
Council

OPEN MINUTES

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

PRESENT

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

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

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

1. Apologies

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

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

2. Confirmation of Agenda

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

That the Agenda be confirmed.

3. Declarations of Interest

There were no declarations of interest.

4. Public Forum

Mr Bryce Arnold (Hamilton Rowing Club)

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

The Chief Executive and the City Development Manager provided a verbal update to Council on the safety of Hamilton's water supply in response to concerns raised about the Hawkes Bay water contamination issue. Hamilton had a very good water rating and complied with all NZ water safety standards. There were robust systems and processes in place to monitor, test and analyse water samples; should an incident occur, procedures were in place to respond appropriately. The scale of an incident would determine the response protocol followed.

5. Chairperson's Report - Event Sponsorship Subcommittee

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

The Chair of the Event Sponsorship Subcommittee (Cr Chesterman) spoke to the report explaining that the quorum of the Subcommittee needed to be changed due to the External Subcommittee Member being unable to attend (due to illness) a number of Meetings.

That:

- a) the report be received; and
- b) the Event Sponsorship Subcommittee's Terms of Reference are changed to read:

Quorum: Any three members

6. River Plan - Ferrybank Development Plan – Adoption

The Special Projects Manager introduced Megan Wraight and John Hardwick-Smith from Wraight Athfield Landscape Architecture (WALA) who presented the proposed Ferrybank Development Plan and responded to questions from Elected Members concerning:

- **Plan specifics regarding staging and implementation strategy.**
The plan was flexible and able to be adjusted as needed in terms of timing and implementation. Elected Members discussed the impact of the proposed plan on other projects such as Founders Theatre. It was explained that before Council implemented any plans, Elected Members would be consulted.
- **Total spend to date.**
It was confirmed that \$200,000 had been spent on the development of the plan to date and that \$500,000 had been budgeted for, for each subsequent year of the 10 Year Plan.
- **The use of 'high yield' in terms of the developments proposed for the site.**
It was explained that there would be a high yield in terms of residential development return and some of the commercial ventures.
- **Flooding mitigation.**
Flooding mitigation cost had not been specifically split out in the plan but the proposed river bank edge and ecological terraces had been designed to withstand flooding events.
- **Geotechnical Issues.**
Ted Wilson from Tonkin Taylor advised that careful geotechnical investigation and planning would need to be undertaken. The costing for this had been accounted for in the plan. Most of the building structures were proposed to be on previously tested ground.
- **Maintenance and renewals.**
The plan had accounted for some maintenance and renewals costs but was not specific on what was included. Elected Members noted that it would be useful to have more details on the proposed spend on this area.
- **Bridge clip on.**
The proposed bridge clip on was an opportunity to accommodate the pedestrian usage in the area. It would help to promote connectivity with Hamilton East.
- **Rowing Clubs.**
Both rowing clubs had been incorporated into the plan.
- **Proposed Plan consultation.**
The proposed River Plan itself was not required to go out to consultation at this point in the process. The recommendation from management was for the plan be adopted as a high level concept. It would then come back as part of the 10 Year Plan process.
- **Placement of buildings on reserve land.**
It was explained taking in to account the overall design and plan for the Ferrybank area, and in making best use of the space available, some buildings had been proposed to go on reserve land.

Cr Wilson joined the Meeting (2.50pm) during the above Item. He was present when the matter

was voted on.

The Meeting adjourned (3.25pm – 3.45pm) during the above Item.

Following the adjournment, the Chief Executive provided legal advice to the Committee concerning whether the Proposed River Plan needed to go out to Consultation at this point in the process.

The Council thanked WALA, the Special Projects Manager, and the Evaluation Panel for their involvement and work on the Proposed River Plan.

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

That:

- a) the report be received;
- b) Council adopt the Ferrybank Development Plan as a conceptual plan as presented in Attachment 1 of the staff report;
- c) staff commence the planning processes associated with enabling the implementation of the Ferrybank Development Plan, including District Plan and relevant Reserve Act Management Plan reviews;
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan);
- e) staff report back to Council with a Stage 1 detailed implementation plan and a funding plan for the publicly funded projects, as part of the Annual Plan, with the report to include a progress update on the planning matters outlined in points C and D of this resolution; and
- f) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

Amendment: (Crs King/Macpherson)

That:

- a) the report be received;
- b) Council receive the Ferrybank Development Plan as presented in Attachment 1 of the staff report;
- c) staff report back to Council with a detailed implementation plan, before 31 December 2016, which includes a progress update on the planning matters, including District Plan and relevant Reserve Act Management Plan reviews; and
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan).
- e) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

The Amendment was put.

Those for the Amendment: Councillors King, Green and Macpherson.

Those against the Amendment: Her Worship the Mayor Hardaker,
Councillors Gallagher, Wilson, Pascoe,
Chesterman, Yeung, Mallett, Tooman and
O'Leary.

The Amendment was declared lost.

The Motion was then put.

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

That:

- a) the report be received;
- b) Council adopt the Ferrybank Development Plan as a conceptual plan as presented in Attachment 1 of the staff report;
- c) staff commence the planning processes associated with enabling the implementation of the Ferrybank Development Plan, including District Plan and relevant Reserve Act Management Plan reviews;
- d) staff commence discussions with the Department of Conservation and Waikato Tainui in relation to a potential Reserve Revocation process associated with the Victoria Street (Building A), South Riverview Terrace (Building C2) and South Park Terrace (Building C1) group of buildings (see map on page 11 of the Ferrybank Development Plan);
- e) staff report back to Council with a Stage 1 detailed implementation plan and a funding plan for the publicly funded projects, as part of the Annual Plan, with the report to include a progress update on the planning matters outlined in points C and D of this resolution; and
- f) WALA be thanked for their considerable efforts in producing the Ferrybank Development Plan.

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

Those against the Motion: Councillors King and Mallett.

The Motion was declared carried.

7. Civil Defence Contract Approval

The Executive Director Special Projects and the City Safe Manager spoke to the report, noting that the Civil Defence Emergency Management (CDEM) Subcommittee had approved that a service level agreement with Waikato CDEM Group to provide and manage the CDEM service on behalf of Hamilton City Council.

As part of the contract, City Safe staff and the Emergency Management Office would be relocated to the new Genesis building which had a level four rating, required for Emergency Management facilities. The shared services arrangement had been modelled on other successful partnerships and would provide a number of benefits for Hamilton CDEM.

Staff responded to questions concerning the extra costs associated with the chosen arrangement. It was explained that in the short term there would be an increase in costs with setting up a new office and with the new contract being in place, however long term, increased investment in the CDEM area was needed and would ultimately provide a good level of security regarding the ability for Hamilton to appropriately deal with any CDEM events in the future.

Resolved: (Her Worship Mayor Hardaker/Cr Tooman)

That:

- a) the report be received;
- b) Council approves a service level agreement with Waikato Regional Council to deliver Hamilton City Council's Civil Defence Emergency Management Activity for a term of 6 years 9 months with a total approved contact sum of \$2,800,000 at an average \$415,000 per annum (including a contingency of 2.5% to reflect actual employee related costs once recruited);
- c) the CEO be delegated to finalise the terms and execute the contract with WRC; and
- d) the annual cost of the service level agreement be funded from:
 - i. the existing budget for Civil Defence and Emergency Management;
 - ii. the lease of existing City Safe accommodation; and
 - iii. an adjustment to the year-end projected result (compared to budget) to be identified through the Risks and Opportunities Report.
- e) staff report quarterly to Hamilton City Council on the performance and delivery of the work plan.

8. Easement for Pedestrian Underpass - Hamilton Gardens

The Strategic Property Manager and City Transportation Manager took the report as read and responded to questions from Elected Members concerning the funding agreement in place for maintenance of the underpass and clarification on the design aesthetics leading into the Hamilton Gardens.

NZ Transport Authority would be funding the underpass itself; Hamilton City Council would be responsible for maintaining the underpass as per the funding agreement. Maintenance costs were not expected to impact greatly on current budgets. Hamilton City Council would have input into the design and look of the pathway leading into the Gardens.

The underpass was due to start construction in 2017.

Resolved: (Crs Gallagher/Chesterman)

That:

- a) the report be received;
- b) a pedestrian underpass easement be granted to Her Majesty The Queen for the area of Hamilton Gardens shown on Attachment 1 (approximately 120m² and conditional on survey) subject to:
 - (i) The Department of Conservation (or delegate), approval for the pedestrian easement being granted.
 - (ii) All construction costs of the pedestrian underpass being the responsibility of the New Zealand Transport Agency; and
- c) the Chief Executive be delegated authority to sign all documentation relating to the easement agreement.

9. Road Stopping - Jebson Place & Parts of Old Farm Road

The Strategic Property Manager spoke to the report, noting that staff were proposing the road stopping to assist Housing NZ with their proposed subdivision. Staff responded to questions from Elected Members concerning the design of the proposed subdivision and the timing and delays in completing the project.

It was explained that Housing NZ had delayed starting and completing the project due to the current flats needing to be vacant before work could begin. The process of moving tenants onto more suitable homes had caused significant delays in the project. Hamilton City Council staff met with Housing NZ on a regular basis to ascertain progress and to assist in any way possible. Housing NZ were committed to good urban design and staff were confident the project would be completed to a high standard.

Resolved: (Crs Macpherson/Chesterman)

That:

- a) the report be received;
- b) all of Jebson Place and two areas of Old Farm Road, as identified in Attachment 1, (total area approximately 2330m², subject to survey) be stopped and sold to Housing New Zealand Corporation subject to:
 - i. a certificate of title being issued for the three road stopped areas.
 - ii. the purchase price being agreed to.
 - iii. costs associated with the road stopping and sale and purchase of the land being met by Housing New Zealand Corporation.
 - iv. an approved Resource Consent being issued by Hamilton City Council for all the land owned by Housing NZ bounded by Old Farm Road, Cassidy Street and Dey Street.
- c) The Chief Executive be delegated authority to:
 - i. sign all documentation relating to the road stopping process.
 - ii. negotiate the sale and purchase of the stopped road land, subject to the value being supported by a current market valuation, being no more than two months old, obtained by Council from an independent registered valuer.
 - iii. sign all documentation relating to the sale and purchase of the land.

10. Growth in Hamilton

The Chief Executive noted that a request from an Elected Member for information concerning social housing had been received but that the information was currently not available but would be distributed as soon as possible.

The General Manager Growth took the report as read and responded to questions from Elected Members concerning:

- **Growth Projections**
Elected Members raised concern over the projected growth figures being accurate. It was explained that the figures were broad figures taken from Statistics NZ.
- **Infrastructure Investment and Timing**
Timing of infrastructure spend may have to move slightly to comply with the draft National Policy Statement on Urban Development requirements as outlined in the staff report. Any significant infrastructure spend would still need to come back to Council through the Annual Plan process.
- **Areas of land available for development**
Current areas available to be developed now or in the future were the Peacockes/Dixon Road area. The Temple View area was also being considered though there were complications arising from zoning/designation and infrastructure restrictions.

Action: That a report concerning growth and Development Contribution projections come to the 20 September 2016 Finance Committee Meeting; roads and vested infrastructure was to be included.

The Meeting adjourned (6.30pm – 7.00pm) during the above Item.

Cr Wilson retired from Meeting (6.30pm) during the adjournment. He was not present when the matter was voted on.

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

That:

- a) the report be received; and
- b) Council endorses the commencement of a draft proposal to the Government \$1Billion infrastructure fund based on advancing the Peacockes growth cell and related infrastructure requirements.
- c) that a quarterly growth report is presented to Council.

11. City News Overview

The General Manager Strategy and Communication took the report as read. Staff responded to questions from Elected Members concerning:

- **Trends and figures of print versus online news.**
Recent survey's had shown that there was a declining readership of City News with the majority of readers being in the age bracket 45 years and over. City News was still considered to be of wide benefit especially for older persons who relied on it for information.
- **Steps taken to ensure balanced and accurate articles were being included in City News.**
The Chief Executive advised that he had implemented a new review process to intercept any articles that may be of concern. He would personally be reviewing all articles prior to City News being released for printing.
- **Specifics around the LGOIMA request outlined in Attachment 1 of the staff report.**
In response to questions concerning the specific incident involving an article about Claudelands Event Centre that was to go into City News in July 2016, but was pulled due to inaccuracies, the CE advised that a mistake had been made and the publication withdrawn. New processes had since been put into place to ensure articles were accurate and balanced.

Resolved: (Crs Chesterman/Yeung)

That:

- a) The report be received; and
- b) Staff do not bring a further report on City News to the Council meeting on 29 September 2016.

Cr Green (7.50pm) retired from the Meeting during the above Item. She was not present when the matter was voted on

12. Recommendations to Council - Finance Committee Meeting 18 August 2016

Resolved: (Crs Pascoe/Tooman)

Proposed Easements over Recreation Reserve

That:

- a) Council grant an easement pursuant to section 48(1)(f) of the Reserves Act 1977 in favour of the owner of 34 and 34A Morris Road, for the purposes of vehicle access, over that part of the land classified as Recreation Reserve and legally described as Lot 85 DPS 7196 (part of Jansen Park) subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation;
 - (ii) Council meeting all costs of the preparation and registration of the easement against appropriate certificates of title, and the reasonable legal costs (including survey) and all other costs agreed to within the easement instrument.
- b) Council grant an easement pursuant to section 48(1)(d) of the Reserves Act 1977 in favour of WEL Networks Ltd, for the right to convey electricity in, through and below that part of the land vested in Council as Recreation Reserve and legally described as Lot 1 DP 9845 ("Embassy Park"), subject to:
 - (i) Ministerial consent being obtained from an authorised council officer under delegation from the Minister of Conservation.
- c) the Chief Executive be delegated the power to negotiate the terms of the easement with Dennis Wheatley, and WEL Networks Ltd; and to sign all documents and do all things necessary to enable the easement to be granted and registered.

Cr O'Leary left the Meeting (8.18pm – 8.22pm) during the above Item. She was not present when the matter was voted on.

13. Recommendations to Council - Council Controlled Organisations (CCO) Subcommittee Meeting - 9 August 2016

Cr Mallett (Chair of the CCO Subcommittee) took the report as read. He responded to questions around the justification for the amount of Directors Fee's increase proposed.

Resolved: (Crs Mallett/Pascoe)

Waikato Innovation Park Ltd – Directors remuneration to be considered at 22 September 2016 AGM.

That:

- a) the Report be received, and
- b) the Directors' fee increase of \$22,500 (from \$137,500 to \$160,000 in total, outlined in Attachment 1 of the staff report) be approved at the Waikato Innovation Park Ltd AGM on 22 September 2016 effective from 1 October 2016.

Cr Mapherson Dissenting.

At 8.25pm, in accordance with Standing Order 3.2.7 an extension of time was required for the meeting to carry on beyond 6 hours.

Resolved: (Crs Pascoe/Yeung)

That the Meeting be extended to carry on beyond 6 hours.

14. Council - Open Minutes - 7, 14 and 28 July 2016

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

That the Council confirm and adopt as a true and correct record:

- a) the Open Minutes of the Council Meeting held on 7 July 2016;
- b) the Open Minutes of the Council Meeting held on 14 July 2016; and
- c) the Open Minutes of the Council Meeting held on 28 July 2016.

Before moving into the Public Excluded session of the Meeting, Elected Members discussed moving Item C1 (Growth in Hamilton – Public Excluded) into the Open section of the Agenda. Whilst staff advised that they had sought legal advice around this issue, it was acknowledged that a conservative approach had been taken.

Elected Members noted this advice. It was acknowledged that the information in the report was in the public domain already, though not in the format presented.

Resolved: (Crs Macpherson/Chesterman)

That Item C1 (Growth in Hamilton – Public Excluded) be moved into the open section of the Meeting.

Crs Pascoe and Tooman Dissenting.

Minute Note: *Item C1 (Growth in Hamilton – Public Excluded Report) would be available as Appendix 1 of Council Minutes of 25 August 2016.*

C1. Growth Report (Moved from the Public Excluded section of the Agenda in accordance with the above resolution)

The General Manager Growth took the report as read and responded to questions from Elected Members concerning delays in the availability of land for development.

It was acknowledged that there were also other complex issues concerning the release of land from other jurisdictions in the Waikato area and also with developers land banking available sections to increase prices.

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

That:

- a) the report be received; and
- b) staff are to include in the Peacockes \$1Billion Infrastructure fund report, information relating to stage 1 (a) and (b) Peacockes and Dixon Road Roundabout.

15. Resolution to Exclude the Public

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

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C2. Council - Public Excluded Minutes - 28 July 2016) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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

Item C2. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

The Meeting moved into a Public Excluded Session at 9.10pm.

The Meeting was declared closed at 9.10pm.

Appendix 1



Committee: Council

Date: 25 August 2016

Report Name: Growth in Hamilton - Public Excluded

Author: Kelvyn Eglinton

Report Status	<i>This report is taken as a publicly excluded item to protect the privacy of natural persons.</i>
Strategy, Policy or Plan context	<i>Hamilton Urban Growth Strategy Proposed District Plan Growth Funding Policy 2015-2025 Long Term Plan 30 Year Infrastructure Strategy</i>
Financial status	<i>There are no financial matters directly addressed in this report</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To provide additional information in support of the report in the Open agenda "Growth in Hamilton" relating to individual developers.

3. Executive Summary

4. Whilst ownership of land and subdivision consents are public information, this is not available in bulk and when presented this way is commercially sensitive information.
5. Attachment 1 outlines maps by growth cell which shows land ownership and land that is developer ready now and that which will be developer ready by the end of the 10-Year Plan.

Recommendation from Management

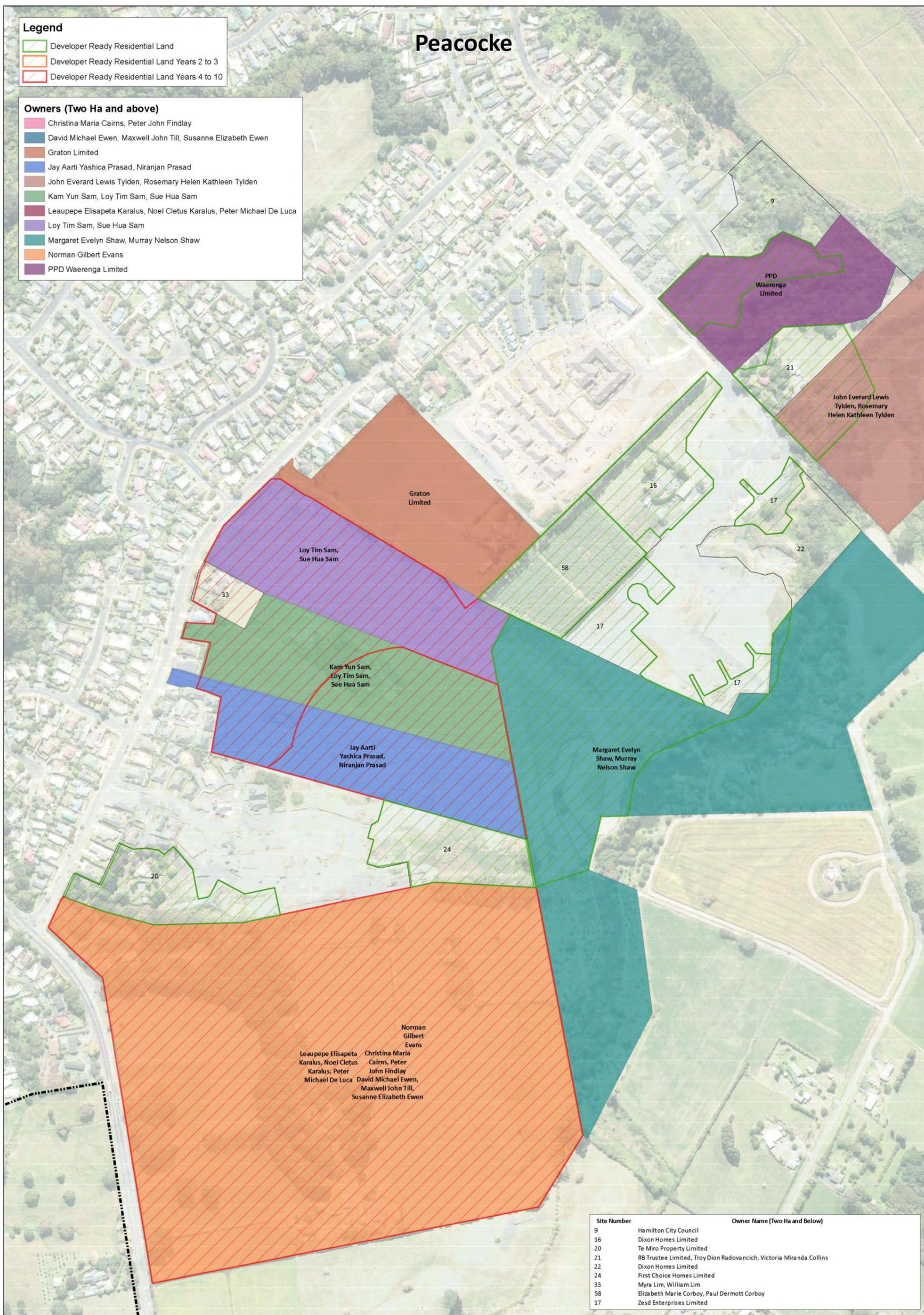
That the Report be received.

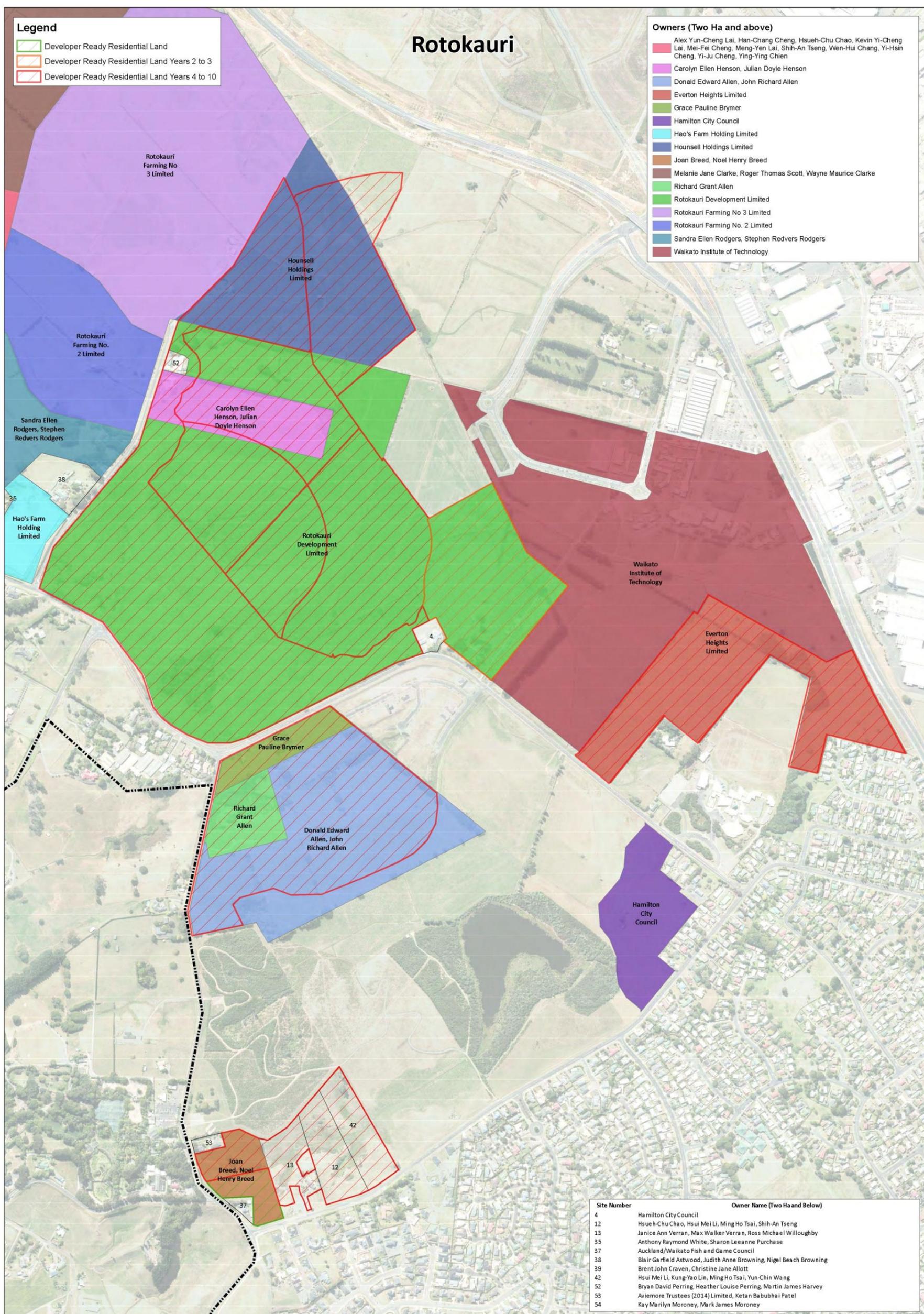
6. Attachments

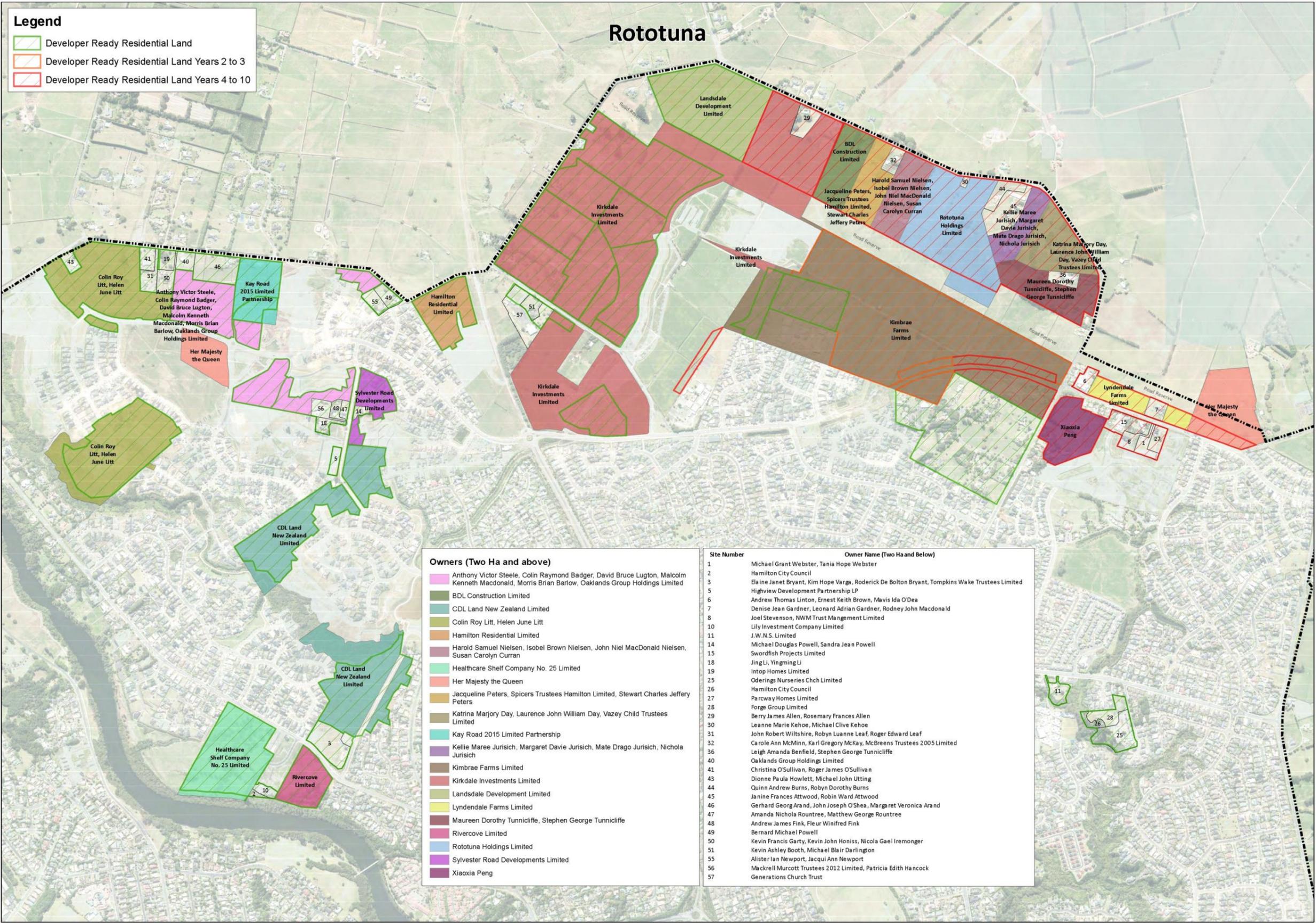
7. Attachment 1 - Land availability land owners by cell - **PUBLIC EXCLUDED**
8. Attachment 2 - Top 10 Developers - **PUBLIC EXCLUDED**

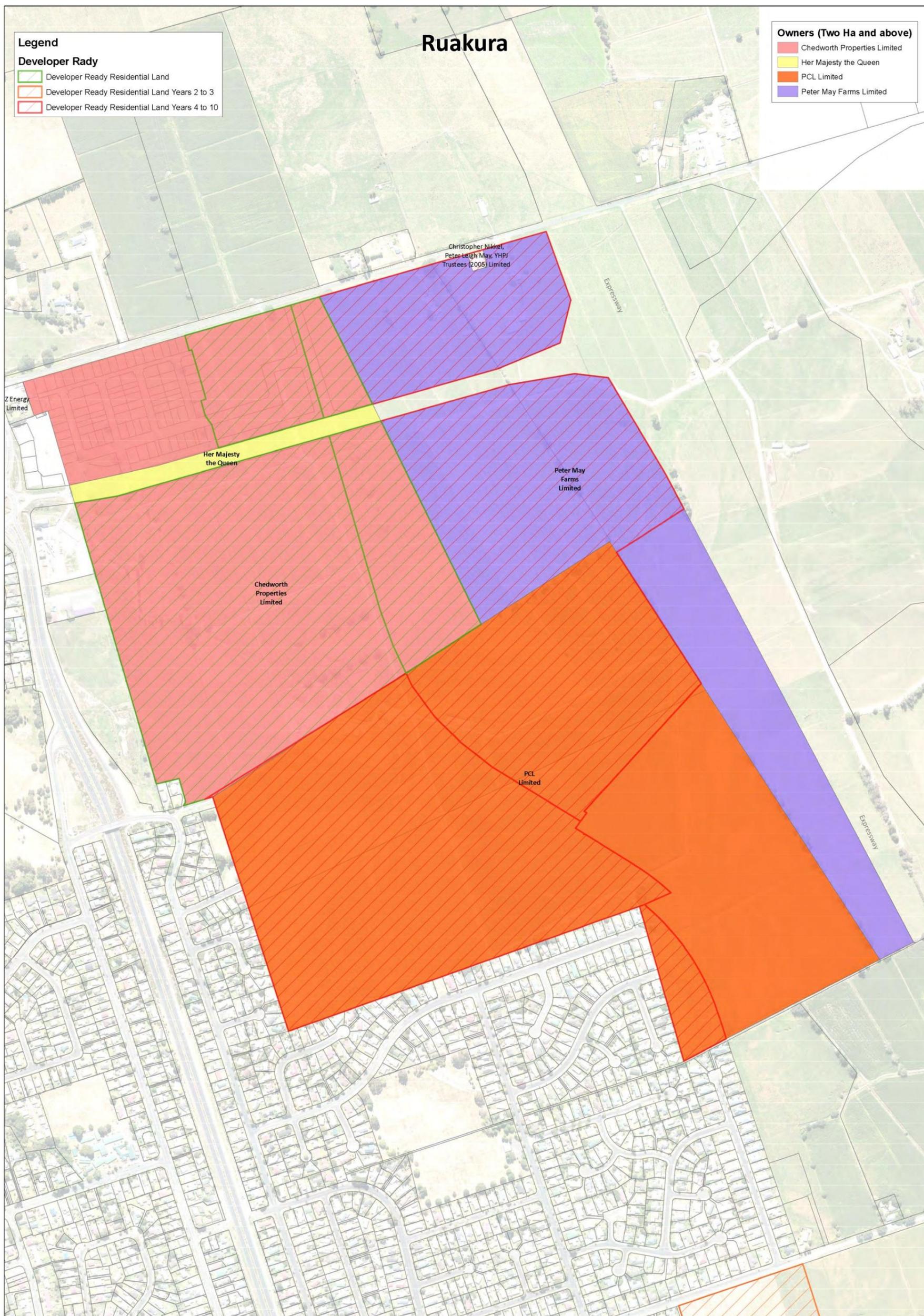
Signatory

Authoriser	Kelvyn Eglinton, General Manager City Growth
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10 largest developments - sections titled since subdivision

