton SHA Policy and the Growth Funding Policy 2016;

(ii) ensure that the final SOI is updated prior to signing as follows:

- a) Includes specific clarification on the land ownership and control exercised by MADE;
- b) Clause 2.11 is extended to cover a plan change scenario also; and
- c) Plus any other consequential changes to the SOI arising from these discussions;

(iii) negotiate with the developer, prior to lodging any qualifying development consent, and recommend to Council a Private Development Agreement (PDA) to secure detailed provisions on necessary infrastructure development and funding in accordance with the signed SOI, the SHA Policy and the Growth Funding Policy 2016;

- c) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Rotokauri North listed by the land parcels identified on the proposed SHA map set out in **Attachment 1**, subject to a SOI agreement being concluded in accordance with the terms established in recommendation b) above;
- d) confirms, for the purpose of section 16 of the Housing Accords and Special Housing Areas Act, that it is satisfied there is:
 - evidence of demand to create qualifying developments in the SHA
 - demand for residential housing in the SHA
 - adequate infrastructure, either existing or likely to exist, to service the proposed Special Housing Area; and
- e) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has the prescribed criteria as follows:
 - the maximum calculated height of dwellings shall be 11m in the residential zones except in the local neighbourhood centre identified in the attached master plan and within a 400m radius of this centre where the maximum calculated height shall be 14m;
 - the SHA shall not contain fewer than 1450 dwellings;
 - the SHA shall not contain less than 40% of affordable dwellings as defined in the SOI.

6. Special Housing Area Application - Eagle Way, Te Rapa

The Team Leader Economic Growth and Urban Policy introduced objector Basil Dunn (Riverlea Trust and Riverlea Group Ltd Representative) who outlined their group's objection to the proposed SHA application for Eagle Way, Te Rapa. Mr Dunn noted that the group was open to further discussions with Council and the developer to mitigate issues raised if the application was

approved. Staff and Mr Dunn responded to questions from Elected Members concerning mitigations to manage the level of noise generated from the business and roading congestion concerns.

The Applicant, Rob Dol and Andrew Wood, then spoke to their application. They responded to questions from Elected Members concerning: infrastructure funding, the design of the development to be completed during the next stage, and research on the effect on traffic flow in the area.

The Team Leader Economic Growth and Urban Policy took the report as read. Staff responded to questions from Elected Members concerning the rights of current businesses in the area, and the technical specifications and design which were to be reviewed during the qualifying development stage.

Resolved: (Mayor King/Cr Casson)

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive to:
 - finalise and sign a Statement of Intent (SOI) around how, at a high level, key infrastructure is to be provided and funded in accordance with the Hamilton SHA Policy and the Growth Funding Policy 2016;
 - negotiate with the developer, prior to lodging any qualifying development consent, and recommend to Council a Private Development Agreement (PDA) to secure detailed provisions on necessary infrastructure development and funding in accordance with the signed SOI, the SHA Policy and the Growth Funding Policy 2016;
- c) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Eagle Way, Te Rapa, listed by the land parcels identified on the proposed SHA map set out in **Attachment 1**, subject to a SOI agreement being concluded in accordance with the terms established in recommendation b) above;
- d) confirms, for the purpose of section 16 of the Housing Accords and Special Housing Areas Act, that it is satisfied that there is:
 - evidence of demand to create qualifying developments in the SHA;
 - demand for residential housing in the SHA;
 - adequate infrastructure, either existing or likely to exist, to service the proposed Special Housing Area; and
- e) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has prescribed criteria as follows:
 - the maximum calculated height of dwellings shall be 11m;
 - the SHA shall not contain fewer than 150 dwellings;
 - the SHA will not contain less than 40% of affordable dwellings as defined in the paragraphs 60-64 of the staff report.

The meeting adjourned 1.15pm – 1.56pm.

Cr Southgate left the meeting during the above adjournment.

7. Special Housing Area - Gilbass Avenue/Quentin Drive, Hamilton Lake.

Team Leader Economic Growth and Urban Policy introduced objector Arama Puriri, Chairman of the Gilbass Avenue, Rimmington Drive, Hastings Place Residents Incorporated Society. Mr Puriri noted that the society had some concerns excess water and run off effect onto neighbouring homes particularly on Hastings Place and Gilbass Avenue. They were also concerned about increased traffic using the access and alley ways. Mr Puriri responded to questions from Elected Member concerning the Society's views on the use of the alley ways to access the areas.

The Applicant, Bevan Houlbrooke and Rob Dol then spoke to the application and addressed concerns around storm water being contained on the site. They also noted that they had changed the access ways in response to concerns from residents and direction from Council and NZTA. They noted that the purpose of Special Housing Areas was to increase affordable housing and their application addressed this need. They responded to questions from Elected Members concerning the access way, parking issues, and the design of the development.

Team Leader Economic Growth and Urban Policy took the report as read noting yield would be determined prior to the Private Developers Agreement being brought to Council. He responded to questions from Elected Members concerning infrastructure and design that were to be reviewed at the qualifying development stage, access ways, the industrial zoning of the area, and NZTA roading preferences.

Resolved: (Deputy Mayor Gallagher/Cr Macpherson)

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive to:
 - finalise and sign a Statement of Intent (SOI) around how, at a high level, key infrastructure is to be provided and funded, including consideration of cycling and pedestrian access to Gilbass Avenue, in accordance with the Hamilton SHA Policy and the Growth Funding Policy 2016;
 - negotiate with the developer, prior to lodging any qualifying development consent, and recommends to Council, a Private Development Agreement (PDA) to secure detailed provisions on necessary infrastructure development and funding in accordance with the signed SOI, the SHA Policy and the Growth Funding Policy 2016;
- c) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Gilbass Avenue/Quentin Drive, Hamilton Lake, listed by the land parcels identified on the proposed SHA map set out in **Attachment 1**, subject to a SOI agreement being concluded in accordance with the terms established in recommendation b) above;
- d) confirms, for the purpose of section 16 of the Housing Accords and Special Housing Areas Act, that it is satisfied that there is:
 - evidence of demand to create qualifying developments in the SHA;
 - demand for residential housing in the SHA;
 - adequate infrastructure, either existing or likely to exist, to service the proposed Special Housing Area; and
- e) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has prescribed criteria as follows:

- the maximum calculated height of dwellings shall be 10m;
- the SHA shall not contain fewer than 15 dwellings;
- the SHA shall not contain less than 40% of affordable dwellings as defined in paragraphs 68-72 of the staff report.

The Motion was put.

Those for the Motion:

Mayor King, Councillors Gallagher, Pascoe, Macpherson, Bunting and Hamilton.

Those against the Motion:

Councillors Mallett, Tooman, O'Leary, Casson and Henry.

The Motion was declared carried.

Item 9 (Special Housing Area Policy Review Update) was taken next to accommodate staff availability.

9. Special Housing Area Policy Review Update

Executive Director Special Projects introduced the report. He noted that the purpose of the update was to advise Council that the Special Housing Area Policy was currently being reviewed in accordance with the intentions of the Government's KiwiBuild Housing scheme. A further report would come back to the Council once central government's position had been publicly announced. Staff responded to questions from Elected Members concerning what was known about central government's direction in response to flexibility and growth issues, and how the current Special Housing Area applications may be affected by a policy change.

Action Point: Staff undertook to provide Elected Members with an update at a future Elected Member Briefing.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) notes that an updated Special Housing Area Policy will be brought to Council for approval once the details of the Government's KiwiBuild housing scheme have been publicly released; and
- c) notes that amendments to the Special Housing Area Policy will be based on the principles outlined in the report in paragraph 20.

Cr Southgate re-joined the meeting (3.25pm) during the discussion of the above item. She was present when the matter was voted on.

12. Late (Minor Item) - 10 Year Plan Hearings Process - Verbal Update

Lachlan Muldowney, Council's lawyer, provided clarification and legal advice around the process for the draft 10 Year Plan and Consultation and Hearings process. He noted that his view was that Council had followed a robust process in terms of the Local Government Act. He addressed concerns raised around confusion on some of the consultation questions. He was confident that staff were undertaking the necessary steps to address the confusion and that Council were in a legally robust position.

He responded to questions from Elected Members concerning the redaction of swear words and profanities, and further communications to submitters advising of the potential confusion in relation to question 8 on the consultation.

Resolved: (Cr Southgate/Cr Bunting)

That Council requests staff send an email to all submitters advising of the possible confusion in relation to question 8 on the consultation document suggesting they may wish to review their submission in light of this and email staff with any corrections.

The Motion was put.

Those for the Motion: Deputy Mayor Gallagher, Crs Pascoe, Bunting, Casson and Southgate.

Those against the Motion: Mayor King, Councillors Mallett, Tooman, Macpherson and Hamilton.

The Motion was declared equal.

The Chair exercised his casting vote and the motion was declared carried.

The meeting adjourned 4.19pm – 4.25pm during the debate of the above item.

Crs O’Leary and Henry retired from the meeting (4.15pm) during the debate of the above item. They were not present when the matter was voted on.

Cr Mallett retired from the meeting (4.40pm) at the conclusion of the above item. He was present when the matter was voted on.

8. Tourism Infrastructure Fund

The General Manager Community took the report as read.

Resolved: (Mayor King/Cr Hamilton)

That the Council:

- a) receives the report;
- b) approves applications to be submitted to the May 2018 Tourism Infrastructure Fund for:
 - i. Hamilton Gardens - toilet in the new development area; and
 - ii. River Plan projects - construction and upgrading of the river promenade (revetment upgrade); construction of a new jetty; paths to connect river to the Waikato Museum; and boardwalks connecting the Waikato Museum to Victoria on the River; and
- c) receives a report to the next funding round reconsidering the Waiwhakareke and Te Awa projects.

8. Submission (Approval) - Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2)

The report was taken as read.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves the submission supporting the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No.2) be submitted from the Council (Attachment 1).

The meeting was declared closed at 4.56pm.