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## Strategic Growth Committee

### *Komiti Rautaki*

### OPEN MINUTES

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Minutes of a meeting of the Strategic Growth Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and via audio visual link on Thursday 20 August 2020 at 9.31am.

#### PRESENT

<b>Chairperson</b>	Cr D Macpherson
<b><i>Heamana</i></b>	
<b>Deputy Chairperson</b>	Cr R Hamilton
<b><i>Heamana Tuarua</i></b>	
<b>Members</b>	Mayor P Southgate Deputy Mayor G Taylor – Audio/visual link Cr M Bunting Cr M Forsyth – Audio/visual link Cr M Gallagher Cr K Naidoo-Rauf – Audio/visual link Cr A O’Leary – Audio/visual link Cr R Pascoe Cr S Thomson – Audio/visual link Cr M van Oosten – Audio/visual link Cr E Wilson – Audio/visual link Maangai J Whetu – Audio/visual link Maangai O Te Ua

<b>In Attendance:</b>	Jen Baird - General Manager City Growth Chris Allen – General Manager Development Eeva-Liisa Wright – General Manager Infrastructure Operations Blair Bowcott - Executive Director Special Projects Ben Scott - Community Advisor James Clarke - Director of the Mayor’s Office Paul Bowman – Team Leader Economic Growth and Planning Amy Triggs – Senior Policy Analyst Luke O’Dwyer – City Planning Manager Karen Saunders - Growth Programmes Manager Greg Cartens – Growth, Funding and Analytics Unity Manager Maire Porter - City Waters Manager Andrew Parsons - Strategic Development Manager Nigel Ward – Communications Team Leader Lucie Robinson – Project Manager
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<b>Governance Staff:</b>	Becca Brooke – Governance Manager Amy Viggers – Governance Team Leader Tyler Gaukrodger and Narelle Waite - Governance Advisors
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**1. Apologies – *Tono aroha***

**Resolved:** (Cr Macpherson/Cr Bunting)

That the apologies for early departure from Cr Forsyth and Cr Bunting are accepted.

**2. Confirmation of Agenda – *Whakatau raarangi take***

**Resolved:** (Cr Macpherson/Cr Bunting)

That the agenda is confirmed noting the following:

- a) that the late attachment 4 (Future Proof Update) for Item 10 (Open Information Only Reports) is accepted as part of the agenda; and
- b) notes that item C2 (Peacocke East-West Arterial Alignment) will be taken at 1.30 to accommodate external presenters.

**3. Declarations of Interest – *Tauaakii whaipanga***

No members of the Council declared a Conflict of Interest.

**4. Public Forum – *Aatea koorero***

**Lui Brame** (Waikato Regional Housing Initiative representative) spoke to item 7 (Housing Development Strategy). He outlined support of the plan and the efforts that Waikato Regional Housing Initiative was undertaking to address housing demand. He responded to questions from Members concerning the housing development and biodiversity.

**Peter Southwick** (Waikato Community Land Trust representative) spoke to item 7 (Housing Development Strategy). He spoke in support of the development of a housing strategy, and provided an example of the work that was undertaken in Queenstown to address housing affordability.

**5. Confirmation of the Strategic Growth Committee Open Minutes 18 June 2020**

**Resolved:** (Cr Macpherson/Cr Hamilton)

That the Committee confirm the Open Minutes of the Strategic Growth Committee Meeting held on 18 June 2020 as a true and correct record.

**6. Chair's Report**

The Chair spoke to the report, and responded to questions from Members concerning the Hamilton Urban Growth Strategy, growth scenarios, the timeline for the review of the District Plan, the National Policy Statement on Urban Development Capacity (NPS-UDC), challenges Council is facing with respect to growth and how priorities will be considered in the development of the Long Term Plan.

**Staff Action:** *Staff undertook to circulate a work programme (timeline) for the development of structural plans, infill strategies and the review of the District Plan.*

**Staff Action:** *Staff undertook to organise a drop in session concerning development uplift.*

**Resolved:** (Cr Macpherson/Maangai Te Ua)

That the Strategic Growth Committee receives the report.

**7. Housing Strategy Development**

The Senior Policy Analyst outlined the report. Staff responded to questions from Committee Members concerning the process and timeline for the development of the strategy, potential outcomes, objectives that would be included as part of the action plan to be developed and how

that strategy may link into the review of the District Plan.

**Resolved:** (Cr Thomson/Cr van Oosten)

That the Strategic Growth Committee:

- a) receives this report;
- b) approves the development of a housing strategy; and
- c) delegates Deputy Mayor Taylor, Cr Thomson, Cr O’Leary, Cr Wilson, Cr van Oosten, and Maangai Te Ua to work with staff to develop a Draft Housing Strategy, noting that the strategy will be brought back to the Strategic Growth Committee for final approval.

**The meeting was adjourned 11.25am to 11.40am.**

## **8. Water Reform - Memorandum of Understanding**

The Strategic Development Manager spoke to the report, noting that it addressed Central Government’s announcement of a reform programme and establishment of Taumata Arowai, the new Water Services Regulator. The Executive Director Special Projects then noted that the Mayoral Forum had previously voted unanimously to support the programme. They responded to questions from Members concerning the details of the Water Reform Memorandum of Understanding (MoU), potential projects, potential costs and risk to Council.

**Resolved:** (Cr Macpherson/Cr Hamilton)

That the Strategic Growth Committee:

- a) approve the Water Reform Memorandum of Understanding (MoU) (set out in **attachment 1**) be signed by the Council;
- b) delegate Blair Bowcott, Executive Director Special Projects, and Andrew Parsons, Strategic Development Manager (alternate) as the primary point of communication for the purposes of the MoU and water reform programme (refer page 6 of the MoU in **attachment 1**);
- c) note that staff will report back to the 17 September 2020 Council meeting to seek approval to lodge the stimulus package proposals, delivery plans, and sign the funding agreement set out in **attachments 2 and 3**;
- d) approve the Chair of Strategic Growth Committee, Chair of Infrastructure Operations Committee, Chair of Economic Development Committee, the Chair of Finance Committee and the Chair of Environment Committee (or Deputy Chairs of each committee as alternates) if to work with staff to recommend the list of projects for the Delivery Plan for the Council to consider at its meeting on 17 September 2020, and to work with staff to provide direction during the reform programme to the end of tranche 1 (June 2021);
- e) note that the MoU and funding agreement cannot be amended or modified by either party, and doing so would void these documents;
- f) note that participation in the initial stage is to be undertaken in good faith, but is a non-binding approach, and the Council can opt out of the water reform process at the end of the term of the agreement as noted on page 5 of the MoU (**attachment 1**);
- g) note that the Council has been allocated \$8,730,000 of funding (with a further regional pool yet to be allocated), which will be received as a grant as soon as practicable once the signed MoU and funding agreement are returned to the Department of Internal Affairs, and a delivery plan has been supplied and approved (as set out on page 5 of the MoU **attachment 1**); and
- h) note that the delivery plan must show that the funding is to be applied to operating and/or

capital expenditure relating to three waters infrastructure and service delivery, and which:

- i. supports economic recovery through job creation; and
- ii. maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.

## 9. IFF and Rotokauri Detailed Business Case Update

The Project Manager spoke to the report noting that since the report was written the Infrastructure Funding and Financing Act 2020 had received Royal Assent. Staff responded to questions from Members concerning Development Contributions in Rotokauri, swale management, design to address safety concerns, financial implications, current negotiations with Crown Infrastructure Partners, economic risks and Council's financial obligation.

*During the discussion of the above item 9 (IFF and Rotokauri Detailed Business Case Update) item 11 (Resolution to Exclude the Public) and public Excluded items were taken to accommodate staff availability.*

## 11. Resolution to Exclude the Public

**Resolved:** (Cr Macpherson/ Cr Hamilton)

### **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 Strategic Growth Public Excluded Minutes 18 June 2020	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)
C2. Peacocke East-West Arterial Alignment	)	
C3. Peacocke Update - Contract Awards		
C4. Peacocke Update Public Excluded - Amberfield		

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 maintain legal professional privilege	Section 7 (2) (g)
Item C3.	to enable Council to carry out commercial	Section 7 (2) (h)

	activities without disadvantage	Section 7 (2) (i)
	to enable Council to carry out negotiations	
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)

**The meeting went into a Public Excluded session at 12.40pm.**

*Cr Bunting and Cr Naidoo-Rauf retired from the meeting during the Public Excluded session of the meeting*

**The meeting moved back into an Open session at 5.24pm.**

## **9. IFF and Rotokauri Detailed Business Case Update - Continued**

Staff responded to questions from Members concerning the development of Rotokauri and the development timeline.

**Resolved:** (Cr Hamilton/Cr Macpherson)

That the Strategic Growth Committee:

- a) receives the report, noting that:
  - i. the Infrastructure Funding and Financing Act 2020 has received Royal Assent, having passed through the House of Representatives, and that Hamilton City Council played a significant role in the creation of this legislation;
  - ii. the draft Rotokauri Detailed Business Case, incorporating feedback from previous decisions, will be provided to Elected Members on Friday 21 August 2020;
- b) requests that staff prepare a report for the 17 September 2020 Council meeting to consider an 'Agreement in Principle' of the Rotokauri Detailed Business Case, subject to 2021-31 Long Term Plan consultation, and commercial negotiations with developers and Crown Infrastructure Partners; and
- c) requests that staff provide advice on any enabling work required, as part of the report for the 17 September 2020 Council meeting, and any funding required in the 2020/21 financial year to enable continued commercial negotiations with Crown Infrastructure Partners and developers in Rotokauri.

**Deputy Mayor Taylor, Crs Wilson, Thomson and Forsyth Dissenting.**

*Mayor Southgate retired from the meeting (5.24pm) during the discussion of the above item. She was not present when the matter was voted on.*

*Cr van Oosten retired from the meeting (5.27pm) during the discussion of the above item. She was not present when the matter was voted on.*

## **10. Open Information only reports**

The reports were taken as read.

**Resolved:** (Cr Macpherson/Maangai Te Ua)

That the Strategic Growth Committee receives the following information only reports:

- General Managers Report
- Development Contribution Remission Quarter 4 2020
- Peacocke Programme Update
- Future Proof Update

**The meeting was declared closed at 6.00pm**

**Minute Note 3/06/2022:**

*On 3/06/2022 the following report and resolutions were determined to be released to the public via these minutes and the quarterly update. The report is attached as **Appendix 1** of these minutes.*

**Peacocke Update Public Excluded – Amberfield**

**Resolved:**

*That the Strategic Growth Committee:*

- a) notes that the property currently owned by the Council at 361 Peacockes Road forms part of an important ecological corridor between the Waikato River margin and the Mangakootukutuku gully system;*
- b) approves Option 3 to protect the existing trees on the Council-owned property at 361 Peacockes Road, as outlined in Attachment 2, for ecological purposes by way of an appropriate legal mechanism prior to the sale, transfer or disposal of the property;*
- c) notes that any further Resource Management Act and planning response for addressing ecological value of the Council property at 361 Peacockes Road as outlined in Attachment 1 will be determined through the Proposed Peacocke Plan Change (Option 2); and*
- d) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

# Council Report

**Committee:** Strategic Growth Committee      **Date:** 20 August 2020  
**Author:** Grant Kettle      **Authoriser:** Jen Baird  
**Position:** Planning      Guidance      Unit      **Position:** General Manager City Growth Manager  
**Report Name:** Peacocke Update Public Excluded - Amberfield

<b>Report Status</b>	<i>This report is taken as a publicly excluded item to enable Council to carry out negotiations.</i>
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## Purpose - *Take*

1. The purpose of this report is to seek the Strategic Growth Committee's approval to protect existing trees on Council-owned land adjacent to the Weston Lea Amberfield development.
2. This report is supplementary to the Peacocke Programme Update (Open) report included in this agenda.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Strategic Growth Committee:
  - a) notes that the property currently owned by the Council at 361 Peacockes Road forms part of an important ecological corridor between the Waikato River margin and the Mangakootukutuku gully system;
  - b) approves **Option 3** to protect the existing trees on the Council-owned property at 361 Peacockes Road (as outlined in **Attachment 2**) for ecological purposes by way of an appropriate legal mechanism prior to the sale, transfer or disposal of the property;
  - c) notes that any further Resource Management Act and planning response for addressing ecological value of the Council property at 361 Peacockes Road (as outlined in **Attachment 1**) will be determined through the Proposed Peacocke Plan Change (**Option 2**); and
  - d) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.

## Executive Summary - *Whakaraapopototanga matua*

4. Independent commissions granted resource consents in September 2019 for a large-scale residential development in the Peacocke growth cell. Weston Lea and the Department of Conservation have both appealed the conditions of the resource consents.
5. The central issue is the potential effects on the critically-endangered long-tailed bat and how the conditions will protect and enhance the bat habitat, including areas that are used for commuting between habitat areas.

## Appendix 1:

6. In preparation for the Environment Court hearing scheduled for the end of August 2020, parties have engaged in facilitated mediation, resulting in an agreement on the width of the East West Shelterbelt/ecological corridor, which crosses the Amberfield development.
7. The increased width brings Council-owned land at 361 Peacockes Road into consideration as an extension of the corridor.
8. Staff recommend protecting an existing row of trees on the southern boundary of the property, which are a known commuting pathway for the long-tailed bat, and seek the Committee's approval of this recommendation.
9. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

### Background - *Kooreo whaimaarama*

10. Weston Lea applied for land use and subdivision consents for a large-scale residential development within the Peacocke growth cell in 2018. A panel of independent hearing commissioners with delegated authority granted the resource consents in September 2019.
11. Weston Lea and the Department of Conservation both appealed the conditions of the resource consents. Riverlea Environmental Society Incorporated and Royal Forest and Bird Society have both joined in support of the Department of Conservation appeal. All appeals will be heard together by the Environment Court. The appeals are set down for a five-day hearing, commencing on 31 August 2020.
12. The central issue is the potential effects of the development on the indigenous and critically endangered long-tailed bat (pekapeka-tou-roa) and how the conditions will protect and enhance the habitat of bats, including areas of habitat that are used for commuting between habitat areas.

### Discussion - *Matapaki*

#### East West Shelter Belt – Ecological Corridor

13. As part of the preparation for the Environment Court, the parties engaged in facilitated expert caucusing (ecologists, lighting experts and planners) over numerous days, culminating in a facilitated mediation. Both the caucusing and mediation were facilitated by an ex-Environment Court Commissioner.
14. A mediated agreement was reached between Weston Lea, the Council and the Department of Conservation on the width (approximately 40m) of the East West Shelterbelt/ecological corridor, which runs across the Amberfield development. Also agreed were additional lighting controls, further planting, building setbacks and title deferral of specified lots adjacent to the shelterbelt. Riverlea Environmental Society Incorporated and Royal Forest and Bird Society reserved their position on the extent of the East West Shelter belt/ecological corridor.
15. The Council's expert bat ecologists support the width of the East West Shelterbelt corridor as agreed at mediation. The agreed width aligns with the draft ecological information that will be used to inform the Proposed Peacocke Plan Change.
16. **Attachment 1** outlines the extent of East West Shelterbelt/corridor. The red diagonal hatched section represents the proposed corridor on Council-owned land.



## Appendix 1:

### Council Property – 361 Peacockes Road

17. The mediation agreement resulted in an increase in the width of the East West Shelterbelt corridor to the north and as a result brings land the Council owns at 361 Peacockes Road (record of title SA7D/254) into consideration as an extension of the corridor to the wider Peacocke Growth Cell.
18. The Council property at 361 Peacockes Road is immediately to the north-west of the shelterbelt; it is not part of the resource consent applications. It cannot be considered as part of the proposed development and the Court does not have the ability to impose specific measures in relation to this land. However, the property (including the existing shelterbelt trees on the southern boundary) is considered by all bat ecological experts to be a key ecological link between the Waikato River margin through to the Mangakootukutuku gully.
19. Consequently, all parties have sought certainty that the ecological corridor would be protected as an ecological corridor and not be compromised by inappropriate development/use in the future.
20. Staff acknowledged the relevance of the Council property in the context of the broader Proposed Peacocke Plan Change and the landscape-wide approach to the protection and enhancement of habitat for the long-tailed bat.
21. Given the significance of the corridor, staff agreed to take a report to Council (or an appropriate committee) to consider options and recommendations on continuing an ecological corridor through the property, including a recommendation to protect the existing row of poplar trees on the southern boundary of the property, excluding any trees located within the Southern Links designation which are consented to be removed to widen Peacockes Road.
22. **Attachment 2** shows the property boundary at 361 Peacockes Road and the trees proposed for protection.

### Proposed options for the Council property

23. The proposed options for consideration include:

Option	Name	Description
<b>Option 1</b>	Do nothing	Maintain the status quo
<b>Option 2</b>	Proposed Peacocke Plan Change	The planning response for any proposed extension of the corridor and use of land (marked in red diagonal hatch in <b>Attachment 1</b> ) to be addressed through the Proposed Peacocke Plan Change
<b>Option 3 (Recommended Option)</b>	Protect Existing Trees	Protect the existing trees on the southern boundary of the property via an appropriate legal mechanism on the title as outlined in <b>Attachment 2</b>
<b>Option 4</b>	Protect Council Property	Protect the identified section of Council-owned property (marked in red diagonal hatch in <b>Attachment 1</b> ) for ecological purposes via an appropriate legal mechanism on the title.

24. A detailed analysis of the proposed options is in **Attachment 3**.

## Appendix 1:

### Preferred option

25. The preferred options and recommendation are options two and three. A combination of these options will:
- a) protect the existing trees, which are a known and agreed commuting pathway for the long-tailed bat
  - b) provide connectivity between Council-owned land and the adjacent shelterbelt on the Amberfield site
  - c) acknowledge and recognise the ecological connection between the Waikato River margins and the Mangakootukutuku gully network
  - d) not pre-determine any outcome and provisions of the Proposed Peacocke Plan Change
  - e) meet the obligations of the mediated agreement.

### Financial considerations - *Whaiwhakaaro Puutea*

26. **Option 3 Protection of existing trees on the southern boundary**
27. This option will constrain some development opportunities on the property with the protection of the trees. Staff consider there will be some reduction in value at the property at 361 Peacockes Road.
28. Staff have also considered whether Option 3 should be subject to the Environment Court approving a corridor width consistent with the mediation agreement. This would protect the Council from having to implement any legal instrument in the event the Court imposes a corridor width greater than the mediation agreement of approximately 40m.
29. Staff consider that in any event the trees on the southern boundary of the property form a logical extension on the East West shelter belt and an important ecological connection to the Mangakootukutuku gully. For this reason, staff continue to recommend protecting the existing trees as habitat for the long-tailed bat irrespective of any Environment Court decision.
30. **Option 2 Proposed Peacocke plan change**
- The proposed plan change is currently under development and proposed for notification in 2021. This will include (amongst other matters) ecological considerations that will apply to the Peacocke Structure Plan Area.
31. Any financial implications for the property that reduce the land disposal options or financial returns will have an impact on the HIF budgets. This will be further considered once the Proposed Peacocke Plan Change is developed.

### Legal and policy considerations - *Whaiwhakaaro-aa-ture*

32. Staff have sought legal advice on this matter. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.

### Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

33. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
34. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below. The recommendations set out in this report are consistent with that purpose.

## **Appendix 1:**

35. Environmental wellbeing – the extent that the sustainability of the environment is protected now and in the future – is a major consideration for the Peacocke programme. The recommendation in this report will aid the protection and enhancement of bat habitat by protecting an area known to be used for commuting between habitat areas. The recommendation acknowledges that the trees on the southern boundary property at 361 Peacockes Road form part of an ecological corridor between the Waikato River margin and the Mangakootukutuku Gully system.
36. Environmental, economic, social, and cultural considerations are discussed in more detail in the Peacocke Programme Update (Open) report included in this agenda.

### **Risks - *Tuuraru***

37. Risks relating to each option are outlined in the options analysis in **Attachment 3**.

### **Significance & Engagement Policy - *Kaupapa here whakahira/anganui***

38. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance and therefore no engagement is required.

### **Attachments - *Ngaa taapirihanga***

Attachment 1 - Map showing East West Shelterbelt and Council-owned land

Attachment 2 - Map showing trees proposed for protection

Attachment 3 - Detailed options analysis

ATTACHMENT ONE: EXTENT OF THE EAST WEST SHELTER BELT INCLUDING THE AREA ON COUNCIL OWNED LAND (RED DIAGONAL LINES)



ATTACHMENT TWO: PROPOSED TREES FOR PROTECTION



**Appendix 1:****ATTACHMENT THREE: OPTIONS ANALYSIS**

OPTIONS	ADVANTAGES	DISADVANTAGES/ RISKS	OVERALL ASSESSMENT
Option One: Do nothing	<ul style="list-style-type: none"> <li>No legal requirement to act. The Property is outside of the application boundary</li> <li>Maximum flexibility to sell, dispose or transfer the ownership of the Property</li> <li>Remaining unencumbered retains maximum value in the Property</li> </ul>	<ul style="list-style-type: none"> <li>Reputational risk to relationship with Parties and community</li> <li>Trees on southern boundary are not protected and able to be removed by Council or other prospective purchaser of the site</li> <li>Possible negative perception/outcome if raised within Environment Court context</li> <li>Duty to avoid, remedy or mitigate adverse effects (i.e. known long tail bat habitat)</li> </ul>	Not recommended
Option Two: Proposed Peacocke Plan Change	<ul style="list-style-type: none"> <li>Consistent with the landscape wide approach to the ecological corridors within the Peacocke growth cell</li> <li>Corridor linking Waikato River to the Mangakotukutuku gully system</li> <li>Overall extent of ecological corridor considered in the context of the overall growth cell</li> <li>Any proposed planning provisions to balance the multiple objective of the growth cell</li> <li>Current District Plan restricts further development of the property without a resource consent enabling potential community and other parties involvement (i.e. DOC, RESI)</li> </ul>	<ul style="list-style-type: none"> <li>Reduced level of certainty to the community that the corridor will be identified and protected</li> <li>Does not provide immediate protection to the Property until notification of any Proposed Plan Change.</li> <li>Additional RMA planning controls may constrain development opportunities and result in potential loss of property values/opportunity</li> </ul>	Recommended
Option Three: Protect Existing trees:	<ul style="list-style-type: none"> <li>Positive statement of intent to community and parties (i.e DOC and RESI) that ecological corridors for long tail bats are important to the City</li> <li>Logical extension of the shelter belt trees and linkage to the growth cell</li> </ul>	<ul style="list-style-type: none"> <li>Potential constrained development opportunities/value</li> <li>Potential to have an impact on the sale/disposal of the overall property.</li> <li>Cost associated with imposing legal instrument on the title</li> </ul>	Recommended