
Infrastructure Operations Committee

Komiti Hanganga

OPEN MINUTES

Minutes of a meeting of the Infrastructure Operations Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 27 April 2021 at 9.31am.

PRESENT

Chairperson Cr A O’Leary
Heamana

Deputy Chairperson Cr M Gallagher
Heamana Tuarua

Members: Mayor P Southgate (Audio-visual link)
Deputy Mayor G Taylor
Cr M Bunting
Cr R Hamilton
Cr D Macpherson (Audio-visual link)
Cr K Naidoo-Rauf (Audio-visual link)
Cr R Pascoe
Cr S Thomson
Cr M van Oosten (Audio-visual link)
Cr E Wilson

In attendance: Eva-Liisa Wright – General Manager Infrastructure Operations
Chris Allen – General Manager Development
Jason Harrison – Unit Manager City Transportation
Tania Hermann – Group Business Manager Infrastructure Operations
Robyn Denton – Operations Team Leader
Maire Porter – City Waters Manager
Raewyn Simpson – Senior Planner City Waters
Alasdair Gray – Contractor, City Development
Trevor Harris – Property Officer Acquisitions and Disposal
Frances Cox-Wright – Policy and Bylaw Lead

Governance Staff: Amy Viggers – Governance Team Leader
Narelle Waite and Carmen Fortin – Governance Advisors

1. **Apologies – Tono aroha**

Resolved: (Cr O’Leary/Cr Gallagher)

That the apologies for absence from Cr Forsyth and Maangai Hill, and for partial attendance from Crs Naidoo-Rauf and Macpherson are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr O’Leary/Cr Gallagher)

That the agenda is confirmed.

Mayor Southgate joined the meeting (9.33am) during discussion of the above item. She was present when the matter was voted on.

3. Declarations of Interest – *Tauaakii whaipanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

Judy McDonald spoke in support of item 7 (Eastern Pathways Programme).

Joel Chernishov spoke in support of item 7 (Eastern Pathways Programme).

Wayne Mako (Te Papanui Enderley Community Trust) spoke in support of item 13 (Proposed Low Cost Low Risk Transport Improvement Programme for 2021/22).

Holly Dark in opposition to item 7 (Eastern Pathways Programme).

Roger Stratford spoke to item 19 (Waikato Regional Council - Public Transport Update).

Richard Porter (Bike Waikato) spoke in support of item 6 (Biking and Micromobility Programme Business Case) and item 7 (Eastern Pathways Programme).

Adam Muirson (Neuron Mobility) spoke to item 9 (Personal Hire Devices - End of Trial Review).

Lauren Mentjox and **Hamish Ellis** (Lime) spoke in support of item 9 (Personal Hire Devices - End of Trial Review).

Robyn McIntyre spoke in support of item 7 (Eastern Pathways Programme).

Hillary Lines spoke to item 7 (Eastern Pathways Programme).

Clare Bayly spoke in opposition to item 7 (Eastern Pathways Programme).

Lauren McLean spoke in support of item 7 (Eastern Pathways Programme).

Jo Wrigley (Go Eco) spoke in support of item 6 (Biking and Micromobility Programme Business Case).

Cohen Laird spoke in support of item 6 (Biking and Micromobility Programme Business Case).

Helen Spencer spoke in support of item 7 (Eastern Pathways Programme).

Hayley Hamilton spoke in support of item 13 (Proposed Low Cost Low Risk Transport Improvement Programme for 2021/22).

Kat Karadshi spoke in support of item 13 (Proposed Low Cost Low Risk Transport Improvement Programme for 2021/22).

Horiana Henderson spoke in opposition of item 7 (Eastern Pathways Programme).

Deputy Mayor Taylor joined the meeting (9.40am) during discussion of the above item.

Cr Pascoe left the meeting (10.28am) at the conclusion of the above item.

5. Confirmation of the Infrastructure Operations Committee Open Minutes - 23 February 2021

Resolved: (Cr Wilson/Cr Bunting)

That the Infrastructure Operations Committee confirm the Open Minutes of the Infrastructure Operations Committee Meeting held on 23 February 2021 as a true and correct record.

6. Biking and Micromobility Programme Business Case

Resolved: (Cr O'Leary/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the final draft Biking and Micro-Mobily Programme Business Case be submitted to Waka Kotahi NZ Transport Agency to seek business case approval;
- c) notes the development of the recommended biking and micro-mobility programme including Strategic Network Plan and 30-year delivery programme; and
- d) notes that funding and timing of the projects included within the full Biking and micro-mobility programme will be determined and approved as part of current and future annual and long-term plan processes.

Cr Pascoe re-joined the meeting (10.31am) during discussion of the above item. He was present when the matter was voted on.

Cr Naidoo-Rauf retired from the meeting (10.56am) during discussion of the above item.

The meeting adjourned from 11.53am to 12.13pm.

Mayor Southgate and Cr Macpherson retired from the meeting during the above adjournment.

Item 19 (Waikato Regional Council - Public Transport Update) was taken after the adjournment to accommodate speaker availability.

7. Waikato Regional Council - Public Transport Update

Resolved: (Cr Wilson/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the verbal report; and
- b) thanks Waikato Regional Council for their update.

8. Eastern Pathways Programme

Motion: (Cr O'Leary/Cr Pascoe)

That the Infrastructure Operations Committee:

- a) receives the report;

- b) approves the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ-Transport Agency to seek business case approval, subject to an amendment to the business case prior to submission that details ongoing community engagement during the Five Cross Roads secondary investigation stage to consider additional options and not just the three options currently listed in the business case;
- c) notes that approval of the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency does not pre-determine any specific option for Five Cross Roads, which in particular, requires further investigation, urban design work and consultation/engagement to be undertaken prior to confirming a preferred option;
- d) approves the final draft City Centre to University Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency to seek business case approval; and
- e) notes that Council funding approval of the Eastern Pathways - School Link and City Centre to University Link project delivery programmes are subject to co-investment (minimum 51%) confirmation from Waka Kotahi NZ Transport Agency.

Amendment: (Cr Bunting/Cr Hamilton)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency to seek business case approval, subject to an amendment to the business case prior to submission that details ongoing community engagement during the Five Cross Roads secondary investigation stage to consider additional options and not just the three options currently listed in the business case;
- c) notes that approval of the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency does not pre-determine any specific option for Five Cross Roads, which in particular, requires further investigation, urban design work and consultation/engagement to be undertaken prior to confirming a preferred option;
- d) defers the approval of the Final Draft City Centre to University Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency to seek business case approval to the 8 June 2021 Infrastructure Operations Committee;
- e) request staff complete a further Eastern Pathways - City Centre to University Link project Single Stage Business Case option review and confirmation focusing on cycleway Option 1 against the following Option 2:
 - i. Option 1: Grey street, Cook Street, Clyde Street, Knighton Road; and
 - ii. Option 2: Beale street, Hamilton Boys High School, Wilson Street, Knighton Road;
- f) notes that Council funding approval of the Eastern Pathways - School Link and City Centre to University Link project delivery programmes are subject to co-investment (minimum 51%) confirmation from Waka Kotahi NZ Transport Agency.

The Amendment was put.

Those for the Amendment: Deputy Mayor Taylor, Councillors Hamilton, Bunting, Wilson and Gallagher.

Those against the Amendment: Councillors O’Leary, Thomson, van Oosten and Pascoe.

The Amendment was declared CARRIED.

The Amendment as the Substantive Motion was then put and declared CARRIED.

Resolved: (Cr Bunting/Cr Hamilton)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency to seek business case approval, subject to an amendment to the business case prior to submission that details ongoing community engagement during the Five Cross Roads secondary investigation stage to consider additional options and not just the three options currently listed in the business case;
- c) notes that approval of the final draft School Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency does not pre-determine any specific option for Five Cross Roads, which in particular, requires further investigation, urban design work and consultation/engagement to be undertaken prior to confirming a preferred option;
- d) defers the approval of the Final Draft City Centre to University Link project Single Stage Business Case for submission to Waka Kotahi NZ Transport Agency to seek business case approval to the 8 June 2021 Infrastructure Operations Committee;
- e) request staff complete a further Eastern Pathways - City Centre to University Link project Single Stage Business Case option review and confirmation focusing on cycleway Option 1 against the following Option 2:
 - iii. Option 1: Grey street, Cook Street, Clyde Street, Knighton Road; and
 - iv. Option 2: Beale street, Hamilton Boys High School, Wilson Street, Knighton Road;
- f) notes that Council funding approval of the Eastern Pathways - School Link and City Centre to University Link project delivery programmes are subject to co-investment (minimum 51%) confirmation from Waka Kotahi NZ Transport Agency.

The meeting adjourned during the discussion of the above item from 1.39pm to 2.24pm.

Item 20 (Water Stimulus Delivery Update) was taken after the adjournment to accommodate speaker availability.

9. Water Stimulus Delivery Update

Resolved: (Cr O'leary/Cr Hamilton)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves, the City Waters Manager as Hamilton City Council's nominated Recipients Representative in the existing Water Stimulus Funding Agreement and Lead Contact in the Water Stimulus Delivery Plan with the Department of Internal Affairs;
- c) approves award of Contract 810/2021 for landscaping activities within the Stormwater Gully Improvements project with Ngati Haua Mahi Trust, with an Approved Contract Sum of \$900,000;

- d) approves to vary existing Contract 16431 with Waipa Civil Ltd. to deliver an additional \$1,000,000 of watermain renewals, increasing the Approved Contract Sum from \$16,500,000 to \$17,500,000 and extending the contract completion date from 30 June 2021 to 31 March 2022;
- e) approves to vary existing Contract 17160 with HEB Construction Ltd. to deliver an additional \$500,000 of wastewater reticulation renewals, increasing the Approved Contract Sum from \$25,000,000 to \$25,500,000 and extending the contract completion date from 30 June 2021 to 31 March 2022;
- f) approves award of a contract for asset data information management system improvements within the Asset Data Information Improvements project with a maximum Approved Contract Sum of \$650,000;
- g) delegates authority to the Chief Executive to approve Direct Appointment contracts for delivery of the Water Stimulus programme up to a maximum contract value of \$3,000,000 in accordance with existing delegated authority to award tendered contracts - subject to works being fully funded within the approved Water Stimulus Programme; and
- h) notes the re-allocation of central government funding between projects within the Delivery Plan, noting that the overall programme budget remains \$17.46m as approved by Council and the Department of Internal Affairs.

10. Hamilton Transport Centre Rejuvenation Project

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the Hamilton Transport Centre Rejuvenation Project final draft business case and preferred option to be submitted to Waka Kotahi NZ Transport Agency to seek funding approval;
- c) notes that the 19 February 2021 Waikato Regional Council - Regional Connections Committee endorsed the preferred option for the Hamilton Transport Centre Rejuvenation Project; and
- d) notes that funding for the Hamilton Transport Centre Rejuvenation Project are subject to the Draft 2021-31 Long Term Plan approval by Council and subject to Waka Kotahi NZ Transport Agency approval including 51% subsidy.

Cr van Oosten left the meeting (2.51pm) during discussion of the above item. She was not present when the matter was voted on.

11. Personal Hire Devices- End of Trial Review

Resolved: (Deputy Mayor Taylor/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves **Option Two** that personal hire device (PHD) activity continues with three monthly reports to the Infrastructure Operations Committee and the permitting process is decided by staff in consultation with Elected Members.
- c) approves that no more than 3 approved Operators and 1,000 personal hire devices be permitted for operation in Hamilton, noting the desire for a variety of devices within the

- allocation;
- d) approves that existing operator exclusivity arrangements are terminated;
- e) notes that public liability insurance of \$2,000,000 will be required by each Personal Hire Device operator;
- f) notes that staff will administer the personal hire device permit process under the provisions of the Public Places Bylaw 2016; and
- g) notes that staff will review the Hamilton City Code of Practice for Personal Hire Devices and applicable fees and charges for approved personal hire devices as required as a minimum on an annual basis.

That the Infrastructure Operations Committee recommends the Council approves the following fees and charges :

- a) \$300 annual permit fee;
- b) fee of \$0.13 per ride; and
- c) a \$10,000 education campaign fund per operator, noting that there may be future ongoing funding shared among all operators for Council and user education.

Cr van Oosten re-joined the meeting (3.05pm) during discussion of the above item. She was present when the matter was voted on.

12. Onion Road / Ruffell Road Intersection

Resolved: (Cr O'Leary/Cr Bunting)

That the Infrastructure Operations Committee:

- a) approves Council to enter into an agreement with KiwiRail in relations to the Ruffell Road Level Rail Crossing
- b) delegates the Chief Executive to enter into a Letter of Agreement with KiwiRail that supports the temporary closure that allows for its reopening to all motor vehicles once the planned Onion Road Realignment project is completed and all other safety matters have been addressed;
- c) notes that the Chief Executive will negotiate a Deed of Grant Agreement for the Ruffell Road level rail crossing which is a normal operational matter;
- d) approves the proposal to upgrade the Arthur Porter Drive / Te Kowhai Road existing uncontrolled T-intersection to a mini roundabout;
- e) approves the reallocation of \$400,000 from the 2020/21 Low Cost Low Risk and other programmes to fund the upgrade of the Arthur Porter Drive / Te Kowhai Road intersection upgrade; and
- f) notes that staff will undertake targeted engagement and public notification as part of the implementation phase of this work.

13. State Highway 26 Revocation Fit for Purpose Business Case

Resolved: (Cr O'Leary/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report;

- b) endorses the SH26 Revocation Fit for Purpose Business case prepared by Waka Kotahi NZ Transport Agency for approval by the Waka Kotahi NZ Transport Agency Board;
- c) notes that the improvement works required to make Morrinsville Road Fit for Purpose following the revocation of the State Highway status, will be 100% funded by Waka Kotahi NZ Transport Agency with funding being made available for Hamilton City Council to implement the works from 1 July 2022 onwards;
- d) notes that the specific details of any improvements on the revoked section of SH26 Morrinsville Road within the city will be developed in consultation with Members, the local community and key stakeholders prior to implementation; and
- e) notes that if Hamilton City Council wishes to install traffic signals at the intersection of Morrinsville, Matangi and Silverdale roads, then the extra cost above that allowed for the roundabout will have to be funded 100% by Hamilton City Council.

14. Wairere Drive Extension - Construction MSQA Contract

Resolved: (Cr Bunting/Cr Pascoe)

That the Infrastructure Operations Committee:

- a) receives the report; and
- b) approves an increase of the Approved Contract Sum for PSP 18171 with BBO for provision of contract management and supervision services on the Wairere Drive extension construction project from \$2,750,000 to \$3,600,000.

The meeting was adjourned from 3.36pm to 3.50pm.

15. Proposed Low Cost Low Risk Transport Improvement Programme for 2021/22

Resolved: (Cr Thomson/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the proposed Low Cost Low Risk Transport Improvement programme (**Attachment 1** of the report) for the 2021/22 financial year;
- c) notes that final Low Cost Low Risk Transport Improvement programme is subject to funding approval by Hamilton City Council via the 2021-31 Long Term Plan development and Waka Kotahi NZ Transport Agency via the development of the 2021-24 National Land Transport Programme;
- d) notes that progress of the final design and consultation of the projects to be delivered in the Low Cost Low Risk Transport Improvement programme will be reported to Members via the Executive Update and General Manager Update Report to the Infrastructure Operations Committee meetings; and
- e) requests staff engage directly with Te Papanui Enderley Community Trust regarding the traffic safety concerns being raised by the community there, and that agreed priority works are incorporated into the 2021/22 minor transport improvements list noting that this may require reprioritisation of other projects. Staff will provide an update at the 8 June 2021 Infrastructure Operations Committee General Manager's report.

16. Korikori Green Proposal to Declare a Pedestrian Mall - Deliberation and Adoption Report

Resolved: (Cr Gallagher/Cr Wilson)

That the Infrastructure Operations Committee:

- a) receives the report; and
- b) considers the feedback from public submissions received as a result of the special consultation procedure including the hearing held at the 24 March 2021 Hearings and Engagement Committee meeting completed in accordance with Section 83 of the Local Government Act 2002 on the proposal to declare a section of Korikori Green a Pedestrian Mall under Section 336(1) of the Local Government Act 1974.

That the Infrastructure Operations Committee recommends that the Council:

- a) approves that a section of Korikori Green be declared a Pedestrian Mall under Section 336(1) of the Local Government Act 1974;
- b) approves a public notice be issued stating the Council decision to declare a section of Korikori Green a Pedestrian Mall;
- c) notes that under section 336(3) of the Local Government Act 1974, any person may, within one month after making of a declaration of the pedestrian mall, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration; and
- d) notes that if no appeals to the declaration of the Pedestrian Mall in Korikori Green are received or upheld that the Hamilton Traffic Bylaw Pedestrian Mall register will be updated to include this information.

17. Hamilton Stormwater Bylaw Review - Deliberations Report

Resolved: (Cr Gallagher/Cr Wilson)

That the Infrastructure Operations Committee receives the report.

That the Infrastructure Operations Committee recommends that the Council:

- a) notes that, as part of this review, Council determined on **30 April 2020** that a Stormwater Bylaw is the most appropriate mechanism for addressing issues relating to stormwater management in Hamilton;
- b) notes that the Hamilton Stormwater Bylaw 2015 has been reviewed and consulted on as per the requirements of the Local Government Act 2002;
- c) notes that the revised Stormwater Bylaw 2021 is the most appropriate form of the bylaw, having regard to the issues identified in the review and consultation feedback;
- d) notes that the revised Hamilton Stormwater Bylaw 2021 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and adopts the revised Stormwater Bylaw 2021 effective from 1 October 2021.

18. Gordonton Road Intersection Upgrades

Resolved: (Cr Bunting/Deputy Mayor Taylor)

That the Infrastructure Operations Committee:

- a) receives the report; and

- b) approves the macroscope for the Puketaha/Gordonton intersection as set out in the staff report and in **Attachment 2**.

19. Road Stopping – Southern Links

Resolved: (Cr Hamilton/Cr O’Leary)

That the Infrastructure Operations Committee:

- a) approves the road stopping of approximately 170m² of Westbrook Place shown in **Attachment 1** of the staff report and for it to be transferred to Mithrandir Enterprises Ltd for \$1, subject to:
 - i. the compensation agreement (in the public excluded section of this meeting) being signed by all parties;
 - ii. a Land Information NZ approved survey plan for the proposed stopped road area; and
 - iii. amalgamation of the stopped road area with the adjacent property owned by Mithrandir Enterprises Ltd, Legal description: Section 31 SO 538898 (Record of Title 943453), if the road stopping is successful;
- b) approves the road stopping of designated land acquired from Mithrandir Enterprises Ltd that is not required for roading, or segregation strip purposes, for it to be transferred, together with Section 30 SO 538898, to Mithrandir Enterprises Ltd for \$1 subject to:
 - i. the compensation agreement being signed by all parties;
 - ii. road construction being completed, and a segregation strip being created;
 - iii. a Land Information NZ approved Survey plan for the proposed stopped road area and segregation strip; and
 - iv. amalgamation of the stopped road area and Section 30 SO 538898 with the adjacent property owned by Mithrandir Enterprises Ltd, Legal description Section 31 SO 538898 (Record of Title 943453), if the road stopping is successful; and
- c) delegates authority to the Chief Executive to sign all documentation to give effect to the resolution/s in this report.

20. Waste Management and Minimisation Bylaw 2019

Resolved: (Cr O’Leary/Cr Wilson)

That the Infrastructure Operations Committee

- a) receives the report; and
- b) recommends that the Council:
 - i. approves the update minor changes to clause 9.2 of the Waste Management and Minimisation Bylaw 2019 ; and
 - ii. notes that section 156(2)(a) of the Local Government Act 2002 enables errors in a bylaw to be corrected by a publicly notified resolution.

21. Infrastructure Operations General Managers Report

Staff Action: Staff undertook to provide transport data, in particular cycle use statistics to Members on an ongoing basis.

Resolved: (Cr Bunting/Cr Pascoe)

That the Infrastructure Operations Committee receives the report.

22. External Committees Updates

Resolved: (Cr O’Leary/Cr Wilson)

That the Infrastructure Operations Committee receives the report.

23. Resolution to Exclude the Public

Resolved: (Cr Wilson/Deputy Mayor Taylor)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Infrastructure Operations Committee Public Excluded Minutes - 23 February 2021) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. SH26 Revocation - Fit for Purpose Business Case report)	
C3. Road Stopping - Mithrandir Enterprises Limited Agreement)	

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
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| Item C2. | to protect information which is subject to an obligation of confidence and disclosure would likely prejudice continual supply of similar information where it is in the public interest for that information to continue to be available | Section 7 (2) (c) (i) |
| Item C3. | to maintain legal professional privilege
to enable Council to carry out commercial activities without disadvantage
to enable Council to carry out negotiations | Section 7 (2) (g)
Section 7 (2) (h)
Section 7 (2) (i) |

The meeting went to Public Excluded session at 5.01pm

The meeting was declared closed at 5.09pm.