Notice of Meeting:
I hereby give notice that an ordinary meeting of Hamilton City Council will be held on:

Date: Tuesday 13 November 2012
Time: 9.30 AM
Meeting Room: Annual Offsite Meeting
Venue: Chapel Hill Community Church, 2 Cate Rd, Rototuna

Council
OPEN AGENDA

Membership
Chairperson                     Her Worship the Mayor Ms J Hardaker
Deputy Chairperson             Cr G Chesterman
Members                        Cr D Bell
                                Cr P Bos
                                Cr M Forsyth
                                Cr M Gallagher
                                Cr J Gower
                                Cr R Hennebry
                                Cr D Macpherson
                                Cr P Mahood
                                Cr A O’Leary
                                Cr M Westphal
                                Cr E Wilson

Quorum:                        A majority of members (including vacancies)

Meeting Frequency:             Six weekly

Jacob Quinn
Democracy Team Leader

7 November 2012
Telephone: 07 838 6771
Jacob.Quinn@hcc.govt.nz
www.hamilton.co.nz
Role & Scope

- To carry out leadership functions including advocacy and facilitation on behalf of community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council:
  - Power to make a rate
  - Power to make a bylaw
  - Power to institute proceedings in the High Court that are not injunctive proceedings
  - Power to borrow money
  - Power to enter into a contract otherwise in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959
  - Powers and duties conferred or imposed on the local authority by the Public Works Act 1981
  - All final decisions required to be made by resolution of the territorial authority/Council pursuant to relevant legislation.
- To make those decisions which are required by legislation to be made by resolution of the local authority
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to officers or other Committees.
- To receive the Council Risk Register and legal issues reports.
- Approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- Making decisions in respect of District Plan matters.

Financial

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council’s borrowing programme and treasury management strategy.
- The statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor’s reports and to approve the audited annual report.

Procedural Matters

- Delegation of all Committee powers
- Adoption of Standing Orders
- Confirmation of all Standing and Special Committee minutes
- Approval of Special Orders
- Employment of Chief Executive, setting of the Chief Executive’s performance targets and review of the Chief Executive’s Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations

Council Can Work in Forum Mode

From time to time the agenda for a Council meeting will be organised and planned in “Forum mode”. This could be for a full agenda or part thereof and will generally apply to development of the Ten Year Plan and potentially the Annual Plan. “Forum mode” means that the Council will consider (by resolution) suspending Standing Orders to enable the Council to have more informal discussion and to set direction for the organisation in developing the Ten Year Plan or Annual Plan. Key issues and any direction set will be recorded for any section of a formal meeting that is run in Forum mode.
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1  Apologies

2  Confirmation of Agenda
   The Council to confirm the agenda.

3  Declaration of Interest
   Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4  Public Forum
   As per Hamilton City Council’s Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of Her Worship the Mayor.

   Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

   Should you wish to participate in the public forum, please contact Democracy by telephoning 838-6771.

5  Confirmation of Minutes
   The Council to confirm the open minutes of the Ordinary Council Meeting of 27 September 2012.

   Resolved: (That the open minutes of the Ordinary Council Meeting of 27 September 2012, copies having been circulated, be adopted as a true and correct record.)
Recommendation

That the report be received.

The Council to confirm the schedule as follows:

Tompkins Wake

Agreement between Te Awa River Ride Charitable Trust (Te Awa) and Hamilton City Council to construct the cycle-way alone the river the northern and southern boundaries.

Request for designation of existing WEL Energy site within the road designation at Chartwell Substation.

Chief Executive

Compensation Certificate in respect of property located at Sylvester Road, Hamilton, relating to road connectivity with Borman Road.

Environment Court Appeal Settlement in respect of matters pertaining to the NZTA appeal including all matters relating to access to industrial land (in particular the use of the Te Rapa Interchange).

Debenture Trust Deed reporting certificate as at 30 June 2012.

Contract Number 11108 – Expression of Interest submitted by Hamilton News and Farming Review be approved for Council’s publication City News.
1. Purpose of the Report

This report seeks to confirm Council’s approval to notify the Proposed District Plan (PDP).

3. Executive Summary

Council resolved in 2008 to commence initial background work to review the Hamilton City 2001 PDP, once operative. That District Plan was made fully operative in July 2012.

All critical issues were identified and fully canvassed with Councillors via a total of 33 steering group meetings between April 2010 and October 2012.

The PDP supports the spatial framework that Council formulated in 2010. That shows how the City will evolve to provide for the expected growth over the next 30-40 year period.

The PDP reflects the following strategic documents (Hamilton Urban Growth Strategy 2010; Future Proof Strategy 2009; Operative and Proposed Waikato Regional Policy Statements; Waikato-Tainui Ruapatu (Waikato River) Settlement Act 2010, and Hamilton’s City Strategies).

The PDP has also taken into account National Policy Statements and National Environmental Standards.

Under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Settlement Act) the Vision and Strategy for the Waikato River must be given effect to by both the Regional and District Councils located within the catchment of the Waikato River.

In accordance with the Joint Management Agreement (under the Settlement Act) HCC and the Waikato Raupatu River Trust (Trust) convened a Joint Working Party (JWP) in July 2012 to establish a formal set of recommendations to give effect to the Vision and Strategy via the PDP.

The formulation of the PDP has followed the strict process of the First Schedule of the Resource Management Act; has been subject to extensive consultation and staff have undertaken a detailed section 32 evaluation and report.

Extensive consultation with the community and stakeholders has occurred in the formation of the PDP since 2009. This consultation resulted in the release in May 2012 of a draft district plan and the call for feedback on the document.
13. The content of the PDP has been extensively peer reviewed by both the City Solicitor and the external strategic advisors to the PDP process.

14. Council has reviewed and updated the Development Manual in parallel with the development of the Hamilton City PDP and renamed this as the Proposed Infrastructure Technical Specification 2012 (Technical Specifications).

15. Current fees and charges do not provide full cost recovery for the production of hard copy versions of this plan – existing fees are set at $200. Based on the current production volume of 100 copies the hard copy production costs for this plan are $288.49+GST per copy.

16. **Recommendation/s from Management**

17. That this report be received.


19. That the Council seal be applied to the PDP on this day 13 November 2012 and signed by Her Worship the Mayor, a councillor and the Chief Executive.


21. That Council approve an increase in fee charges, for the production of this plan, from $200 to $288.49+GST ($324.55 incl GST) to enable full cost recovery to occur.

22. **Attachments**

Attachment 1 - Hamilton City Proposed District Plan 2012; Attachment 2 - Hamilton City Proposed District Plan Section 32 Report and Attachment 3 - Hamilton City Technical Specifications can be located here: ftp://hcc.digitalcloud.biz/hcc/2012/ProposedDistrictPlan

23. **Key Issues**

24. **Background**


27. Staff have worked closely with elected members of Council to formulate a robust review of the planning provisions and planning direction for the next 30-40 year period. This has included consideration and identification of all critical issues being canvassed and direction set by Councillors via a total of 33 sessions of the District Plan Review Steering Group between April 2010 and October 2012. This process allowed Councillors to participate in detailed direction changes set out in the PDP and enabled staff to work through all major issues with a focus on the growth management of Hamilton City.

28. Extensive consultation has occurred in the formation of the PDP since 2009. This consultation resulted in the release in May 2012 of a draft district plan and the call for feedback on the document. This non-statutory step provided a robust testing of the proposed planning outcomes against community expectations and provided opportunity for the refinement of the proposed planning provisions.

29. In accordance with the Settlement Act, the Vision and Strategy for the Waikato River must be given effect to by both the Regional and District Councils located within the catchment of the Waikato River.
30. HCC has undertaken to meet its obligations under the Settlement Act in the PDP by giving effect to the overarching purpose of the Vision and Strategy to restore and protect the health and well-being of the Waikato River for present and future generations.

31. Under the Joint Management Agreement obligations under the Settlement Act, HCC and the Trust convened a JWP in July 2012 to establish a formal set of recommendations regarding the Vision and Strategy. The final JWP recommendations were reviewed by Council and incorporated into the PDP.

32. The JWP recommendations were present to and workshopped with elected members on 23 August 2012. Elected members requested the City Solicitor conduct a legal review of the JWP recommendations and PDP against the Vision and Strategy. The City Solicitor reported back to Elected members on 24 August 2012. The PDP provisions giving effect to the Vision and Strategy reported to and adopted by Elected members on 24 August 2012 are incorporated in the PDP.

33. The content of the PDP has been extensively peer reviewed by both the City Solicitor and the external strategic advisors to the PDP process. It has also been thoroughly scrutinised and its content and direction approved through the steering group meetings.

34. The PDP is now presented to Council for approval to notify.

35. **Policy Context**

36. The PDP supports the spatial framework that Council formulated in 2010. The spatial framework shows how the City will change to provide for expected growth over the next 30-40 year period. It is also designed to help shape the city so that it is a prosperous and innovative place where people love to live. The spatial framework was shaped by the following key strategic documents:

- Operative and Proposed Waikato Regional Policy Statements.

37. In addition the following City Strategies have provided direction for the PDP:

- Access Hamilton.
- Active Communities.
- Arts Agenda.
- Economic Development.
- Environmental Sustainability.
- Social Wellbeing.

38. It is the combination of all of the documents above that have established a number of guiding principles which shape the PDP.

- A centres hierarchy approach to reinforce the primacy of the Central City as preferred regional centre for business.
- An increased emphasis on design-led assessment criteria.
- Higher density residential development located close to the Central City.
- Stronger recognition of character areas, heritage and the natural environment.
- The community’s relationships with the Waikato River, including economic social, cultural and spiritual relationships, are restored and protected.

39. The PDP is contained in [Attachment 1](#).
40. **Section 32 evaluation**

41. Section 32 of the RMA requires Council, as part of reviewing a district plan, to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the PDP. The Section 32 report does not form part of the PDP, is not required to be formally adopted by Council, but must be available (for members of the public to inspect) on the date of notification of the PDP.

42. The Section 32 evaluation ensures the most appropriate provisions are applied. This evaluation has identified all methods associated with each objective and determined their appropriateness to achieve the stated objective. All work undertaken in formulating the PDP (e.g. steering group meetings; consultation) has been taken into account in the evaluation.

43. The Section 32 report will, with other information (e.g. Section 42A report, submissions), be considered in deliberations and decisions on the PDP.

44. The S32 report is included under Attachment 2.

45. **Technical Specifications**

46. The current Hamilton City Development Manual (the Manual) is a Council document separate from the District Plan. The Manual contains the technical specifications and design detail for developments authorised under the District Plan. The Manual follows New Zealand Standards in some cases, but in other cases detail has been developed specifically for Hamilton or Waikato conditions.

47. The Manual has been reviewed to ensure it clearly aligns with and supports the urban design outcomes Council is seeking with the PDP. The review has also considered city strategies, most notably Access Hamilton, City Scope and Environmental Sustainability.

48. The Manual has been reviewed, updated and renamed the Proposed Infrastructural Technical Specifications 2012. The PDP outlines “what the City will look like” whilst the Technical Specifications outlines “how to achieve that look” in areas such as earthworks, landscaping, the three waters and transportation.

49. Consultation on the Technical Specifications is required under Sub-part 1 of Part 6 of the Local Government Act 2002, prior to Council adoption. It is proposed to timetable this consultation in parallel with the notification of the PDP. This process for considering feedback and decisions will be confirmed in the near future.

50. The Technical Specifications are included under Attachment 3.

51. **Designations**

52. Under clause 4 of the First Schedule of the RMA requiring authorities with existing designation(s) in the Operative District Plan (ODP) are invited to give notice to Council that their designation(s) are to be:
   - rolled over into the PDP without modification;
   - rolled over into the PDP with modification; or
   - Withdrawn.

53. Requiring authorities also have the opportunity to include new notices of requirement to designate land in the PDP provided Council receives these notices within forty working days before the PDP is publicly notified. Council notified all requiring Authorities on the 15 June 2012.

54. All notices received from requiring authorities under clause 4 of the First Schedule have been included in the PDP for notification. All landowners and occupiers directly affected by any notice will be notified separately.

55. Any existing designations that are not the subject of a notice from a requiring authority under Clause 4 will not be included in the PDP. This is a requirement of clause 4(4) of the First Schedule.
56. **Legislative requirements**

57. The District Plan review has followed the First Schedule process of the RMA and taken into account the relevant National and Regional policy statements and plans, the National Environmental Standards along with the Settlement Act and Joint Management Agreement with Waikato Tainui.

58. As required by the RMA, staff have also completed a detailed Section 32 report which provides the analysis undertaken in considering all provisions in the PDP (Attachment 2).

59. Council’s legal and planning advisors have assisted with peer reviews to ensure all statutory obligations prior to notification have been met.

60. **Consultation**

61. The District Plan Review has been subject to extensive consultation since 2009, including:
   - Big Picture Outcomes and Options Discussion paper (August 2010).
   - Discussions and workshops undertaken with stakeholder groups throughout the process.
   - Tangata Whenua (Iwi Authority), adjoining councils, and the Ministry for the Environment.
   - Waikato Tainui as the appropriate Iwi Authority has had an involvement in the process from inception with both Waikato-Tainui and NaMTOK assisting with document preparation.
   - The Draft District Plan (May 2012), feedback process including feedback from 285 individuals or organisations on 750 issues.
   - Specific community and stakeholder groups and individuals who may be directly affected; and
   - Waikato Tainui to seek agreement on a set of recommendations to ensure compliance with sections 13 and 46 of the Settlement Act.

62. **Implementation issues**

63. Council’s obligations around notification are covered by Clause 5 of the First Schedule of the RMA. A public notice in the newspaper and correspondence to every ratepayer and PO Box holder in the City is required.

64. In addition to the above, recent case law has also indicated a more targeted and direct communication between Council and residents and ratepayers who may be directly affected by the PDP is required.

65. Council is required to give adequate notice to the public of the pending notification of the PDP. This notification can occur no earlier than 60 days before public notification or no later than 10 days after notification.

66. Notification to all ratepayers and parties directly affected by the PDP will occur within the 10 day period after notification. The notification pack in accordance with the Act will include a general notification letter, a copy of the public notice along with detail of the key matters of difference between the ODP and the PDP provisions.

67. Those key matters of difference are:
   - Significant Natural Areas
   - Heritage classifications
   - Ruakura Structure Plan
   - Industrial and non-industrial activities
   - Central City focus with more control over where commercial activities locate
   - Transmission Line corridors
   - Natural hazards
   - Urban design focused provisions
   - Large Lot Residential
- Removal of offices in Residential areas
- Business Hierarchy
- Increased Three Waters and Transport (corridor hierarchy) focus.

68. Options (if applicable)
69. The options available to Council are to resolve to notify the PDP or not. The latter will mean that the planning direction Council is indicating within the PDP will not be formally tested via the submission process and Council will not achieve the proposed 2013 notification of a decisions version of the PDP.

54. Financial and Resourcing Implications
55. 100 hard copy versions of the PDP are scheduled for production. This number will enable the PDP to be provided to public authorities required to be provided with a copy of the PDP under the First Schedule and internal users (including Libraries).
56. It is proposed that a hard copy version of the PDP be available at cost ($288.49 + GST).
57. A recommendation seeking Council approval to increase the fee level from $200.00 to $288.49 + GST ($234.55) to enable full cost recovery for the production of a single copy of this PDP is proposed.
58. Soft copy versions will be available for purchase at $15.00 (including GST) per CD, reflecting cost.

Signatory

| Authoriser       | Brian Croad, General Manager City Environments Group |

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Attachment 1 - Hamilton City Proposed District Plan 2012
Attachment 2 - Hamilton City Proposed District Plan Section 32 Report
Attachment 3 - Hamilton City Technical Specifications

Attachments 1, 2 and 3 are available for download via the following links:
Elected Members: ftp://hcc.digitalcloud.biz/hcc/2012/ProposedDistrictPlan
Members of the public and Council staff: www.hamilton.co.nz
1. **Purpose of the Report**

2. This report seeks to confirm the structure and establishment of two hearing panels to hear and decide on submissions and further submissions to the Proposed District Plan (PDP); and the appointment of two hearing commissioners, with delegated decision making authority to chair the panels.

3. **Executive Summary**


5. Council meeting of 5 July 2012 supported the two hearings panel approach – refer Council Minutes, 5 July 2012, Item 7 d) Pg 8.

6. Council confirmation of a preferred approach to the hearings panel process is required i.e. whether Commissioners sit alone or in combination, or whether they chair a panel including Councillors.

7. It is also recommended that due to the complex nature of the PDP hearing process and the proposed timeframe for release of decisions that decision making powers be delegated to the hearings commissioners.

8. Council’s solicitors have confirmed Council is not bound by the Resource Management Act (RMA) or any other statutory obligation to require iwi representation on hearings panels.

9. HCC Procurement Policy in the calling for Registrations of Interest (ROI) for two RMA qualified Commissioners and the subsequent review and assessment of the seven applicants was followed. The assessment panel comprised Her Worship the Mayor, Councillors Mahood and Gower and the General Manager City Environments.

10. The District Plan Review Project budget provides for the appointment of commissioners and an allocation for administrative support services.
11. **Recommendation/s from Management**

12. That the report be received.

13. That Council appoint Bill Wasley and Dorothy Wakeling as independent commissioners to chair the hearing panels to hear, deliberate and make decisions on all submissions and further submissions received on the Hamilton City PDP 2012.

14. That the hearings panel comprise:

   A. The two appointed, independent hearings commissioners sitting alone or together (as appropriate) – for the entirety of the hearing process to hear, deliberate and make decisions on all submissions and further submissions received on the Hamilton City PDP 2012.
   
   or
   
   B. The two appointed, independent hearings commissioners each chair a panel with Councillors ......................for the entirety of the hearing process to hear, deliberate and make decisions on all submissions and further submissions received on the Hamilton City PDP 2012.

15. That Council delegate authority to the Chief Executive to finalise the commissioner appointments.

16. **Attachments**

   There are no attachments for this report.

17. **Key Issues**

18. **Background**

19. Council’s timeframe for the progression of the PDP remains ambitious with the following milestone targets:

   - Notification in early December 2012
   - Formal submission period from December 2012 to March 2013, one month further submissions.
   - Hearings June – August 2013

20. To facilitate the above timeframe, staff recommend the two appointed independent hearing commissioners generally sitting concurrently and chairing parallel hearings processes. This approach will provide for speedier decision making and was supported by Council (refer Council minutes 5 July 2012, item 7 d) Pg 8.)

21. Occasionally the commissioners may sit together for a particularly complex matter and this will be determined at the time by the commissioners in consultation with the General Manager City Environments.
22. **Delegations**

23. Under current policy, Council must delegate decision making authority to the appointed Commissioners if Council wish to have the Commissioners make final decisions.

24. An objective of the RMA is to streamline planning processes. The option to delegate decision making authority to two hearings panels chaired by two independent hearing commissioners is consistent with this objective.

25. This would also avoid the confusion for all parties if commissioner recommendations required approval by full Council in circumstances where Council could not re-hear submissions.

26. Additionally, the panels have a stated Council policy position as a starting point. This is the PDP that has had a comprehensive preparation path. Council can be satisfied that the hearings panels will also be guided by staff to ensure that the rational and background to the PDP is fully understood.

27. **Legal issues**

28. Council must, following notification of a PDP, issue decisions on submissions and further submissions no later than two years after notification.

29. It is Council’s wish to have all decisions issued by September 2013, approximately nine months following notification. There are no legislative requirements which would hinder such a timetable. However, unforseen matters arising from either submissions or the hearing process itself may negatively impact this timeframe.

30. **Treaty requirements/implications**

31. Whilst there are obligations on Council under the RMA, the Local Government Act 2002 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to explore the potential for iwi participation in the PDP decision making process, Council’s solicitors have advised that there is no legal obligation on Council to appoint hearing commissioners representing iwi interests.

32. The hearing commissioners can request expert advice on iwi matters through a report provided under Section 42A of the RMA.

33. Council should continue, as part of the Joint Management Agreement (under the Settlement Act) with Waikato-Tainui, to discuss issues of joint interest and seek agreement through this relationship.

34. **Implementation issues**

35. **Appointment of Commissioners**

36. A public Request for Expression of Interest (REOI) process has been undertaken to appoint two RMA Commissioners for the District Plan Review.

37. Seven parties responded to the public REOI. Those parties were Barry Kaye, Wynn Williams Lawyers, Mitchell Partnerships, Pamela Peters, C.D. Arcus/A.R Watson Associates, Dorothy Wakeling and Bill Wasley.

38. The evaluation of the expressions of interest was undertaken by Her Worship the Mayor, Councillors Mahood and Gower and General Manager City Environments, Brian Croad in accordance with the Hamilton City Council’s procurement policy and Council resolutions.

39. The highest ranked respondents against the quality evaluation criteria contained in the REOI were Bill Wasley and Dorothy Wakeling and their appointment is therefore recommended.
40. **Hearing Panel(s)**

41. In order to meet the timeframe outlined above, the hearings panels will need to be available to sit for up to four days per week during the hearing period (now estimated to be between June – August 2013).

42. Preparation work is required prior to sitting and following hearing of submissions. The formulation and writing of decisions is also required.

43. Options for the hearings panels have been informally canvassed with Councillors with the following considered to be the most practical:
   - The two independent hearing commissioners sitting alone or together (as required) delegated to hear and decide all submissions.
   - Or
   - Two appointed independent hearing commissioners each chair a panel and sit with appointed councillors delegated to hear and decide all submissions.

44. **Financial and Resourcing Implications**

45. The District Plan budget has a funding allocation for the hearing process (including the appointment of two commissioners and associated hearing administration).

46. **Risk**

47. Additional costs for the appointment of the commissioners and administrative support has been identified, discussed and is being managed within the organisation’s total funding envelope for 2012/13 financial year. Some adjustments may be needed to the 2013/14 budget to reflect the hearings costs as the process evolves.

48. The speed with which matters are heard and decisions made will be influenced by many factors. Council is being innovative in creating 2 hearings panels, however submitter availability and other unforeseen factors will inevitably arise during the hearings. Hearing panel delegations will be required until all decisions are made and this timeframe may extend beyond October 2013.

**Signatory**

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<th>Brian Croad, General Manager City Environments Group</th>
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1. **Purpose of the Report**

2. To seek a decision from Council to approve for notification Plan Change 2 to the Operative District Plan in order to give effect to the National Policy Statement on Electricity Transmission (March 2008) (NPS).

3. **Executive Summary**

4. To seek a decision from Council to approve for notification Plan Change 2 to the Operative District Plan in order to give effect to the National Policy Statement on Electricity Transmission.

5. There are two main components to Plan Change 2. Firstly, it introduces District Plan rules relating to Electricity Transmission Corridors which place controls on development in proximity to the transmission lines. Secondly it introduces rules to provide for new electricity transmission lines as a Discretionary activity.

6. Plan Change 2 reflects the provisions relating to electricity transmission lines that are proposed as part of the Proposed District Plan (District Plan Review) to ensure both sets of provisions are aligned.

7. Plan Change 2 only applies to the areas which were within the Hamilton City Council boundary prior to the boundary change which occurred in 2011. Areas which were formerly within the Waikato District Council boundary continue to be administered under the Waikato District Plan which already contains provisions relating to electricity transmission lines. The existing Waikato District Plan provisions within those parts that came into the City in 2011 will be updated as part of the District Plan Review.

8. Plan Change 2 does not update the provisions relating to the Electricity Transmission Corridors in the final stages of the Rototuna Structure Plan area, for which provisions already exist in the...
Operative District Plan as a result of decisions to Variation 12 (PC1) (Rototuna Structure Plan Update and Rezoning). Those provisions are subject to an appeal by Transpower NZ.

7. **Recommendation/s from Management**

8. That the report be received;

9. That Council approve Plan Change 2 to the Operative District Plan, for the purposes of notification.

10. **Attachments**

Attachment 1 - Operative District Plan 2012 Plan Change 2 Electricity Transmission Corridors

11. **Key Issues**

12. **Background**

   - The NPS came into force on 11 April 2008. As reported to the Strategy and Policy Committee in November 2011, Council is required to give effect to the NPS. This includes the inclusion of objectives, policies and rules in the Operative District Plan.
   
   - The Operative District Plan has already been updated to include objectives and policies to give effect to the NPS.
   
   - Proposed Plan Change 2 seeks to introduce rules to give effect to the NPS and the objectives and policies of the Operative District Plan and it is intended that it be notified concurrently with the Proposed District Plan in order to avoid duplication of processes and ensure both sets of provisions are aligned.
   
   - Plan Change 2 applies only to the areas which were within the Hamilton City Council boundary prior to the boundary change which occurred in 2011. Areas which were formerly within the Waikato District Council boundary continue to be administered under the Waikato District Plan which already contains provisions relating to electricity transmission lines. The existing Waikato District Plan provisions within those parts that came into the City in 2011 will be updated as part of the District Plan Review.
   
   - Plan Change 2 does not update the provisions relating to the Electricity Transmission Corridors in the final stages of the Rototuna Structure Plan area, for which provisions already exist in the Operative District Plan. Those provisions are subject to an appeal by Transpower New Zealand Ltd.

13. **Proposed Plan Change 2**

14. There are two main components to Plan Change 2. Firstly, the addition of rules relating to Electricity Transmission Corridors, and secondly the addition of rules providing for new electricity transmission lines.

15. **Electricity Transmission Corridors:**

16. The proposed Electricity Transmission Corridors seek to ensure that subdivision, use and development in close proximity to high voltage electricity transmission lines are managed so that reverse sensitivity effects are avoided, sensitive activities are generally not provided for, and that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.
17. The proposed Electricity Transmission Corridors consist of two corridors. Corridor A is the inner corridor. This corridor represents the area where risks to the transmission line and the public, and constraints on public activities are greatest. Beyond this area is Corridor B, where developments have to meet minimum electrical safety clearance distances and could be subject to reverse sensitivity and amenity effects due to the proximity to the lines.

18. The widths of Corridors ‘A’ and ‘B’ are determined based on the type of line (single circuit or double circuit), type of support structure (poles, towers), and voltage (110, 220 kV). The corridor widths are consistent along the whole of each line. However, the controls on development within Corridors ‘A’ and ‘B’ are determined by whether the underlying development is primarily existing urban development or greenfield development.

19. The greatest levels of controls relate to Corridor ‘A’ in greenfield areas, where there is little existing underbuild. This represents an opportunity to ensure that when the area develops, reverse sensitivity and amenity effects are avoided in close proximity to the lines. In urban areas, development in Corridor ‘A’ is also closely controlled, with resource consent required for any new buildings or additions to existing buildings (e.g. additional floor area, or additional height), but acknowledging that underbuild already exists, and therefore allowing a less restrictive activity status where appropriate. The ‘greenfield’ and ‘urban’ areas are shown on the Planning Maps in the attachment to this report.

20. Corridor ‘B’ facilitates compliance with the New Zealand Electrical Code of Practice (NZECP34:2001) which sets out safe electrical distances, whilst avoiding the duplication of those provisions by allowing most activities/buildings within this Corridor to be undertaken as a permitted activity.

21. Further controls are required directly around pole and tower structures. Any new buildings, additions to the building envelope of existing buildings, or a change of activity to a sensitive land use within 8 metres of a pole or 12 metres of a tower (measured from the outer visible edge of the structure) are non-complying activities. This reflects the greater degree of safety concerns for development near to these structures.

22. Plan Change 2 proposes to introduce the Electricity Transmission Corridors for all transmission lines at or above 110 kV except those already subject to the Rototuna provisions. The Operative District Plan, with the exception of Rototuna, does not currently have these types of controls on development near transmission lines. In Rototuna subdivision is controlled within a 40 metre buffer corridor. The Rototuna provisions are presently subject to appeal by Transpower New Zealand Ltd. Council staff and legal advisors are in discussion with the appellant. It is considered an acceptable resolution would align with the provisions proposed in Plan Change 2.

23. New or substantially upgraded Transmission Lines:

24. The objectives and policies in the Operative District Plan reflect the NPS provisions to recognise and provide for upgrading and development of the electricity transmission network whilst managing the environmental effects of transmission.

25. Under the Operative District Plan rules, new overground lines of 33kV or above (which includes all of Transpower’s transmission lines) are currently non-complying activities. It is considered
that in order to provide for transmission infrastructure, whilst also ensuring that the
requirements and outcomes sought in the objectives and policies are addressed, a
Discretionary Activity status is more appropriate. Providing for underground lines is already a
Discretionary Activity in the Operative District Plan. Relocation of lines is dealt with by the
National Environmental Standards for Electricity Transmission Activities (2009).

26. **Consultation**
   - During the preparation of the provisions relating to electricity transmission lines, an
     open day was held to enable potentially affected parties to view and discuss the
     proposed approach to electricity transmission corridors. Written feedback on the
     proposed approach was also received as part of the District Plan Review process. The
     proposed corridors at that stage had a slightly different configuration and varied in
     width along the length of each line. Additionally, resource consent requirements for
     property owners were generally stricter than the currently proposed approach (modified
     following consultation with Transpower).
   - The consultation with Transpower has been ongoing throughout the preparation of both
     the District Plan Review provisions, and the provisions of Plan Change 2.
   - The Resource Management Act specifies that certain parties must be consulted prior to
     notification of a Plan Change. This has included the Ministry for the Environment, Waipa
     and Waikato District Councils, Waikato Regional Council, Transpower, Tainui, and Nga
     Mana Toopu o Kirikiriroa.

27. **Implementation issues**
   - It is intended that the Plan Change will be notified alongside the Proposed District Plan
     (District Plan Review) in December 2012. The submission and further submission
     processes will be undertaken to meet the requirements of the Resource Management
     Act.
   - Hearings would be held if submissions are received, and it is intended that these would
     be held in parallel with the Proposed District Plan hearings.

28. **Options**
   As outlined below, Council faces significant risks if it does not give effect to the NPS. The
   proposed approach has been refined as a result of feedback received during consultation.

   The Resource Management Act requires that a consideration of alternatives, benefits and costs
   be undertaken under section 32 of the Act. This process has been ongoing throughout the
   development of the preferred option and a report summarising the section 32 analysis will be
   made available to the public upon notification of the Plan Change, in accordance with the
   requirements of the Act.

29. **Financial and Resourcing Implications**
   30. The plan change will require staff time, legal review, a comprehensive consultation procedure,
       preparation and printing of information and advice material, and the possibility of appointing
       Commissioners for the hearing process. If there are appeals, there will be additional cost.

   31. Costs have been estimated at approximately $35,000, dependant on the scale of submissions
       and public participation.
32. **Risk**

33. The risks of not giving effect to the NPS are significant and could open the Council up to legal challenge particularly from Transpower and direction from the Ministry for the Environment to change the Plan.

34. There is also a risk that not giving effect to the NPS would result in further development within the areas affected by the transmission lines.

35. The District Plan Review will also need to address the NPS, which effectively means the issues related to it will need to be addressed twice, i.e. in the plan change process and the District Plan Review process. This ‘double-handling’ is unfortunate but at this stage, necessary.

36. Given that the new provisions to be introduced to the District Plan will have a direct impact on landowners, including residential properties, the communications and consultation for the Plan Change will be very important. Accordingly, in addition to the open day held in May 2011 an additional open day session is planned immediately after notification in December 2011.

37. If there were to be a delay in the notification of the Proposed District Plan beyond December 2012, it may be necessary to notify and undertake hearings for Plan Change 2 separately due to the required timeframe for implementation of the NPS.

**Signatory**

| Authoriser | Brian Croad, General Manager City Environments Group |
PROPOSED PLAN CHANGE 2
HIGH VOLTAGE ELECTRICITY TRANSMISSION RULES

Purpose of the Plan Change:

The National Policy Statement on Electricity Transmission (“the NPS”) was issued by gazette notice in March 2008 and came into effect on 10 April 2008. The NPS provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions. Within four years of the NPS coming into effect, Councils were required to incorporate provisions into District Plans to give effect to the NPS.

Hamilton City Council has already incorporated objectives and policies to give effect to the NPS in the Operative District Plan (2012). Proposed Plan Change 2 introduces associated rules and is intended to be notified alongside the Proposed District Plan in order to avoid duplication of processes and to ensure both sets of provisions are aligned.

It is noted that Plan Change 2 applies only to the areas which were within the Hamilton City Council boundary prior to the boundary change which occurred in 2011. Areas which were formerly within the Waikato District Council boundary continue to be administered under the Waikato District Plan. Plan Change 2 does not apply to those areas.

Summary of the Plan Change provisions:
The Plan Change seeks to incorporate rules to give effect to the objectives and policies within the Operative Plan which in turn give effect to the NPS. The relevant objectives and policies are as follows (note the objectives and policies do not form part of the Plan Change and therefore cannot be submitted upon):

Objective 4.3.1 Provision for Network Utilities
To accommodate network utilities throughout the city in a manner which enables the community to meet its needs while minimising adverse effects on the environment.

Policies
a) Control network utilities in a manner which matches the degree of control to the level of likely effect of the activity on the amenity values or environmental values of the surrounding area.
b) Manage network utilities including high voltage electricity transmission lines that generate electromagnetic and radio frequency radiation in accordance with accepted and operative national and international standards.
c) Ensure that where technically and economically possible network utilities are placed underground.
d) Ensure the visual effects of network utilities and structures associated with the generation, storage and transmission of network utilities are no more than minor with respect to the scale of local buildings and the sensitivity of the environment in which they are located.
**Objective 4.3.2 High Voltage Electricity Transmission Corridors and Sensitive Activities**

To protect the importance of the High Voltage Electricity Transmission Lines within Hamilton City and ensuring a continued sustainable, secure and efficient national electricity resource while seeking to minimise adverse effects on the surrounding environment.

**Policies**

a) To recognise the importance High Voltage Electricity Transmission Lines have on the social and economic wellbeing of Hamilton City and the Waikato region.

b) Ensure that sensitive activities including schools, childcare facilities, residential buildings and hospitals, within the High Voltage Electricity Transmission Corridor are controlled to avoid any adverse effects on the safe and efficient development, operation and maintenance of the High Voltage Electricity Transmission Lines.

c) Ensure that subdivision and land development within the High Voltage Electricity Transmission Corridor is managed in such a way that avoids adverse effects on the safe and efficient operation and development of the High Voltage Electricity Transmission Lines.

d) Avoid buildings, structures, earthworks and tall vegetation under, or within the immediate proximity of High Voltage Electricity Transmission Lines.

e) Ensure that any development or land use under or in close proximity to High Voltage Electricity Transmission Lines does not restrict access for the purposes of ongoing operation and maintenance of the High Voltage Electricity Transmission Lines.

Hamilton City Operative District Plan

**Objective 4.3.3 Provision for New and Existing High Voltage Electricity Transmission Lines**

To ensure efficient operation, maintenance and upgrade of the existing High Voltage Electricity Lines and provide for the establishment of new High Voltage Electricity Transmission Lines.

**Policies**

a) Recognise the benefits to Hamilton City as well as the national benefits of sustainable, secure and efficient electricity transmission when undertaking maintenance of or upgrading to the existing High Voltage Electricity Transmission Lines or when developing new High Voltage Electricity Transmission Lines.

b) Ensure the technical and operational requirements of the High Voltage Electricity Transmission Lines are fully considered and provided for while ensuring the effects on the surrounding environment are no more than minor.

c) Encourage a reduction of existing transmission effects on the surrounding environment when substantial upgrades to the existing High Voltage Electricity Transmission Lines are undertaken.

d) Ensure the adverse effects of new High Voltage Electricity Transmission Lines are addressed by route, site and method selection.

e) Encourage the use of existing High Voltage Electricity Transmission Corridors in preference to new corridors when developing new High Voltage Electricity Transmission Lines.

f) Ensure that new High Voltage Electricity Transmission Lines avoids urban areas, areas of high recreational value or amenity, areas of high natural character, and where sensitive activities, such as schools, residential buildings and hospitals, have already established.

g) Encourage the establishment of new High Voltage Electricity Transmission Lines be undertaken via the designation process for efficient long term development, operation and maintenance of the infrastructure.
There are two main components of the objectives and policies for which Plan Change 2 seeks to provide a rule framework as set out below:

**Electricity Transmission Corridors:**
The proposed Electricity Transmission Corridors seek to ensure that subdivision, use and development in close proximity to high voltage electricity transmission lines are managed so that reverse sensitivity effects are avoided, sensitive activities are generally not provided for, and that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

The Electricity Transmission Corridors consist of two corridors. Corridor A is the inner corridor. This corridor represents the area where risks to the transmission line and public, and constraints on activities are greatest. Beyond this area is Corridor B, where developments have to meet minimum electrical safety clearance distances and could be subject to reverse sensitivity and amenity effects due to the proximity to the lines.

The widths of Corridors A and B are determined based on the type of line (single circuit or double circuit), type of support structure (poles, towers), and voltage (110 kV, 220 kV kV). The widths are set out on the Planning Maps and in the diagram which accompanies the amended definition in Rule 8.0 of the Operative Plan (see below). The corridor widths are consistent along the whole of each line. However, the controls on development within Corridors A and B are differentiated by whether the underlying development is primarily existing urban development or greenfield development.

The greatest levels of controls relate to Corridor A in greenfield areas, where there is little existing underbuild. This represents an opportunity to ensure that when the area develops, reverse sensitivity and amenity effects are avoided in close proximity to the lines. In urban areas, development in Corridor A is also closely controlled, with resource consent required for any new buildings, but acknowledging that underbuild already exists, and therefore allowing a less restrictive activity status where appropriate.

Corridor B facilitates compliance with the New Zealand Electrical Code of Practice (NZECP34:2001) which sets out safe electrical distances. Many activities/buildings within this Corridor can be undertaken as a permitted activity.

Additionally, further controls are required directly around pole and tower structures, where change of use to a sensitive activity, new buildings or change of building envelope within 8 metres of a pole or 12 metres of a tower (measured from the outer visible edge of the structure) are non-complying activities. This reflects the greater degree of safety and amenity concerns for development near to these structures, and is in accordance with NZECP34: 2001.

The Operative Hamilton District Plan does not currently have these types of controls on development near transmission lines, except in Rototuna. Plan Change 2 proposes to introduce the Electricity Transmission Corridors for transmission lines at or above 110 kV (except where the lines are underground). Plan Change 2 does not update the specific provisions relating to Electricity Transmission Corridors that apply in the final stages of the Rototuna Structure Plan area and does not update the provisions within the areas of the City which were transferred from the Waikato District in 2011 (to which the Waikato District Plan provisions continue to apply).
New or substantially upgraded Transmission Lines:
Secondly, the existing objectives and policies reflect the NPS provisions to recognise and provide for upgrading and development of the electricity transmission network whilst managing the environmental effects of transmission.

Under the current Operative District Plan rules, new overground lines of 33 kV or above (which includes all of Transpower’s transmission lines) are currently non-complying activities. It is considered that in order to provide for transmission infrastructure, whilst also ensuring that the requirements and outcomes sought in the objectives and policies are addressed, a Discretionary Activity status is more appropriate. Providing for underground lines is already a Discretionary Activity in the District Plan. Relocation of lines is dealt with in the National Environmental Standards for Electricity Transmission Activities (2009).

The Plan Change:
The following Rule sections of the Operative District Plan are new or have been amended by the Plan Change:

- Rule 2.8 (entirely new rule)
- Rule 3.3.2(a)(i) (amendment)
- Rule 8.0 Definitions (insertion of three new definitions)
- District Plan Maps 3, 7, 8, 12 and 13 (amendments).

The following sections of this document illustrate the changes proposed by Plan Change 2 to the Operative District Plan. Underlined text indicates where new text has been inserted and struck through text indicates the proposed deletions. Changes that form part of Plan Change 2 are shown in red.

Rule 2.8 (entirely new rule):

After existing Rule 2.7, insert as follows:

Rule 2.8 High Voltage Electricity Transmission Corridor Overlay

Rule Statement
The High Voltage Electricity Transmission Network is a physical resource of national importance. The purpose of the High Voltage Electricity Transmission Corridor Overlay is to ensure that inappropriate development near to the high voltage transmission lines does not adversely affect the transmission network. The High Voltage Electricity Transmission Corridor Overlay identifies corridors around existing high voltage electricity transmission lines and sets out rules and standards to control development within the corridors. The boundary of the overlay may not necessarily coincide with land ownership boundaries or the boundaries of other land use zones.

Expected Outcome
That subdivision, use and development in close proximity to high voltage electricity transmission lines are managed to ensure reverse sensitivity effects are avoided, sensitive activities are...
generally not provided for, and that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

Means of Compliance
The following rules shall be read in conjunction with the National Policy Statement on Electricity Transmission and the National Environmental Standard for Electricity Transmission Activities, standards and performance assessments in the underlying zone, and all other rules in the Plan.

The High Voltage Electricity Transmission Corridor Overlay rules shall be complied with first, then the relevant underlying zone or city-wide rules shall apply. The activity status may be altered from the activity list below where the activity cannot meet the standards in this rule. Where the relevant underlying zone has a more restrictive activity status, the more restrictive status shall apply. Where Electricity Transmission Corridors for different lines intersect, the most restrictive Corridor will apply. Where an activity is not identified below, it shall be controlled by the relevant zone rules.

Regard must be had to all relevant Objectives and Policies and District Planning maps. This includes Policy Section 4.3 High Voltage Electricity Transmission Corridors.

The rules within the Electricity Transmission Corridors do not apply to sections of a line which have subsequently been placed underground, or removed. In such cases the relevant zone rules will apply.

**ADVISORY NOTE — Consultation with Transpower New Zealand Limited.**
Consultation with Transpower New Zealand Limited (or its successor) is advised when considering development within High Voltage Electricity Transmission Corridors A or B. Transpower New Zealand Limited will be an affected party for any development that requires resource consent under or adjacent to high voltage transmission lines.

**ADVISORY NOTE: National Environment Standard and other regulations**
The operation, maintenance, upgrading, relocation or removal of an existing electricity transmission line and structures, is largely controlled by the National Environmental Standards for Electricity Transmission Activities (2009), separate to this District Plan.

Works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for any construction, buildings, excavation or other work on or near an electric line.

All trees/vegetation planted in the high voltage electricity transmission corridor must achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.

2.8.1 Activities
a) Roads and Network Utilities within the Electricity Transmission Corridors are subject to the provisions of Rule 3.3 and not to the provisions below.

b) Permitted Activities
The following activities are Permitted Activities:
- Maintenance, repair and internal alterations to existing buildings that do not result in an alteration to the building envelope within Electricity Transmission Corridor A or B.
- Any building less than 2.5m high and 10m² in area, and any fence less than 2.5m high.
• New buildings or additions to the building envelope of existing buildings within Electricity Transmission Corridor B.
• Change of activity to a Sensitive Land Use within Electricity Transmission Corridor B.
• Earthworks/excavation within Electricity Transmission Corridors A or B.

c) Restricted Discretionary Activities
The following activities are Restricted Discretionary Activities:
• Subdivision involving any allotment within Electricity Transmission Corridors A or B.

d) Discretionary
The following activities are Discretionary Activities:
• New buildings (not provided for as a permitted activity) or additions to the building envelope of existing buildings within Urban Areas Electricity Transmission Corridor A.
• Change of activity to a Sensitive Land Use within Urban Areas Electricity Transmission Corridor A.

e) Non-Complying Activities
The following activities are Non-Complying Activities:
• New buildings (not provided for as a permitted activity) or additions to the building envelope of existing buildings within Greenfield Electricity Transmission Corridor A.
• Changes of activity to a Sensitive Land Use in Greenfield Electricity Transmission Corridor A.
• New buildings, additions to the building envelope of existing buildings, or change of activity to a Sensitive Land Use within 8 metres of the outer visible edge of a pole support structure or within 12 metres of the outer visible edge of a tower support structure.

2.8.2 Specific Standards
The following standards apply to the activities specified below.

a) Subdivision in the Transmission Corridor
i) Any subdivision which creates new allotments within Transmission Corridors A or B shall identify a suitable building envelope, compliant with the relevant zone standards and the standards of this Chapter, clear of Transmission Corridor A.
b) **Earthworks within Electricity Transmission Corridor A shall be:**
   i) No deeper than 300mm within 2.2m of a transmission pole support structure or stay wire
   ii) No deeper than 750mm between 2.2m and 5m from a transmission pole support structure or stay wire
   iii) Except that vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a pole support structure or stay wire are exempt from (i) and (ii).

c) **Earthworks within Electricity Transmission Corridor A around towers shall be:**
   i) No deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
   ii) No deeper than 3m between 6m and 12m from the outer visible edge of a transmission tower support structure.

d) **Earthworks within an Electricity Transmission Corridor shall not:**
   i) Create an unstable batter that will affect a transmission support structure
   ii) Result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001

Note: Earthworks undertaken by a Network Utility Operator are exempt from Rules 2.8.2 (c) and (d). Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a transport corridor, footpath or driveway are exempt from Rule 2.8.2 (c) and (d).

### 2.8.3 Failure to Meet Standards

**a)** Activities that do not comply with any of the standards in Rule 2.8.2 are **Non complying**.

**Performance Assessment**

In determining any resource consent, Council shall have regard to the expected outcome for this rule and the relevant underlying zone, to any related objectives and policies, and to the following:

### 2.8.4 Assessment Criteria — Restricted Discretionary and Discretionary Activities

Restricted Discretionary Activities will be assessed in respect of the specific subject matter identified or the standard with which the activity was unable to comply.

Discretionary Activities will be assessed against, but not limited to, the assessment criteria below.

**a)** **Specific Criteria**

(i) The location, height, scale, orientation and use of buildings and structures to ensure the following effects are addressed:
a) The risk to the structural integrity of the transmission line;
b) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;
c) The risk of electrical hazards affecting public or individual safety, and risk of property damage;
d) The extent of earthworks required, and use of mobile machinery near transmission lines which may put the line at risk;
e) Minimising the visual and other reverse sensitivity effects from transmission lines on the development;

iii) The degree to which subdivision design, including the location of roads and reserves, recognises and provides for existing electricity lines.

iv) The extent of separation between specified building envelopes and existing transmission lines.

v) The extent of separation between the location of any proposed trees and existing lines, taking into account:
   a) The likely mature height of the trees,
   b) Whether they have potential to interfere with the lines, and
   c) Whether an alternative location would be more suitable to meet the operational requirements of the lines’ owner to prune or remove trees which have the potential to interfere with the lines, taking into account the Electricity (Hazards from Trees) Regulations 2003.

vi) Whether appropriate safeguards are in place to avoid contact or flashovers from lines, and effects on the stability of support structures.

vii) Whether the proposal will adversely affect the amenity values of the site and locality, and the extent or impacts of such effects including cumulative effects.

viii) The extent to which the proposal is consistent with objectives and policies of the relevant underlying zone.

ix) The effects of not complying with any relevant standard, including:
   a) any cumulative or consequential effects of not complying with multiple standards;
   b) any cumulative effects that will occur as a consequence of other activities that are permitted activities or already have resource consent within the site and adjacent sites;
   c) the extent to which any adverse effects would be offset by benefits to the community.

Rule 3.3
Amend Rule 3.3.2 (a)(i) second bullet point as follows (deleted text struck through, additional text underlined):
- the transmission or conveyance of electricity at a voltage exceeding 33 kV 220 kV and the storage or treatment of water or sewage exceeding 50m³ per day.

Rule 8.0 Definitions:

Insert the following definitions:
**High Voltage Electricity Transmission Line:** Means a line that conveys electricity at voltages at or greater than 110 kV.

**Electricity Transmission Network, Electricity Transmission and Transmission Activities/assets/infrastructure/resources/system:** All mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand. This is owned and operated by Transpower NZ Limited.

**Electricity Transmission Corridors:** Means a buffer area around the above ground High Voltage Electricity Transmission Lines identified on the Planning Maps. The purpose of this corridor is to manage activities and structures in close proximity to the electricity transmission lines and is required by the National Policy Statement for Electricity Transmission. Corridors within Urban Areas and Greenfield Areas are differentiated on the Planning Maps. Diagrammatically, the Corridor is as follows:

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**Corridor A**

'X' distance measured from either side of the centreline of the electricity transmission corridor equals:

- 10 m for a 110 kV transmission line on single poles (Ham-Mer A, Ari-Ham A)
- 12 m for a 110 kV or 220 kV transmission line on towers (Ham-Mer B, Ham-Whu A, Ari-Ham B, Ham-KPO A, Ham Dev A)

**Corridor B**

'Y' distance measured from the outer edge of Corridor A equals:

- 4 metres for a 110 kV transmission line on single poles (Ham-Mer A, Ari-Ham A)
- 20 metres for a 110 kV transmission line on towers (Ham-Mer B, Ham-Whu A, Ari-Ham B, Ham-KPO A)
- 25 metres for a 220 kV transmission line on towers (Ham Dev A)
Full Electricity Transmission Corridor — X metres + Y metres x 2

Plus: 8 metres from the outer visible edge of a pole structure or 12 metres from the outer visible edge of a tower structure.

Planning Maps

Amend Planning Maps 3, 7, 8, 12, 13 by:
- Deleting the existing Electricity Transmission Corridor as shown;
- Adding Electricity Transmission Corridors A and B (Greenfield and Existing Urban) as shown;
- Amending the Planning Map key to include Electricity Transmission Corridors A and B (Greenfield and Existing Urban).
1. **Purpose of the Report**
   2. The purpose of this report is to seek Council endorsement of the updated 2012 Youth Council Terms of Reference, including existing management processes.

3. **Executive Summary**
   4. Youth Council receives administrative support and advice from HCC Social Development Advisor.
   5. Annually, in conjunction with the Youth Council Executive, a Terms of Reference is updated to ensure efficient and effective general running and operation of Youth Council.
   6. An annual report from Youth Council has been submitted to the Operations and Activities Committee. Included in this report is an outline of key activities, achievements and policies developed, during 2012.
   7. The Terms of Reference have not been formally endorsed by Council previously.
   8. Council endorsement of Youth Council Terms of Reference will allow for greater transparency and accountability to the wider community and ensure Council are operating within clear guidelines and procedures.

9. **Recommendation/s from Management**
   10. That the report be received.
   11. That Council endorse the 2012 Youth Council Terms of Reference, including existing management processes.
12. Attachments

Attachment 1 - Terms of Reference 2012

13. Key Issues

14. Background

- Previously Council have endorsed the establishment of Hamilton’s Youth Council in February 2001 with the ‘primary’ purpose of Youth Council being “a voice for youth and youth issues”.
- An Annual report has been submitted each year to Council informing Council of the activity that has been undertaken by Youth Council in the previous year.
- The Social Development Advisor provides all necessary administrative support and advice to Youth Council and maintains good communication links between members, City Council Staff and Councillors.
- The Terms of Reference are updated each year by the Youth Council Executive to ensure an efficient and effective operation is implemented.
- The 2012 Youth Council Terms of Reference includes expectations of Youth Councillors, Terms of Membership, Roles and Responsibilities within the Youth Council, Meeting Procedures, Recruitment Processes and Media Guidelines, that provide guidance to the Youth Council Executive.
- The participation of Youth Council Executives has continued to increase with support of Staff and Councillors. This year national recognition was gained for their innovation in developing and running the highly successful FYI Youth Forum held at Wintec.

15. Consultation

- The core elements of the 2012 Terms of References have been in implemented since 2002. During this time there has been significant input from elected Youth Council Executives to ensure the Terms of Reference remain relevant and effective to support the direction of the Youth Council.

16. Financial and Resourcing Implications

17. The cost of coordinating and resourcing Youth Council is included in the Community Development and Leisure 10-Year Plan budget. No additional budget is requested.

18. Risk

19. There is no significant risk identified in endorsing the 2012 Youth Council Terms of Reference.

Signatory

<table>
<thead>
<tr>
<th>Authoriser</th>
<th>Lance Vervoort, General Manager Community</th>
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Hamilton Youth Council

Terms of Reference

2012
Background to Youth Council

Youth Councils in New Zealand are to provide young people with a voice to represent their views in the wider community. Youth input gives first hand insight into how youth use and perceive the city and the facilities, events and activities it provides.

The Hamilton Youth Council is designed to encourage youth participation in civic affairs and provide a voice on youth issues. Youth Council comprises approximately 15-20 young people aged from 15 to 25 years. The Youth Council advocates for and supports youth events, activities and facility provisions within the city. The Hamilton Youth Council also provides a youth perspective into wider city and national issues through consultations, submissions and letters.

Expectation of Youth Council members

Youth Council will meet officially once every four weeks between the months of February and December. Youth Council subcommittees may meet more often to progress particular projects.

All meetings will follow a recognised meeting format as outlined in “Formal Meeting Procedures”.

Youth Council members will respect the confidential nature of their role in relation to Hamilton City Council business.

Youth Council are a non-political advisory group, and as such, they hold no political affiliation with any group.

Youth Council must be transparent in all of their decision-making. Youth Council members must declare any potential conflicts of interest when discussing items.

Hamilton Youth Council will work collaboratively with Hamilton City Council and appropriate youth services.

The Hamilton Youth Council will advocate on behalf of all young people in Hamilton to ensure that young people:

- Feel valued
- Be given opportunities to express themselves, to be seen and to be heard
- Have their own spaces in communities
- Have the right to live in a safe, supportive environment
- Have access to affordable and appropriate information, services, resources, activities and facilities
- Be recognised as valued members of the community
- Be given opportunities to have real responsibilities
- Be given real decision making opportunities
- Have good adult role models, who have the ability and responsibility to assist, encourage and inform young people about issues that may affect them.
Roles within Hamilton Youth Council

- Chairperson
- Deputy Chairperson
- Secretary

These roles will be appointed for a one year term. Youth Council may, at the conclusion of one year, elect new people to the roles of responsibility. Those who have previously held these positions are eligible for re-election.

Elections will progress as follows:

- Council members may nominate themselves or be nominated by other Youth Council members
- All council members present will vote, by secret ballot, for one nominated candidate per role
- The Social Development Advisor will tally votes and advise of new appointments.

Term of Membership

There is no minimum or maximum term of membership. If a member is selected at the age of 25 years, they may remain a member until they turn 26.

If a member of Youth Council does not meet the performance or attendance standards agreed upon, the individual will be given two warnings before being removed from Youth Council. Please see criteria below in the ‘Criteria’ section.

Absences

When a Youth Council member is absent for two or more meetings without informing the Chairperson or Social Development Advisor of their absence, the Chairperson or Social Development Advisor will contact that member and establish their level of interest and commitment to the Youth Council.

The same process will apply to those who miss three meetings in a row, even if apologies were given.

Each member must be given every opportunity to be involved in the Youth Council and encouraged to participate. If other commitments make regular attendance difficult or if they do not wish to participate any further, they will be asked to write a formal letter of resignation to Youth Council.
Criteria

Criteria for membership of Hamilton Youth Council:

- Attendance at a majority of official monthly meetings (if a member misses two meetings in a row with no good reason, a warning will be given)
- Average or reasonable attendance and participation in project subcommittees or additional meetings
- Willingness to represent Hamilton Youth Council at other community or local events
- Regular communication with the rest of Youth Council including the Social Development Advisor and the Youth Council Executive Team
- Regular input into and participation in Youth Council discussions and decisions
- Generally acceptable behaviour. Discrimination or bullying of any kind is unacceptable and will be dealt with by the Social Development Advisor and the Executive Team.

Youth Council Funds

Hamilton Youth Council is funded by Hamilton City Council. Funding is for the Youth Council’s overall operational and running costs, such as meeting costs, events, training/conferences and publications.

Funds are provided for the operation of Youth Council only, NOT to fund the activities of another group or organisation.

The Social Development Advisor is accountable for these funds and all requests for funding must be approved by the Neighbourhood Development Team Leader.

Disability

People with disabilities must be given equal opportunity in Youth Council recruitment, membership, training and promotion.

Harassment

All members have the right to be treated fairly.

Harassment of any kind (sexual, physical, racial, sexual preference etc) will not be tolerated.

If a Youth Council member feels they have been harassed in any way by a fellow member, they must report this to the Social Development Advisor. The Social Development Advisor will mediate at a meeting between the two parties to establish the problem and work towards a solution. Depending on the severity of the harassment, dismissal from the Youth Council may occur.
**Name Badges and T-Shirts**

Youth Councillors are required to wear their name badges and t-shirts at all official meetings or instances where they will be acting in their capacity as Youth Councillors or representing Youth Council at events.

**Youth Council Meeting Procedures**

**Purpose:**
To ensure that Youth Council meetings operate efficiently and in a professional manner.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Key Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agenda setting – The Chairperson and Secretary are to prepare the agenda with support from the Social Development Advisor</strong></td>
<td>Items to be included on the agenda must be directed to the Chair or Social Development Advisor at least seven working days prior to the meeting</td>
</tr>
<tr>
<td><strong>Advise Chairperson or Social Development Advisor of apologies</strong></td>
<td>Members are to contact the Chairperson or Social Development Advisor at least three working days prior to the meeting if they will not be attending a Youth Council meeting. Advise during meetings of any upcoming absences</td>
</tr>
<tr>
<td><strong>Minimise any disturbance to other members during meetings</strong></td>
<td>Turn off mobile phones Be courteous while others are speaking</td>
</tr>
<tr>
<td><strong>Meeting starts on time</strong></td>
<td>Chair to welcome and thank members for attending and declare meeting open</td>
</tr>
<tr>
<td><strong>Meeting follows agenda</strong></td>
<td>• Apologies • Minutes of previous meeting • Matters arising • Correspondence In/Out • Reports (as outlined below) • General business</td>
</tr>
<tr>
<td><strong>Chairperson’s report</strong></td>
<td>Provides an update on key issues and activities</td>
</tr>
<tr>
<td><strong>Community reports</strong></td>
<td>An update from each member is provided on issues/events within their community</td>
</tr>
<tr>
<td><strong>General Business is the time for non-agenda items to be raised</strong></td>
<td>The Chairperson is to encourage members to submit major agenda items to the secretary and Social Development Advisor prior to the agenda being circulated (at least seven working days before meeting)</td>
</tr>
<tr>
<td><strong>Next meeting</strong></td>
<td>As per scheduled meetings but may be changed on agreement by members</td>
</tr>
<tr>
<td><strong>Close meeting</strong></td>
<td>Chairperson thanks members for participating and closes meeting</td>
</tr>
</tbody>
</table>
**Recruitment Process**

**Purpose:**
To ensure that Youth Council comprises at least 15 young people from diverse areas of Hamilton city. The recruitment process will be led and carried out by the Hamilton Youth Council Executive Team (Chairperson, Deputy Chairperson and Secretary), with support from the Social Development Advisor.

<table>
<thead>
<tr>
<th>Key points</th>
<th>Stages</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a Youth Council member resigns, new members need to be recruited.</td>
<td>Stage 1 – Hamilton Youth Council vacancies will be publicised through community and youth networks and to interested youth. Applicants will express their interest via phone, email or Facebook and a copy of the Information Guide will be sent to them. Applicants should also send in a short paragraph about themselves or a copy of their CV.</td>
</tr>
<tr>
<td>Youth Council will review membership twice yearly (January and September) to see if there is a need for further recruitment (if there are less than 15 members).</td>
<td></td>
</tr>
<tr>
<td>If any other individual wishes to join Youth Council outside of the two set periods of recruitment, the individual will be accepted or declined on a case by case basis or in consultation with all members of the Youth Council and the Social Development Advisor and/or neighbourhood Development Team Leader. Otherwise the individual will be notified to reapply during the next formal recruitment period.</td>
<td>Stage 2 – Applicants will be interviewed informally by a combination of the Youth Council Executive Team, other Youth Council members and the Social Development Advisor or Hamilton City Council staff and preferred candidates shortlisted.</td>
</tr>
<tr>
<td>Stage 3 – All shortlisted candidates will be invited to attend the next Youth Council monthly general meeting. A copy of the Terms of Reference will be sent out to all of these candidates.</td>
<td></td>
</tr>
<tr>
<td>Stage 4 – A decision will be made on candidates and all applicants will be informed of the outcome. An induction meeting for new Youth Councillors will be held.</td>
<td></td>
</tr>
<tr>
<td>Stage 5 – New Youth Council members will attend the next Youth Council meeting, as well as take part in an induction session at the beginning of the following year. New Youth Councillors will be given new member materials (eg t-shirts etc)</td>
<td></td>
</tr>
</tbody>
</table>
**Media Interviews**

**Purpose:** To deal appropriately with the media in a manner consistent with Hamilton Youth Council’s values and responsibilities.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Key Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish whether you are the appropriate person to speak</td>
<td>Speak only on issues for which you are responsible. If in doubt, refer to Chairperson and Social Development Advisor</td>
</tr>
<tr>
<td>Establish areas to be covered</td>
<td>Prior to interview, establish what will be covered. This will give you the opportunity to tell them that ‘topic X’ is not your area – or you’ll need to find out more information</td>
</tr>
<tr>
<td></td>
<td>Once this has been established, contact the Social Development Advisor for further guidance, who will discuss the request with Hamilton City Council Communications and Marketing Team and Neighbourhood Development Team Leader</td>
</tr>
<tr>
<td></td>
<td>DO NOT answer any questions at this time, advise the reporter that you will phone them back</td>
</tr>
<tr>
<td>Get your thoughts together and identify key messages you want to convey</td>
<td>Write answers or important notes down if you need to</td>
</tr>
<tr>
<td>Ensure that you have liaised with Social Development Advisor, Communications and Marketing team and Youth Council Chairperson</td>
<td>Support and guidance is available if you need it</td>
</tr>
<tr>
<td></td>
<td>DO NOT answer any questions without first discussing with the Social Development Advisor</td>
</tr>
<tr>
<td>Control the situation</td>
<td>You can avoid questions that start with “what do you think about..?” Be sure you understand what is being asked and that you are the right person to comment</td>
</tr>
<tr>
<td>Be open and cooperative</td>
<td></td>
</tr>
<tr>
<td>Begin with positives</td>
<td></td>
</tr>
<tr>
<td>Journalists are equals – not the enemy</td>
<td>They can assist in portraying positive messages and help to promote groups</td>
</tr>
<tr>
<td>Avoid saying “no comment” instead say “I’ll need to gather more information”</td>
<td>If you don’t know, say so, but be prepared to find out</td>
</tr>
<tr>
<td>Repeat key messages</td>
<td></td>
</tr>
<tr>
<td>Stop talking when the question is answered</td>
<td></td>
</tr>
</tbody>
</table>
Roles and responsibilities

Social Development Advisor
Is responsible for:

- Providing support to the Chairperson, Deputy Chairperson and Secretary
- Liaison with Hamilton City Council staff
- Providing relevant resources and additional information to Youth Council
- Helping to facilitate the Youth Council recruitment process
- Providing induction, orientation, training and support for new Youth Councillors
- Providing mentoring to Youth Council members.

Chairperson

The Chairperson is the official representative of the Youth Council. They represent the Youth Council on matters at a local, regional or national level. A delegated member may be required to represent Youth Council in the absence of the Chairperson.

During meetings the Chairperson is to:

- Chair the Youth Council meetings (see “Youth Council meeting procedures”)
- Start and finish meetings on time
- Encourage others to speak out
- Listen effectively and respect the opinions of others
- Keep the meetings flowing and on track.

The Chairperson is to establish and maintain good working relationships with the Social Development Advisor, Hamilton City Council delegated Councillor mentor/s and all members of the Youth Council.

Deputy Chairperson

The Deputy Chairperson is to assist the chairperson in their activities. If the Chairperson is absent for any meeting, the Deputy Chairperson will take over the role of the Chairperson for that meeting.

Secretary

The Secretary is responsible for the development of agendas and writing of minutes at the meetings, ensuring that at the conclusion of the meeting, minutes are typed up and sent to the Social Development Advisor for distribution.

Projects

Working parties will be formed for specific activities or events to be undertaken by the Youth Council. The working parties will meet outside of Youth Council meeting times and report back at Youth Council meetings.
1. **Purpose of the Report**

2. The purpose of this report is to seek Council’s decision on Waikato Explorer Ltd (WEL) application for use of Hamilton City Council (Council) owned jetties and for the pontoons to be attached to two Council owned jetties.

3. **Executive Summary**

4. An application has been received from WEL for the use of Council owned jetties for the embarking and disembarking of passengers and to attach either semi-permanent or transitory pontoons to the Council owned jetties at Ferrybank and Hamilton Gardens.

5. The vessel to be used, C.V. Cynthia Dew, has a maximum capacity of 87 passengers and will be moored at Mystery Creek when not in operation.

6. No facilities are required to be utilised, or constructed, as the vessel is self contained.

7. The applicant has discussed their proposal with Waikato Regional Council and Tainui.

8. A draft Licence agreement has been prepared and forwarded to WEL for their consideration.

9. The Local Government Act 2002 provides Council with the authority to grant a licence.

10. There are no financial implications to Council, with all costs associated with this application and the pontoons being the responsibility of the applicant.

11. There is minimal risk to Council in granting this application.

12. **Recommendation/s from Management**

13. That the report be received.

14. That Waikato Explorer Ltd be permitted use of the Hamilton City Council’s jetties in terms of the attached Licence Agreement (Attachment 2) to this report subject to all required consents being obtained.

15. That Waikato Explorer Ltd be permitted to attach either semi-permanent or transitory pontoons to the Council owned jetties at Hamilton Gardens and Ferrybank Reserve, subject to all maintenance and construction costs being the responsibility of Waikato Explorer Ltd and
Resource Consent being obtained from Council, noting that the pontoons are to be the property of Waikato Explorer Ltd.

16. Attachments

Attachment 1 - Waikato Explorer Ltd, picture of passenger vessel, Darren & Vanessa Mills, Report C-1658
Attachment 2 - Waikato Explorer Ltd, Licence Agreement for use of Council owned jetties, Darren & Vanessa Mills

17. Key Issues

18. Application

a) WEL has requested the following:
   I. Use of the jetties owned by Council. WEL has advised that “the intention of Waikato Explorer Ltd to use Council jetties is essentially for the purpose of passenger embarking and disembarking.”
   II. Be permitted to attach removable pontoons to Council jetties located at Ferrybank Reserve and Hamilton Gardens, noting that the pontoons will be WEL’s asset, with all costs associated with the pontoons’ construction and maintenance being WEL’s responsibility.

b) The proposed pontoons will be either semi-permanent or transitory structures. That is they will not be permanently attached to a jetty or they will able to be transported to/from a jetty on a daily basis.

c) WEL further advises that “we will not require any facilities on land, e.g. toilet facilities, as our vessel is fully equipped.”

d) It is considered that the application can be granted under Section 12 of the Local Government Act 2002. Refer paragraph 29.

19. Applicant

- WEL is a registered incorporated company with Darren & Vanessa Mills listed as its Directors and Shareholders.
- Darren Mills will be the pilot of the Company’s boat, C.V. Cynthia Dew.
- Darren Mills has advised that he has a current inshore Launchmaster Certificate of Competence issued in April 2009 (Certificate No. N02 1896). Darren has previously been a pilot on the Waipa Delta when this was operating on the Waikato River.

20. C.V. Cynthia Dew

21. WEL has advised that the C.V. Cynthia Dew (refer Attachment 1), which will be owned and operated by WEL, is “…a 47-foot (14.35m) passenger vessel...powered by a Volvo TMD Diesel 240HP engine with a cruising speed of 6-10 knots and a top speed of 12. It is a kauri-skinned monohull driven by a four-blade prop. The vessel was built in 1979 and is licensed to carry up to 87 people in enclosed waters.”

22. WEL has advised that the vessel has the ability to carry a minimum of 50 passengers comfortably.
23. The vessel will be moored at the Mystery Creek Events Centre, which is located in the Waipa District Council’s jurisdiction, when not operating on the Waikato River.

24. Services Offered

25. WEL have advised that they intend to commence with two scheduled trips on Saturday and two on Sunday, a total of four trips per week.

26. Other services available will include charter services and a water taxi service.
27. **Opportunities**

28. The new venture by WEL provides an opportunity for the river to be used for tourism purposes and links well to initiatives at Hamilton Gardens and other attractions in the City. This venture is solely driven by the proprietor of WEL and is being established without Council being asked to invest in it (apart from some minor process aspects).

29. **Legislative requirements or legal issues**

   i. Local Government Act 2002:
      Council has authority to grant approval for use of its jetties under this Act. Section 12(2) of the Act states that “for the purposes of performing its role, a local authority has
      a) Full capacity to carry on or undertake any activity or business, do any act, or enter any transaction and
      b) For the purposes of paragraph (a), full rights, powers, and privileges.”

   ii. Reserves Act 1977:
      It is considered that this Act does not apply to this request. The jetties are based in the Waikato River and not on adjacent reserve land and the applicant have not requested any structures on reserve land.

   iii. District Plan
      In terms of the District Plan a Resource Consent is required for the pontoons. At the time of preparing this report Planning Guidance has advised that the semi-permanent or transitory pontoons will require a Resource Consent from Council. This process is being worked through by staff.

   iv. Other Considerations:
      a) WEL is aware that they are required to approach the Waikato Regional Council, to obtain any consents/permits, and to reach agreement with Tainui for use of the Waikato River.
      b) WEL have advised that they have held discussions with Waikato Regional Council, and have obtained Tainui’s consent, for their proposal.
      c) WEL have been advised of Council’s preparation of a River Plan. Appropriate Clauses have been added into the licence agreement to allow Council to modify any jetties or infrastructure used by WEL should such actions result from the formulation of the River Plan.
      d) Tourism operators need surety and flexibility in any licence arrangements and Council needs safeguards to ensure any future policy direction can be implemented. Staff have accommodated both of these needs in the licence.

30. **Parking**

   a) There is adequate parking available at Hamilton Gardens and Ferrybank reserve jetties, although this will be dependent on the success of the river venture.
   b) The two carparks will be monitored to assess the effect on park users.

31. **Environmental sustainability**

   - It is considered that use of the jetties will not impact on the environment.

32. **Consultation**

   - Public consultation is not required in terms of the Local Government Act 2002.
   - WEL is aware to consult with other river users to make them aware of their proposal.

33. **Treaty requirements/implications**
• As advised in paragraph 29 iv(b) Darren & Vanessa have discussed their proposal with Tainui and have obtained agreement with them on use of the Waikato River.

34. Implementation issues
• No implementation issues are envisaged as additional facilities/services are not required.

35. Options (if applicable)
• To permit, or not permit, WEL, a commercial entity, to use Council owned jetties for the embarking and disembarking of passengers
• To permit, or not permit, WEL to attach pontoons to the Council own jetties located at Ferrybank reserve and Hamilton Gardens

36. Licence Agreement
37. A copy of a draft Licence Agreement, which has been discussed with Darren & Vanessa Mills, is attached. Refer Attachment 2.
38. The draft Licence agreement is summarised as follows:
   • Is for a 5 year Term for use of Council owned jetties for the embarkation and disembarkation of passengers from the C.V. Cynthia Dew
   • Payment of a Licence fee after a 6 month Licence fee free period, which has been benchmarked against other Councils. Rent is reviewed annually.
   • A minimum of $2,000,000 Public Liability Insurance is to be held by Licensee.
   • Jetties are only to be used for the embarking and disembarking of passengers and that the Licensee is not to impede use of the jetties by the public at all other times.
   • Licensee acknowledging that a river plan is being developed that may affect use of the jetties and/or their design.
   • Reviewing use of the jetties annually.
   • WEL owning the pontoons and being responsible for the maintenance and construction of them, as well as removing them on termination of the Licence agreement.
   • Council acknowledging that there will be occasions where there are one off events where the number of trips per week may be in excess of the specified figure and that any increase resulting from these are to be mutually agreed.

39. Financial and Resourcing Implications
40. There are minor financial implications to Council; all costs associated with the pontoons (construction and maintenance) are the responsibility of WEL. Council will expend $2,000 in relation to the jetty at Hamilton Gardens, in relation to Health and Safety matters. This is accommodated for in existing budgets.
41. Council is currently responsible to ensure the jetties are maintained to a standard that is suitable for public use.

42. Risk
43. It is considered that there is minimal risk to Council in granting this licence to WEL.

Signatory

| Authoriser | Lance Vervoort, General Manager Community |

Council Agenda 13 November 2012- OPEN
LICENCE AGREEMENT

between

HAMILTON CITY COUNCIL

and

WAIKATO EXPLORER LIMITED
DEED dated 20

PARTIES

(1) HAMILTON CITY COUNCIL ("Licensor")
(2) WAIKATO EXPLORER LTD ("Licensee")

BACKGROUND

A. The Licensor is the owner of the jetties that are located on the Waikato River and indicated on the plan attached to this Licence as Schedule 4 ("Licence Area").

B. The Licensor and the Licensee have agreed that the Licensee will receive a non-exclusive licence to use the Council owned jetties as indicated on the plan attached to this licence as Schedule 4.

C. The parties have entered into this licence to record the terms and conditions on which the Licensee may use the Licence Area.

OPERATIVE PART:

1. GRANT OF LICENCE

1.1 The Licensor grants to the Licensee and the Licensee accepts the non-exclusive licence to occupy and use the Licence Area for the Term upon the terms of this Licence.

Executed as a deed:

SIGNED for and on behalf of                           )
HAMILTON CITY COUNCIL as                           )
Licensor by Lance Vervoort,                          ) .................................................................
General Manager Community                           )

THE COMMON SEAL of                                 )

was affixed hereto in the presence of:               )

OR

SIGNED for and on behalf of Licensee                  )
by Darren Mills                                       ) .................................................................

and by Vanessa Mills                                  ) .................................................................
both being authorised signatories:                   )
<table>
<thead>
<tr>
<th><strong>Licence Area</strong></th>
<th>All Council owned jetties as indicated on the plan attached to this Licence as Schedule 4.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Term</strong></td>
<td>Five years</td>
</tr>
<tr>
<td><strong>Commencement Date</strong></td>
<td>12&lt;sup&gt;th&lt;/sup&gt; November 2012</td>
</tr>
<tr>
<td><strong>Right of Renewal</strong></td>
<td>There is no right of renewal provided by this Licence.</td>
</tr>
<tr>
<td><strong>Licence Fee</strong></td>
<td>$500.00 plus GST per annum commencing from 12&lt;sup&gt;th&lt;/sup&gt; May 2013</td>
</tr>
<tr>
<td><strong>Licence Fee Payment Dates</strong></td>
<td>The 1&lt;sup&gt;st&lt;/sup&gt; day of December and May in each year during the term of this Licence.</td>
</tr>
<tr>
<td><strong>Licence Fee Review Dates</strong></td>
<td>Each anniversary of the Commencement Date (refer clause 4.2 of Schedule 2).</td>
</tr>
<tr>
<td><strong>Public Liability Insurance Amount</strong></td>
<td>$2,000,000 or such other amount from time to time reasonably required by the Licensor</td>
</tr>
<tr>
<td><strong>Default Interest Rate</strong></td>
<td>Means the current unsecured overdraft rate (as reasonably determined by the Lessor’s principal bankers) plus a margin of 0.5%.</td>
</tr>
<tr>
<td><strong>Permitted Activity</strong></td>
<td>For the embarking and disembarking of passengers eight times per week from the C.V. Cynthia Dew.</td>
</tr>
</tbody>
</table>
| **Licensor’s Contact Details** | Parks and Open Spaces Manager  
                        Hamilton City Council  
                        Private Bag 3010  
                        Hamilton |
| **Licensee’s Contact Details** | Name: Darren & Vanessa Mills  
                                    Address: 60 Naylor Street, Hamilton 3120  
                                    Phone: 027-656-1417 or 021-375999  
                                    Email: dmi@xtra.co.nz |
SCHEDULE 2
(General Terms and Conditions)

1. INTERPRETATION

1.1 In this Deed unless the context otherwise requires:

(a) “Deed” means this Deed including Schedules 1 to 4;
(b) “Licence” means the licence granted to the Licensee pursuant to this Deed;
(c) “Working Day” has the meaning given to it in the Property Law Act 2007;
(d) Whenever words appear in this Licence that also appear in Schedule 1 then those words shall mean and include the details supplied after them in Schedule 1;
(e) Whenever the words includes or including are used in this Licence, they are deemed to be followed by the words “without limitation”; 
(f) Where obligations bind more than one person those obligations shall bind those persons jointly and severally;
(g) The benefits and burdens shall be binding upon the parties and their respective successors, executors, administrators and personal representatives, and references to the parties shall be construed accordingly; and
(h) Reference to any statute, regulation, ordinance, or bylaw will be deemed to extend to all statutes, regulations, ordinances, or bylaws amending, consolidating or replacing the same.

2. USE OF LICENCE AREA

2.1 The Licensee is only allowed to use the Licence Area for the Permitted Activity shown in Schedule 1. The right to use the Licence Area for the Permitted Activity:

(a) Is subject to the general terms and conditions of this Licence and any special conditions or restrictions on use as set out in Schedule 3; and
(b) Does not give the Licensee exclusive rights to the Licence Area and the Licensee shall at all times respect the public rights of access associated with the jetties.

2.2 The Licensee will not carry out, or allow to be carried out, any commercial activity or any other activity not specified in Schedule 1 on the Licence Area unless the Licensee has obtained the prior approval in writing of the Licensor.

3. TERM

3.1 The term of this Licence shall be that provided in Schedule 1.

3.2 If this Licence continues, with the consent of the Licensor, past the expiration of the Term then this Licence shall be terminable on one month’s written notice given at any time by either party to the other.
4. PAYMENTS

4.1 Payment of Licence Fee
The Licensee shall pay the Licence Fee by equal half yearly payments, or other periods as agreed to be the Licensor, in advance (or as varied pursuant to any Licence Fee Review) on the Licence Fee Payment Dates, but the first half yearly payment shall be made on the Commencement Date on a proportionate basis for any broken period until the next Licence Fee Payment Date. Licence Fees and other monies shall be paid by the Licensee without deduction or set off by direct payment to the Licensor or as the Licensor may in writing otherwise direct.

4.2 Licence Fee Review
The Licensor may review the Licence Fee at any time up to the date that is one (1) month before the Licence Fee Review Date by giving written notice to the Licensee specifying the new Licence Fee as at the Licence Fee Review Date.

4.3 Outgoings
(a) The Licensee shall punctually pay all outgoings, charges and expenses incurred directly by the Licensee in respect of the Licence Area including, but not limited to rates, maintenance, insurance premiums, utilities costs and resource consent fees.

(b) The Licensee shall pay all the payments, charges and expenses which the Licensee is obliged to pay under clause 4.3(a) above at the times, and in the manner from time to time required by the relevant authority, or supplier of the services, utilities or amenities (as the case may be) to avoid penalties, and otherwise shall make such payments on demand. If the Licensee defaults in making any payment the Licensor may (but shall not be obliged to) make the payment, and in addition to the Licensor's other remedies under this Licence, may recover the amount so paid from the Licensee.

4.4 Goods and Services Tax
The Licensee shall at the time the Licence Fee and other payments payable fall due for payment pay to the Licensor or as the Licensor directs all goods and services tax payable on the Licence Fee and other payments.

4.5 Interest on Unpaid Money
If the Licensee defaults in payment of the Licence Fee or other moneys payable hereunder for Ten (10) Working Days then the Licensee shall pay on demand interest at the Default Interest Rate on the moneys unpaid from the due date for payment to the date of payment.

4.6 Costs
The Licensee shall pay the Licensor’s costs arising out of and in connection to this Licence including:

(a) All statutory and administration costs incurred by the Licensor;

(b) The Licensor’s solicitors reasonable costs of and incidental to the preparation of this Licence and any variation or any Deed recording a Licence Fee review;

(c) The Licensor’s reasonable costs incurred in considering any request by the Licensee for the Licensor’s consent to any matter contemplated by this Licence; and
(d) The Licensor’s legal costs (as between solicitor and client) related to, and incidental to, the enforcement or attempted enforcement of the Licensor’s rights remedies and powers under this Licence.

5. **MAINTENANCE**

5.1 The Licensor shall maintain the Licence Area to at least the state which it was in on the commencement date of this Licence.

5.2 The Licensee will perform maintenance and repairs for any damage caused due to any negligent act or omission by the Licensee or persons under the control of the Licensee.

5.3 If the Licensee fails to comply with clause 5.2 above within such reasonable timeframes then the Licensor may (but is not obliged to) complete such maintenance and repairs either wholly or in part. All the costs incurred by the Licensor pursuant to this clause in carrying out any maintenance and repair works together with interest at the Default Interest Rate will be recoverable by the Licensor from the Licensee as if such amounts were arrears of the Licence Fee.

5.4 The Licensee must immediately bring to the Licensor’s attention any damage, breakage or defect in or to any part of the Licence Area, or to services and systems in the Licence Area, and any circumstances likely to cause damage or injury to property or persons.

6. **INSURANCE AND INDEMNITY**

6.1 **Licensee to occupy Licence Area at own risk**

The Licensee agrees to occupy and use the Licence Area at the Licensee’s risk and releases to the full extent permitted by law the Licensor, its servants and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property in or about the Licence Area.

6.2 **Indemnity by Licensee**

The Licensee shall keep the Licensor indemnified against all claims, actions, losses and expenses of any nature which the Licensor may suffer or incur or for which the Licensor may become liable in respect of:

(a) The neglect or careless use or misuse by the Licensee or persons under the control of the Licensee of the Licence Area or the Reserve or arising out of any faulty fixture or fitting of the Licensee; and

(b) Any accident or damage to, property or any person arising from any occurrence in or near the Licence Area wholly or in part by reason of any act or omission by the Licensee or persons under the control of the Licensee.

(c) Any damage to the Licence Area wholly or in part by reason of any negligent act or omission by the Licensee or persons under the control of the Licensee.

6.3 **Public Liability**

The Licensee, at the Licensee’s expense, shall effect and keep current in respect of the Licence Area, and the Licensee’s use of the Licence Area, a policy of public risk
insurance for an amount of not less than that specified in Schedule 1 or such other amount from time to time reasonably required by the Licensor, for any one event with a substantial reputable insurance office or company first approved in writing by the Licensor (such approval not to be unreasonably or arbitrarily withheld).

6.4 Insurance Policies
The Licensee must provide the Licensor with a copy of all insurance policies affected pursuant to clauses 6.1 and 6.4 together with such confirmation of payment of premiums as the Licensor may from time to time reasonably require.

6.5 Failure to Comply
If the Licensee fails to comply with its obligations under clauses 6.1 and 6.4 the Licensor may (but will not be obliged to) carry out such obligations on behalf of, and in the name of, the Licensee and pay any premiums. All moneys paid by the Licensor pursuant to this clause together with interest at the Default Interest Rate and the Licensor’s reasonable costs incurred while carrying out such obligations will be recoverable by the Licensor from the Licensee as if they were arrears of the Licence Fee.

6.6 Licensee not to Void Insurances
The Licensee shall not do anything or permit anything to be done which may render void or voidable or less effective any policy of insurance effected in respect of the Licence Area. Where the Licensee has rendered any insurance less effective or void and the Licensor has suffered loss or damage thereby the Licensee shall forthwith compensate the Licensor in full for such loss or damage.

7. REPORTING REQUIREMENTS

7.1 The Licensee will share with the Licensor such information on its activities as may reasonably be requested by Licensor from time to time.

7.2 The Licensee will at all times keep the Licensor informed of any change of the Licensee’s Contact Details from that stated in Schedule 1 of this Licence.

8. HEALTH AND SAFETY

8.1 The Licensee must exercise the rights granted by this Licence in a safe and reliable manner and must comply with the Health and Safety in Employment Act 1992.

8.2 The Licensee shall at its own cost prepare a health and safety plan and shall ensure that the health and safety plan is fully implemented and in addition the Licensee shall:

(a) Notify the Licensor of any occurrence, activity or event on the Licence Area which may endanger the public or the environment.

(b) Take all practicable steps to eliminate any dangers and to protect the safety of all persons present on the Licence Area.

(c) Record and report to the Licensor all accidents involving serious harm within 24 hours of their occurrence and forward an investigation report within 3 days of the accident occurring.
9. **NO NOXIOUS USE**

9.1 The Licensee shall not:

(a) Bring upon or store within the Licence Area nor allow to be brought upon or stored within the Licence Area any machinery goods or things of an offensive noxious illegal or dangerous nature, or of such weight size or shape as is likely to cause damage to the jetties;

(b) Contaminate the Licence Area and shall undertake all works necessary to remove any contamination of the Licence Area other than contamination not caused by the Licensee or which took place prior to the commencement date of the Licensee’s use of the Licence Area. Contamination means any change to the physical, chemical or biological condition of the property by a “contaminant” as that word is defined in the Resource Management Act 1991;

(c) Use the Licence Area or allow the Licence Area to be used for any noisome noxious illegal or offensive trade or business; or

(d) Allow any act or thing to be done which may be or grow to be a nuisance disturbance or annoyance to the Licensor, or other users of the jetties.

10. **IMPROVEMENTS**

10.1 The Licensee shall not build any buildings or make any structural or other alterations to any part of the Licence Area, apart from those specified in schedule 3, without the prior written consent of the Licensor.

11. **COMPLIANCE WITH STATUTES AND REGULATIONS**

11.1 The Licensee shall comply with the provisions of all statutes, ordinances, regulations and by-laws in any way relating to or affecting the Licence Area or the use of the Licence Area by the Licensee, or other occupant, and will also comply with the provisions of all licences, requisitions and notices issued by any competent authority in respect of operating a passenger carrying vessel or other occupant/s.

11.2 Clause 11.1 also applies to any improvements made by the Licensee.

12. **SIGNS**

12.1 The Licensee must not erect, paint, display or allow on the Licence Area any signs, notices or advertising material unless the Licensee first obtains the consent in writing of the Licensor as the owner of the Licence Area in each case. It will be a condition of any consent that any approved signs must comply with the relevant bylaws, district plan and have necessary regulatory approvals. The Licensor acting in its sole discretion may require any approved signs to be removed at any time. The Licensee must remove any signs and make good any damage occasioned thereby within 10 Working Days of receiving a request from the Licensor.

13. **DESTRUCTION**

If the Licence Area is destroyed or so damaged that the Licence Area cannot be used for the Permitted Activity then this Licence shall immediately terminate.
14. DEFAULT

14.1 If at any time:

(a) The Licence Fee is in arrears and unpaid for 10 Working Days after any payment date (whether it has been demanded or not); or

(b) Repairs to be carried out by the Licensee under this Licence are not commenced within 10 Working Days of such notice having been given, or if commenced, are not diligently completed; or

(c) The Licensor gives written notice to the Licensee specifying any breach (other than a breach of the type referred to in (a) or (b) above) of this Licence which breach remains unremedied for 10 Working Days after giving the notice; or

(d) The Licensee shall make or enter into or endeavour to make or enter into any composition assignment or other arrangement with or for the benefit of the Licensee’s creditors;

(e) The Licensee is placed in liquidation or declared bankrupt or insolvent; or

(f) The Licensee shall suffer distress or execution to issue against the Licensee’s property goods or effects under any judgement against the Licensee in any Court for a sum in excess of five thousand dollars ($5,000),

the Licensor may immediately, or at any time subsequently and without notice or demand terminate this Licence and expel and remove the Licensee from the Licence Area with or without any improvements, equipment, partitions, alterations or additions installed or made by the Licensee to the Licence Area, without being guilty of any manner of trespass or conversion. This Licence shall then cease and determine, but without releasing the Licensee from liability in respect of any breach by the Licensee of this Licence.

15. LICENCE NOT ASSIGNABLE

15.1 The Licensee must not assign, mortgage, charge, sublet or part with possession of the Licence Area, or any part of the Licence Area, without first obtaining the written consent of the Licensor. The Licensor shall at all times have power in the public interest and may in its discretion refuse any application for consent or grant its consent subject to such conditions as it thinks fit.

16. GENERAL

16.1 No Lease
This Licence does not create any lease, tenancy or interest in the Licence Area.

16.2 Not Registrable
This Licence is not registrable. The Licensee may not register a caveat against the licensed area.
16.3 Administering Body

The Licensor has entered into this Licence in its capacity as owner of the jetties and not as a regulatory authority. The two roles are different and nothing in this Licence shall restrict or bind Hamilton City Council in its regulatory capacity. Any consents or agreements given herein shall not be construed as consent or agreement by Hamilton City Council in its regulatory capacity.

16.4 Suitability

No warranty or representation expressed or implied has been or is made by the Licensor that the Licence Area is now suitable or will remain suitable or adequate for use by the Licensee or that any use of the Licence Area by the Licensee will comply with the by-laws or ordinances or other requirements of any authority having jurisdiction.

16.5 Neglect of Other Persons

The Licensor shall not be responsible to the Licensee for any act or default or neglect of any other Licensee or user of the jetties.

16.6 Waiver

No waiver or failure to act by either party in respect of any breach by the other shall operate as a waiver of another breach.

16.7 Notices

(a) The nominated address shall be the address for service of all notices of default, or otherwise, issued in respect of this Licence and the address for the posting of demands for annual licence fees or such other costs as may arise from time to time.

(b) In respect of the means of service specified in clause 19.7(a), a notice is deemed to have been served:

(i) In the case of personal delivery, when received by the addressee;

(ii) In the case of posting by mail, on the second working day following the date of posting to the addressee’s last known address in New Zealand;

(iii) In the case of facsimile transmission, when sent to the addressee’s facsimile number; or

(iv) In the case of email, when acknowledged by the addressee by return email or otherwise in writing.

(c) A notice shall be valid if given by any General Manager, solicitor or other authorised representative of the Licensor.

16.8 Dispute Resolution

(a) If any dispute or difference shall arise between the parties as to:

(i) the meaning or application of any part of this Licence; or
(ii) any other matter in connection with, arising out of, or which may have an effect on, this Licence;

then representatives of the Licensee and the Licensor shall meet within 10 Working Days of the dispute or difference ("Issue") arising to endeavour to reach an agreement on the resolution of the Issue.

(b) If the meeting referred to in clause 19.8(a) ("Meeting") does not result in the resolution of the Issue:

(i) then the Licensee and the Licensor shall, within 10 working days of the date of the Meeting, appoint a mediator to mediate the issue;

(ii) if the parties are unable to agree upon the person to be appointed as mediator, then the president of the New Zealand Law Society shall be asked to appoint the mediator;

(iii) the mediation shall be held within one month of the date of the mediator being appointed; and

(iv) the Licensee and the Licensor shall attend and participate in the mediation in good faith to negotiate towards achieving a settlement of the Issue.

(c) If, at the mediation the Issue is not resolved, then the Issue shall be determined by arbitration in accordance with clauses 19.8(d) to 19.8(j).

(d) If the Licensor and the Licensee are unable to agree upon a single arbitrator within 10 Working Days of either party notifying the other in writing of their wish to have the Issue arbitrated then either party ("Notifying Party") may at any time subsequently by written notice to the other party ("Receiving Party") require the Issue to be determined by two arbitrators (one to be appointed by the Licensor and one to be appointed by the Licensee) and their umpire (to be appointed by the arbitrators before proceeding to determine the Issue). The notice to be given by the Notifying Party pursuant to this subclause shall:

(i) nominate the arbitrator appointed by the Notifying Party; and

(ii) require the Receiving Party to nominate their arbitrator by a date not less than 10 Working Days after the date of service of the notice by the Receiving Party; and

(iii) warn the receiving party of the consequences under subclause 19.8(e) of failure to appoint an arbitrator by the date specified by the Notifying Party.

(e) If the Receiving Party fails to appoint their arbitrator by the date specified then the notifying party may by written notice to the Receiving Party have the issue determined solely by the Notifying Party’s arbitrator;

(f) If any arbitrator appointed pursuant to the terms of this Licence refuses or fails to act (including appointing an umpire if necessary) within a reasonable time of their appointment then either the Licensor or the Licensee may (provided the defaulting arbitrator has first been given in writing a reasonable
time in which to act) request the president of the New Zealand Law Society to appoint a replacement arbitrator or an umpire who shall act in lieu of the defaulting arbitrator or as the umpire as the case may be.

(g) Time shall be of the essence under this clause.

(h) The parties agree to be bound by any decision or award completed pursuant to this clause.

(i) This provision shall survive the expiration or earlier determination of this Licence.

(j) Any referral to arbitration under this clause shall be a submission to arbitration under the Arbitration Act 1996 which Act shall, to the extent not inconsistent with anything in this clause, apply to any such submission.
SCHEDULE 3
(Special Terms and Conditions)

a. The Licensee shall only berth at the jetties for the embarking and disembarking of passengers. At all other times the Licensee shall not impede the use of the jetties by other water craft or the public.

b. The Licensee acknowledges that a River Plan is being developed by the Licensor that may affect use of council owned jetties and/or their design.

c. The Licensor, in consultation with the Licensee, reserves the right to require the Licensee to vacate any jetty so as to allow construction, modification and/or maintenance work of the jetty and surrounding area. The Licensor will give the Licensee at least 1 months notice of such works. No compensation will be paid to the Licensee relating to such action by the Licensor.

d. The maximum number of times the jetties are permitted to be used by the Licensee, which is recorded in Schedule 1 (Permitted Activity), is to be reviewed annually and, if required, an alternative maximum number mutually agreed upon.

e. The Licensee is permitted to attach a removable pontoon, which is the property of the Licensee, to the Council owned jetties at Ferrybank and Hamilton Gardens. Refer Schedule 4 for location of jetties. All maintenance of the pontoons is the responsibility and is at the cost of the Licensee. On expiration or termination of this licence the Licencee must remove the pontoons at its expense.

f. The Licensor acknowledges that there will be occasions where there are one off events where the number of trips per week may be in excess of the specified figure and that any increase resulting from these are to be mutually agreed to by both parties.
SCHEDULE 4
(Plan)
**1. Purpose of the Report**

To seek a Council decision on a temporary road closure associated with the unveiling of the new Sapper Moore-Jones Place street name sign at the end of November 2012.

**3. Executive Summary**

At the Statutory Management Committee meeting on 15\textsuperscript{th} August 2012, a decision was made to formally change the name of Marlborough Place to Sapper Moore-Jones Place.

The Governor General has been invited by Theatre of the Impossible Trust (TOTI) to officially unveil the new Sapper Moore-Jones Pl street name sign on Friday 30\textsuperscript{th} of November 2012. A temporary road closure of Marlborough Place is proposed to provide a safe viewing space for the various attendees who have been invited to this event.

**6. Recommendation/s from Management**

That the report be received.

That in accordance with the Clause 11(e), Schedule 10 of the Local Government Act 1974, Council approves the closures for vehicular traffic on Marlborough Place to facilitate the unveiling of the new street name sign ‘Sapper Moore Jones Pl’ on Friday 30 November 2012 between 10.30am and 1pm.

That in accordance with the provisions of clause 11A, Schedule 10 of the Local Government Act 1974, Council give public notice of its decisions in clause 8 above.
10. **Attachments**
   There are no attachments for this report.

11. **Key Issues**
12. Theatre of the Impossible Trust (TOTI) is a charitable trust focussed on commemorating Hamilton’s history including commissioning significant public artworks for Hamilton.
13. TOTI are organising the unveiling of the new Sapper Moore-Jones Place street name sign (replacing Marlborough Place) on Friday 30th November 2012 by the Governor General. Local VIP’s and dignitaries are to be invited to this unveiling.
14. At this stage it is unknown exactly how many people will be attending the event, but in order to ensure the safety of attendees, it is proposed to close Marlborough Place at Victoria Street.
15. The unveiling has been scheduled for 11.30am – so the closure has been advertised as starting at 10.30am to allow time for setting up of the temporary traffic management. Access will be provided to residents in the area for as long as possible, and the road will be reopened as soon as it is safe to do so after the unveiling.
17. All emergency services will be alerted to the road closure associated with this event.
18. **Strategic alignment**
19. Content of this report aligns with Council’s Access Hamilton and Social Wellbeing Strategies and is in alignment with the Hamilton Arts Agenda.
20. **Legislative requirements or legal issues**
21. Local Government Act allows for 31 days temporary road closure by Council resolution including requirements to publicly notify intent to close and Council’s decision.
22. **Environmental sustainability**
23. Not directly applicable to this report.
24. **Consultation**
25. Under the Local Government Act 1974 Schedule 10 Temporary Prohibition of Traffic Council public notice has been given of the intention to consider Marlborough Place under clause 11(e). Further public notice of any decision to close the road under this provision will be undertaken following the Council meeting.
26. **Treaty requirements/implications**
27. Not directly applicable to this report.
28. **Implementation issues**
29. Every attempt will be made to provide access for residents up until the start of the official portion of the event, and the road will be opened as soon as after the event as it is safe to do so.

30. **Financial and Resourcing Implications**
31. City Transportation staff will be used to manage the road closure.
32. Risk
33. A letter drop to affected residents in the area will be undertaken prior to the event and all efforts will be made to accommodate access needs.

Signatory

| Authoriser | Chris Allen, General Manager City Infrastructure Group |
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 27 September 2012 at 9.30 am.

PRESENT

Chairperson
Deputy Chairperson
Members

Her Worship the Mayor Ms J Hardaker
Cr G Chesterman
Cr D Bell (part only)
Cr P Bos
Cr M Forsyth
Cr M Gallagher
Cr J Gower
Cr R Hennebry
Cr D Macpherson
Cr P Mahood
Cr M Westphal
Cr E Wilson

In Attendance:

Chief Executive, General Manager City Infrastructure, General Manager City Environments, General Manager Community, General Manager Customer Relationships, General Manager Performance, General Manager Events & Economic Development, Acting General Manager Organisational Development, Chief Financial Officer, Commercial Manager, Programme Manager Policies and Bylaws, Communication Manager, Media Relations Executive and Unit Manager Strategy and Research.

Committee Advisors:
Mr A J Dick, Mr J S Quinn and Mrs S D Collins

Leave of Absence:
Councillor O’Leary

Acknowledgements

Her Worship the Mayor in declaring the meeting open, acknowledged new members of staff Richard Briggs (Chief Financial Officer) and Jacob Quinn (Democracy Team Leader), and outgoing staff members Fiona Ferrar (Finance Manager) and Suzanne Collins (Committee Advisor), noting Mrs Collins 28 year service to Council. Her Worship the Mayor acknowledged members of the public gallery including former Mayor Margaret Evans and former Councillor Mavora Hamilton.
1. **Apology**

   **Motion:** (Crs Chesterman/Hennebry)

   That the Leave of Absence for Councillor O’Leary be retrospectively received and accepted until 5 October 2012.

   The Motion was declared carried on the voices.

2. **Confirmation of Agenda**

   **Resolved:** (Her Worship the Mayor Hardaker/Cr Hennebry)

   The Council to confirm the agenda.

3. **Declarations of Interest**

   No members of the Council declared a Conflict of Interest.

4. **Public Forum**

   As per Hamilton City Council’s Standing Orders, a period of up to 30 minutes has been set aside for a public forum. No members of the public wished to address the Council.

5. **Confirmation of Minutes**

   The Council to confirm the open minutes of the Ordinary Council Meeting of 16 August 2012, and Extraordinary Council Meetings of 4 September 2012 and 11 September 2012.

   **Resolved:** (Her Worship the Mayor Hardaker/Cr Wilson)

   That the open minutes of the Ordinary Council Meeting of 16 August 2012, Extraordinary Council Meeting of 4 September 2012 and 11 September 2012, copies having been circulated, be adopted as a true and correct record.
6. **Document Execution August/September 2012**

The Council to confirm the schedule as follows:

**Tompkins Wake**

The encumbrance is to ensure that the visitor accommodation unit (approved under the Land Use Consent) and contained within Computer Freehold Register SA618/26 is not transferred or leased except in conjunction with the Anglesea Motel, 29 Liverpool Street – Lot 27 DP 10808.

The Right to Drain Water Easements (Marked B,D,E,F,G & H) were a requirement of Subdivision Resource Consent 11.2011.22432 (48/1/D213) granted on 6 July 2011 at 77 Dixon Road, Hamilton.

The Right to Convey Water Easement (Marked B,D,E,F,G,& H on LT453489) is to ensure that the said Easements are in favour of Hamilton City Council at 77 Dixon Road, Hamilton.

**Chief Executive**

Agreement for Sale and Purchase for 82 Peachgrove Road, purchaser being Ruske Developments Limited and Hamilton City Council.

Application for Transmission, allows for the Hamilton City Council to be recorded as owner on the appropriate Certificate of Titles to enable reserve classification to be registered, between Waikato District Council and Hamilton City Council.

Consent Memorandum between Horotiu Farms Limited and Fonterra Co-operative, Waikato District Council, Hamilton City Council and New Zealand Transport Agency.

**Resolved:**

(Crs Gower/Bell)

That the documents be approved.

The Meeting moved into public excluded at 9:50 am to enable Council to receive a verbal report from the Deputy Chair of the Audit and Risk Committee on the Public Excluded Minutes of the Audit and Risk Committee, 18 September 2012.
Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

Motion: (Her Worship the Mayor/Cr Westphal)

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
---|---|---
C5. Audit and Risk Committee Public Excluded Minutes - 18 September 2012 | 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 C5. to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j)

The Motion was declared carried on the voices.

The Meeting returned to being open to members of the public at 10:30 am.
7. **Auditor General's Report Update**

Her Worship the Mayor Julie Hardaker addressed the Council and brought to their attention the outcome of an Auditor General’s Office enquiry into a complaint made by former Mayor David Braithwaite against Councillors in relation to the handling of the V8 Super-car race in Hamilton. Her Worship noted that the Auditor General is satisfied that the Council has taken appropriate steps, and continues to take appropriate steps, to address the issue. Her Worship noted that the Auditor General intends not to pursue the matter any further. Her Worship thanked Councillors, noting that significant progress had been made and that this has been reflected in positive feedback from Audit NZ and the Auditor General’s Office, and that Hamilton City Council has put procedures in place that provide world-class local government systems and processes. Her Worship thanked staff and the Chief Executive for keeping to the budget, while noted recent issues associated with the Claudlands Event Centre budget.

8. **Management of Hearings Process for the Proposed District Plan**

**Resolved:** (Cr Mahood/Her Worship the Mayor Hardaker)

That:

a) the report be received,

b) two District Plan hearings panels be established and an independent hearings commissioner be appointed to chair each hearing panel,

c) panel membership, delegations relating to decision making and commissioner appointments be considered by Council at the 13 November 2012 Ordinary Council meeting, and

d) the General Manager City Environments be part of the assessment panel along with Her Worship the Mayor, Chairperson of District Plan Steering Group and Chairperson of Statutory Management Committee to recommend two commissioners for the proposed District Plan hearings and decisions.
9. **City to City MOU - Ieper (Ypres), Belgium and Hamilton**

General Manager Events and Economic Development introduced the item. Elected Members thanked Councillor Bos for his personal efforts in developing this City to City relationship.

Resolved: (Crs Mahood/Westphal)

That:

a) the report be received,

b) Hamilton City enters into a formal “Memorandum of Understanding” (MOU) between the two cities, and

c) the Mayor be authorised by Council to finalise the MOU and sign on behalf of Council.

**Minute note:** General Manager Events and Economic Development requested it be noted that line 14 be amended to read “In 2008, Councillor Bos visited Ieper as he continued to develop relationships with...”

10. **Future Proof Implementation Committee Minutes - 29 August 2012**

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

That the Minutes of the Future Proof Implementation Committee held on 29 August 2012 be received.
11. **Strategy and Policy Committee Minutes - 25 September 2012**

**Motion:** (Crs Westphal/Mahood)

That with the exception of items 6, 8 and 17, Council receive the open minutes of the meeting of the Strategy and Policy Committee held on 25 September 2012.

The Motion was declared carried on the voices.

**Motion:** (Crs Westphal/Mahood)

Smoke-free Environments – policy response (Item 6)

The Programme Manager Policies and Bylaws introduced the item and provided highlights. Councillors asked questions concerning smoke-free areas outside of restaurants and the possibility of having smoke-free sports fields and parks.

That:

a) the report be received,

b) the proposed Smoke-Free Policy (Attachment 1 of the report before the Committee), as the most appropriate mechanism for contributing to the national 2025 smoke-free vision, be adopted, and

c) Council work with the Waikato/Bay of Plenty Cancer Society of New Zealand, Midlands Health, Waikato District Health Board and Population Health to monitor the effectiveness of, and public compliance with, the policy after six months and report back to the Strategy and Policy Committee.

**Amendment:** (Crs Bell/Hennebry)

That point 4.1 (Page 3) of the Smoke-free Environments policy response include that all events run or sponsored by Hamilton City Council will be smoke-free.

The Amendment was carried on the voices.

The Motion incorporating the Amendment was then put:

**Those for the Motion:**  Her Worship the Mayor Hardaker, Councillors Bell, Chesterman, Gallagher, Gower, Hennebry, Macpherson, Mahood, Westphal and Wilson.

**Those against the Motion:**  Councillors Bos and Forsyth.

The Motion was declared carried.
Councillor Bell (11:45 am) retired from the meeting at the conclusion of the above item. She was present when the matter was voted on.

**Regional Transport Report (Item 8)**

**Resolved:** (Crs Westphal/Mahood)
That the report be received.

**Minute note:** That the minutes of the Strategy and Policy Committee of 25 September 2012 be amended to note that Councillors requested to be kept informed about the Gallagher intersection and the Cobham Drive underpass.

**Statement of Proposal – Hamilton City Speed Limit Amendment Bylaw 2011 (item 17)**
General Manager City Infrastructure introduced the item and provided highlights.

**Motion:** (Crs Westphal/Wilson)
That:

a) the report be received,

a) Council determine that the proposed Hamilton City Speed Limit Bylaw 2013 be the most appropriate form of bylaw,

b) Council determine that the proposed Hamilton City Speed Limit Bylaw 2013 does not give rise to implications under the New Zealand Bill of Rights Act 1990, and

c) Council adopt the draft Statement of Proposal, which includes the proposal to revoke the existing Hamilton City Speed Limit Amendment Bylaw 2011, a copy of the proposed Hamilton City Speed Limit Bylaw 2013 and a Summary of Information as required by the Special Consultative Procedure (sections 83 and 160 of the Local Government Act 2002), subject to adding Pukete Road from Millthorpe Crescent to Maui Street to schedule 6 (60 Kph) and updating Schedule 15 (MAP), and also adding any school frontage not covered by a 40 Kph speed limit to the appropriate Bylaw Schedule, and commence consultation.

The Motion was declared carried on the voices.

12. **Statutory Management Committee Minutes - 15 August 2012**

**Resolved:** (Crs Gower/Mahood)
That Council receive the open minutes of the meeting of the Statutory Management Committee held on 15 August 2012.
13. **Statutory Management Committee Minutes - 28 August 2012**

**Resolved:** (Crs Gower/Mahood)
That Council receive the open minutes of the meeting of the Statutory Management Committee held on 28 August 2012.

14. **Operations & Activity Performance Committee Minutes - 5 September 2012**

**Resolved:** (Crs Gallagher/Hennebry)
That with the exception of item 12, Council receive the open minutes of the meeting of the Operations & Activity Performance Committee held on 5 September 2012.

3 Waters Operations Report (Item 12)

**Motion:** (Crs Gallagher/Hennebry)

The Motion was declared carried on the voices.

**Minute note:** That Council note the update report from the General Manager City Infrastructure concerning operation and staffing issues at the waste water plant.

15. **Finance & Monitoring Committee - Minutes 12 September 2012**

**Resolved:** (Crs Macpherson/Chesterman)
That Council receive the open minutes of the meeting of the Finance and Monitoring Committee held on 12 September 2012.
16. **Audit and Risk Committee - 18 September 2012**

The Deputy Chair of the Audit and Risk Committee introduced the item and provided highlights, noting overall positive developments.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Macpherson)

**Recommendation:**
That Council receive the open minutes of the meeting of the Audit & Risk Committee held on 18 Sep 2012.

**Minute note:** The Chief Financial Officer noted an amendment to Page 67 of the Financial Statements as presented in the Agenda. The amendment was required because of a decision by Audit New Zealand that the Financial Statements needed to be altered because of a money transfer from The Waikato Foundation Trust to The Vibrant Hamilton Trust that should be treated as income. It was noted that this is only an accounting issue; an item that was treated as equity should have been treated as income.

**Minute note:** Her Worship the Mayor requested a correction to the Audit and Risk Committee Minutes point 6 (2011/2012 Annual Report) so that sentence 1 would be amended to read: “Her Worship the Mayor introduced the item and outlined the steps in the Annual Plan.”
Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

Motion: (Her Worship the Mayor/Cr Wilson)

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.

<table>
<thead>
<tr>
<th>General subject of each matter to be considered</th>
<th>Reasons for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Sale of Pensioner Housing Complexes at Ascot Road, River Road and Johnson Street</td>
<td>Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987</td>
<td>Section 48(1)(a)</td>
</tr>
<tr>
<td>C2. Update report - YMCA asset sale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3. Hamilton Riverview Hotel Board Appointment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4. Finance and Monitoring Committee Public Excluded Minutes - 12 September 2012</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Item C1.</th>
<th>Item C2.</th>
<th>Item C3.</th>
<th>Item C4.</th>
</tr>
</thead>
<tbody>
<tr>
<td>to enable Council to carry out negotiations</td>
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<td>to protect the privacy of natural persons</td>
<td>to protect the privacy of natural persons</td>
</tr>
<tr>
<td>Section 7 (2) (i)</td>
<td>Section 7 (2) (i)</td>
<td>Section 7 (2) (a)</td>
<td>Section 7 (2) (a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to enable Council to carry out commercial activities advantage</td>
<td>to enable Council to carry out commercial activities advantage</td>
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<tr>
<td></td>
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<td>Section 7 (2) (h)</td>
<td>Section 7 (2) (h)</td>
</tr>
<tr>
<td></td>
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<td>to prevent the disclosure or use of official information for improper gain or improper advantage</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Section 7 (2) (j)</td>
<td>Section 7 (2) (j)</td>
</tr>
</tbody>
</table>

The Motion was carried on the voices.

The open part of the Meeting was declared closed at 12:15 pm.
Statutory Management Committee

OPEN MINUTES

Minutes of a meeting of the Statutory Management Committee held in Council Chamber, First Floor, Council Building, Garden Place, Hamilton on Tuesday 2 October 2012 at 11.15am.

PRESENT

Chairperson       Cr J Gower
Deputy Chairperson Cr M Forsyth
Members           Cr D Bell
                 Cr R Hennebry
                 Cr M Westphal

In Attendance Planning Guidance Manager.

Theresa Le Bas and Alice Balme Tompkins Wake Lawyers
Alasdair Gray – Gray Matter Ltd

Committee Advisor Mrs S D Collins

1.  Apologies

   There were no apologies.

2.  Confirmation of Agenda

   Resolved: (Crs Forsyth/Westphal)
   That the agenda be confirmed.

3.  Declarations of Interest

   No members of the Council declared a Conflict of Interest.

4.  Public Forum

   As per Hamilton City Council’s Standing Orders, a period of up to 30 minutes has been set aside for a public forum.

   Not required.
5. **Appeal on Resource Consent conditions (Wendco NZ Ltd)**

The Chairperson welcomed those in attendance outlined the meeting procedure, and asked that the evidence be taken as read.

The Committee received the above conditions, evidence and reports from the Council’s Legal advisors, consultants and staff.

Ms Le Bas of Tompkins Wake Lawyers outlined the changes in the conditions, and answered questions from the Committee.

Mr Gray of Gray Matter Limited answered questions from the Committee regarding the changes to the conditions.

**Motion:** (Crs Forsyth/Bell)

That:

a) the report be received,

b) the Statutory Management Committee resolve to include a condition in resource consent 010.2011.62888.001 to preserve the “Right Turn In” to the site from Killarney Road in any event (and other minor amendments to consent conditions) and thereby settle the appeal to the Environment Court without the need for an Environment Court hearing.

Those for the Motion: Councillors Bell Forsyth, Westphal, Gower.

Those against the Motion: Councillor Hennebry

The Motion was declared carried.

The Meeting was declared closed at 11.40 am.

**PROPOSED REVISIONS TO FINAL DECISION TO SETTLE APPLICANT APPEAL (WITHOUT PREJUDICE):**

**RECOMMENDATION**

That pursuant to the provisions of sections 88, 95, 104 and 104B of the Resource Management Act 1991 and the Hamilton City Proposed District Plan (Operative in Part), Council grants consent to the application (being Discretionary Activity Resource Consent number 010.2011.62888.001) by Wendco (NZ) Ltd to –

- Under the Proposed District Plan (Operative in Part) establish and operate a 24hrs/7days 60 seat restaurant and drive-through service on a site in the Industrial Zone, being 10 Greenwood Street and 88 Killarney Road, titled Lot 40 DP 4968, Lot 1 DPS 5464 and Lot 1 DPS 26369, subject to the following conditions:

**General Use**

1. That the development be in general accordance with the plans and the information submitted with the application on 23 and 24 November 2011, and the glare and lighting information and plan submitted on 7 February 2012, subject to modifications by the following consent conditions.
Noise

2. Noise generated from the activity shall not exceed a noise level of 65dbA (L10) at or near as practicable to the boundary of any other site within the Industrial Zone.

Glare and lighting

3. The spill of light onto any other site shall not exceed 10 lux (vertical and horizontal) when measured at or within the boundary of any other site.

4. Artificial lighting shall not result in illumination on roads, which may dazzle or distract road users or interfere with any traffic aids or signals.

Landscaping

5. The consent holder shall undertake landscaping on the site in accordance with the landscaping plan prepared by Boffa Miskell Limited, titled “Wendy’s Restaurant – Hamilton landscape Concept Plan”, dated 27 April 2011 and revised 22 November 2011, and submitted with the application on 23 December 2011. The landscaping shall be implemented within the first planting season following the completion of works on the site and shall be maintained on continuous basis.

Construction works and Noise

6. All construction work shall be designed and conducted to ensure that construction noise does not exceed the noise limits in the following table. Sound levels shall be measured and assessed in accordance with provisions of NZS 6803:1999 Acoustics – Construction Noise.

7. During construction works on the site, the consent holder shall implement the Construction Management Plan including site management and earthworks and silt/sediment control included in the Engineering Report for the development prepared by Day Consultants Ltd and submitted with the application.

Engineering Works

8. The consent holder shall submit Engineering Design Plans detailing the car parking arrangement (including loading zones), access arrangements, water supply, wastewater and stormwater provision to the Planning Guidance Unit Manager for review by City Development Unit, prior to effecting this consent and construction commencing onsite. This plan shall be amended by the consent holder as required until stamped ‘Accepted’ by City Development Unit.

9. Prior to submitting the Engineering Plans for Acceptance, the consent holder shall arrange for an independent Stage 3 (detailed design) Road Safety Audit. The completed safety audit and decision tracking form shall be submitted with the Engineering Plans to the Manager Planning Guidance Unit. The safety audit decisions shall be assessed at the same time as the engineering plans. The safety audit will comment on the following items in addition to those items identified in ‘Road Safety Audit Procedures for Projects’ (TFM9)(November 2004):

a) Internal Queuing and manoeuvring – expected queuing vs. On-site provisions.

b) Provisions to restrict movements as detailed in conditions 10 and 12.

c) The consequences of longer vehicles using the loading bay, for example 11.5m large rigid truck impacting on swept paths for vehicle manoeuvring onsite and access to the drive-through lane.

d) Visibility of pedestrians from vehicle queuing to depart the site.

e) The screening of light from vehicles using the drive thorough from road users on Killarney Road and State Highway 1 (Greenwood Street).
10. The vehicle crossing to Killarney Road shall be laid out as shown on Clearway Consulting Ltd Plan 8176 TP Rev D KillarneyAccess 20120809a (sheets 100 and 101) (attached) and designed and constructed to limit turning movements to right in, and left in and left out only and to a desirable maximum of 7.5 metres in width to the commercial strength standard. The vehicle crossing shall be formed and sealed to the site boundary in the same material as the footpath.

11. Any removal of car parking on Killarney Road shall be in consultation with Hamilton City Council.

12. The vehicle crossing to Greenwood Street shall be designed and constructed to limit turning movements to left in and left out only to a desirable maximum of 7.5 metres in width to the commercial strength standard. The vehicle crossing shall be formed and sealed to the site boundary in the same material as the footpath.

13. The accesses, all vehicle manoeuvring areas and parking spaces shall be formed, drained and sealed, and thereafter maintained, in a permanent dust-free all-weather surface such as concrete, cobblestones, chip seal or asphalt.

14. Provision shall be made on site for a minimum of 32 spaces for parking (Including accessible parking).

15. Provision shall be made on site for a minimum of 2 spaces for accessible needs parking. These shall have a minimum width of 3.5 metres and length of 5.1 metres.

16. A loading bay shall be provided, with manoeuvring areas, sufficient to accommodate those vehicles which will normally visit the site and that are adequate for the volume of goods involved.

17. Provision shall be made on-site for a minimum of 5 cycle parking spaces.

18. Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121 requirements. Spaces are to be appropriately identified by numbering or other means. Markings shall be regular maintained.

19. The development shall be provided with a means of wastewater disposal, stormwater disposal and water supply.

20. All the above being in accordance with the Hamilton City Development Manual (available from the internet at www.hcc.govt.nz).

21. Three months after the first occupation of the building, the consent holder shall arrange for a Stage 4 (post construction) Road Safety Audit to be undertaken by a suitably qualified and experienced person. The safety audit shall address the turning movements at the vehicle entrances and egresses to the site and the general relationship of the site on the roading network. The consent holder shall undertake any recommendations and further mitigation works identified by the safety audit within 3 months of the safety audit. A further Stage 4 Road Safety audit shall be undertaken 12 months after the first audit is completed and any further works required as a result of the safety audit shall be completed within three months. The safety audit will comment on the following items in addition to those items identified in ‘Road Safety Audit Procedures for Projects’ (TFM9)(November 2004):

a) The safety performance of the Killarney Road access.

b) The safety Performance of the Greenwood Street access.

c) The performance of the intersection of Killarney Road with Killarney Lane.

d) On street parking adversely affecting safe access to the site.
e) Any downstream effects, for example u-turn manoeuvres on Greenwood Street and Killarney Road.

f) Options for mitigating any adverse effects that are more than minor, such as traffic islands, signage or road markings, but excluding any changes to the Killarney Street access and egress arrangements authorised by condition 10.

g) Drive-through queue lengths and operation, as they affect the safe operation of the road network.

22. The consent holder shall submit copies of the safety audits to the Planning Guidance Unit for review by the City Development Unit in consultation with the NZTA. The consent holder shall submit Engineering Design Plans detailing any on-site mitigation works required as a result of the safety audits to the Planning Guidance Unit for review by City Development Unit in consultation with the NZTA, prior to any construction of those mitigation works commencing onsite. These plans shall be amended by the applicant as required until stamped ‘Accepted’ by City Development Unit.

23. Occupation and operation of the building shall not commence until access arrangements have been finalised and are fully operational to the satisfaction of the General Manager City Infrastructure.

Environmental Health

24. Any significant contamination associated with previously identified sources that is detected by visual or olfactory means in exposed soils during the redevelopment activities is to be reported to Council’s Environmental Health Manager. Work is to cease immediately and is not to resume until the completion of (a) and (b) below:

   a) Soil sampling and chemical analysis shall be carried out on the remaining soil in place in accordance with the Ministry for the Environment Contaminated Land Management Guideline No. 5 – Site Investigation and Analysis of Soils (Revised 2011).

   b) A Site Validation Report shall be provided to Council’s Environmental Health Manager in accordance with Ministry for the Environment Guidelines No.1 – Reporting on Contaminated Sites in New Zealand (Revised 2011) and No. 2 - Hierarchy and Application of Environmental Guidelines (Revised 2011).

Review Condition

25. That the Hamilton City Council will give notice pursuant to Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent within six months after each anniversary of commencement of the consent, for a period of up to three years.

   • To review the effectiveness of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment particularly with respect to parking, refuse and noise effects of the activity and if necessary to avoid, remedy or mitigate such effects by way of further amended conditions.

   • To address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or

   • If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the activity.
INFORMATION

Advisory Notes

- That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.
- If this property is on-sold, please ensure that a copy of this resource consent is forwarded to the new landowner(s).
- **This is not a Building Consent.** A Building Consent will be required before giving effect to this Resource Consent. Please contact Council’s Building Unit on 838 6677 for information on Building Consent matters.
- Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis.
- Sec. 35 of the Act requires Council to monitor your consent and this process may involve site visits. Should Council discover any non-compliance with your resource consent appropriate enforcement action may follow.
- This resource consent lapses five [5] years after the date of this decision letter *unless* the activity has been established and is in full compliance with all conditions of this consent.
- Development Contributions, based upon the details of this application, have been initially estimated at $16,948.96 (Inc GST). Council reserves the right to re-calculate this estimate taking into account any increase or reduction in demand created by this consent after this initial estimate [for example an increase or decrease in residential lots or gross floor area]. *Development Contributions are not a condition of resource consent and are not subject to any rights of appeal within the RMA 1991.*
- Development contributions may be imposed by Council on any resource consent, building consent, or application for service connection. The calculation is in accordance with the Development and Financial Contributions Policy [DC Policy] applicable on the date of granting this consent that must be read in conjunction with this advisory note [You may request a pdf copy that will be supplied by return email free of charge or download a copy from www.hamilton.co.nz.]
- In accordance with the DC Policy Council will, on the 1st July following the date of granting consent and annually thereafter until payment has been received, adjust the estimated charge using the Producers Price Index (Output)-construction (P.P.I.) as applicable.
- **Special Assessment & Remission:** In exceptional circumstances a special assessment or remission may be considered. Any application together with supporting evidence must be received by the Planning Guidance Unit within 15 working days of the date of this consent. See the DC Policy for further details.
- **Non-Payment:** Should payment not be received when invoiced, Council may exercise its right in accordance with sec. 208 of the Local Government Act 2002 to (i) prevent the commencement of resource consent (ii) withhold a service connection (iii) withhold a sec. 224 (c) certificate (iv) withhold a code compliance certificate (v) and in each case register the charge on the land title in accordance with the Statutory Land Charges Registration Act 1928.
- The off-site disposal of any contaminated soil may qualify as a discharge of contaminants under the Waikato Regional Plan and therefore the applicant is advised to contact Waikato Regional Council to establish if the disposal/removal activity requires Resource consent.
• The onus rests with the consent holder to demonstrate that completed works meet Council requirements and accepted engineering standards. Therefore, developers should employ suitably qualified and experienced contractors and maintain records of the quality control process.

• All GST requirements with regard to the transferring of assets to Council (e.g. reserves, roads, water, wastewater and stormwater infrastructure) being complied with by completion of the Hamilton City Council form titled, GST Requirement/Asset Register and Tax Invoice. These shall be submitted to City Development Unit at the completion of works.

• This development will require a water meter. Where a water meter is not already installed, a complete backflow survey of the development will be required to be undertaken by a suitably qualified and experienced person prior to application for a new water meter. The survey will determine whether backflow devices are required and where. All backflow devices will be the responsibility of the building owner to maintain and calibrate. An application for a water meter will need to be submitted to the City Waters Unit enclosing a copy of the backflow assessment.

• An application for trade waste consent will need to be submitted in relation to this development and processing completed prior to opening and operation of the facility.

• All operations affecting in-service Hamilton City Council water, wastewater or stormwater pipelines are to be carried out by Hamilton City Council staff (City Delivery Unit) unless specific approval is given as outlined in the Hamilton City Development Manual (Volume 1, section 2.3.12.)

• Council encourages the consent holder to look at alternative modes of transport available and then to advise customers and staff about public transport routes, stops, cycling facilities and other alternatives to private motor vehicle transport. This could lessen the impact of the retail developments on the wider roading network. To assist you in this matter contact Councils City Development Unit Sustainable Travel Team (07) 958 5976.
Event Sponsorship Subcommittee

OPEN MINUTES

Minutes of a meeting of the Event Sponsorship Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Monday 8 October 2012 at 11:30 am.

PRESENT

Chairperson
Cr A O’Leary

Members
Cr P Bos
Her Worship the Mayor Ms J Hardaker
Cr P Mahood
Ms S Peek

Quorum: A majority of members (including vacancies)

Meeting Frequency: Quarterly

Committee Advisor: Mr J S Quinn

1. Apologies

There were no apologies.

2. Confirmation of Agenda

Resolved: (Crs O’Leary/Bos)

The Subcommittee to confirm the agenda.
Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

Motion: (Crs O’Leary/Mahood)

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, with the exception of Karen Watkins, Sandy Turner and Craig Hobbs of the Hamilton Christmas Parade Trust to enable them to present a verbal report to the Subcommittee.

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.

<table>
<thead>
<tr>
<th>General subject of each matter to be considered</th>
<th>Reasons for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1 Waikato Regional Volleyball Association application for Hamilton Open Pro-Beach Volleyball Tournament 2013</td>
<td>to enable Council to carry out negotiations.</td>
<td>Section 7 (2) (i)</td>
</tr>
<tr>
<td>C2 Visit by the Hamilton Christmas Parade Trust to discuss funding – confirmed for 12pm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3 General Business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. International Rodeo / SAFE official information request</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Weetbix Kids TRYathlon</td>
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</tr>
</tbody>
</table>

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, C2 & C3 to enable Council to carry out negotiations. Section 7 (2) (i)

The Motion was declared carried on the voices.
Minutes of a meeting of the Statutory Management Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Monday 15 October 2012 at 9:00 am.

PRESENT

Chairperson: Cr J Gower
Deputy Chairperson: Cr M Forsyth
Member: Cr D Bell

In Attendance: Animal Control Manager

Committee Advisor: Mr A J Dick

1. **Apologies**

   There were no apologies.

2. **Confirmation of Agenda**

   The Council to confirm the agenda

   **Resolved:** (Crs Bell/Forsyth)

   That the agenda be confirmed

3. **Declarations of Interest**

   No members of the Council declared a Conflict of Interest.
4. **Objection by Douglas Bartlett to the Classification of Prince as Menacing**

The Committee to consider a report from the General Manager City Environments concerning the above.

The Chairperson welcomed Mr Doug Bartlett to the meeting and outlined the meeting procedure.

The Animal Education and Control Manager presented the report and outlined its purpose and recommendations.

Mr Bartlett questioned the Hamilton City Council identification check list and provided evidence that the dog ‘Prince’ maybe a staffy-cross.

Both the Animal Education Control Manager and Mr Bartlett responded to questions from the Committee.

**Motion:** (Crs Forsyth/Bell)

That the item be adjourned until a further identification checklist is undertaken utilising the Hamilton City Council identification template, noting that different animal control staff are to complete this checklist.

**Minute note:**

That the Animal Control Manager write to the SPCA national body and Te Awamutu branch expressing its concerns with identifying the breed type of dogs under the age of 12 months.

5. **Objection to Classification as a Probationary Owner by Cindy Bridson**

The Committee to consider a report from the General Manager City Environments concerning the above.

The Chairperson welcomed Ms Cindy Bridson to the meeting and outlined the meeting procedure.

The Animal Education and Control Manager presented the report and outlined its purpose and recommendations.

Both the Animal Education Control Manager and Ms Bridson responded to questions from the Committee.

**Motion:** (Crs Bell/Forsyth)

That:

a) the report be received, and

b) Cindy Bridson’s (previously Schofield) classification as a Probationary Dog Owner for 24 months is modified to 18 months from 22 March 2012.

**Meeting was declared closed at 11.05am**
Operations & Activity Performance Committee

OPEN MINUTES

Minutes of a meeting of the Operations & Activity Performance Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Wednesday 17 October 2012 at 9.30am.

PRESENT

Chairperson
Cr M Gallagher

Deputy Chairperson
Cr A O’Leary (part only)

Members
Her Worship the Mayor Ms J Hardaker (part only)
Cr D Bell (part only)
Cr P Bos
Cr G Chesterman (part only)
Cr M Forsyth
Cr J Gower (part only)
Cr R Hennebry
Cr D Macpherson
Cr P Mahood
Cr M Westphal (part only)
Cr E Wilson

In Attendance:
Chief Executive, General Manager Community, General Manager City Infrastructure, General Manager Performance, General Manager Customer Relationships, General Manager Events and Economic Development, General Manager Organisational Development, Unit Manager Strategy and Research, Programme Manager Strategy and Relationship Management, Strategic Advisor Strategy & Research, Project Manager, Parks and Open Spaces Manager, Hamilton Gardens Manager, City Safe Unit Manager, City Safe Operations Manager, Animal Education and Control Manager, Operations Manager Parks and Open Spaces, Reserves Planner Parks and Open Spaces, Media Relations Executive and Organisational Development Business Improvement Manager.

Brett Morris – Marketing Manager, Ultrafast Fibre Ltd
Sarah Nathan – Chief Executive, Creative Waikato

Committee Advisor: Mr J S Quinn
1. **Apologies**

   **Resolved:** (Crs Gallagher/Gower)

   That the apology for lateness from Councillor O’Leary be received and accepted.

2. **Confirmation of Agenda**

   **Resolved:** (Crs Gallagher/Gower)

   That the agenda be confirmed, noting that item Public Art Update be heard at the conclusion of the Public Forum and that the items General Managers Report, Digital Hamilton Update, and Creative Waikato Update on Organisation then be heard, followed by the remaining items.

3. **Declarations of Interest**

   Councillor Forsyth declared a conflict of interest in relation to the item Lease Applications Report.

   Councillors Westphal and Bell (9:35 am) joined the meeting during the above item.

4. **Public Forum**

   As per Hamilton City Council’s Standing Orders, a period of up to 30 minutes has been set aside for a public forum.

   **Maxine Hodgson and Roger Loveless – Council of Elders**

   Mr Roger Loveless spoke about the disability lift into Council buildings noting that issues remain for those in wheelchairs seeking access.

   Ms Hodgson spoke about celebrating public art in Hamilton and the link between public art and social wellbeing. Referring to Hamilton’s 1986 Peace Wall, she expressed concern that it was still in storage in garden place and called for action from Council in restoring it as a public exhibit.

   Mr Loveless and Ms Hodgson responded to questions from the Committee concerning disability facilities, consultation and additional staffing.

   **Mavora Hamilton, Richard Stowers, Hamish Keith and Margaret Evans - Theatre of the Impossible (TOTI)**

   Ms Hamilton sent apologies from TOTI Chair Dr Bill McArthur and Campbell Smith.

   Mr Stowers (WWI Historian) spoke of Gallipoli and the loss of New Zealand lives, the spirit of mateship, the growing significance of commemorating WWI among young people, and provided a biography of Sapper Horace Moore-Jones. Speaking in support of the public art project commemorating Moore-Jones being considered by the Committee, Mr Stowers noted that as 2015 is the centenary of the Gallipoli campaign it would be timely for Hamilton to mark the achievements of a significant Hamiltonian WWI veteran, who was also celebrated for his heroism in saving lives in an infamous hotel fire in Hamilton.

   Mr Keith (artist, author, art historian) spoke in support of the public art project commemorating Moore-Jones being considered by the Committee, noting that the “hero” Moore-Jones was himself an artist. Mr Keith spoke of the significance of public art and the location of public art works. Mr
Keith spoke to a picture that was distributed to Committee Members of the “Chicago Heads”, a series of bust statues, drawing comparison to possible future public art works in Hamilton. Members of the TOTI Trust responded to questions from the Committee concerning logistics, deadlines and location related to the proposed public art project commemorating Moore-Jones.

5. **Public Art Update**

Programme Manager Strategy and Relationship Management introduced the item and responded to questions from Committee Members concerning:

- the location of the Moore-Jones public art project, and
- the possibility of associated public safety and parking impacts.

Programme Manager reassured Committee Members in respect of safety issues, noting that Council transport staff had been consulted on the project and were comfortable with the median strip as the location.

**Motion:** (Her Worship the Mayor/Cr Hennebry)

That:

a) the report be received, and

b) Council endorse the Public Art Panel’s recommendation for a public art project commemorating Sapper Horace Moore-Jones to be located on the median strip at the Victoria Street / Marlborough Place intersection, without any net loss of existing car-parking. Council staff are to work with the Theatre of the Impossible Trust to ensure that the art design does not negatively impact public safety.

*The motion was declared carried on the voices.*

**Motion:** (Crs Gallagher/O’Leary)

That:

a) Council support the change to Council’s Public Art Development Process so that going forward Stage Two is reported to the Operations and Activity Committee instead of the Creative Communities Working Group, and

b) the appointment of a new Public Art Panel member is reported back to the Operations and Activity Committee.

*The motion was declared carried on the voices.*

**Motion:** (Crs Wilson/Westphal)

That staff report back to the Operations and Activity Performance Committee on a possible broader programme to appropriately commemorate the 100 year anniversary of World War 1, the 2013-2018 period.

*The motion was declared carried on the voices.*

Councillor O’Leary (10:20 am) joined the meeting during the above item and was present when the matter was voted on.
6. **General Managers Report**

General Manager Community introduced the item and responded to questions from Committee Members concerning Hamilton/Waikato related sporting trends.

The Chair, on behalf of Council, acknowledged the outstanding work of the late Alan Turner of the Waikato District Council in relation to the development of walkways and reserves in the central Waikato area. The Chair had recently represented Council at a special opening of a memorial grove at Lake Rotokauri.

Resolved: (Crs Chesterman/Hennebry) That the report be received.

7. **Digital Hamilton Update**

Programme Manager Strategy and Relationship Management, Project Manager, and Marketing Manager, Ultrafast Fibre Ltd introduced the item and responded to questions from Committee Members concerning:

- cost and coverage area of the ultrafast network,
- impact of Ultra Fast Fibre on the Hamilton Online WiFi system, and
- options for future expansion of the network.

Resolved: (Crs Gallagher/O'Leary) That the report be received.

8. **Creative Waikato Update on Organisation**

Organisational Development Business Improvement Manager provided apologies for Creative Waikato Chair, Chris Williams. Creative Waikato Chief Executive, Sarah Nathan, provided an update to the Committee on the recent merger and appointments.

Ms Nathan responded to questions from Committee Members concerning:

- composition of the new board,
- new office location at Alexandra Street,
- relationship with Waikato Society of Arts, and
- arts and culture grants.

Resolved: (Crs Bell/Mahood) That the report be received.
9. **Lease Applications Report**

Parks and Open Spaces Manager and Land Management Officer introduced the item. Committee Members favoured an equitable approach to lease rollovers. Staff noted that a twelve month rollover would be acceptable to clubs.

Parks and Open Spaces Manager and Land Management Officer responded to questions from Committee Members concerning:

- the wide variety of lease terms, and
- an update of the policy review process.

**Motion:** (Her Worship the Mayor Hardaker/Cr Macpherson)

That:

a) the report be received, and

b) the leases for;

i. Nga Tai Whakarongo Whanau Hoe Waka Inc (NTW), Te Toki Voyaging Trust (TVT), Waikato Dragon Boat and Waka Ama Association (WDBA) – Licence to Occupy for each organisation for use of the boat storage area at Hamilton Lake Domain;

ii. Hamilton City Netball Centre Inc (HCN) – Lease of their building site situated adjacent to the netball courts at Minogue Park;

iii. Melville Association Football Club Inc (MAFC) – Lease of the site of their clubrooms building and a Licence to Occupy for free standing terraced seating at Gower Park;

iv. NTW – Lease of the site of their storage building at Roose Commerce Park; and

v. Waikato Hockey Charitable Trust (WHCT) – Lease of part of Council’s changing facilities adjacent to the hockey facilities at Innes Common,

be rolled over for twelve months, subject to the following clause being inserted into the lease agreements: *The Lessee acknowledging and accepting that the Lessor may at any time, without compensation, require part of the leased area. In the event the Lessor requires the said land, the Lessee shall be given not less than six months in writing.*

**The motion was declared carried on the voices.**

Having declared a conflict of interest, Councillor Forsyth did not participate in or vote on the above item.

Councillors Bell (11:45 am) and Gower (11:45 am) retired from the meeting during the above item and were not present when the matter was voted on.

Hamilton Gardens Manager introduced the item. He, and the General Manager Community, responded to questions from Committee Members concerning:

- recruitment of a business development manager,
- potential for vandalism at the Gardens,
- revenue generation from the Garden’s nursery,
- strategic planning and timeframes,
- project completion dates, and
- website, smart-phone and Hamilton Online integration.

Committee Members congratulated the staff involved in winning a number of awards over the past twelve months.

**Resolved:** (Crs Gallagher/O’Leary)
That the report be received.

11. **Animal Education and Control, Eight-monthly report - January to August 2012**

City Safe Unit Manager and the Animal Education and Control Manager introduced the item noting an 5-6% increase in the percentage of registered dogs in Hamilton over the last 4-5 years.

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

a) the report be received, and

b) the Chief Executive is to refer investigation into shared animal control services in the Waikato to Local Authority Shared Services (LASS) for consideration and report back on the viability of this to the Operations and Activity Performance Committee by 30 March 2013.

12. **Public Safety and Environmental Health, Eight-Monthly - January to August 2012**

Committee Members noted the recent success in noise control complaint handling rates as an example of exceptional service provided to the city.

**Resolved:** (Crs Macpherson/Mahood)
That the report be received.

Councillor Bell (12:27 pm) returned to the meeting during the above item and was present when the matter was voted on.

City Safe Unit Manager and City Safe Operations Manager responded to questions from Committee Members concerning:

- funding and grants received,
- Garden Place security issues, and
- trespass notices and littering.

Committee Members asked staff to report back to the Committee on the issue of trespass notices at the Hamilton Transport Centre.

Resolved: (Crs O'Leary/Bell)
That the report be received.

14. Amenity Parks, Natural Areas and Streetscapes Activity Report

Parks and Open Spaces Manager introduced the item. She, and the General Manager Community, responded to questions from Committee Members concerning:

- slips on the Waikato river bank,
- Hazards risk register, and
- Risk assessment report.

Staff noted that a report back on the Bryce Street slip would be presented to Council by the end of 2012.

Resolved: (Crs Gallagher/Bos)
That the report be received.

Her Worship the Mayor Hardaker (12:35 pm) retired from the meeting during the above item and was not present when the matter was voted on.

15. Cemeteries Management Plan

Resolved: (Crs Bell/O'Leary)
That the report be received.

Councillor Chesterman (12:40 pm) retired from the meeting during the above item and was not present when the matter was voted on.
16. Pascoes Building - compliance with resource consents & carparking concerns

General Manager Community responded to questions from Committee Members concerning resource consent complaints, compliance and testing and undertook to report back in the next General Manager’s Report on the process for monitoring compliance of resource consents.

Resolved: (Crs Bos/Forsyth)
That the report be received.

17. Building Control Unit Report - April to August 2012

Committee Members sought an update from staff on the earthquake prone buildings issue. The Chief Executive noted that there were no updates since his last report to the Committee on the issue.

Resolved: (Crs Gallagher/Bos)
That the report be received.
18. Resolution to Exclude the Public

Resolved: (Crs Westphal/Hennebry)

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:

<table>
<thead>
<tr>
<th>General subject of each matter to be considered</th>
<th>Reasons for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Public Art Update</td>
<td>Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987</td>
<td>Section 48(1)(a)</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Item C1.</th>
<th>To prevent the disclosure or use of official information for improper gain or improper advantage.</th>
<th>Section 7 (2) (j)</th>
</tr>
</thead>
</table>
Finance and Monitoring Committee

OPEN MINUTES

Minutes of a meeting of the Finance and Monitoring Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Tuesday 23 October 2012 at 9.30 am.

PRESENT

Chairperson  Cr D Macpherson
Deputy Chairperson  Cr G Chesterman
Members  Her Worship the Mayor Ms J Hardaker
          Cr D Bell
          Cr P Bos
          Cr M Forsyth
          Cr M Gallagher
          Cr J Gower
          Cr R Hennebry
          Cr P Mahood (part only)
          Cr A O’Leary (part only)
          Cr M Westphal (part only)

In Attendance  Chief Executive, General Manager Events and Economic Development, General Manager City Infrastructure, General Manager Performance, General Manager Organisational Development, Chief Financial Officer, Chief Information Officer, Transportation Manager, City Waters Manager, City Development Manager, Project Development Manager, Commercial Manager, Group Accountants (x4), Communication Executive, Solutions Delivery Manager, Procurement Manager, Project Manager (Property), and Democracy Manager

          Anuradha Fitzwalter – NZTA Transport Planning Manager
          Martin Lynch – Martin Lynch Consultants Ltd

Committee Advisor  Ms R E Brooke
1. Apologies

Resolved: (Crs Macpherson/Westphal)

That the apology from Councillor Wilson be received and accepted.

Resolved: (Crs Macpherson/Gower)

That the apology from Councillor Mahood (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs Macpherson/Gower)

The Committee to confirm the agenda noting that the Wastewater Treatment Plant Co Generation Plant Update will be taken after the Financial Report and the Citygate Plaza Construction and Contract Report will be taken after the Project Phoenix Update Report.

The Democracy Manager outlined the technical issues which had occurred on the production of the Finance and Monitoring Committee Agenda. These are currently being reviewed.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Not required.

5. Event Sponsorship Subcommittee Minutes - 23 August 2012

Resolved: (Crs Hennebry/O'Leary)

That the Minutes of the Event Sponsorship Subcommittee held on 23 August 2012 be received.

6. Event Sponsorship Subcommittee Minutes - 19 September 2012

Resolved: (Crs Hennebry/O'Leary)

That the Minutes of the Event Sponsorship Subcommittee held on the 19 September 2012 be received.

7. Recommended dates for reports to be presented to Finance and Monitoring Committee

Resolved: (Crs Macpherson/Bell)

That the report be received.
8. **Key Projects Monitoring Report - August and September 2012**

General Manager City Infrastructure and NZTA Transport Planning Manager introduced the item, noting that this report presented an opportunity for the Committee to identify any issues around the revocation and declaration of NZTA roads, and responded to questions from the Committee Members concerning:

- revocation of NZTA roads and the quality and safety of such roads,
- the possibility of Council having to spend money on the roads to bring them up to standard,
- expectations that roads undergoing revocation would be up to standard/fit for purpose before handover,
- clarification of timeframes for Council to respond to NZTA and the Ministry of Transport, and
- update on status of key project budgets.

General Manager City Infrastructure clarified NZTA are not looking for a decision on whether the revocations/declarations will go ahead (as this is the Ministry of Transports decision) but rather to seek advice from Committee Members of any other matters it wishes NZTA to take into account prior to it making its recommendations to the Ministry of Transport. NZTA will take into account Committee Members points that roads be up to standard prior to revocation.

Secondly, any works to be undertaken by Council subsequent to a revocation would be on a maintenance and upkeep basis and would not include any upgrades or capital works.

**Motion:** *(Crs Macpherson/Chesterman)*

That:

a) the report be received,

b) staff and NZTA present their plans for upgrading Te Rapa Rd, including the revocation of its State Highway status to the next Finance and Monitoring Committee Meeting, including identifying any costs to Council,

c) in addition to the issues identified by staff, Council advise of any other matters it wishes NZTA to take into account prior to it making a recommendation to the Ministry of Transport to revoke the state highway status of parts of Avalon Drive and Te Rapa Road and to declare Te Kowhai Road as a state highway as set out in this report, and

d) Council agrees to allow NZTA to undertake minor improvements on the section of Te Kowhai Road between Exelby Road and Koura Drive, to the central interchange, in advance of the formal state highway declaration provided this is all undertaken at the cost of NZTA and in consultation with HCC staff and affected residents and owners.

*The Motion was declared carried on the voices.*
9. **Financial Report as at 31 August 2012**

Chief Financial Officer introduced the item and responded to questions from the Committee Members concerning:

- styling and formatting of the new report,
- concerns around inconsistency of notes not being/beeing included for reported variances and the level of detail of the notes.
- clarification on where carryovers will show in the report and that the report needs to be transparent and logical.

General Manager Performance clarified that the new combined financial/non financial report would come into affect for the next Finance and Monitoring Committee meeting.

Chief Financial Officer agreed to look into the level of detail included for variances and make improvements where necessary.

**Resolved:** (Crs Macpherson/Bos)

That the report be received.

10. **Wastewater Treatment Plant Co Generation Plant Update**

Manager City Waters and Martin Lynch of Martin Lynch Consultants Ltd introduced the item noting that projected energy savings have been achieved (exceeding expectations) and responded to questions from Committee Members concerning:

- where and how projected figures reported were obtained and their accuracy,
- clarification around which engine/s were being reported on,
- benefits of new business proposal and how it differs from the status quo. Possible risks of entering into a contract,
- capability of excess energy being produced and the ability to on sell, and
- accuracy of the figures,

Staff to report back to the Finance and Monitoring Committee to provide further information around the proposal once it is known.

**Resolved:** (Crs Chesterman/Macpherson)

That the report be received.
11. **Project Phoenix Update Report**

General Manager Organisational Development and Chief Information Officer introduced the item and responded to questions from Committee Members concerning:

- areas of high risk,
- opportunities for software/programmes developed by HCC that could be on-sold, and
- reporting of Project Phoenix as a key project.

It is noted that Committee Members would like to thank staff, and were impressed by the Project Phoenix showcase.

General Manager Organisational Development noted that staff are cautiously exploring opportunities for developing and sharing software.

**Motion:**  
(Her Worship the Mayor Hardaker/Cr Forsyth)

That:

a) the report be received,

b) the Information Services and Phoenix Programmes be managed as a single programme of work,

c) the full Information Services programme of work, incorporating those projects formally encapsulated within Phoenix be monitored and reported to Council, through the existing oversight and control mechanisms of regular reporting to the Finance and Monitoring Committee, Major Project Reporting, Risk Framework, Audit Programme and Business Case process, and

d) the asset management IT project be reported to Finance and Monitoring Committee as a Key Project.

The motion was declared carried on the voices.
12. **Citygate Plaza Construction and Contract Report**

Project Manager introduced the item and responded to questions from Committee Members concerning:

- the design of certain features not being optimum,
- integration of the Citygate/Downtown Plaza intersection, and where costs will lie to upgrade the intersection in particular footpath treatments,
- safety issues particularly around the cameras, and
- dates/deadlines for which decisions have to be made.

Project Manager and General Manager Performance will investigate design comments, liaise with City Safe staff regarding camera/security issues, and CCS regarding disability access, and will come back to the Chief Executive with possible options.

It was noted that some of the issues raised during the discussion of the item will be discussed at the next workshop on the Anglesea St/Ward St intersection.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Forsyth)

That:

a) the report be received,

b) the CEO is delegated to formally engage by direct appointment contract Hawkins Construction Ltd (the main Contractor for the Citygate development) for the Plaza construction up to a maximum of $618,500 (being Hawkins’ cost estimate of $541,000 and project contingency and reserve of $77,500), and

c) all costs for the Citygate Plaza construction (after taking into account the $50,000 public art contribution from McConnell Properties and Wintec) is funded from the Domain Endowment Fund up to a maximum of $649,000.
13. **Ring Road Update**

General Manager City Infrastructure introduced the item and responded to questions from Committee Members concerning:

- risk management, visibility and communication of the project, and
- public safety concerns.

City Development Manager advised more work is planned to go ahead around safety awareness with Schools in the vicinity of the Ruakura Road intersection, that staff are committed to complying with consent conditions around noise levels and keeping the residents informed of the works.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Forsyth)

That the report be received.

Councillor O’Leary (11.55am) retired from the meeting during the above item and was not present when the matter was voted on.
14. **Sewage Sludge Vermicomposting Proposal**

City Waters Manager introduced the item and responded to questions from the Committee Members concerning:

- government turning down the application for funding,
- benefits and associated cost savings, and
- risks associated with signing the contract and right of renewal clauses.

City Waters Manager confirmed staff will continue applying for funding.

It was noted that the proposed method of sludge disposal will deliver a better disposal rate, in time will deliver cost savings. Committee Members noted that this initiative is something to be celebrated as it will position HCC as a leader in this area.

**Resolved:** (Cr Bell/Her Worship the Mayor Hardaker)

That:

- a) the report is received,
- b) the Chief Executive is delegated to enter into a Contract with NOKE Ltd for the disposal of waste water sludge from the Pukete Waste Water Treatment Plant for a period of 3 years commencing 1 February 2013 with a 3 year right of renewal at Council’s discretion,
- c) an Approved Contract Sum of $2,025,000 for the NOKE contract is approved for the initial 3 year period to 1 February 2016 noting that this is a measure and value contract. Further Council approval will be sought prior to extending the term of the contract to 1 February 2019, along with any consequent increase to the Approved Contract Sum,
- d) the Chief Executive is delegated to vary Contract 0663 (Collection and Disposal of Biosolids) with Transpacific Industries Group New Zealand Ltd to reflect the new contract with NOKE Ltd and to allow for the transportation only of waste water sludge to Tokoroa all as set out in this report, including extending the contract term from 30 June 2017 to 1 February 2019, and
- e) the Approved Contract Sum of $7,200,000 for Contract 0663 be extended to $8,769,000 which includes $1,569,000 for the period from 1 February 2013 to 1 February 2016,

Councillor O’Leary (12.05pm) rejoined the meeting during the above item and was present when the matter was voted on.
15. **Local Government Funding Agency - Recommendation to Council**

Commercial Manager introduced the item and responded to questions from the Committee Members concerning:

- salaries, and
- configuration of staff structure.

**Motion:** (Crs Macpherson/Westphal)

That:

a) the report be received,

b) the committee recommend to Council that the CE be given delegated authority to give effect to all contractual arrangements necessary to sell down up to 15% of Council’s current LGFA shareholding to new shareholders, and

c) sale proceeds be applied to City debt.

Councillor Mahood (12.20pm) joined the meeting during the above item and was present when the matter was voted on.

The Motion was declared and carried on the voices as a recommendation to Council.
16. **Vibrant Hamilton Trust - draft Statement of Intent 2013**

Democracy Manager introduced the item and responded to questions from the Committee Members concerning:

- administration support for the Trust, and
- how the Trust will function.

**Resolved:** (Crs Macpherson/Westphal)

That:

a) the report be received,

b) the draft Statement of Intent for the Vibrant Hamilton Trust the period to 30 June 2013 be received, and

c) Council provide any feedback on the Statement of Intent to the Vibrant Hamilton Trust by 1 November 2012.

Councillors O’Leary and Westphal retired from the meeting at the conclusion of the above item. They were present when the above matter was voted on.

The Committee adjourned (12:30pm – 1:10pm) for lunch.

17. **Local Authority Shared Services Ltd annual report for year ended 30 June 2012**

Chief Executive introduced the item and responded to questions from the Committee Members concerning LASS lack of momentum.

Chief Executive noted that LASS are currently working on a few key projects and as a result will gain some momentum.

**Resolved:** (Crs Macpherson/Gower)

That the report be received.

Councillor O’Leary (1:15pm) rejoined the meeting during the above item and was present when the matter was voted on.
18. **Procurement Report**

Procurement Manager introduced the item and responded to questions from the Committee Members concerning overall quantum and other costs reported.

Procurement Manager outlined that overall spend is very similar to what it has been in previous years.

**Resolved:** (Crs Gower/Bos)
That the report be received.

19. **Weather Tight Claims - Special Update Report**

General Manager Performance introduced the item and responded to questions from the Committee Members concerning:

- possible implications of the Supreme Court ruling,
- potential claims as a result, and
- financial implications.

General Manager Performance noted that it may be few months before staff will know if there will be any significant implications for Council as a result of the ruling. Further advice or information obtained will be reported to the Finance and Monitoring Committee in November.

**Resolved:** (Crs Macpherson/Mahood)
That the report be received.

20. **Waikato Rugby Union - Loan Agreement with Council**

General Manager Events and Economic Development introduced the item and responded to questions from the Committee Members concerning:

- advantages and disadvantages of the WRU making early repayments, and
- possibility of being in similar situations in the future.

**Resolved:** (Crs Bos/Chesterman)
That:

a) the report be received,

b) Council notes that the early repayment in full of the outstanding loan principle from the WRU will be accepted under the terms of the Loan Agreement, and

c) Council approves the waiver of the early loan repayment break fees otherwise permissible under the terms of the loan agreement.
21. **Resolution to Exclude the Public**

Resolved: (Crs Macpherson/Gower)

**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.

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<td>C1. Event Sponsorship Subcommittee Public Excluded Minutes - 23 August 2012</td>
<td>Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987</td>
<td>Section 48(1)(a)</td>
</tr>
<tr>
<td>C2. Event Sponsorship Subcommittee Public Excluded Minutes - 19 September 2012</td>
<td></td>
<td></td>
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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:

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<th>Reason</th>
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<td>C1.</td>
<td>to enable Council to carry out commercial activities advantage to enable Council to carry out negotiations</td>
<td>Section 7 (2) (h) Section 7 (2) (i)</td>
</tr>
<tr>
<td>C2.</td>
<td>to enable Council to carry out commercial activities advantage to enable Council to carry out negotiations</td>
<td>Section 7 (2) (h) Section 7 (2) (i)</td>
</tr>
<tr>
<td>C3.</td>
<td>to protect the privacy of natural persons</td>
<td>Section 7 (2) (a)</td>
</tr>
</tbody>
</table>

Councillor Macpherson (1:40pm) declared a conflict of interest for the two items concerning the Event Sponsorship Subcommittee and retired from the meeting noting the Deputy Chairperson would Chair the meeting.
Minutes of a meeting of the Strategy & Policy Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Thursday 1 November 2012 at 9.30 am.

PRESENT

Chairperson
Cr M Westphal
Deputy Chairperson
Cr D Bell
Members
Her Worship the Mayor Ms J Hardaker
Cr P Bos
Cr G Chesterman
Cr M Forsyth (part only)
Cr M Gallagher (part only)
Cr J Gower
Cr D Macpherson (part only)
Cr P Mahood
Cr E Wilson

In Attendance:
Chief Executive, General Manager City Infrastructure, General Manager Events & Economic Development, General Manager Performance, General Manager Customer Relationships, General Manager Community, Social Development Advisor, Community Development & Leisure Manager, Programme Manager Strategy & Relationship Management, Strategic Policy Analyst, Programme Manager Policy & Bylaws, City Waters Manager, City Transportation Manager, City Transportation Operations Team Leader, Sustainable Travel Team Leader, Principal Planner, Communication Team Leader, Programme Manager Strategic Analysis & Business Intelligence, Unit Manager Strategy & Research and Strategic Policy Analyst.

Committee Advisor
Ms R E Brooke
1. **Apologies**

   **Resolved:** (Crs Westphal/Wilson)

   That the apologies from Councillor O’Leary (for medical reasons), Councillor Hennebry, Councillors Forsyth and Macpherson (for lateness) be received and accepted.

2. **Confirmation of Agenda**

   **Resolved:** (Crs Westphal/Bell)

   That the agenda be confirmed.

3. **Declarations of Interest**

   Councillor Forsyth declared a conflict of interest in relation to the item Tamahere Structure Plan.

4. **Public Forum**

   As per Hamilton City Council’s Standing Orders, a period of up to 30 minutes has been set aside for a public forum.

   **Gerri Pomeroy and Roger Loveless – CCS Disability Action**

   Ms Pomeroy and Mr Loveless spoke in support of the proposed Disability Policy and praised Council’s initiative of proposing to employ a Disability Liaison Officer. They also spoke about the importance of making sure that disability issues are on the forefront of Council’s mind in terms of designing and implementing various projects in Hamilton. They noted that it is often a lot more expensive to retrofit for disabilities than it would have been to design/plan a project with disability issues incorporated from the beginning.

   Ms Pomeroy and Mr Loveless expressed concern that the previous action plan for the disability strategy seemed to have fallen to the way side and they would like to see that the next action plan is reported on, and measured on a regular basis.

   Committee Members thanked Ms Pomeroy and Mr Loveless for their involvement in, and endorsement of, the proposed Disability Policy and urged them to stay involved with the development and implementation of the action plan.

   Councillor Macpherson (9.35am) joined the meeting during the above item.
5. **FutureProof update report:**

Principal Planner introduced the report and responded to questions from Committee Members concerning:

- clarification around the size of the proposed Compact Commercial Centre for Tamahere, and
- clarification of Council’s submission process and timeframes.

Principal Planner clarified that the proposed Compact Commercial Centre for Tamahere was smaller than what was originally proposed, and that the Commercial Centre was intended for the purpose of servicing the local community with the ground floor being retail and the second floor being utilised as office space.

Principal Planner outlined the submissions process and noted that Council had made several submissions including in relation to the Tamahere Structure Plan.

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

That the report be received.

6. **Adoption of Sub-regional Three Waters Strategy – Recommendation to Council**

City Waters Manager and Principal Planner introduced the item noting the following points:

- Council is at the final step in the 3 year journey for the development of the Sub-regional Three Waters Strategy,
- Council has endorsed this strategy for consultation, and
- the consultation process has now been completed.

Recommended: (Her Worship the Mayor Hardaker/Cr Gower)

That:

a) the report be received, and

b) Council adopt the Sub-regional Three Waters Strategy and request staff to report back on a collaboratively prepared Sub-regional 3 Waters Implementation Action Plan for approval.

Councillor Forsyth (9.50am) joined the meeting during the above item. She was present when the matter was voted on.
7. Further submission on Waikato District Council Plan Change 3 (Tamahere Structure Plan)

Resolved: (Her Worship the Mayor Hardaker/Cr Gower)
That:

a) the report be received, and

b) the further submission be retrospectively approved.

Having declared a conflict of interest, Councillor Forsyth did not participate or vote in the above item.

8. Adoption of the Social Well-Being Strategy – Recommendation to Council

Programme Manager Strategy and Relationship Management introduced the item and responded to questions from the Committee Members concerning:

- action plan implementation, responsibility and timing,
- key agencies and groups being aware of, and involved in the strategy implementation,
- concerns that central government and legislative changes could potentially have an impact on the strategy, and
- concerns that the Disability Policy could be lost in this strategy.

Programme Manager Strategy and Relation Management advised that the majority of the action plan would be completed before Christmas and that the first step would be to identify the Groups within Council that need to be involved in the implementation of the strategy, and establishing what projects within Council are already underway that contribute to the strategy.

It was agreed that Her Worship the Mayor will discuss the strategy adoption at the next meeting with MPs, and that staff will circulate the strategy to neighbouring Councils, key agencies and other interest groups.

It was noted that Committee Members would like to congratulate staff on getting the strategy to the final stage of adoption, and to express their thanks to Her Worship for her work in collaboration with various agencies.

It was noted that Elected Members would send a letter of thanks to the various staff, agencies, and Her Worship for their involvement in the development of the strategy.

Recommended: (Crs Mahood/Bell)
That:

a) the report be received,

b) the Social Well-Being Strategy be adopted, and

c) the collaborative actions plans and monitoring framework be developed and reported back to the Strategy and Policy Committee.
9. **Adoption of Council's Economic Development Agenda – Recommendation to Council**

General Manager Events and Economic Development and Programme Manager Strategy and Relationship Management introduced the item and responded to questions from the Committee Members concerning:

- allocation of funds, and
- structural detail around how the Economic Development Agenda will work, and be implemented.

General Manager Events and Economic Development advised that the funding and resourcing of the Economic Development Agenda will be different than in the past, and that the funding stream will be directed towards bigger initiatives in the future.

**Motion:**

(Her Worship the Mayor Hardaker/Cr Bos)

That:

a) the report be received,

b) that the proposed Hamilton City Council Economic Development Agenda be adopted, noting that staff will report back to the Committee with an implementation plan and structural response, including measurements early in the new year,

c) that the proposed implementation plan be approved, with the understanding that certain elements will be finalised following further consultation with Council’s business sector partners, and

d) that progress reporting against the Economic Development Agenda implementation plan is reported quarterly to the Strategy and Policy Committee.

Councillor Gallagher (10.45am) retired from the meeting at the conclusion of the above item. He was present when the matter was voted on.
10. **Creative Communities Working Group - Final Report**

General Manager Community and Programme Manager Strategy and Relationship Management introduced the item.

It was noted that Committee Members would like to thank staff and Councillor Bell (Chair of the Creative Communities Working Group) for their hard work and achievements.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Wilson)

That:

a) the report be received,

b) the findings of the Hamilton Theatres Review be reported to the Arts Forum and to the Strategy and Policy Committee, and

c) the Chief Executive be authorised to make a minor amendment to the Hamilton City Council Governance Structure Policy 2011 by removing references to the Creative Communities Working Group.
11. **Policy Review - Group 7 – Recommendation to Council:**

Programme Manager Policy and Bylaws and City Transportation Operations Team Leader introduced the item and responded to questions for the Committee Members concerning:

- proposal to delete road resurfacing policy,
- Council Policy versus Asset Management Plans in terms of public visibility,
- clarification of costs involved with the draft Speed Management Policy, and related safety concerns.

City Transportation Operations Team Leader clarified where the money will be spent in relation to the draft Speed Management Policy and outlined the importance of the Policy in terms of safety on the roads.

It was noted that the Committee Members would like to thank the City Transportation Team Leader for her extensive knowledge on the subject matters.

The Chairperson advised the Committee that the item would be taken in parts.

**Motion:** (Her Worship the Mayor Hardaker/Cr Mahood)
That:

a) the report be received, and

b) Kerb Mounted Street Numbers (reflectorised), Local Area Traffic Management Plans, Parking Control (CBD), Parking for Physically Disabled Motorists, Pedestrian Road Crossing Standards, and Air Conditioning Units over Streets be deleted.

*The Motion was declared carried on the voices.*

**Motion:** (Her Worship the Mayor Hardaker/Cr Bell)
That:

a) the Disability Strategy be deleted and relevant content be updated and incorporated into the proposed Disability Policy, and

b) the draft Disability Policy be adopted.

*The Motion was declared carried on the voices.*

**Motion:** (Crs Westphal/Wilson)
That the draft Speed Management Policy be adopted.

*Those for the Motion:* Her Worship the Mayor Hardaker, Councillors Bell, Bos, Chesterman Forsyth, Macpherson, Mahood, Westphal and Wilson.

*Those against the Motion:* Councillor Gower.

*The Motion was declared carried.*
Motion: (Her Worship the Mayor Hardaker/Cr Bell)
That:
   a) the criteria for the location and development of shared zones, as outlined in Attachment 4 of this report, be adopted and be considered further for incorporation into the Public Places Policy as this is reviewed in 2013 (Section 28, Option c), and
   b) the Sister Cities and International Linkages Policy be deleted.

The Motion was declared carried on the voices.

Motion: (Crs Mahood/Macpherson)
That the Road Resurfacing Policy be updated to reflect the 10 Year Plan level of service decision and that the deletion of the Policy be deferred until the new level of service is incorporated into the Activity Management Plan and the Activity Management Plan becomes publically available.

The Motion was declared carried on the voices.

12. Council's Submission to the Land Transport Management Amendment Bill 2012

General Manager City Infrastructure introduced the item and outlined some minor changes made to attachment 1 of the item.

Resolved: (Crs Wilson/Mahood)
That:
   a) the report be received, and
   b) Council’s 26 October 2012 submission to the Land Transport Management Amendment Bill 2012 be retrospectively approved.
13. Integrated Transport Initiatives Update:

General Manager City Infrastructure and City Transportation Manager introduced the item and responded to questions from the Committee Members concerning:

- how the surplus funds have come about, and the advantages and disadvantages of each of the three options proposed for the use of the surplus funds,

- consultation process and prioritisation of Council Projects.

General Manager City Infrastructure outlined the process for consultation and prioritising projects, and clarified how the surplus funds have come about, along with some of the advantages/disadvantages of each of the three options.

**Motion:** (Her Worship the Mayor Hardaker/Cr Bos)

That:

a) report be received, and

b) the Committee endorse option 1, to complete the already agreed programmes of work and return the unexpended local share.

**Those for the Motion:**

Her Worship the Mayor Hardaker, Councillors Bos, Chesterman, Forsyth, and Wilson.

**Those against the Motion:**

Councillors Bell, Gower, Mahood, Westphal, and Macpherson.

*The Motion was declared lost by the casting vote of the Chairperson.*

**Amendment:** (Crs Gower/Bell)

That:

a) report be received, and

b) Committee endorse option 2, to agree to reinvest this surplus local share in further transportation projects that meet NZTA criteria and possibly leverage additional NZTA subsidy against this local investment, with staff to report back to the Operations and Activity Performance Committee on options for further integrated transport initiatives.

**The Amendment was then put:**

**Those for the Amendment:**

Councillors Bell, Gower, Mahood, Westphal, and Macpherson.

**Those against the Amendment:**

Her Worship the Mayor Hardaker, Councillors Bos, Chesterman, Forsyth, and Wilson.

*The Amendment was declared carried by the casting vote of the Chairperson.*

*The Amendment as the Motion was then declared carried on the voices.*

*The meeting was declared closed at 12.30pm.*
## Resolution to Exclude the Public

### 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.

<table>
<thead>
<tr>
<th>General subject of each matter to be considered</th>
<th>Reasons for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Update report - YMCA Complex Asset Sale 30 - 50 Pembroke Street</td>
<td>) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987</td>
<td>) Section 48(1)(a)</td>
</tr>
<tr>
<td>C2. Rototuna Variation 12 - Transpower NZ Ltd v Hamilton City Council Appeal Settlement (ENV-2012-AKL-000102)</td>
<td>) to enable Council to carry out negotiations</td>
<td>) Section 7 (2) (i)</td>
</tr>
<tr>
<td>C3. Nominations for Civic Awards (to be circulated)</td>
<td>) to protect the privacy of natural persons</td>
<td>) Section 7 (2) (a)</td>
</tr>
<tr>
<td>C4. Acquisition of 256 Rotokauri Road</td>
<td>) to maintain legal professional privilege</td>
<td>) Section 7 (2) (g)</td>
</tr>
<tr>
<td></td>
<td>) to enable Council to carry out commercial activities advantage</td>
<td>) Section 7 (2) (h)</td>
</tr>
<tr>
<td></td>
<td>) to enable Council to carry out negotiations</td>
<td>) Section 7 (2) (i)</td>
</tr>
</tbody>
</table>

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 maintain legal professional privilege: Section 7 (2) (g)
  - to enable Council to carry out commercial activities advantage: Section 7 (2) (h)
  - to enable Council to carry out negotiations: Section 7 (2) (i)

- **Item C2.**
  - to enable Council to carry out negotiations: Section 7 (2) (i)

- **Item C3.**
  - to protect the privacy of natural persons: Section 7 (2) (a)

- **Item C4.**
  - to protect the privacy of natural persons: Section 7 (2) (a)
  - to enable Council to carry out commercial activities advantage: Section 7 (2) (h)