

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 18 April 2019
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Lee-Ann Jordan
Governance Manager

11 April 2019

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

Oversight of Policies:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	5
2	Confirmation of Agenda	5
3	Declarations of Interest	5
4	Public Forum	5
5	Confirmation of the Council Open Minutes - 14 March 2019	6
6	Confirmation of Elected Member Briefing Open Notes - 28 February 2019	20
7	Confirmation of Elected Member Open Briefing Notes - 6 March 2019	23
8	Confirmation of Elected Member Open Briefing Notes - 12 March 2019	26
9	Confirmation of Elected Member Open Briefing Notes (Annual Plan) - 21 March 2019	28
10	Confirmation of Elected Member Open Briefing Notes - 28 March 2019	32
11	Recommendations from the Community, Services & Environment Committee	36
12	Recommendation from the Finance Committee - Financial Strategy Monitoring Report	37
13	West Town Belt Masterplan - Approval for Public Consultation	38
14	Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Hamilton City Council Remits for Consideration	42
16	103 London St Encroachment License (<i>Late item to be circulated under separate Cover</i>)	
15	Resolution to Exclude the Public	50

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 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.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

Council Report

Committee: Council **Date:** 18 April 2019
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Council Open Minutes - 14 March 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 14 March 2019 as a true and correct record.

Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 14 March 2019

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 14 March 2019 at 9.30am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:	Lance Vervoort – General Manager Community
	David Bryant – General Manager Corporate
	Sean Hickey – General Manager Strategy and Communication
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Chris Allen – General Manager Development
	Kelvin Powell – Acting General Manager City Growth
	Blair Bowcott – Executive Director Special Projects
	Luke O'Dwyer – City Planning Manager
	Andy Mannerling – Manager Social Development
	Dan Finn – People, Safety and Wellness Manager
	Riki Manarangi - Programme Manager - Policy and Bylaw
	Debbie Lascelles – Community Services Manager
	Fraser McNutt – Planning Guidance Manager
	Nick Chester – Social Development Advisor
	Jason Howarth – Advisor to the Mayor
	Muna Wharawhara – Amorangi Maaori
	Natalie Palmer – Unit Manager Communications and Marketing
	Kelvin Powell – City Safe Unit Manager
	Cherie Meecham – Museum Director
	Hailey Max – i-SITE Manager
	Jeff Neems – Communications Advisor
	Mark Brougham – Programme Manager – Analysis and Research
	Dan Finn – People Safety and Wellness Manager

Maria Barrie – Parks and Recreation Manager
Karen Kwok – Recreations and Community Facilities Senior Advisor
Paul Bowman – Team Leader Economic Growth and Planning

Governance staff: Lee-Ann Jordan - Governance Manager
Becca Brooke – Governance Team Leader
Amy Viggers – Committee Advisors

Tame Pokaia opened the meeting with a Karakia.

1. Apologies

Resolved: (Cr Southgate/Cr Mallett)

That the apologies for early departure from Cr Southgate and Cr Mallett are accepted.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Mallett)

That the agenda is confirmed noting that item 13 (Update on Hamilton i-SITE Review) is to be taken after item 11 (HCC's Draft 1 Submission to the WEL Energy Trust's 2019-20 Draft Annual Plan) to accommodate a request from an Elected Member.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Carolyn McKenzie (Representing the Hamilton Residents & Ratepayers Assn Inc) spoke to item 18 (Standing Orders). Ms McKenzie suggested that Elected Members should receive agendas earlier than the current service standard of 3 clear working days to assist with informed decision making.

Lale Ieremia and Richard Coventry (representing The Perry Group) spoke to item 14 Special Housing Areas (SHA) - Expressions of Interest - Round 2). They expressed frustration at the delays for approval of Special Housing Area Applications.

Bridie Sweetman (Representing the New Zealand Prostitutes' Collective) spoke to item 12 (Prostitution Bylaw Review - Determination and Consultation). She spoke regarding the Council's current Prostitution Bylaw and noted that Auckland and Wellington did not have a bylaw, and that in her view the bylaw was contrary to legislation. She responded to questions from Elected Members concerning the legality of the current bylaw.

Bert and Robyn Jackson spoke to item 12 (Prostitution Bylaw Review - Determination and Consultation). They spoke in support of the current bylaw remaining in place.

Lindsay Cumberpatch (DV Bryant Trust) & Yvonne Wilson (Te Runanga o Kirikiriroa) spoke to Item 10 (Social Housing Fund Update). They spoke in support of a Community Land Trust noting that it could address affordability concerns in Hamilton.

Samantha Rose spoke to Item 10 (Social Housing Fund Update). Ms Rose noted that the Community Land Trust model was very successful overseas and could address affordable housing concerns in Hamilton if implemented.

James Whetu and Bella Takiari-Brame – (Maangi Maaori Representatives) spoke to item 8 (Chair's Report). They spoke in support of the cultural appropriateness section of the Chair's Report and noted that, in their opinion, the proposal to review names of roads and streets would demonstrate the city's support of Maori.

Roger Stratford spoke to item 8 (Chair's Report). Mr Stratford expressed his opinion that there should be no changes to current street or road names as he felt that the name of a street did not endorse an individual's actions.

Jason Ake (Representing Waikato Tainui) spoke to item 8 (Chair's Report). He noted that Waikato Tainui strongly supported a number of street names being changed as they felt this would have a positive effect for Maaori and that there was a broader historical context.

Circulated prior to the meeting was a letter from Mr Brett Erceg who was unable to attend the meeting. A copy of the letter is attached to the minutes as appendix 1.

5. Confirmation of the Council Open Minutes - 7 February 2019

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 7 February 2019 as a true and correct record.

6. Confirmation of the Elected Members' Briefing Open Notes - 31 January 2019

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Members' Briefing held on 31 January 2019 as a true and correct record.

7. Confirmation of the Elected Members' Briefing Open Notes - 14 February 2019

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Members' Briefing held on 14 February 2019 as a true and correct record noting the addition of Cr Mallett's questions on the amounts distributed through the rates rebate.

8. Chair's Report

The Chair took the report as read. He responded to questions concerning the scope and cost of the report to review the names of streets and parks, and details of the Council's submission to the Ministry of Education's February 2019 Consultation Discussion Document 'Reform of Vocational Education'.

The Chair noted he agreed to the removal of the word 'accepted' from Paragraph One of Chair's report at the request of Elected Members.

Cultural appropriateness

Resolved: (Mayor King/Cr Southgate)

That the Council requests the Chief Executive to work with Waikato-Tainui to provide a high level report relating to issues of cultural sensitivity with the names of Council controlled sites (including roads and parks).

The Motion was put.

Those for the Motion: Mayor King, Deputy Mayor Gallagher, Crs Southgate, Bunting, Macpherson, Henry, and O'Leary.

Those against the Motion: Crs Pascoe, Mallett, Tooman, Taylor, Casson and Hamilton.

The Motion was declared CARRIED.

Community Lands Trust

Resolved: (Cr Macpherson/Cr Bunting)
That the Council receives the report.

Development of a Council Submission to the Ministry of Education's February 2019 Consultation Discussion Document 'Reform of Vocational Education'

Resolved: (Mayor King/Cr Southgate)
That the Council:

- a) request staff to draft a submission to the MOE's February 2019 Consultation Discussion Document 'Reform of Vocational Education';
- b) that the draft Council submission be circulated to Elected Members for discussion at the 21 March 2019 Council Briefing; and
- c) that the Chief Executive be given delegated authority to approve Council's final submission that will be sent to the MOE by 27 March 2019.

The meeting adjourned 11.13am to 11.25am.

9. HCC's Draft 1 submission to the NZ Productivity Commission's Local Government Funding and Financing Inquiry

The Executive Director Special Projects took the report as read.

Elected Members requested staff include the following topics within the submission:

- affordability concerns;
- cost of legislation processes to Local Government;
- funding limitations placed on Local Government
- potential revenue options; and
- the role of Central Government to facilitate efficiency in Local Government.

Resolved: (Mayor King/Cr Casson)

That the Council:

- a) receives the report;
- b) approves HCC's Draft 1 submission to the NZ Productivity Commission's Local Government Funding and Financing Inquiry as set out in Attachment 1 of the staff report; and
- c) notes the final submission will be sent to the NZ Productivity Commission following approval.

10. Social Housing Fund Update

The Manager Social Development introduced the report noting that the previous resolution of the Council was for \$2 million to be used for research, administration, concepts, design and consent for providers of social housing in Hamilton. He responded to questions from Elected Members concerning the proposed land trust model, partners that could work with the Council, and the financial impact from moving funding to earlier years in the 2018-28 10-Year Plan.

Resolved: (Mayor King/Cr Macpherson)
That the Council:

- a) receives the report;
- b) approves, for the purposes of preparing the draft 2019-20 Annual Plan budget, reallocating funding for social housing as follows:
 - i. \$600,000 of debt funding brought forward from 2022-2024 to 2019-2020;
 - ii. \$600,000 of debt funding brought forward from 2022-2024 to 2020-2021;
- c) approves, for the purposes of preparing the draft 2019-2020 Annual Plan budget, that this funding (in addition to the \$400,000 per year currently allocated to social housing in 2019-2020 and 2020-2021) is to be available to go towards a community land trust;
- d) delegates the Chief Executive to negotiate as required with Community Trusts and other potential partners to develop a community land trust model; and
- e) requests the Chief Executive to report back to Council by 27 June 2019 on the proposed land trust model.

Cr Mallett Dissenting.

11. HCC's Draft 1 Submission to the WEL Energy Trust's 2019-20 Draft Annual Plan

The report was taken as read.

Following discussion and prior to the debate and voting on the above item, the meeting moved on to item 13 (Update on Hamilton i-Site Review) before continuing with Item 11 (HCC's Draft 1 Submission to the WEL Energy Trust's 2019-20 Draft Annual Plan).

12. Update on Hamilton i-SITE Review

The report was taken as read. Staff responded to questions from Elected Members concerning option (b), which was to relocate the i-SITE, current overheads expenditure, current revenue streams and how they differ from other i-SITEs in the country and the findings of the review of Hamilton i-SITE.

Motion: (Cr Southgate/Cr Taylor)

That the Council:

- a) notes that a breakeven result of the Hamilton i-SITE is unachievable;
- b) approves the retention of the Hamilton i-SITE operation under a changed operating model (detailed in this report as Option B) within the Visitor Destinations Unit, physically located at Waikato Museum (Artspost) due to potential savings and activity synergies;
- c) notes that Option B will:
 - i. lead to an operating cost saving of \$283,943 in the 2019/20 financial year and \$340,000 in the years beyond.
 - ii. add significant value to the visitor experience at the Waikato Museum (Artspost);
 - iii. lead to the retention of three permanent i-SITE staff (3.00 FTE), the disestablishment of one permanent position (0.19 FTE) and the non-renewal of contracts for six staff currently employed in a fixed term or on a casual basis.

Amendment: (Cr O'Leary/Cr Pascoe)

That the Council receive the report.

Procedural Motion

Resolved : (Mayor King/Cr Southgate)

That the item of business be deferred to the next meeting of Council (4 April 2019).

Deputy Mayor Gallagher, Crs O'Leary and Mallett Dissenting.

The meeting adjourned 1.23pm to 2.15pm.

Cr Southgate retired from the meeting during the above adjournment.

Following the adjournment, the meeting continued with the debate and vote on item 11 (HCC's Draft 1 Submission to the WEL Energy Trust's 2019-20 Draft Annual Plan).

13. HCC's Draft 1 Submission to the WEL Energy Trust's 2019-20 Draft Annual Plan – continued.

Motion: (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report;
- b) approves HCC's draft 1 submission to the WEL Energy Trust's 2019-20 Annual Plan; and
- c) approves the Mayor present HCC's submission, noting that he will request the Trust include a grant for a Lands Trust matching Council's resolution of Item 10 - Social Housing Fund Update – Council Meeting 14 March 2019.

Amendment: (Cr Mallett/Cr Casson)

That the Council:

- a) receives the report;
- b) approves HCC's draft 1 submission to the WEL Energy Trust's 2019-20 Annual Plan; and
- c) approves the Mayor present HCC's submission, noting that he will request the Trust include a grant for a Lands Trust matching Council's resolution of Item 10 - Social Housing Fund Update – Council Meeting 14 March 2019; and
- d) requests WEL Energy re-introduce the electricity rebate scheme.

The Amendment was put.

Those for the Amendment: Crs Mallett, Tooman and Casson.

Those against the Amendment: Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O'Leary, Macpherson, Bunting, Henry, Taylor and Hamilton.

The Amendment was declared LOST.

The Motion was then put and declared CARRIED.

Resolved: (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report; and
- b) approves HCC's draft 1 submission to the WEL Energy Trust's 2019-20 Annual Plan; and
- c) approves the Mayor present HCC's submission, noting that he will request the Trust include a grant for a Lands Trust matching Council's resolution of Item 10 - Social Housing Fund Update – Council Meeting 14 March 2019.

Cr Mallett Dissenting.

14. Prostitution Bylaw Review - Determination and Consultation

The report was taken as read. Staff responded to questions from Elected Members concerning the definition of soliciting that was included in the Bylaw, the potential legal risk to the Council if the Bylaw was to remain as it was, and the number of proven complaints since the Bylaw was adopted.

Resolved: (Cr Macpherson/Cr O'Leary)

That the Council:

- a) approves that the current Hamilton City Council Prostitution Bylaw is the most appropriate means of controlling the issue of prostitution services in Hamilton City; and
- b) approves public consultation for one month, from 18 March to 18 April 2019, on the proposed continuation of the current Prostitution Bylaw.

15. Special Housing Areas (SHA) - Expressions of Interest - Round 2

The City Planning Manager introduced the report noting that the Endeavour Avenue Special Housing Area application had been withdrawn by Housing NZ after the agenda was printed. He responded to questions from Elected Members concerning the timeline for applications due to the legislation being repealed in September 2019, past concerns regarding the Quentin Drive application, and the frustration raised during public forum that applications were still being considered by the Ministry of Housing and Urban Development.

Resolved: (Cr Hamilton/Cr Bunting)

That the Council:

- a) receives the report; and
- b) approves Quentin Drive (Enlarged Proposal) EOs as scheduled in Attachment 1 for:
 - further evaluation, in accordance with the criteria set out in the Hamilton Special Housing Areas Policy and the Housing Accords and Special Housing Areas Act 2013 (HASHAA); and
 - public feedback for four weeks, from 18 March to 12 April 2019; and
- c) requests the Chief Executive write to Minister Salesa and cc Jacinda Ardern, Phil Twyford, Nanaia Mahuta and Jamie Strange concerning this Council's frustrations around time delays and uncertainties relating to the SHA process by 21 March 2019.

Crs Casson and Tooman Dissenting.

Cr Mallett retired from the meeting (3.05pm) during the discussion of the above item. He was not present when the matter was voted on.

The meeting adjourned 3.52pm to 4.05pm.

16. Prioritisation of upcoming District Plan Changes

The City Planning Manager introduced the report. He responded to questions from Elected Members concerning the plan change process.

Resolved: (Cr Macpherson/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and

b) requests staff begin work on the following plan changes to the District Plan:

- i. Heritage and Character;
- ii. Te Rapa North – Deferred Industrial Zone; and
- iii. Removal of development plan provisions.

17. Management of Te Rapa Sportsdrome

The Manager Social Development took the report as read and responded to questions from Elected Members concerning overhead figures, other management options such as a lead lease, and asset management to ensure the Council is providing what the community needs.

***Staff Action:** Staff undertook to provide Elected Member with the overhead figures and breakdown for the Te Rapa Sportsdrome.*

Resolved: (Cr Macpherson/Cr Henry)

That the Council:

- a) receives the report; and
- b) approves retaining the management of Te Rapa Sportsdrome in-house by Hamilton City Council.

18. Safety and Wellness Performance Update

The People, Safety and Wellness Manager took the report as read and responded to questions from Elected Members concerning details within the Safety and Wellness Audit and Risk Report.

Resolved: (Cr Casson/Cr Tooman)

That the Council:

- a) receives the report; and
- b) notes that the Council's safety performance is steady, and several pro-active initiatives are being deployed to support our high-performance culture through improved work practices and mindsets.

19. Review of Standing Orders

The Governance Manager introduced the report, noting that there were some suggested changes following discussions with Elected Members since the report was included in the agenda. She provided clarification to Elected Members on their requested changes to the draft Standing Orders for the following sections: 4.2 Meeting duration; 9.6 Chairperson's report; 9.7 Public availability of the agenda; 9.10 Distribution of the agenda; 9.17 receiving a report; 13 Members attending by audio visual link and 21.2 Time limits on speakers.

Resolved: (Cr O'Leary/Cr Macpherson)

That the Council approve for inclusion in the revised Standing Orders:

Clause 4.2 - Meeting Duration - No meeting is to sit for more than 2 hours without a break of 10 minutes

Cr Casson and Mayor King Dissenting

Motion: (Cr Pascoe/Cr O'Leary)

That the Council approve for the inclusion in the revised Standing Orders:
Clause 9.10 - Distribution of Agendas - Receipt of meeting agenda be increased from 3 working days to 5 working days, noting there will be a lead in time to this change with full effect of this clause starting in the 2019-2022 Triennium.

Amendment: (Mayor King/Cr Ryan)

That the Council approve for the inclusion in the revised Standing Orders:
Clause 9.10 - Distribution of Agendas - Receipt of meeting agenda be increased from 3 working days to 4 working days, noting there will be a lead in time to this change with full effect of this clause starting in the 2019-2022 Triennium.

The Amendment was put.

Those for the Amendment: Mayor King, Deputy Mayor Gallagher, Crs Hamilton, Taylor, Casson, and Macpherson.

Those against the Amendment: Crs O'Leary, Pascoe, Tooman, Henry and Bunting.

The Amendment was declared CARRIED.

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

Resolved: (Mayor King/Cr Ryan)

That the Council approve for the inclusion in the revised Standing Orders:
Clause 9.10 - Distribution of Agendas - Receipt of meeting agenda be increased from 3 working days to 4 working days, noting there will be a lead in time to this change with full effect of this clause starting in the 2019-2022 Triennium.

Motion: (Cr Pascoe/Cr O'Leary)

That the Council approve for the inclusion in the revised Standing Orders:
Clause 21.2 – Time Limit on Speakers - In all cases, speaking time for debate be 5 minutes, with a majority vote/agreement of the meeting to reduce the time to 3 minutes for debate.

Amendment (Cr Taylor/Cr Henry)

That the Council approve for the inclusion in the revised Standing Orders:
Clause 21.2 – Time Limit on Speakers - In all cases, speaking time for debate be 3 minutes, with a majority vote/agreement of the meeting to increase the time to 5 minutes for debate.

The Amendment was put.

Those for the Amendment: Mayor King, Crs Taylor, Casson, Tooman, Bunting, Hamilton, Henry, and Macpherson.

Those against the Amendment: Deputy Mayor Gallagher, Crs Pascoe and O'Leary.

The Amendment was declared CARRIED.

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

Resolved: (Cr Taylor/Cr Henry)

That the Council approve for the inclusion in the revised Standing Orders:

Clause 21.2 – Time Limit on Speakers - In all cases, speaking time for debate be 3 minutes, with a majority vote/agreement of the meeting to increase the time to 5 minutes for debate

Cr Pascoe Dissenting.

Resolved: (Cr Casson/Deputy Mayor Gallagher)

That the Council adopts the draft Standing Orders as set out in Attachment 2 of this report as Hamilton City Council's Standing Orders from 15 March 2019 subject to the approved changes noted above and noting minor amendments/clarifications outlined by staff.

Cr O'Leary retired from the meeting (5.34pm) during the discussion of the above item. She was not present for the final vote on the matter.

20. Recommendations from the Growth and Infrastructure Committee

The Chair of Growth and Infrastructure Committee introduced the report noting that the Sale and Disposal of Council Land Policy needed to be further considered to ensure it aligned with the development of the Social Housing Fund. Therefore the Sale and Disposal of Council Land policy would be reported back to Council by August 2019.

Personal Use Transport Vehicles for Hire

Resolved: (Cr Macpherson/Cr Taylor)

That the Council:

- a) approves the development of a draft code of practice to accompany a permit to trade under the Public Places Bylaw for operators of personal use transport vehicles for hire (Option 3 of this report);
- b) approves the development of a new fee for the issue of a permit to trade for operators of personal use transport vehicles for hire; and
- c) notes that fees and charges will be considered as part of the draft code of practice and brought back to Council through the Annual Plan process.

21. Recommendations from the Community, Services & Environment Committee

The Deputy Chair of the Community, Services & Environment Committee took the report as read.

2019 Smokefree and Vapefree Outdoor Areas Policy and Smokefree Plan

Motion: (Cr Hamilton/Cr Pascoe)

That the Council approves the 2019 Smokefree and Vapefree Outdoor Areas Policy and Smokefree Plan.

Amendment: (Cr Bunting/Cr Taylor)

That the Council:

- a) approves the 2019 Smokefree Outdoor Areas policy and Smokefree Plan with the removal of all references to vaping; and
- b) notes that this policy is to be revisited in a year.

The Amendment was put.

Those for the Amendment:

Mayor King, Deputy Mayor Gallagher, Crs

Tooman, Macpherson, Bunting, Casson and Taylor.

Those against the Amendment: Crs Pascoe, Henry and Hamilton.

The Amendment was declared carried.

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

Resolved: (Cr Bunting/Cr Taylor)

That the Council:

- a) approves the 2019 Smokefree Outdoor Areas policy and Smokefree Plan with the removal of all references to vaping; and
- b) notes that this policy is to be revisited in a year.

Cr Henry Dissenting.

Draft Playgrounds of the Future Plan and playgrounds development programme

Resolved: (Cr Hamilton/Cr Macpherson)

That the Council approves the Draft Playgrounds of the Future Plan and playgrounds development programme.

22. Recommendations from the Finance Committee

The Deputy Chair of the Finance Committee took the report as read.

Municipal and Domain Endowment Funds Policy

Resolved: (Cr Pascoe/Cr Casson)

That the Council approves the **Municipal and Domain Endowment Funds Policy**.

Freeholding of Council Endowment Land Policy

Resolved: (Cr Pascoe/Cr Casson)

That the Council approves the **Freeholding of Council Endowment Land Policy**.

Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy

Resolved: (Cr Pascoe/Cr Casson)

That the Council approves the revised **Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy**.

Vibrant Hamilton Trust

Resolved: (Cr Pascoe/Cr Casson)

That the Council notes the **Vibrant Hamilton Trust** has officially wound up and that the Hamilton City Council Governance Structure will be updated accordingly.

Financial Strategy Monitoring Report

Resolved: (Cr Pascoe/Cr Casson)

That the Council:

- a) approves the rephasing and delay deferrals of an additional \$10.7M capital projects from 2018/19 to 2019/20 as listed in the February 2019 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 24 to 27 of the staff

report; and

- c) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 31 to 37 of the staff report.

22. **Resolution to Exclude the Public**

Resolved: (Mayor King/Deputy Mayor Gallagher)

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 Council Public Excluded Minutes 7 February 2019) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Contract 17368 - Telecommunications Services) Official Information and Meetings Act 1987	

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

- Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)
- Item C2. to enable Council to carry out negotiations Section 7 (2) (i)

The meeting went into a Public Excluded session at 6.01pm.

The meeting was declare closed at 6.04pm.

Appendix 1

Hello Councilors sorry I cannot be there. I am opposed to changing any street names with historical figures , lets take Major Von Tempsky.

James Shanaghan, an eyewitness, reported how Tempsky died:

I had not gone far when a man of our company was shot. The Major went to his assistance, and was shot, the bullet entering the centre of his forehead. He fell dead on top of the man to whose assistance he was going. That was how Tempsky died.^[8]

Although the corpses of some other soldiers were eaten, **Tempsky was held in high esteem by the Maori**, and Kimble Bent said that Titokowaru ordered that Tempsky's body be placed onto a funeral pyre in the center of the marae.^[8] In 1965, Tonga Awikau,^[9] Mr aged 101, described how as a child he had seen this cremation of 20 British dead, including Major Von Tempsky.

Far more Maori died and were enslaved in tribal fighting than in all the NZ wars, should we ban any signs with Maori names who killed Maori Or Pakeha?

History is History, warts and all. That is part of our History

However I would like to see more new signs and statues that recognize respected Maori from the area and New Zealand

Plus I am disappointed that the council had a private meeting around this, as it seems if you vandalize property you will get heard.

I also think names of areas and streets are historic heritage: According to Hamilton city web site

Historic heritage is an integral part of Hamilton's character and its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings, objects, areas, trees and Maaori sites that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage value. The loss of heritage values will be considered through a resource consent process.

I and others I know would be culturally insulted as a human, if New Zealand's history is whitewashed by the council. It does not belong to us, it belongs to New Zealand

Thank you

Major General Thomas Galloway Galloway Street

FitzRoy Governor of New Zealand, Fitzroy suburb

Charles Heaphy, who was awarded New Zealand's first Victoria Cross fighting with Von Tempski, Heaphy river, Heaphy track.

Council Report

Committee: Council **Date:** 18 April 2019
Author: Claire Guthrie **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of Elected Member Briefing Open Notes - 28 February 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 February 2019 as a true and correct record.

Attachments

Attachment 1 - Confirmation of Elected Member Open Briefing Notes - 28 February 2019

Elected Member Briefing Notes –28 February 2019 – Open

Time and date:	10.30am, 28 February 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Henry, Mallett, Casson, Tooman, Hamilton, Macpherson, Bunting
Apology for Full Session:	Crs Pascoe, O’Leary, Taylor, Southgate Maangai Maaori Takiari-Brame, Whetu, Thompson-Evans, Hill, Te Ua
Apologies for lateness/early departure:	Crs Hamilton, Macpherson, Bunting,

Discussion

The briefing session covered in an open session.

- Te Waka – Strategy and Report Process
- Remits for LGNZ Conference
- Prostitution Bylaw Review
- Rates – SUIPs

There were a number of key points arising from the discussion:

1) **Te Waka — Strategy and Report Process**
(Presentation was provided)

The Chief Executive of Te Waka explained that the purpose of the presentation was to update Members on projects agreed with government. The priority from the recent summit was to create – jobs in the region from non-traditional sectors. He outlined their two major projects:

1) South Waikato Action Plan

The draft had been signed off, and \$4 million from the Provincial Growth Fund (PGF) had been applied for to create a number of projects

2) Authentic Tourism Infrastructure Development

Creation of authentic experiences for visitors, using cultural and geographical strengths, a working group establish with private and iwi partnerships, and hotel development

An update was provided on Te Waka’s applications to the PGF (nine projects approved) and the next six month’s goals. Te Waka’s video on goals and priorities was shown.

Elected Members asked questions in relation to the following:

- Hobbiton link to accommodation in Hamilton
- Hamilton’s contribution to regional activities
- importance of communication between local groups
- role of the Waikato Plan and development goals

2) **Remits for Local Government New Zealand (LGNZ) Conference**
(Presentation was provided)

The General Manager Strategy and Communication and the Unit Manager, Corporate Planning and Strategy explained that the purpose of the presentation was to seek options for remits to the LGNZ conference in July 2019. The timelines for submitting and considering remits was outlined. Remits received to date included:

- 1) Waste Task Force
 - a. development of container deposit scheme
 - b. developers more responsible for waste collection and managing waste
 - c. packaging reduction make producer responsible not the consumer
- 2) LGOIMA requests
 - a. impact of the current legislation
 - b. identify ways to streamline processes
 - c. nationally consistent approach
- 3) NZTA definition on e-scooters and regulations on their use
- 4) Remove use of roundup by Territorial Authorities

Elected Members asked questions in relation to the following:

- Problems with construction waste
- Hamilton processes for construction waste

3) **Prostitution Bylaw Review**

(Presentation was provided)

The Corporate Policy Specialist explained that the purpose of the presentation was to inform Members on the Bylaw review process. It was noted that stakeholders had been consulted with and the New Zealand Prostitutes Collective's (NZPC) legal counsel and two members were in attendance. It was noted that under the Prostitution Reform Act 2003, Territorial Authorities can only regulate location and signage. The HCC Bylaw also includes a clause on solicitation which was not permitted by the Prostitution Reform Act 2003. The changes to the District Plan zoning areas had changed the permitted localities in Hamilton.

Elected Members asked questions in relation to the following:

- permitted zones for prostitution and occurrence of street workers
- locations of unconsented brothels and shutdown of brothels
- difference between owner – operated brothels and operator brothels
- definition of solicitation and its legal standing
- intent of the legislation and interaction with territorial authority bylaw
- sex workers experiences with violence and blackmail
- relationship between working outside bylaw zone and exposure to health risks

4) **Rates - SUIPs**

(Presentation was provided)

The GM Corporate and the Rates and Revenue Manager explained that the purpose of the presentation was to clarify issues raised earlier about Separately Used or Inhabited Parts (SUIPs) The Uniform Annual General Charge (UAGC) was part of general rate and the same for all ratepayers. Legislation currently allowed to be applied to a rating unit or SUIP but there was no definition of a SUIP. Examples of other cities' UAGCs and other fixed rates were provided along with examples of dwellings showing SUIPs and how this affected its rates.

Elected Members asked questions in relation to the following:

- comparison between sink, self-containment and SUIPs
- issues raised with residents installing an extra sink
- number of rating units affected
- maximum charge allowed by legislation
- not being connected to services and paying fixed rates
- effect on infrastructure demands when multiple SUIPs in an apartment block
- definitions of types of residential units and how they trigger SUIPs

Council Report

Item 7

Committee: Council

Date: 18 April 2019

Author: Claire Guthrie

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Confirmation of Elected Member Open Briefing Notes - 6 March 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 6 March 2019 as a true and correct record.

Attachments

Attachment 1 - Confirmation of Elected Member Open Briefing Notes - 6 March 2019

Elected Member Briefing Notes – 6 March 2019 – Open

Time and date:	10.30am, 6 March 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Crs Pascoe, O’Leary, Taylor, Henry, Southgate, Bunting, Mallett, Casson, Tooman, Macpherson, Hamilton Maangai Maaori Hill, Te Ua, Thompson-Evans
Apology for Full Session:	Deputy Mayor Gallagher, Maangai Maaori Takiari-Brame and Whetu
Apologies for lateness/early departure:	Cr Hamilton

Discussion

The briefing session covered in an open session;

- Disability Policy Review
- Consultation Arrangements for the Draft Hamilton Gardens Management Plan
- Parks Bylaw and Drones
- Urban Development Authorities (UDAs)

There were a number of key points arising from the discussion:

1. Disability Policy Review

(Presentation was provided)

The Manager Social Development and the Disability Advisor spoke to the presentation which outlined the principles of the policy, the annual action plan to implement priorities, the annual accessibility audits of facilities and the bi-monthly accessibility advisory group. Stakeholders had been consulted. The principles of universal design were discussed and how developers could be encouraged to consider these at the beginning of a development.

Elected Members asked questions in relation to the following:

- interaction of the policy with other HCC policies such as Special Housing Areas (SHAs)
- leading change in development with universal design and how to do this
- HCC use of market incentives to influence rental stock suitable for disabled persons
- input and consultation with Maaori
- implementation strategies for the draft Action Plan
- practicality of the current policy guarantees – accessibility and best practice standards
- overcoming barriers - playgrounds, job interview process, the elections process and modifications to website as currently inaccessible to sight and hearing impaired
- collaboration with other government agencies

2. Consultation Arrangements for the Draft Hamilton Gardens Management Plan

(Presentation was provided)

The Hamilton Gardens Manager explained that the purpose of the presentation was to show the content and processes for consultation for the Hamilton Gardens Management Plan. Consultation would be held over two months and included newsletters, brochures, a video, a website, and open days. The Management Plan would go to Regulatory and Hearings Committee in August 2019. The draft consultation document was circulated for information.

The Members requested that details of the financial costs for the developments be included in the background summary of the draft consultation document, that an asterisk be placed by questions to lead respondents to the corresponding rationale, and to remove Question 3.

Elected Members asked questions in relation to the following:

- delay in producing the final consultation document for Members feedback
- availability of hard copies of the consultation document and consultation options for people with disabilities
- options to help residents make informed decisions/feedback
- current operating costs and costs associated with the new gardens
- implications of paid parking
- bicycle access to ride around the Gardens, and the placement of the cycleways

3. **Parks Bylaw and Drones**

(Presentation was provided)

The Senior Planner explained that the purpose of the presentation was to inform Members of the Parks Bylaw review which was currently out for consultation. He outlined the Bylaw provisions - the Council's responsibility as landowner for safety and enjoyment of park use; the Civil Aviation Authority's approval for controlled airspace around the hospital and airport; and the Privacy Act for privacy issues. E-bikes and e-scooter use were currently covered by motor vehicle definition and therefore needed permission to be in parks.

Elected Members asked questions in relation to the following:

- drones on private property, taking photos, managing noise
- definition of a motor vehicle
- ways to limit use to cycleways versus grassed area
- consultation with Waikato Road Policing team.

4. **Housing and Urban Development Authorities (HUDAs)**

(Presentation was provided)

The City Planning Manager explained purpose of the presentation was to inform Members on the proposed new Crown agency. The agency would consolidate Housing New Zealand and its subsidiary HLC, and Kiwibuild. It would focus on small and large-scale development projects in partnership with other agencies, local government, iwi and private partners. The projects could involve large brownfield re-development such as London Docklands and Barangoo, Sydney. Draft legislation was expected later this year.

Elected Members asked questions in relation to the following:

- impact on the District Plan
- ways to manage vested interests vs public good
- submissions that have been made to government
- issues with provision of community related infrastructure
- need for quality development for communities.

Council Report

Committee: Council **Date:** 18 April 2019
Author: Claire Guthrie **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of Elected Member Open Briefing Notes - 12 March 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 12 March 2019 as a true and correct record.

Attachments

Attachment 1 - Confirmation of Elected Member Open Briefing Notes - 12 March 2019

Elected Member Briefing Notes – 12 March 2019 – Open

Time and date:	1.00pm, 12 March 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O’Leary, Taylor, Henry, Southgate, Bunting, Mallett, Casson, Tooman, Macpherson, Hamilton Maangai Maaori, Te Ua, Takiari- Brame and Whetu
Apology for Full Session:	Maangai Maaori Hill and Thompson-Evans
Apologies for lateness/early departure:	Crs Hamilton, Southgate and Macpherson Maangai Maaori Te Ua

Discussion

The briefing session covered in a session.

- Draft West Town Belt Masterplan

There were a number of key points arising from the discussion:

1. Draft West Town Belt Masterplan

(Presentation was provided)

The General Manager Community and the Parks Planner explained the focus for the briefing was to address the matters raised at the 19 February 2019 Council meeting and to present consultation methods and material. The briefing focused on Character Area 2 – Norris Ward Park; Character Area 3 - the Northern Districts Cricket/Bryce Street closure; Character Area 4 - the Norton Road roundabout and Founders theatre area; Character Area 5 - the Passing Red site; and Character Area 7B/8B -Willoughby and Whatanoa Streets Transformation project. It was agreed to remove Option C from Character Area 4 and Option B from Character Area 7/8.

Elected Members asked questions in relation to the following:

- benchmarking against H3 goals and plans
- prioritising project goals and inclusion of heritage/treasured into the vision
- ways to encourage the public to submit ideas
- definition of healthy environment
- carparking provision in Norris Ward Park and Passing Red site
- impact of intensification on corridor street use and the need for footpaths and walkways
- cricket ground upgrade proposal details and the Council resolution
- opening up visibility around Seddon Park, provision of pathways, allowing public access opportunities, use of fencing to allow views into the stadium when not in use
- Tristram and Seddon Streets traffic flows
- impact of the potential railway station
- claiming back green space, possibility of not replacing concrete or buildings
- importance of the Norton Road roundabout and potential for changes
- tension between passive open space use and provision of an arts building
- innovative ways to include cycling
- provision of a skate park at the Passing Red site and the use of the parking area

Council Report

Committee: Council **Date:** 18 April 2019
Author: Claire Guthrie **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of Elected Member Open Briefing Notes (Annual Plan) - 21 March 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing (Annual Plan) held on 21 March 2019 as a true and correct record.

Attachments

Attachment 1 - Confirmation of Elected Member Open Briefing Notes (Annual Plan) - 21 March 2019

Elected Member Briefing Notes (Annual Plan) – 21 March 2019 – Open

Time and date:	10.20am, 21 March 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O’Leary, Henry, Southgate, Mallett, Casson, Hamilton, Tooman, Macpherson Maangai Maaori Takiari-Brame, Hill, Te Ua, Thompson-Evans
Apology for Full Session:	Crs Taylor, Bunting, MM Takiari-Brame, Hill, Whetu
Apologies for lateness/early departure:	Deputy Mayor Gallagher, Crs Southgate, Macpherson, Casson, O’Leary

Discussion

The briefing session covered the following topics in an open session.

- Submission by Hamilton City Council to the Ministry of Education regarding the consultation document *Reform of Vocational Education*
- Seismic Strengthening – Staff Report on Requirements
- CBD Parking Trial – Staff Report on Options
- Development Contributions Policy – consultation document, inclusion of additional growth projects
- Annual Plan – Update on Proposed 2019/2020 budget

There were a number of key points arising from the discussion:

1. Submission by Hamilton City Council to the Ministry of Education regarding the consultation document *Reform of Vocational Education* (Presentation was provided)

The Executive Director Special Projects and the Programme Manager, Analysis and Research, explained that the purpose of the presentation was to obtain direction from Elected Members for HCC’s submission to the Ministry of Education’s consultation document. The HCC’s submission supported the reforms overall, reinforced the important role Wintec and the Industry Training Organisations (ITOs) played in the Waikato economy. There were concerns with the timeline and the lack of detail for the new organisational structure. The submission supported Wintec as an ideal location to accommodate a range of the national office functions.

Elected Members asked questions in relation to the following:

- reforms leading to financial savings
- concept of nationalisation, preventing the loss of local educational reputation and influence
- inclusion of the Wananga in this process
- inclusion of additional IT groups to show Hamilton’s strength in this area
- effect of reforms and national perspective on Wintec’s success
- options to protect local innovations and influence on the local business sector
- impact on private training establishments and importance of fair and consistent funding
- logic to centralise some infrastructure, but leave others to market forces
- importance of transparency of funding and accountability for outcomes
- advantages with national standards for training
- possible collaboration between Wintec and the University of Waikato

2. Seismic Strengthening – Staff Report on Requirements

(Presentation was provided)

The Facilities Unit Manager and the Building Control Manager explained that the purpose of the presentation was to provide an update on the known risks, future financial implications and to clarify HCC's Seismic Performance of Buildings Policy. The requirements under the Building (Earthquake-prone Buildings) Amendment Act 2016 were explained and the building assessment legislative timeframes. It was noted that the HCC policy was more stringent than the legislation. There are forty-nine buildings that have high significance, and these were to be assessed first. These included facilities such as Porritt Stadium, the Chimpanzee house, Waikato museum (roof remediation), Holman stand, Hamilton Park Cemetery Chapel, Refuse Transfer Station Goods Shed, WEL network stand, and 260 Victoria Street.

Elected Members asked questions in relation to the following:

- definition of 'earthquake', Council responsibility in relation to seismic risk, the difference between an Initial Seismic Assessment (ISA) and Detailed Seismic Assessment (DSA) and between significant and priority
- DSA requirements
- reasons for including residential property when excluded under the Act and HCC legal liability for those residential houses
- the level of seismic risk that closed the Founders theatre and the Central Library
- definition of significant or non-significant by number of public users
- possibility of the government changing the minimum standards for earthquake risk
- impact of closing the WEL stand
- business case for Artspost to retain the façade but with a new building
- cost of strengthening old buildings instead of replacing them
- delay in assessment for 260 Victoria St as its future status was uncertain
- options to identify seismic risk in all building reports from now on even if not required under legislation

3. CBD Parking Trial – Staff Report on Options

(Presentation was provided)

The Special Projects Manager explained that the purpose of the presentation was to update the Elected Members on the CBD Parking trial and the results so far. Research results had been obtained from customer and business surveys as well as the data collected from the parking technology. He noted that improved data was now available daily which allowed a better understanding of parking patterns and trends. The staff report would offer two options – to continue the trial until June 2020 or revert back to free parking before 9am and after 3pm from September 2019. Staff would be recommending that the trial continued for another 12 months.

Elected Members asked questions in relation to the following:

- Council promotion of cycling and buses when providing free parking
- possibility of park and ride areas and shuttles to the CBD
- collecting data on cyclists and pedestrians in CBD
- accuracy of the data to show turnover vs occupancy and results from the customer survey
- improvements to the signage
- cumulative cost of the trial, revenue from parking, the CBD targeted rate and enforcement,
- inclusion of clearways and busways in precinct data
- inclusion of the University and Wintec parking research
- possibility that option 2 would result in a financial return

4. Development Contributions (DC) Policy – Consultation Document, Inclusion of Additional Growth Projects

(Presentation was provided)

The Economic Growth and Analytics Unit Manager and the General Manager Development explained that the purpose of the presentation was to seek direction from Elected Members on the preparation of an updated DC Policy 2019/2020 for public consultation. The key changes from the previous policy were outlined. Data was provided on the financial impact of re-introducing the full CBD DCs remission along with the proposed charges and projected revenue. It was noted that the current DCs remissions policy had a positive effect on development but at a cost to the general ratepayer and Council. The possible impact of the proposed higher charges was outlined along with options to address this.

Elected Members asked questions in relation to the following:

- savings options
- the amount of estimated vs actual revenue being reported and effect on HCC cash flows
- ratepayers paying for development that benefits all ratepayers
- options such as a deferred payment plan or a targeted rate
- consultation requirements if introduce changes
- research to show that deferred DCs would positively influence development

5. Annual Plan – Update on Proposed 2019/2010 Budget Changes

(Presentation was provided)

The General Manager Strategy and Communication explained that the purpose of the presentation was to confirm the process and timing for preparation of the draft 2019/2020 Annual Plan budget and to update Elected Members on changes to proposals. He outlined the approved changes to the 2019/2020 10-Year-Plan budget to date along with the timeline for changes to go Council for approval.

Elected Members asked questions in relation to the following:

- status of proposals/changes for the Annual Plan that had not been approved
- process for proposals/changes for the Annual Plan that are approved but then not wanted

Council Report

Committee: Council **Date:** 18 April 2019
Author: Claire Guthrie **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of Elected Member Open Briefing Notes - 28 March 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 March 2019 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Notes - Open - 28 March 2019

Elected Member Briefing Notes –28 March 2019 – Open

Time and date:	10.30am, 28 March 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O’Leary, Taylor, Henry, Southgate, Bunting, Mallett, Casson, Macpherson Maangai Maaori Te Ua
Apology for Full Session:	Cr Hamilton, Tooman Maangai Maaori Takiari-Brame, Hill, Thompson-Evans and Whetu
Apologies for lateness/early departure:	Crs Southgate, Bunting, Casson Maangai Maaori Te Ua

Discussion

The briefing session covered the following topics in an open session.

- Waikato Local Authority Shared Services (WLASS)
- Waikato River Authority
- Solid Waste Bylaw Review
- Approval of Proposed Footpath Pallet for London Street

There were a number of key points arising from the discussion:

1. **Waikato Local Authority Shared Services**

(Presentation was provided)

The Executive Director Special Projects introduced the CEO of WLASS and explained that the group had reviewed its purpose and performance in order to transform the service delivery and leadership functions of the group. The changes included a reduction in the number of representatives from the local Territorial Authorities, an independent chair and a paid position for the CEO. The group was looking to be more agile, efficient and responsive to the region’s needs and some potential projects were outlined. It would develop centres of excellence and investigate significant new shared services opportunities. There would be an increased shareholder investment which would be offset by future savings. Approval would be sought for changes to the constitution and governance agreements.

Elected Members asked questions in relation to the following:

- any change to shared services/ economies of scale rationale to support smaller authorities
- potential employment conditions for directors and appointment process
- current and future cost of the service
- possible conflict between regional cooperation and parochial interests
- process and timing for achieving KPIs
- the time expectation and achievements for the Independent chair
- current savings for the rating database and how this is generated

2. Waikato River Authority (WRA)

(Presentation was provided)

The General Manager Community introduced three members from the Waikato River Authority and explained that the purpose of the presentation was to explain the Authority's Vision and Strategy Review, the funding round for 2019 and what had been achieved to date. The WRA's Communications Advisor outlined the background to the establishment and function of the Authority. The Authority's Principal Advisor for Engagement and Policy described how WRA worked to empower decisionmakers to focus on the river's wellbeing and restore tribal control for river decisions and was currently reviewing the vision and strategy and would be consulting with the key stakeholders. The Funding Manager explained the funding strategy and timelines and Elected Members were given a copy of the "*Waikato and Waipaa Rivers Restoration Strategy*" which identified the work to give effect to the Vision and Strategy over the next 5-15 years.

Elected Members asked questions in relation to the following:

- WRA's role with monitoring and removing contaminants in stream water
- preservation versus public enjoyment in relation to funding gully restoration
- getting support for HCC's gully restoration under the Biodiversity Project
- possibility of restoration projects for Lake Rotoroa
- role of catchment committees
- ways to access funding for the River Plan projects
- solutions to river issues
- jurisdiction for alligator weed

3. Solid Waste Bylaw Review

(Presentation was provided)

The Corporate Policy Specialist, the Compliance Manager, and the Solid Waste Consultant explained that the purpose of the presentation was to update Elected Members on the Bylaw Review so far and to get direction on what further information was needed before undertaking public consultation. The Solid Waste Consultant outlined the changes and their rationale and she confirmed that consultation with key stakeholders and two legal reviews by Tompkins Wake had been undertaken to prepare the draft review.

Elected Members asked questions in relation to the following:

- provision to do pro-active enforcement
- enforcement on private property such as donation collection points
- practical ways to manage multi-unit developments down a Right of Way with separate owners, private waste collection for multi-unit developments, any rate rebate
- suspension of services penalty and problems that could ensue
- impact of less street width in new developments
- communications strategies to ensure understanding
- cost implications for Council
- staff needed to monitor breaches of the Bylaw

4. London Street Footpath Pallet

(Presentation was provided)

The Transportation Operations Team Leader explained that the purpose of the presentation was to inform Elected Members of the proposal to simplify footpath paving options and the use of cobblestones. She pointed out how the revised layout would still enable access to services accommodate changes to building frontages. Examples of upcoming city projects were shown.

Elected Members asked questions in relation to the following:

- difference in ease of lifting pavers and concrete
- width of footpaths
- reasons for two different options
- maintenance issues
- project costs
- communication with businesses when undertaking work

5. Rotokauri Park 'n Ride and Public Transport

This was an unscheduled item from the General Manager Development to clarify the map content for the staff report coming to the Growth & Infrastructure Committee meeting on Friday 29 March 2019. He explained the layout of the proposed rail and bus facility and outlined the points and types of access including a pedestrian bridge to The Base. He noted there would be a staged development of the site which included building a collector road from Arthur Porter Drive.

Elected Members asked questions in relation to the following:

- accessibility provision of lifts and ramps

Council Report

Committee:	Council	Date:	18 April 2019
Author:	Rebecca Watson	Authoriser:	Becca Brooke
Position:	Committee Advisor	Position:	Governance Team Leader
Report Name:	Recommendations from the Community, Services & Environment Committee		

Report Status	<i>Open</i>
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Purpose

- To seek the Council's approval of the recommendation from the Community, Services & Environment Committee meeting on 2 April 2019, in respect of the following:
 - Event Sponsorship Policy Review
 - Draft Play Strategy
- The 2 April 2019 Community, Services & Environment Committee agenda and minutes are available on the Council website or via the following link:

[https://www.hamilton.govt.nz/our-council/Council meetings and public information/meetings-and-minutes/Pages/default.aspx](https://www.hamilton.govt.nz/our-council/Council%20meetings%20and%20public%20information/meetings-and-minutes/Pages/default.aspx)

Recommendations from the Community Services and Environment Committee:

- Event Sponsorship Policy Review**
That the Council approves the Event Sponsorship Policy Review (as set out in attachment 1 item 10 of the Community, Services and Environment Committee agenda 2 April 2019).
- Hamilton City Council Draft Play Strategy**
That the Council approves the Draft Play Strategy (as set out in attachment 1 item 11 of the Community, Services and Environment Committee agenda 2 April 2019).

Attachments

There are no attachments for this report.

Council Report

Item 12

Committee: Council
Author: Rebecca Watson
Position: Committee Advisor
Report Name: Recommendation from the Finance Committee - Financial Strategy Monitoring Report

Date: 18 April 2019
Authoriser: Becca Brooke
Position: Governance Team Leader

Report Status	<i>Open</i>
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Purpose

1. To seek the Council's approval of the recommendation from the Finance Committee meeting on 9 April 2019, in respect of Financial Strategy Monitoring Report.
2. The 9 April 2019 Finance Committee agenda and minutes are available on the Council website or via the following link:

https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/meetings-and-minutes/Pages/default.aspx

Recommendations from the Finance Committee:

3. That the Council:
 - a) approves the rephrasing and delay deferrals of an additional \$26.3M capital projects from 2018/19 to future years as listed in the 9 April 2019 Capital Portfolio Monitoring Report;
 - b) approves the significant forecast adjustments as set out in paragraphs 20 to 32 of the staff report; and
 - c) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 33 to 42 of the April 2019 Financial Strategy Monitoring Report report.

Attachments

There are no attachments for this report.

Council Report

Committee: Council **Date:** 18 April 2019
Author: Jennifer Parlane **Authoriser:** Lance Vervoort
Position: Parks Planner **Position:** General Manager Community
Report Name: West Town Belt Masterplan - Approval for Public Consultation

Report Status	<i>Open</i>
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Purpose

1. To seek the Council's approval of the Draft Hamilton West Town Belt Masterplan for public consultation.

Staff Recommendation

2. That the Council:
 - a) receives the report;
 - b) approves public consultation of the Draft Hamilton West Town Belt Masterplan from 29 April 2019 to 26 May 2019; and
 - c) notes that the final decision on the plan will be brought back to the Council for consideration.

Executive Summary

3. At the Community and Services Committee meeting of 7 June 2018, the Committee approved the preparation of the Draft Hamilton West Town Belt (WTB) Masterplan (the Masterplan) and noted that there would be the opportunity for full public consultation.
4. A Draft Masterplan has been developed. It incorporates input from the earlier 'Phase One – Pre-Concept Engagement' held mid 2018 which included Mana Whenua, key internal and external stakeholders including current lease-holders on the WTB, and surrounding residents and businesses who are most likely to be affected by the Masterplan.
5. The Draft Masterplan was presented to the Community, Services and Environment Committee on 19 February 2019 for approval. A procedural motion was put so a greater level of discussion and feedback with Elected Members could be undertaken before approval. The Draft Masterplan is now ready to be approved for 'Phase Two - Public Consultation'.
6. At the Elected Member Briefing of 12 March 2019 Elected Members provided staff with feedback that was then incorporated into the Draft Masterplan.
7. The updated Draft Masterplan was then presented back to Elected Members at a Elected Member Briefing on 2 April 2019. At this Briefing Committee Members confirmed the changes made. No further substantive changes were requested.

8. The Masterplan is a non-statutory plan, therefore there is no statutory requirement for public consultation. However, in response to direction given by elected members and in the interests of best-practice, Phase Two - Public Consultation will be open for four weeks from 29 April – 26 May 2019.
9. Following consultation and any changes that result from it, a final Masterplan will be presented at the Community, Services and Environment Committee meeting on 22 August 2019 as a recommendation to the Council for final approval.
10. The development of a Masterplan is a regular operating activity funded through the 2018-28 10-Year Plan for Parks and Recreation policy and plan development.
11. Staff consider the decision in this report has medium significance and that the recommendations comply with the Council's legal requirements

Background

12. The WTB is a 54 hectare open space located on the city fringe. It is an important 'green frame' to the city centre and neighbouring suburbs and provides an open space corridor between the Hamilton Lake Domain and the Waikato River.
13. The WTB provides important organised sport, informal recreation, cultural and community opportunities for Hamilton residents and visitors. It also provides essential open space amenity and well-being to surrounding urban areas.
14. Balancing the needs of the WTB's organised sporting activities (including stadia) with its less formal, recreational uses and underlying open space purpose, is increasingly important, particularly as the residential growth within central Hamilton continues to rise.
15. Currently, there is currently no singular holistic plan or strategic direction that guides the decision-making for the WTB. The absence of an overarching approach risks its open space integrity and community usefulness.

Discussion

16. The report is seeking the Council's approval for public consultation on the Draft Hamilton West Town Belt (WTB) Masterplan (the Masterplan).
17. The Draft Masterplan establishes a long-term vision for the future of this highly valued open space.
18. The purpose of the Draft Masterplan is to present a clear and compelling long-term vision for the future of the WTB over the next thirty years that reflects the values of the community and enhances the use and enjoyment for one of Hamilton's largest open spaces.
19. The Draft Masterplan considers the WTB in an integrated manner and provides a framework to ensure that the future use and development of the area is planned as a coordinated whole.
20. The preparation of the Draft Masterplan has been informed by:
 - a) Council plans and policies;
 - b) Site analysis and investigations;
 - c) Best-practice placemaking design; and
 - d) Engagement ('targeted consultation') undertaken with Mana Whenua, key stakeholders and the public during 'Phase One – Pre-Concept Engagement'.
21. Phase One engagement methods included meetings, design workshops, a public open day and online public survey.

22. Based on the above, the Draft Masterplan sets out:
- a) A vision for the WTB;
 - b) Eight long-term goals;
 - c) Te Aranga and placemaking design principles to guide each project;
 - d) Seven site-wide strategies;
 - e) 11 Character Areas in which a series of open space and transport-based projects are identified. Where information is not available, strategic questions and technical investigations are outlined; and
 - f) Guidance on how the above strategies and projects are implemented.
23. The Masterplan is a non-statutory plan, therefore there is no statutory requirement for public consultation. However, in response to direction given by elected members and in the interests of best-practice, Phase Two - Public Consultation will be open for three weeks from 29 April – 26 May 2019.
24. The Engagement goals for the overall Masterplan are:
- a) To promote the West Town Belt as a significant community asset for the existing and future residents of Hamilton City;
 - b) To involve project partners and key stakeholders on all aspects of the proposed design and encourage input and feedback on the options as they relate to them; and
 - c) To consult with the public on aspects of the proposed design and encourage feedback on the options as they relate to them
25. The purpose of the 'Phase Two-Public Consultation' is to:
- a) Check in with the Phase One groups and make sure their input has been captured correctly;
 - b) Test the Draft Masterplan with the broader community; and
 - c) Use feedback to inform any changes to the Final Masterplan.
26. Following consultation and any changes that result from it, a final Masterplan will be presented at the Community, Services and Environment Committee meeting on 22 August 2019 as a recommendation to the Council for final approval.
27. Engagement methods will be similar to those used in Phase One but adapted to suit the level of information presented in the draft Masterplan. This may include a summary version as well as the full version.
28. The Masterplan has been informed by relevant Council strategic plans and policies and will contribute to achieving Hamilton Community Outcomes.

Options

29. While there is no legislative requirement to consult on this Masterplan, consultation on the draft Masterplan will ensure public have an opportunity to provide any feedback prior to the Council. The Council has previously indicated a desire for full public consultation

Financial Considerations

30. The Masterplan has cost \$30,000 in consultancy (planning, analysis and design) and \$30,000 in staff time.
31. The development of a Masterplan is a regular operating activity funded through the 2018-28 10-Year Plan for Parks and Recreation policy and plan development.
32. The total cost for the Phase Two – Public Consultation is consistent with standard Council consultation processes. \$5,000 was set aside for consultation costs in the initial approval of the project.

Legal and Policy Considerations

33. Staff confirm that the recommended option complies with the Council's legal and policy requirements.

Cultural Considerations

34. It is acknowledged that the WTB is an area of significance for Tangata Whenua.
35. Staff have engaged with Waikato-Tainui and THaWK throughout the development of the Draft Masterplan and will continue to throughout the development of the Final Masterplan.
36. The Council has also partnered with Waikato-Tainui on an intern project, which has resulted in a short-term intern working at council to ensure Mana Whenua values are meaningfully embedded within the Masterplan.

Sustainability Considerations

37. The WTB masterplan supports a number of the Council's Sustainability Principles, particularly principle 1 regarding Council's inclusion of environmental, economic, social, and cultural considerations in its decision-making criteria.

Risks

38. If the Draft WTB Masterplan is not approved to go out for public consultation in its current state, further work will have to be undertaken to refine the Draft. This would risk timeframes and potentially incur further cost. The purpose of public consultation is to test the Draft Masterplan with the public and get their feedback.

Significance & Engagement Policy

Significance

39. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a medium level of significance.

Engagement

40. Staff have sought and received a significant amount of feedback during Phase 1 consultation in mid-2018. This has been incorporated into the draft Masterplan, and Phase 2 consultation will help staff to test that the feedback is reflected in the plan.
41. Given the medium level of significance determined, the engagement level is medium. Engagement is required.

Attachments

Attachment 1 - Draft Hamilton West Town Belt Masterplan (*Under Separate Cover*)

Council Report

Committee: Council **Date:** 18 April 2019
Author: Tracey Lowndes **Authoriser:** Sean Hickey
Position: Project Manager - Strategy and Planning **Position:** General Manager Strategy and Communications
Report Name: Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Hamilton City Council Remits for Consideration

Report Status	<i>Open</i>
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Purpose

1. To seek a decision on Hamilton City Council's proposed remits to the 2019 Local Government New Zealand (LGNZ) Annual General Meeting (AGM) to be submitted to the LGNZ Metropolitan Group meeting on 10 May 2019.
2. To note that if the Metropolitan Group of councils indicates support for the remits on 10 May 2019, the remits will be submitted for consideration at the LGNZ AGM on Sunday 7 July 2019.

Staff Recommendation

3. That the Council:
 - a) receives the report;
 - b) approves or declines the submission of the following remits to the 10 May 2019 LGNZ Metropolitan Group meeting, proposing:
 - i. LGNZ encourages member councils to commit to phasing out the use of glyphosate by 2025;
 - ii. LGNZ initiates a national review of Local Government Official Information and Meetings Act (1987) request management;
 - c) note the remits from Hamilton City Council will be submitted to the LGNZ Annual General Meeting on 7 July 2019 if the Metropolitan Group indicates their support.

Executive Summary

4. Member authorities of LGNZ (member councils) have been invited to submit remits for consideration at the LGNZ Annual General Meeting on Sunday 7 July 2019.
5. If supported at the AGM by the majority of member councils present, remits will be actioned by LGNZ.
6. Remits must be of a major policy nature and relevant to local government as a whole rather than a single sector or council.

7. Remits proposed to the AGM must have support from at least one zone or sector group meeting or from five councils. Evidence of this support is part of the submission.
8. Hamilton City Council is part of the Metropolitan Group of councils. This group meets next on 10 May 2019 and this meeting provides an opportunity for the Council to ascertain support for its proposed remits.
9. If the Metropolitan Group resolves to support the Hamilton City Council remits, they will be submitted to LGNZ by 13 May 2019 for consideration at the AGM in July 2019.
10. The LGNZ Remit Policy is provided as attachment 1.
11. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

12. A remit is a request for action regarding a matter of a major policy nature. Councils submitting remits to LGNZ must provide background on the issue and why it is relevant to local government broadly and clearly state the action they propose LGNZ takes.
13. At a public briefing on 28 February 2019, Elected Members were advised of the remit submission process and asked to provide direction for remit ideas. A number of ideas were suggested by Elected Members.
14. Staff then worked with Elected Members to research the ideas and develop them into the format required by LGNZ. In some cases, Elected Members decided not to pursue proposed remits where, for example, they were already the subject of other processes such as government reviews.
15. Two remits have been prepared and are summarised below with further detail attached.

Remits for consideration:

16. National phase-out of glyphosate use by councils

That LGNZ encourages member councils to commit to phasing out the use of glyphosate by 2025.

17. LGOIMA request management review

That LGNZ initiates a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities that will create a sector-wide picture of:

- trends in the volume and nature of LGOIMA requests over time
- trends in users
- the impacts of technology in terms of accessing information sought and the amount of information now held by local authorities (and able to be requested)
- the financial and resource impacts on local authorities in managing the LGOIMA function.

That LGNZ use the data obtained to:

- identify opportunities to streamline or simplify LGOIMA processes
- share best practice between local authorities
- assess the value of a common national local government framework of practice for LGOIMA requests
- identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).

Financial Considerations

18. There are no financial considerations associated with the process of submitting the remits for consideration by other member councils.

Legal and Policy Considerations

19. There are no known risks associated with the decisions required for this matter.

Significance

20. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

21. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - LGNZ-remit-policy

Attachment 2 - LGNZ remits 2019 - Glyphosate

Name of issue:	LOGIMA request management review
Councillor supporting:	Cr Dave Macpherson
Staff member responding:	Lee-Ann Jordan, Governance Manager

Proposed remit
<p>That LGNZ initiates a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities that will create a sector-wide picture of:</p> <ul style="list-style-type: none"> • trends in the volume and nature of LGOIMA requests over time • trends in users • the impacts of technology in terms of accessing information sought and the amount of information now held by local authorities (and able to be requested) • the financial and resource impacts on local authorities in managing the LGOIMA function. <p>That LGNZ use the data obtained to:</p> <ul style="list-style-type: none"> • identify opportunities to streamline or simplify LGOIMA processes • share best practice between local authorities • assess the value of a common national local government framework of practice for LGOIMA requests • identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).
Description
<p>Given the importance of transparency and accountability of local government decision-making processes, LGOIMA is a fundamental local democratic mechanism by which the public can engage with their local authorities. The Local Government Official Information and Meetings Act (1987) is over 30 years old. It is unlikely that the legislation anticipated the scenarios local authorities face today in terms of the technology available (databases, email, social media, texts etc) and the masses of data, information and commentary generated that is able to be requested.</p> <p>Currently in many councils this process is under increasing pressure, raising questions regarding adequate resource levels, options to streamline and optimise processes, more coordination within the sector, and the need for greater certainty regarding practical and sustainable application of the legislation.</p>
Nature of the issue
<p>A comprehensive understanding of the current state of play in the sector is needed, as are metrics to measure LGOIMA activity nationally to identify opportunities for improvements and efficiencies for the benefit of local authorities and the public.</p> <p>An appropriate response is needed to address the tension between transparency and accountability to the public and effective, cost-efficient use of council resources to respond to requests under LGOIMA.</p> <p>Despite guidance provided by the Office of the Ombudsman, it is becoming harder for local authorities to traverse the range of requests made under LGOIMA with confidence that they are complying fully with the Act. Issues such as grounds for withholding information, charging for information or seeking extensions are becoming increasingly problematic as the scope and scale of complex requests grows.</p>

Background to the issue being raised
<p>Anecdotally, local authorities all around the country seem to be noticing:</p> <ul style="list-style-type: none"> • an increase in the volume of LGOIMA requests year on year; • an increase in requests from media; • an increase in serial requestors; • an increase in referrals for legal advice to negotiate complex requests and the application of the Act; • an increase in requests that could be described as vexatious; and • consequently, an increase in the costs of staff time in managing LGOIMA. <p>In seeking to comply with the legislation, local authorities share the Ombudsman’s view of the importance of public access to public information in a timely fashion in order to “enable more effective public participation in decision making; and promote the accountability of members and officials; and so, enhance respect for the law and promote good local government” (s4 LGOIMA).</p> <p>In many ways technology is making it easier to source, collate and share a far greater range of public information faster. At the same time the ubiquitous use of technology within local government has significantly increased the volume and forms of information an organisation generates and captures, with associated implications for researching, collating and then reviewing this information in response to LGOIMA requests.</p> <p>Current status:</p> <ol style="list-style-type: none"> 1. Understandably, the Ombudsman’s advice encourages local authorities to apply a very high threshold for withholding information and to take a generous view of what is in the public interest. 2. The scope of requests is becoming broader, more complex and covers longer time periods (to the point where some could be described as fishing expeditions). While local authorities can request refinements to scope, requestors do not always agree to do so or make only minimal changes. 3. There are costs associated with automated searches of systems, databases and email accounts, some of which should not or are not easily able to be passed on to requestors. Not undertaking automated searches increases the risk of pertinent information being omitted. 4. The Ombudsman’s guidance is very helpful in the main. However, Ombudsman’s guidelines take the view that a council will scope the request then make the decision whether to release the information then prepare the information for release. This often does not reflect the reality of dealing with a LGOIMA request especially large and complex requests. These components are interrelated and cannot be processed as entirely separate stages. 5. A small number of repeat requestors appear to be responsible for an increasingly disproportionate number of the total requests. Some are individuals, but a greater number are media and watchdog groups like the Taxpayers Union. 6. With an increasing amount of information requested, the review of documents, webpages etc and redaction of text for reasons of privacy or outside-of-scope is significant and onerous. 7. Local authorities are failing to take a common approach to people and organisations that are making the same request across the sector. 8. An increasing number of LGOIMA requests are seeking property/property owner/licenseholder information or other information more often than not to be used for marketing or other commercial ends. Yet local authorities are limited in their ability to recoup

<p>associated costs in providing this information or, in the case of standard operating procedures, protect their own intellectual property.</p>
<p>How does this align to our existing plans, strategies or policies? List any relevant legislation or practice</p>
<p>Local Government Official Information and Meetings Act 1987; Privacy Act 1993; Office of the Ombudsman Official Information legislation guides; Privacy Commissioner privacy principles.</p> <p>Hamilton City Council is very conscious of its responsibilities under the Local Government Official Information and Meetings Act 1987, the Privacy Act 1993, and related guidance and our processes comply with the relevant legislation.</p> <p>This topic is also closely aligned with Hamilton City Council's strategic imperative: 'A Council that is Best in Business'.</p>
<p>What work or action on the issue has been done, and what was the outcome?</p>
<p>Hamilton City Council has been working continuously over the last 18 months to refine our processes for dealing with LGOIMA requests. This work has ensured that relevant staff as well as the staff in the LGOIMA office and in the Communications Unit are aware of the procedures and requirements for dealing with LGOIMA requests under the Act, and options potentially available where the scope or the complexity of requests tests Council resources. Templates for responses and communications with staff regarding responses have been developed and are used or customised as necessary. We have also introduced a reporting framework so that we have visibility of requests over time and various component factors including time taken to prepare and respond to LGOIMAs. Opportunities for further enhancements relate to understanding and being able to reflect best practice sector-wide.</p>
<p>Outcome of any prior discussion with other councils in our region or other metro councils</p>
<p>While there have been informal discussions on the topic of a common sector approach to LGOIMA between interest groups within local government, to the best of our knowledge a formal approach to investigating this matter is yet to be taken.</p>
<p>How the issue relates to objectives in the current LGNZ work programme</p>
<p>LGNZ has a work programme focused on improving the local government legal framework. This remit is consistent with that programme and seeks to focus attention on a particularly problematic part of the framework that is currently not being specifically addressed.</p>
<p>Evidence of support from zone/sector meeting or five councils</p>
<p>To be completed after the metro council meeting.</p>
<p>Suggested course of action by LGNZ envisaged</p>
<p>LGNZ prioritises a national review of LGOIMA request management as part of its programme to continuously improve the local government legal environment.</p>

Name of issue:	National phase-out of glyphosate use by councils
Councillor supporting:	Cr Siggs Henry
Staff member responding:	Maria Barrie

Timing

18 April	Council considers proposed remits
10 May	Remits considered by other councils at metro sector meeting
7 July	Remits considered by LGNZ Annual General Meeting

Proposed remit
That LGNZ encourages member councils to commit to phasing out the use of glyphosate by 2025
Description
Councils replace glyphosate with non-chemical weed control alternatives over the next five years
Nature of the issue
There is mixed evidence of the risks associated with using glyphosate as a weed control method and lobby groups are actively pressuring councils to reduce use. Glyphosate is currently approved for use as a herbicide by the Environmental Protection Agency (EPA), and most New Zealand councils use it, given it is a cost-effective, proven option for weed control. Most councils take an integrated approach to weed control, which includes the use of glyphosate-based products along with alternative methods.
Background to the issue being raised
In New Zealand, the use of glyphosate is regulated by the EPA. A 2016 EPA review concluded that glyphosate is unlikely to be genotoxic or carcinogenic to humans and does not require classification under the Hazardous Substances and New Organisms Act 1996 as a carcinogen or mutagen. Internationally there is controversy surrounding the use of glyphosate. In 2004 a World Health Organization Group (the joint Meeting on Pesticides Residues) determined that glyphosate does not pose a cancer risk to humans. In 2015, another WHO sub-group (the International Agency for Research on Cancer) classified glyphosate as 'probably carcinogenic to humans'. In August 2018 a California jury found Monsanto liable in a case linking the use of the company's glyphosate-based weedkillers to cancer. In March 2019, a federal jury in America ruled that use of Monsanto's glyphosate-based weedkiller was a 'substantial factor' in another's man's development of cancer. These cases have reinvigorated calls to ban the use of glyphosate in New Zealand and worldwide.
How does this align to our existing plans, strategies or policies? List any relevant legislation or practice
Hamilton City Council currently operates in compliance with national standards (NZ Standard 8409:2004 Code of Practice for the management of agrichemicals), the Waikato Regional Plan and Pest Management Plan and our own Herbicides Use Management Policy.

<p>What work or action on the issue has been done, and what was the outcome?</p> <p>Hamilton City Council staff are currently actively looking at reducing chemical use in general and, more specifically, at alternative weed control methods. Our approach acknowledges the importance of keeping our community and staff safe and healthy. Staff are appropriately trained and required to wear the correct personal protective equipment (PPE) for the task.</p> <p>Our investigation of non-glyphosate options has incorporated the following:</p> <ol style="list-style-type: none"> 1. In September 2018, we began trialling use of a steam machine for weed control. The equipment has a large carbon footprint (9 litres of fossil fuel per hour of operation) and requires more frequent application to achieve the same level of weed control. 2. Mulch application –use of new mulch application machine has enabled sites to be mulched faster than traditional methods, which suppresses weeds for longer. 3. We have trialled longer grass-cutting heights to reduce Onehunga weed in amenity areas. This has led to a reduction in selective herbicide application. 4. We are working with Kiwicare to trial alternative weed control methods in Hamilton parks. Kiwicare has a wide range of alternatives, including an organic fatty acid-based product. <p>Our current operating approach includes continuous review of application equipment efficiency including use of air-induced spray nozzles droplet control, which results in less spray being required.</p> <p>As a result of Hamilton City Council’s strategy to consider alternatives, one large herbicide sprayer is being decommissioned from the council parks fleet in early 2019. This will lead to a reduction in glyphosate used.</p> <p>Glyphosate is no longer used for weed control in our playground sites. It has been replaced with an organic spray alternative (this option is 30% more expensive than using glyphosate).</p> <p>Glyphosate use by council is recorded on a dedicated webpage and a no-spray register is maintained. Residents can opt out of the council spraying programme and take responsibility themselves for weed control along property boundaries and street frontages.</p>
<p>Outcome of any prior discussion with other councils in our region or other metro councils</p> <p>Hamilton City Council has been monitoring other councils’ approaches to alternative forms of weed control. The most significant initiative to date has been in Christchurch, where Christchurch City Council radically reduced glyphosate use in 2016. This required a significant increase in operating cost of \$3.8 million and \$6.1 million in capital set-up costs, phased over three years. Reports this year indicate levels of service and maintenance appearance have declined in the city and the council has reported an \$850,000 overspend in operating costs.</p>
<p>How the issue relates to objectives in the current LGNZ work programme</p> <p>LGNZ has an environmental work programme and this remit is consistent with this focus on environmental issues that affect local government and local communities. However, this programme does not specifically address the issue of non-chemical methods of weed control despite strong public interest.</p>
<p>Evidence of support from zone/sector meeting or five councils</p> <p>To be completed after the metro council meeting</p>
<p>Suggested course of action by LGNZ envisaged</p> <p>LGNZ leads a commitment by local government to investigate and trial non-chemical alternatives to glyphosate with a view to phasing out glyphosate use within five years</p>

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.

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 Council Public Excluded Minutes - 14 March 2019) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes - 28 February 2019) Official Information and Meetings Act 1987	
C3. Confirmation of Elected Member Briefing Notes - Closed - 28 March 2019)	

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)