

---

## Council

### OPEN MINUTES

---

**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 30 July 2015 at 1.30pm.**

#### PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Richard Briggs - Chief Executive
	Debra Stan-Barton - Acting General Manager City Environments
	Chris Allen - General Manager City Infrastructure
	Lance Vervoort - General Manager Community
	Sean Murray - Executive Director H3 and Events
	Blair Bowcott - Executive Director Special Projects
	Olly Te Ua - General Manager Organisational Development
	Paul Condor - Chief Financial Officer
	Kelvin Powell - City Safe Unit Manager
	Sally Sheedy - Parks & Open Spaces Manager
	Deanne McManus-Emery - Community Development & Leisure Manager,
	Lee Cowan - Communications Unit Manager
	Nicolas Wells - Strategic Property Unit Manager
	Nick Johnston – Strategic Advisor, Waikato Museum

Committee Advisors	Mrs J Pani, Mrs M Birch and Mr B Stringer
--------------------	---

---

## Opening Prayers and Acknowledgements

The Opening Prayers were led by Reverend Alastair McBride from the Presbyterian Community.

There followed a Minute's silence to recognise the passing of Freedom of the City Holder, Campbell Smith.

The Chair asked the Councillors to stand and acknowledge the General Managers (GMs), Olly Te Ua, Jason Dawson and Brian Croad, who would shortly be leaving the organisation.

### 1. Apologies

There were no apologies.

### 2. Confirmation of Agenda

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

The Council to confirm the agenda.

### 3. Declarations of Interest

Councillor Pascoe advised that he had a professional relationship with a director for a company that was included in Item C2 of the Public Excluded section of the meeting. He confirmed that his relationship would not interfere with his decision making.

### 4. Public Forum

No members of the public spoke in the Public Forum.

### 5. Council Minutes - Open - 25 June and 30 June 2015

A query was raised in respect of the Minutes of 30 June 2015 regarding the accuracy of the Personal Explanation by Councillor Forsyth included in Item 5. The Chair advised that this matter would be considered at the next Council Meeting.

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

That:

- a) Council confirms and adopts as a true and correct record the Open Minutes of the Council Meeting held on 25 June; and
- b) Council confirms and adopts as a true and correct record the Open Minutes of the Council Meeting held on 30 June 2015, with the exception of Item 5 – Council Minutes of 4 June 2015.

## 6. Recommendations to Council - Strategy and Policy Committee Meeting - 7 July 2015

Councillor O'Leary, Chair of the Strategy and Policy Committee presented the recommendations of the Committee meeting held on 7 July 2015.

The 7 July 2015 Committee agenda is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

### 1. Policy Review Programme – Update

**Resolved:** (Crs O'Leary/King)

That:

- a) the Playgrounds, Cellular Network Sites, Graffiti Management and Asset Management Policies be deleted;
- b) the key content of the Asset Management Policy (in particular around roles) and Graffiti Management Policy be captured in Management Policies; and
- c) the 'Playgrounds of the Future' document be updated to capture key policy direction and adopted as Council's Playgrounds Plan.

### 2. Draft Hamilton Alcohol Control Bylaw 2015 for Public Engagement

**Resolved:** (Crs O'Leary/King)

That:

- a) Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 is the most appropriate form of bylaw;
- b) Council determine that the proposed draft Hamilton Alcohol Control Bylaw 2015 does not give rise to implications under the New Zealand Bills of Rights Act 1990;
- c) the proposed draft Hamilton Alcohol Control Bylaw 2015 be adopted by Council for public engagement; and
- d) Council note that:
  - i. an Alcohol Control Bylaw Hearing Subcommittee (comprising of Councillors Tooman (Chairperson), Mallett and O'Leary) was established by the Committee to hear and deliberate on submissions made to the Proposed Hamilton Alcohol Control Bylaw 2015, and that the Subcommittee will be disestablished at the completion of the hearing process; and
  - ii. the Subcommittee will report a summary of the oral submissions and evidence presented on the Proposed Hamilton Alcohol Control Bylaw 2015, including recommendations, to the 3 November 2015 Strategy and Policy Committee meeting as part of the staff report for deliberation and adoption.

### 3. Gambling Polices Review

**Resolved:** (Crs O'Leary/King)

That:

- a) Council support the general updating of the Class 4 Gambling Venues Policy including simplifying the layout and language of the policy, ensuring the clause on merging clubs appropriately reflects legislative requirements and the removal of detailed information on fees;

- b) for the TAB Board Venues Policy, Council agrees to a 'no new TAB Board venues' approach and this be tested through the public consultation process; and
- c) Council note that staff are instructed to prepare a Statement of Proposal reflecting Options 2 and 3 (from the staff report), and the decisions made in (a) and (b), to be brought back to the 11 August 2015 Strategy and Policy Committee meeting for approval to commence public consultation.

#### **4. Strategic Round Up Report**

**Resolved:** (Crs O'Leary/King)

That Council adopt the Future Proof Implementation Committee Agreement and Terms of Reference, as contained in Attachment 2 of the Committee's report, and are signed on behalf of HCC.

#### **5. Waikato Expressway**

**Resolved:** (Crs O'Leary/King)

That Council:

- a) delegates approval to the Chief Executive to enter into a Memorandum of Understanding with the New Zealand Transport Agency (NZTA), Waikato District Council and Tainui Group Holdings Ltd for the development of the Hamilton section of the Waikato Expressway as set out in this report and included as Attachment 2 to the Committee's report;
- b) agrees to revise the macro scope of its Resolution Drive project to exclude a vehicular connection between Resolution Drive and Kay Road west, and to complete the Borman Road west extension to Kay Road instead, as shown on Attachment 3 to the Committee's report;
- c) approves in principle NZTA undertaking the construction of HCC's Resolution Drive extension project subject to reporting back on the financial details in the form of a Multi-Party Funding Agreement to the 23 July 2015 Finance Committee Meeting; and
- d) confirms its support for the Horsham Downs link and the full interchange, with both north and south facing ramps being constructed as part of the Waikato Expressway.

**Minute Note:** The financial details in the form of a Multi-Party Funding Agreement would now be reported back to the 20 August 2015 Finance Committee Meeting.

#### **6. Wairere Drive - Cambridge to Cobham Drive Section**

**Resolved:** (Crs O'Leary/Gallagher)

That:

- a) the revised macro scope for the section of Wairere Drive from Cambridge Road to Cobham Drive is approved as shown on Attachment 2 of the Committee's report; and
- b) staff report back to Council on options for the pedestrian/cycle over bridge prior to committing to any particular design.

## 7. Integrated Transport Initiative Programme

**Resolved:** (Crs O'Leary/King)

That Council:

- a) approves the following broad allocations for the Integrated Transport Initiative programme over the next 10 years:

<b>Integrated Transport Initiatives</b>	<b>Year 1 2015-16 \$</b>	<b>Year 2 2016-17 \$</b>	<b>Year 3 2017-18 \$</b>	<b>Years 4-10 2018-2025 \$</b>	<b>10-year total \$</b>
- Biking	600,000	600,000	500,000	2,100,000	3,800,000
- Walking	53,000	100,000	100,000	700,000	953,000
- Public Transport	100,000	200,000	300,000	3,500,000	4,100,000
- Gallagher Intersection	147,000	0	0	0	147,000
<b>Total</b>	<b>900,000</b>	<b>900,000</b>	<b>900,000</b>	<b>6,300,000</b>	<b>9,000,000</b>

- b) note that staff are to work with the Discretionary Transport Working Group to prioritise projects within the Discretionary Transport programmes and the broad allocations approved for the Integrated Transport Initiative programme.

**Councillor Mallett dissenting.**

## 8. Public Art Sub-Committee

The Chair of the Strategy and Policy Committee advised that paragraphs c) and d) were additional recommendations in respect of this issue.

**Resolved:** (Crs O'Leary/King)

That:

- a) the revised Public Art Plan and Development Guide Appendix 3 amendments (as attached to the Committee report) be adopted; and
- b) Her Worship the Mayor Hardaker and Councillors Chesterman, O'Leary and Yeung be appointed as Members of the Public Art Subcommittee.
- c) the Terms of Reference for the Public Art Subcommittee, attached as Attachment 1, be approved and Council note that the Public Art Subcommittee reports directly to the Strategy and Policy Committee; and
- d) the following amendments (highlighted) to Appendix 1 of the Public Art Plan and Development Guide be adopted:

### **Stage Three**

Artist and project group prepare developed design of the artwork.

The developed design is reviewed by the Public Art Panel. Recommendations and rationale from the Public Art Panel and staff are reported to the Public Art Subcommittee for approval.

## 7. Recommendations to Council - Finance Committee Meeting 23 July 2015

Councillor Pascoe, the Chair of the Finance Committee, presented the recommendations of the Committee Meeting held on 23 July 2015.

The 23 July 2015 Finance Committee Agenda is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

### 1. Contract 14378 - Three Waters Network Physical Works Contract Award

**Resolved:** (Crs Pascoe/Mallett)

That:

- a) the tender submitted by HEB Construction Ltd, in the sum of sixteen million, eight hundred and six thousand, five hundred and eighty one dollars and sixteen cents (\$16,806,581.16) excluding GST, be approved for Contract No. 14378 – Three Waters Network Physical Works; and
- b) the Approved Contract Sum be set at \$18,500,000.00, excluding GST, comprising of \$16,806,581.16, the tendered amount, and \$1,693,418.84 for contingency and provisional work (if deemed necessary) in accordance with the staff report.

### 2. Contract 0663 Collection and Disposal of Biosolids

#### Contract 12046 Disposal of Sewage Sludge by Vermicomposting

**Resolved:** (Crs Pascoe/Mallett)

That:

- a) a 3 year extension for Contract 12046 Disposal of Sewage Sludge by Vermicomposting from 1 February 2016 to 1 February 2019 be approved;
- b) the Approved Contract Sum of \$2,025,000 for Contract 12046 Disposal of Sewerage Sludge by Vermicomposting be extended by \$2,863,000 to \$4,888,000 excluding GST for the period to 1 February 2019; and
- c) the Approved Contract Sum of \$8,769,000 for Contract 0663 Collection and Disposal of Biosolids be increased by \$2,852,000 to \$11,621,000 excluding GST for the period to 1 February 2019.

### 3. Hamilton Gardens Nursery Review

**Resolved:** (Crs Pascoe/O'Leary)

That:

- a) That staff implement Option 4 (of the staff report) – enhance the existing model through improved operational systems and processes, irrigation and greenhouse infrastructure; and
- b) That a business plan (including a plan for external funding) is developed and staff make a recommendation to the 2016/17 Annual Plan on any required adjustments to revenue, expenditure and capital budgets.

## 8. Joint Committees – Agreements

The Democracy manager introduced the report. She explained that the Amendment Act 2014 had inserted a new clause (Clause 30A of Schedule 7) into the Local Government Act 2002. This amendment required councils, in respect of joint committees to enter into agreements that comply with Clause 30A within 12 months of commencement of the Act.

The GM City Infrastructure confirmed that the main role of the Hamilton Public Transport Joint Committee was to oversee the transport plan; that Committee had to refer back to respective councils for decision making.

Action - The status and value of the Joint Committee was to be reviewed and added to the transport update which was being considered during the Elected Members Briefing on 18 August 2015.

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

That:

- a) the report be received;
- b) Council approves the Hamilton Public Transport Joint Committee Agreement (attachment 1); and
- c) Council approves the Waikato Plan Joint Committee Agreement (attachment 2 to the staff report).

**Councillor Mallett dissenting.**

## 9. Waikato Sub-Regional Waters Study

The GM City Infrastructure and Executive Director Special Projects introduced the report. It was confirmed that all three councils (Hamilton City Council, Waipa District Council and Waikato District Council) needed to approve in principle the formation of a Waters CCO before any further progress could be made. Waikato District Council had already approved the formation in principle and Waipa District Council was considering the matter on 9 August 2015. If all three councils agreed, a further report would come back to Council regarding the next steps, the consultation required and governance.

**Motion:** (Crs Pascoe/Mallett)

That:

- a) the report be received;
- b) Council receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”);
- c) Council support in principle the formation of a Waters CCO for the Hamilton City, Waikato and Waipa District Councils; and
- d) staff report back to Council once all three Councils have formally considered and determined their position on the business case.

**Amendment:** (Crs Macpherson/Gallagher)

That:

- a) the report be received;
- b) Council receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”); and
- c) Council supports an investigation of a shared services position on water services provision.

**The Amendment was then put.**

**Those for the Amendment:**

Councillors Gallagher, Wilson and Macpherson

**Those against the Amendment:**

Her Worship the Mayor Hardaker, Councillors Mallett, King, Green, Forsyth, Pascoe, Tooman, Chesterman, O’Leary and Yeung

**The Amendment was declared lost.**

**The Motion was then put.**

**Resolved:** (Crs Pascoe/Mallett)

That:

- a) the report be received;
- b) Council receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”);
- c) Council support in principle the formation of a Waters CCO for the Hamilton City,

Waikato and Waipa District Councils; and

- d) staff report back to Council once all three Councils have formally considered and determined their position on the business case.

**Those for the Motion:**

Her Worship the Mayor Hardaker, Councillors Forsyth, King, Green, Mallett, Pascoe, Tooman, Chesterman, O'Leary and Yeung

**Those against the Motion:**

Councillors Gallagher, Wilson and Macpherson

**The Meeting adjourned (3.35pm to 3.50pm).**

## 10. Riverlea Theatre - Background

The Executive Director H3 and Events and the Strategic Property Unit Manager introduced the report. It was confirmed staff were notified that Emma Falconer, Stace Hammond, had been engaged by the Riverlea Theatre and Arts Centre (RTAC) to act on behalf of the Trust in respect of the purchase. Reference was made to a letter received from RTAC, confirming their determination to own the land and requesting assistance from Council.

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

That the land under the Riverlea Theatre be removed from sale.

**Amendment:** (Crs King/Forsyth)

That:

- a) The report be received; and
- b) Council confirms the resolution of 25 September 2014 described in this report and authorises the Chief Executive Officer to execute (1) the conditional Agreement for Sale and Purchase and (2) any other instruments required to give effect to the resolution.

### SCHEDULE

All that land contained in Certificate of Title SA1031/22 South Auckland Registry legally described as Lot 15 DPS 988 comprising 1.0459 hectares more or less and physically located at 83 Riverlea Road, Hamilton [Riverlea Theatre].

**The Amendment was then put.**

**The Amendment was declared carried and became the substantive motion which was then put.**

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

That:

- a) The report be received; and
- b) Council confirms the resolution of 25 September 2014 described in this report and authorises the Chief Executive Officer to execute (1) the conditional Agreement for Sale and Purchase and (2) any other instruments required to give effect to the resolution.

### SCHEDULE

All that land contained in Certificate of Title SA1031/22 South Auckland Registry legally described as Lot 15 DPS 988 comprising 1.0459 hectares more or less and physically located at 83 Riverlea Road, Hamilton [Riverlea Theatre].

## 11. Ferrybank Development Plan (River Plan) - Design Brief

The River Plan Manager introduced the report and responded to questions with the following noted:

- **Changes to the Briefing Document –**
  - The wording of the Briefing Document Stage 1 and 2 paragraph 2.1 (1) *“Expression of Interest – open to everyone.”* was to be changed to *“Expression of Interest – open to suitably qualified applicants.”*
  - Additional wording was to be included in the Briefing Document paragraph 1.4 The Context. At the end of the final paragraph in this section, after the wording *“acknowledging the history, heritage, uses and cultural significance of the site will play an important role in the formation of the Development Plan”* the *“,taking into account Council’s existing plans and policies e.g. Heritage, Biking, Older Persons and Playgrounds”* was to be added.
- **Rowing Clubs** - There had been ongoing discussions with the rowing clubs. Under the Reserves Act 1977, the clubs could only be moved at the termination of their leases.
- **Geotechnical Reports** – These were available for any Elected Members; they would be made available to the design teams.
- **Design Factors** – Parking, protected trees, pedestrian bridges and alignment with other Council Plans (e.g. Heritage, Biking, Playgrounds and Older Persons) needed to be taken into account by the design teams.
- **Waikato-Tainui** - They had been briefed on the project and would be part of the Tender Evaluation Panel. Any issues that arose during the process would be discussed with them.
- **Tender Process** -The open tender process will have the feel of a public design competition; the top three will be selected for public consultation and engagement.

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

That:

- a) the report be received;.
- b) the Ferrybank Development Plan Design Brief (Attachment 1), with discussed amendments, is approved; and
- c) Her Worship the Mayor and Councillor Gallagher be appointed to the Tender Evaluation Panel.

**Those for the Motion:** Her Worship the Mayor Hardaker, Councillors Gallagher, Wilson, Forsyth, Pascoe, Tooman, Chesterman, O'Leary and Yeung

**Those against the Motion:** Councillors Mallett, King, Green and Macpherson

**12. Resolution to Exclude the Public**

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

**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. Council Minutes - Public Excluded - 25 June 2015	) Good reason to withhold information exists under	Section 48(1)(a)
C2. Waikato Stadium Commercial Agreement	) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Potential Settlement of Council's appeal to Ministry of Education's decisions on modified designations in the Hamilton Proposed District Plan	)	

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 protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)

Councillors O’Leary and Mallett retired from the meeting at the conclusion of the above item.

**The Meeting moved into a Public Excluded session (6.10pm to 7.10pm).**

**The Meeting was declared closed at 7.10pm.**