
From: official information
Sent: Wednesday, 16 June 2021 17:02
To: [REDACTED]
Cc: official information
Subject: FINAL RESPONSE - LGOIMA 21135 - [REDACTED] - 4100sqm Block of Land on South/Western Ward Street, Hamilton city Map.docx; ward st minutes_Redacted.pdf

Attachments:

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

This response relates to 145 to 155 Ward Street and 179 Ward St (cnr Tristam and Ward St) outlined in red on the attached plan. These properties were HCC Municipal Endowment Fund ground leases to Wintec.

Request 1 – On what date exactly was the abovementioned block of land sold?

Response 1 – 31 March 2021

Request 2 – What public consultation was there preceding the sale of the abovementioned block of land?

Response 2 – No public consultation was required. Wintec held ground leases over the sites, which they had the right to renew every 21 years. As the leaseholder Wintec could apply to freehold the sites, which they did.

Request 3 – What interest did Wintec have on terms of a lease and in terms of the sale of the abovementioned block of land?

Response 3 – Wintec held ground leases on the land. The leases were for 21 years with rights to renew for that time. Wintec had the rights to purchase the land from the lessor at any time during the lease term.

Request 4 – Who bought the abovementioned block of land?

Response 4 – Wintec, the lessee.

Request 5 – What were the conditions that Wintec required the Hamilton City Council to meet in relation to the sale of the abovementioned block of land?

Or what were the conditions that the Hamilton City Council required Wintec to meet in relation to the sale of the abovementioned block of land?

Response 5 – Condition: that any development on the site must comply with the requirements set by the Urban Design Panel and that a Resource Consent in line with those requirements was obtained prior to the sale (which happened on 31 March 2021).

Request 6 – A copy of the council meeting minutes at which the proposed sale of the abovementioned block of land was discussed. Also, copies of all subsequent council meetings which relate in any way to the abovementioned block of land (not only its sale but in every other respect).

Response 6 – Minutes of 15/11/2018, 28/11/2019 & ,4/2/20 attached.

Request 7 – What was the abovementioned land valued at - after demolition of the "earth quake prone" buildings - and prior to its sale?

Response 7 – We have attached the valuation reports which were conducted by Curnow Tizard (organised by Council) and Telfer Young (organised by Wintec), prior to the sale of the land. Please note, this valuation was conducted over land only which was owned by Council and Wintec. No improvements, structures or buildings were included in the valuation.

Request 8 – What company or organisation valued the property, and, was more than one valuation obtained? If not, why not?

Response 8 – Curnow Tizard completed valuation on behalf of Council, and for Telfer Young completed valuation for Wintec.

Request 9 – Was the land advertised for sale in a way that all potentially interested buyers could make offers? If not, why not?

Response 9 – No as only the lessee had the right to purchase Council's interest as lessor. But the redevelopment of both the former Council and Wintec land was put out to public tender seeking suitable proposal for the redevelopment of the sites.

Request 10 – What was the sale price of the abovementioned block of land?

Response 10 – Council's lessor interest in the ground lease was sold at \$2,458,881.25 plus GST.

Request 11 – Did Wintec or any other organisation benefit from the sale of the abovementioned block of land (not only from a pecuniary point of view but also from any other point of view).

Response 11 – Please see the attached report dated 4 February 2021, "Wellbeing Consideration" where it states:

"The redevelopment of vacant central city sites will contribute towards the vibrancy and revitalisation of the area in line with the Council's key strategies and Central City Transformation Plan and will act as a catalyst for developing adjoining sites."

Request 12 – It was reported in the media that "land leading up to Tristram Street is being used as a private carpark but it did not meet the requirements of the city's district plan beyond January 2021. From that date, a development plan must be in progress." I am also requesting a copy of the development plan in progress.

Response 12 – As this land is the possession of Wintec, you will need to contact them directly to provide the information you have requested.

Request 13 – If the abovementioned land was not sold as a whole block, but instead in separate parcels or parts of the whole block, then please provide the requested information on that basis.

Response 13 – Please note, Council leasehold on the various areas was sold as one block.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Tatiyana Taunoa (*Pronouns: she/her*)

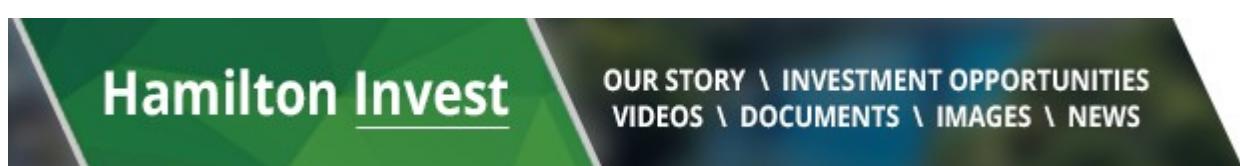
Official Information & Legal Support Advisor | Legal Services & Risk

People and Organisational Performance

DDI: +6478386455 | Tatiyana.Taunoa@hcc.govt.nz or officialinformation@hcc.govt.nz

Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: Hamilton City Council <do.not.reply@hcc.govt.nz>

Sent: Tuesday, 20 April 2021 5:20 pm

To: official information <officialinformation@hcc.govt.nz>

Subject: HCC Website - Official Information Request ref: HCC-QF-210420-A8IPQ-1B8V

HCC Website - Official Information Request

Reference: HCC-QF-210420-A8IPQ-1B8V

Attachment: not attached

Name:

Email address:

Phone number:

Detailed Description of Request

RE: 4100sqm block of land on south/western Ward Street, Hamilton city

Please provide me with the following information:

1. On what date exactly was the abovementioned block of land sold?
2. What public consultation was there preceding the sale of the abovementioned block of land?
3. What interest did Wintec have in terms of a lease and in terms of the sale of the abovementioned block of land?
4. Who bought the abovementioned block of land?
5. What were the conditions that Wintec required the Hamilton City Council to meet in relation to the sale of the abovementioned block of land? Or what were the conditions that the Hamilton City Council required Wintec to meet in relation to the sale of the abovementioned block of land?
6. A copy of the council meeting minutes at which the proposed sale of the abovementioned block of land was discussed. (According to media reports this was behind 'closed doors' but with the minutes subsequently released to the public and ratepayers). Also, copies of all subsequent council meetings which relate in any way to the abovementioned block of land (not only its sale but in every other respect).
7. What was the abovementioned land valued at - after demolition of the "earth quake prone" buildings - and prior to its sale?
8. What company or organisation valued the property, and, was more than one valuation obtained? If not, why not?
9. Was the land advertised for sale in a way that all potentially interested buyers could make offers? If not, why not?
10. What was the sale price of the abovementioned block of land?
11. Did Wintec or any other organisation benefit from the sale of the abovementioned block of land (not only from a pecuniary point of view but also from any other point of view).

It was reported in the media that "land leading up to Tristram Street is being used as a private carpark but it did not meet the requirements of the city's district plan beyond January 2021. From that date, a development plan must be in progress." I am also requesting a copy of the development plan in progress.

Kindly note:

* If the abovementioned land was not sold as a whole block, but instead in separate parcels or parts of the whole block, then please provide the requested information on that basis.

* My preference is that the requested information be provided in hard-copy format, and, I ask that you post same to me at my residential address ([REDACTED]).

Organisation: not supplied

C11. 145-179 Ward Street, Sale and Development - Proposed Covenant

The Chief Executive took the report as read. He responded to questions from Elected Members concerning the sale contract, developers gaining unfair advantages, advantages provided by council, developer history, timeline for completion, covenant concessions, council input, resource consent delays and endowment funds.

████████ (Stark Property) responded to questions from Elected Members concerning previous developments, potential barriers to development, integration models, timeline of development, development proposal changes and development design.

Resolved: (Cr Hamilton/Cr Pascoe)

That the Council:

- a) receives the report; and
- b) authorises the Chief Executive to negotiate the terms of a land covenant in respect of all contractual arrangements for the land at 145-179 Ward Street to ensure that the Council maintains its current position as outline in paragraph 28 of this report and ensure that the developer and staff work together so that any revised concept supports and enables both the Innovating Streets programme and the longer term plans for Ward Street.

The meeting adjourned 3.58pm to 4.05pm during the discussion of the above item.

The meeting was declared closed at 4.44pm.

Confirmed:

R. Donthgate
Chairperson

30/10/20
Date



C3. Municipal Endowment Fund - Ward Street Sale and Development

The City Planning Manager spoke to the report noting that the purpose of the report was to seek the Council's approval of the negotiated ratio. Staff responded to questions from Elected Member concerning the independent valuation process, the concept design of the development, the tender process, the process to sell Council owned land and the endowment fund policy.

Staff Action: *Staff undertook to organise a session with the developer, [REDACTED] to discuss the detailed design for the site. This session would include discussion of options for pedestrian safety, cycle ways, and how these would be incorporated in the final streetscape design/development.*

Staff Action: *Staff undertook to organise an Elected Member Briefing concerning the Urban design panel.*

Resolved: (Cr Wilson/Cr Hamilton)

That the Council:

- a) receives the independent valuation of the sites and notes the legally-binding requirements of the Agreement for Sale and Purchase between the Council and Wintec dated 6 September 2019;
- b) approves the negotiated ratio apportionment of 53.165% for the whole development site, which sets the sale value of the six Council-owned sites at 145, 147, 151, 155 and 179 Ward Street at \$2,372,489.00 plus GST to sell to Wintec in line with the process set out in the Agreement;
- c) approves the net proceeds of the sale for the six Council-owned sites at 145, 147, 151, 155 and 179 Ward Street are invested on term deposit, at the best available return to be determined by the CE, rather than used to repay debt;
- d) notes that the decision to invest the proceeds is a specific delegation of Council, made in accordance with section 2(d) and section 8 of the Investment and Liability Management Policy; and
- e) notes that the decision and information in relation to this matter will be released to the Public at the appropriate time to be determined by the General Manager City Growth.

C3. Municipal Endowment Fund - Ward Street land, proposed Sale and Development

The City Planning Manager spoke to the report noting that the sale price was not yet known and would be reported to the Council. Staff responded to questions from Elected Members concerning Strategic Plan for the development of Ward Street, the sale process due the land being a part of the Municipal Endowment Fund, and the valuation and negotiation process.

Cr Bunting re-joined the meeting (3.15pm) during the discussion of the above item. He was present when the matter was voted on

Item C3 (Municipal Endowment Fund - Ward Street land, proposed Sale and Development) was suspended to enable staff to clarify the sale process.

following the above adjournment.

C3. Municipal Endowment Fund - Ward Street land, proposed Sale and Development... Continued

Staff responded to further questions from Elected Members concerning the tender criteria, opportunity to influence the final design of the development, and split of the sale proceeds. The Chief Executive then outline the negotiation and sale process.

Action Staff: Staff undertook to provide the full valuation of the property as a whole in the future report to the Council.

Resolved: (Cr Macpherson/Cr Wilson)

That the Council:

- a) approves the recommendation of the Tender Evaluation Panel to accept the tender received from Stark Property Ltd as the preferred development option for the land detailed in the Schedule;
- b) requests staff to negotiate the freeholding of the Council owned land to Wintec to facilitate the redevelopment of the sites described in the below schedule with the final negotiated price to be report back to the Council for approval;
- c) notes that this report and decision will be released to the public with the unsuccessful tenderers' details redacted, at the appropriate time to be determined by the Chief Executive;
- d) notes that the Ward Street corridor, between Tristram Street and Anglesea Street will be part of a cycle and pedestrian-friendly environment that continues eastwards from the Western Rail Trail, and that staff be requested to report back to the Infrastructure Committee on the design and implementation of this by the end of April 2020.

COUNCIL	15/11/2018	6	Municipal Endowment Fund - Ward Street	To seek approval for the schedule to be offered in conjunction with ne
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C6. Municipal Endowment Fund - Ward Street

The report was taken as read. Staff responded to questions from Elected Members concerning the sale process and that the development's intended design would be evaluated by the Urban Design Panel.

Staff Action: *Staff undertook to provide an update to Elected Members on the Municipal Endowment fund and the process to withdraw funds.*

Resolved: (Cr O'Leary/Cr Southgate)

That the Council:

- a) approves the potential sale of the land as described in the schedule, subject to:
 - (i) Council's approval of the development proposal for the land;
 - (ii) the Urban Design Panel's input into the brief for the development of the site and evaluation of any proposal for the site;
 - (iii) Council's final approval of the terms of sale following a public open market process;
- b) notes that sale of the land is intended to facilitate development of Ward Street in conjunction with the Waikato Institute of Technology's adjoining land holdings;
- c) notes that the net sale proceeds will be credited to the Municipal Endowment Fund Reserve; and
- d) delegates the Chief Executive authority to give effect to this resolution.

