
Growth and Infrastructure Committee

OPEN MINUTES

Minutes of a meeting of the Growth and Infrastructure Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 18 June 2019 at 9.32am.

PRESENT

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

In Attendance:	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Jen Baird – General Manager City Growth
	Chris Allen – General Manager Development
	Blair Bowcott – Executive Director Special Projects
	Robyn Denton – Operations Team Leader
	Sandra Murray – Consultant City Growth
	Scott Copeland – Contracts Manager, Rubbish and Recycling
	Trent Fowles – Compliance Manager
	Andrew Parsons – Strategic Development Manager
	Jackie Colliar – Strategic Manager, Infrastructure
	Daniel Teasdale – Customer and Business Support Team Leader
	Karen Saunders – Peacockes Programme Manager

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

1. Apologies

Resolved: (Cr Macpherson/Cr Henry)

That the apologies for absence from Cr Pascoe, for early departure from Cr O'Leary and for lateness from Cr Southgate are accepted.

2. Confirmation of Agenda

Resolved: (Cr Macpherson/Cr Tooman)

That the agenda is confirmed noting the following:

- a) that there was a late topic added Item 6 (Chair's Report) 'Maangai Maori & Elected Members input into significant development proposals'. This topic was late as it arises from a current resource consent application that is intended to be processed over the following weeks;
- b) that item 8 (New Zealand Transport Agency Funding Update) is to be taken after item 6 (Chair's Report) to accommodate staff availability; and
- c) notes that a placeholder item C5 (Refuse Transfer Station & Hamilton Organic Centre) was added to the agenda for the purposes of going into public excluded to enable Council to carry out commercial activities without disadvantage and to enable Council to carry out negotiations in relation to Item 13 (Refuse Transfer Station and Hamilton Organic Centre – Proposed Increase of Gate Fees 2019/20).

Deputy Mayor Gallagher joined the meeting (9.35am) during the discussion of the above item. He was present when the matter was voted on.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Public Forum

Lauren Mantjox (representing Lime Scooters) spoke to Item 9 (Personal Hire Devices - Permitting Fees and Charges) in support of the staff recommendation. She provided some background concerning Lime Scooter Ltd. She responded to questions from Committee Members concerning the ability identify users, and user terms and conditions.

Roger Stratford spoke to Item 13 (Refuse Transfer Station & Hamilton Organic Centre - Proposed Increase of Gate Fees 2019/20) in support of the Council funding a subsidy to mitigate the gate fee increases.

Mayor King joined the meeting (9.38am) during the discussion of the above item.

5. Confirmation of the Growth and Infrastructure Open Minutes of 7 May 2019

Resolved: (Cr Macpherson/Cr Taylor)

That the Committee confirm the Open Minutes of the Growth and Infrastructure Committee Meeting held on 7 May 2019 as a true and correct record.

6. Chair's Report

The Chair spoke to his report.

The Executive Director Special Projects provided the timeline and purpose of the draft Council submission to the Kāinga Ora – Homes and Communities Bill. He responded to questions from Committee Members concerning the intent of the bill, the submissions process and the structure and scope of the proposed new entity.

Resolved: (Cr Macpherson/Cr Taylor)

That the Growth and Infrastructure Committee:

- a) receives the report;
- b) requests staff develop a draft Council submission to the Kāinga Ora - Homes and Communities Bill;
- c) notes that the draft submission is to be circulated to Elected Members for feedback;
- d) notes that the Elected Member feedback (including through an informal meeting of Committee Members) be used to finalise the Council submission;
- e) delegates the Chief Executive authority to approve the final submission;
- f) notes that the approved submission be sent to Parliament's Environment Committee prior to the 11 July 2019 submission closing date; and
- g) requests staff report back to the next Growth and Infrastructure Committee Meeting (27 August 2019) regarding a process to provide more visibility of strategic development proposals.

7. New Zealand Transport Agency - Transport Verbal Update

Ross l'Anson (Acting Director Regional Relationships NZTA) provided a verbal report concerning updates from NZTA. He responded to questions from Committee Members concerning NZTAs safety strategy and the change in funding priorities.

Resolved: (Cr Macpherson/Cr Bunting)

That the Growth and Infrastructure Committee receives the verbal report.

Cr Southgate joined the meeting (10.14am) during the discussion of the above item. She was present when the matter was voted on.

8. New Zealand Transport Agency Funding Update

The General Manager Development took the report as read and provided a brief summary of the points that would be raised in a letter to NZTA regarding transport funding. He responded to questions from Committee Members concerning the impact on the Council's financial strategy and how the Council could reprioritise projects.

Resolved: (Cr Macpherson/Cr Taylor)

That the Growth and Infrastructure Committee:

- a) receives the report;
- b) requests staff to work with the Chair and Deputy Chair of the Growth and Infrastructure Committee to provide a response to the letter received from the New Zealand Transport Agency by 28 June 2019 concerning National Land Transport funding.

Cr Mallett Dissenting.

The meeting adjourned 11.30am to 11.45am

Cr O'Leary left the meeting during the above adjournment.

9. Personal Hire Devices - Permitting Fees and Charges *(Recommendation to Council)*

The General Manager introduced the report noting that there were a number of different devices that would be classified as a personal hire device. Staff responded to questions from Committee Members concerning the length of time for the proposed trial, the proposed code of practice, potential number of devices, and safety provisions and compliance monitoring.

Staff Action: *Staff undertook to provide Committee Members with further information regarding the agreements in place with potential service providers.*

Resolved: (Cr Taylor/Mayor King)

That the Growth and Infrastructure Committee:

- a) receives the report;
- b) recommends that the Council approves the proposed fees and charges for 2019/2020:
 - i. a \$300 annual permit fee;
 - ii. \$55 per permitted device per 6-month period (for enforcement and management);
 - iii. a \$10,000 safety program fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user safety;
- c) notes that liability insurance of \$2,000,000 will also be required by each operator;
- d) notes that following the first 6-month review of the trial, staff will report to the Growth and Infrastructure Committee with the outcome of the trial and recommend any amendments to ongoing fees and charges for permitting of al Hire Devices;
- e) notes that operators may apply for permits for the Personal Hire Device scheme from 1 July 2019 and are required to comply with Hamilton City Council fees and charges, Public Places Bylaw 2016 and Code of Practice requirements; and
- f) notes that the devices permitted to operate in Hamilton during the first 6 months of the trial will be monitored by staff and reported via the Growth and Infrastructure Committee.

Crs Bunting and Mallett Dissenting.

10. Deliberation and Approval of the Hamilton City Speed Management Plan *(Recommendation to Council)*

The Transportation Operations Team Leader took the report as read and responded to questions from Committee Members concerning feedback received on the plan and how speed limits could be changed in the future.

Resolved: (Cr Macpherson/Cr Taylor)

That the Growth and Infrastructure Committee recommends that the Council:

- a) approves the Hamilton City Speed Management Plan 2019 as set out in Attachment 1 to this report; and
- b) notes that with the approval of the Hamilton City Speed Management Plan 2019, the 2015 Speed Management Policy be retired.

The meeting adjourned 1.55pm to 2.40pm.

11. Encroachment Management Policy

The Transportation Operations Team Leader took the report as read and responded to questions from Committee Members concerning the purpose of the policy and the complexities involved with the process.

Resolved: (Cr Macpherson/Cr Tooman)

That the Growth and Infrastructure Committee:

- a) receives the report; and
- b) notes that staff will develop an Encroachment Management Policy for dealing with requests for encroachment licences; and
- c) approves the following draft encroachment principles for incorporation in the Encroachment Management Policy:
 - i. an encroachment request should not reduce the ability of the public to enjoy public spaces (e.g. it cannot allow only private or commercial uses);
 - ii. encroachments with greater public benefits than detriments should generally be accepted; those with greater public detriments than benefits generally should not;
 - iii. people who are materially affected by a proposed encroachment should be consulted and their views considered when decisions are made;
 - iv. the structure over the road or encroaching should not cause any safety issues to other road or reserve users;
 - v. encroachment does not interfere with the maintenance or utility carrying needs of the road reserve;
 - vi. the encroachment does not restrict Council's ability to make decisions in respect of the likely use of the affected public land, including air space, in the future;
 - vii. the encroachment enables for an optimal economic outcome where an existing building is required to meet reasonable modern or legislative standards (e.g. recladding an existing building, earthquake strengthening);
 - viii. multiple encroachment's affecting the same site must be considered in their entirety, however, where an aspect of the encroachment is to meet reasonable modern or legislative standards as outlined in vii), further encroachments should be allowed where they do not materially change the impact of the proposed encroachment to meet reasonable modern or legislative standards;
 - ix. encroachments should protect and preserve open space values in accordance with the Reserves Act 1977, reserve management plans and Council policies and strategies.
 - x. encroachments should not impede open space values in accordance with the Reserves Act 1977, reserve management plans and Council policies and strategies;
 - xi. a right of appeal is available to the applicant where their application has been declined by staff. The appeal will first be considered by the Chief Executive with a second right of appeal through to the appropriate Council Committee; and
 - xii. that staff provide visibility of encroachment applications and their status via executive updates.

12. Business Improvement District Policy Review (Recommendation to Council)

The General Manager City Growth took the report as read and responded to questions from Committee Members concerning the definition and purpose of a Business Improvement District Policy.

Resolved: (Cr Macpherson/Cr Hamilton)

That the Growth and Infrastructure Committee:

- a) receives the report; and
- b) recommends that the Council approves the draft Business Improvement District Policy with an amendment to one existing term and the insertion of four new terms in the definitions section (Option 1).

13. Refuse Transfer Station & Hamilton Organic Centre - Proposed Increase of Gate Fees 2019/20

The Contracts Manager, Rubbish and Recycling and the Compliance Manager took the report as read. They responded to questions from Committee members concerning contract details, reasons for the proposed increases and the potential impact from an increase of gate fees.

Resolved: (Cr Bunting/Cr Casson)

That the Growth and Infrastructure Committee:

- a) approve this item be deferred to the next Council meeting (27 June 2019) as a late item; and
- b) request staff provide more detailed information in relation to price increases and the effect on potential illegal dumping to the Waste Taskforce prior to coming back to the 27 June 2019 Council meeting for consideration.

14. Infrastructure Alliance Contract Sum Increase

The Transportation Operations Team Leader took the report as read and responded to questions from Committee Members concerning the increase to the contract. She noted that it was required as the Infrastructure Alliance had completed additional projects such as Arthur Porter Drive pavement rehabilitation that had not be budgeted for under the current contract.

Staff Action: *Staff undertook to provide information on the financial transaction of this contract sum increase through the Capital programme report to the Finance Committee.*

Resolved: (Cr Macpherson/Cr Southgate)

That the Growth and Infrastructure Committee approves a \$20,759,000 budgeted increase in the Approved Contract Sum for Contract 12080 from \$140,700,000 to \$161,459,000 to accommodate the additional maintenance, renewal and capital work to be undertaken under this contract through to 30 June 2020.

15. Wet Industry Water Allocation

The Strategic Development Manager and the Strategic Manager Infrastructure took the report as read and responded to questions from Committee Members concerning current water allocation to the Council.

Staff Action: *Staff undertook to arrange for Waikato Regional Council to attend an upcoming Growth and Infrastructure Committee meeting to present on the work they are carrying out concerning water allocation.*

Resolved: (Cr Macpherson/Cr Henry)

That the Growth and Infrastructure Committee:

- a) approves a moratorium be put in place for consideration of further high-water use requests, except for applications approved by Council, until policy to assess high water use and wet industry activities is adopted by Council; and
- b) approves the guiding principles outlined in this report be used for targeted consultation to inform the development of a Council policy in relation to the provision of three waters (3 Waters) services for high water use and wet industry activities; and
- c) approves the incorporation of high water use and wet industry policy guidance into the current review of the Connections (3 Waters) and Charging Policy.

16. Peacocke Programme Update

The Peacockes Programme Manager took the report as read and responded to questions from Committee Members concerning design aspects of the bridge.

Resolved: (Cr Macpherson/Mayor King)

That the Growth and Infrastructure Committee:

- a) receives the report;
- b) approves the bridge macroscope as presented in **Attachment 3** of the staff report; and
- c) instructs staff to proceed to detailed design and begin physical works procurement to enable a bridge contract award decision in mid-2020.

17. General Managers' Report

The report was taken as read. Staff responded to questions from Committee Members concerning potential delay to the start-up rail service and communication to the public of the potential new timeframes.

Resolved: (Cr Macpherson/Cr Taylor)

That the Growth and Infrastructure Committee

- a) receives the report; and
- b) approves the deferral of the draft objectives and guiding principles of the Parking Management Plan to the 27 August 2019 Growth and Infrastructure Committee Meeting, noting that the report will include a recommendation from the Access Hamilton Taskforce on these objectives, principles and plan.

18. Resolution to Exclude the Public

Resolved: (Cr Macpherson/Mayor King)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Growth and Infrastructure Public Excluded Minutes of 7 May 2019) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Wet Industry Servicing Requests		
C3. Contract 18340 - Facilities Renewals and New Build Programme 2019/20		
C4. Release of Public Excluded Resolutions		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting went in to a public excluded session at 3.38pm.

During the public excluded session of the meeting the Growth and Infrastructure Committee resolved to release the following:

That the Growth and Infrastructure Committee approves the release of the following resolutions to the public:

- a) 23 October 2018 Growth and Infrastructure Committee meeting Item C2 'Carshare Proposal'

"That the Growth and Infrastructure Committee:

a) delegates to the Chief Executive the authority to develop and sign a Memorandum of Understanding with Anglesea Rental Car Limited trading as LOOP for an exclusive use of public property for a three-year pilot trial for a Carshare system; and

b) notes that the establishment of dedicated Carshare carparks will be undertaken through the Regulatory and Hearings Committee under their delegation for dealing with matters associated with the Hamilton Traffic Bylaw 2015."

- b) 20 February 2018 Growth and Infrastructure Committee Meeting Item C3 'Contract 16234 - Rubbish and Recycling Services and Contract 17045 - Solid Waste Disposal'

"That the Growth and Infrastructure Committee:

a) approves the appointment of Envirowaste Services Limited for Contract 16234 – Rubbish and Recycling Services and Contract 17045 – Solid Waste Disposal Services;

b) approves the issuing of a Letter of Intent to Envirowaste Services Limited for these services; and

c) delegates authority to the Chief Executive to negotiate and finalise contract terms with Envirowaste Services Limited for Contract 16234 – Rubbish and Recycling Services and Contract 17045 – Solid Waste Disposal Services based on the content of their tender submissions and the final 2018-28 10-Year Plan outcomes, noting that a report will come back to the Council seeking final award of the contract and approval of an Approved Contract Sum."

The meeting was declared closed at 4.04pm.