
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 7 February 2019 at 9.35am.

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 G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:

- Richard Briggs – Chief Executive
- Lance Vervoort – General Manager Community
- Jen Baird – General Manager City Growth
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Sean Hickey – General Manager Strategy and Communication
- Chris Allen – General Manager Development
- Blair Bowcott – Executive Director Special Projects
- Debra Stan-Barton – Project Manager
- Luke O'Dwyer – City Planning Manager
- Alice Morris - City Planning Heritage, Urban Design and Spatial Team Leader
- Jamie Sirl – Senior Planner
- Nick Chester – Social Development Advisor
- Nicolas Wells – Strategic Property Manager
- Riki Manarangi – Corporate Policy Specialist
- Nigel Ward – Communications Team Leader
- Natasha Ryan – Key Projects Programme Manager

Lachlan Muldowney – Lawyer for Hamilton City Council

Governance Staff:

- Lee-Ann Jordan – Governance Manager
- Becca Brooke – Governance Team Leader
- Amy Viggers – Committee Advisor

Tame Pokaia carried out a blessing and the Venerable Paul Weeding a reading to open the Council meeting.

1. Apologies

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the apology for absence from Cr Southgate be accepted.

2. Confirmation of Agenda

Concern was raised around the number of late reports and attachments under separate cover.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the agenda is confirmed noting the following:

- a) the debate will be 2 minutes with an extension of 1 minute if required;
- b) the two late verbal updates (Clarke Lounge and Boundary Discussion Group) for item 7 (Chair's Report) be accepted; these have been added as late topics as both need to be discussed prior to the next meeting of Council;
- c) item 8 (Proposed Plan Change 3 - Temple View Boundary Alteration) be taken after item 4 (Public Forum) to accommodate members of the public;
- d) Item 7 (Chair's Report (SKYCITY Casino Application)) is to be taken after item 8 (Proposed Plan Change 3 - Temple View Boundary Alteration) followed by item 11 (Submission on SKYCITY application to amend Casino licence conditions) and then the remainder of item 7 (Chair's Report) to accommodate members of the public;
- e) the late Item 19 (Review of Future Proof and Hamilton to Auckland Corridor Plan Governance Arrangements) be accepted and will be taken after item 12 (River Plan: Task Force Terms of Reference) to accommodate staff availability; This item was circulated late due to the timing of the 31 January 2019 Elected Member Briefing;
- f) that attachment 1 (Mural Design Concept) for item C2 (Boon Festival 2019 – Further information in relation to the request to install mural on the municipal building) was circulated prior to the meeting under separate cover; and
- g) debate for items 7 (Chair's Report) and 11 (Submission on SKYCITY application to amend Casino Licence conditions) to be allowed up to 5 minutes.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Bert Jackson – Mr Jackson spoke to item 11 (Submission on SKYCITY application to amend Casino licence conditions). He outlined his concern around SKYCITY increasing the number of electronic gaming machines and noted the harm that these types of machines can do to members of the community. He supported the Council's submission to the Gambling Commission.

Sir David Moxon – Sir Moxon spoke to item 11 (Submission on SKYCITY application to amend Casino licence conditions). He outlined the concerns submitted at the 1998 Skycity Application hearing, stating that these were still concerns relevant today.

Deborah Fisher – Ms Fisher spoke to item 11 (Submission on SKYCITY application to amend Casino licence conditions) and item 16 (2019 Triennial Elections Information). She noted that she was in support of the Council's submission as she felt the proposed change from tables to machines was not a fair proportion of exchange. She requested the Council consider increasing the visibility of candidate information events by advertising them on the Council website during the 2019 election period.

Karen Morrison-Hume (Director Anglican Action) – Ms Morrison-Hume spoke to item 11 (Submission on SKYCITY application to amend Casino licence conditions) in support of Council's submission. She asked the Council to show leadership in this matter and consider how children and the vulnerable members of the community would be affected by problem gambling.

Mayor King requested that the public forum speakers provide written copies of their submissions to be included with the Council's submission to the Gambling Commission.

5. **Proposed Plan Change 3 - Temple View Boundary Alteration**

The City Planning Unit Manager and the City Planning Heritage, Urban Design, Spatial Team Leader took the report as read. They responded to questions from Elected Members concerning the estimated cost to council of the proposed plan change, the consultation that had occurred with Waikato Tainui, and the plan change process.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves public notification of Plan Change 3 – Temple View Boundary Alteration (Attachment 1) pursuant to clause 5 of the First Schedule of the Resource Management Act 1991;
- b) requests staff convene a hearings panel to hear, determine and make decisions on all submissions and matters relating to the Temple View Boundary Alteration plan change once notified. The Hearings Panel will comprise two independent commissioners who are accredited and hold qualifications and skills in strategic land use planning. The panel will have expertise in tikanga Maaori and one will be appointed as chair; and
- c) delegates authority to the Chief Executive to select and appoint two suitably qualified independent commissioners as per part b) above.

The Gambling submission section of the item 7 (Chair's Report) was discussed together with item 11 (Submission on SKYCITY application to amend casino licence conditions)

6. **Chair's Report**

The Chair took the report as read, noting that the section of the report covering the Waikato Regional Council's Middle Waikato Catchment Sub-committee was no longer required as Cr Southgate had indicated she still wished to be on the Sub-committee. He also encouraged Elected Members to act cordially and professionally in the lead up to the 2019 Local Authority Elections.

The Chair responded to questions from Elected Members firstly, concerning the meaning of receiving a report, and secondly, on the delays to boundary discussions due to the availability of both parties.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council receives the report.

Those for the Motion: Mayor King, Deputy Mayor Gallagher, Crs Mallett, Tooman, Macpherson, Bunting, Taylor and Hamilton.

Those against the Motion: Crs Pascoe, O'Leary, Casson and Henry.

The Motion was declared carried.

Resolved: (Mayor King/Deputy Mayor Gallagher)
That the Council defers the Standing Orders report to the 14 March 2018 Council Meeting.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) notes that Chair of the Regulatory and Hearings Committee, at her request, no longer wishes to participate in the meetings between Hamilton City Council and Waikato District Council regarding the wider context of growth in the central Waikato area; and
- b) notes that the Chief Executive, Mayor and the Chair of the Growth and Infrastructure Committee will continue to represent Council at these meetings and will report back to the Council on any matters for consideration, direction or decision.

7. Submission on SKYCITY application to amend Casino licence conditions

The Chair took the report as read and noted that he had received a letter from the Gambling Commission advising that the Commission intended to issue public notices and additional invitations to a number of entities which would outline the submissions/hearing process that it intends to follow. A copy of the letter would be attached to these minutes as Appendix 1. He responded to questions from Elected Members concerning the scope of the submissions and hearings process.

Motion: (Crs Macpherson/Casson)

That the Council:

- a) approves the draft submission (attachment 3 of the staff report) opposing SKYCITY's application to the Gambling Commission to amend its licence conditions; and
- b) notes that the Chief Executive will circulate external expert advice in support of council's submission to Elected Members prior to it being attached to the final submission to be presented to the Gambling Commission.

Amendment: (Crs O'Leary/Pascoe)

That the Council defers the decision until such time as Council understands the Gambling Commission process for the SKYCITY application.

The Amendment was put.

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

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

The Amendment was declared lost.

The Motion was then put and declared carried.

Resolved: (Crs Macpherson/Casson)

That the Council:

- a) approves the draft submission (attachment 3 of the staff report) opposing SKYCITY's application to the Gambling Commission to amend its licence conditions; and
- b) notes that the Chief Executive will circulate external expert advice in support of council's submission to Elected Members prior to it being attached to the final submission to be presented to the Gambling Commission.

Cr Mallett Dissenting.

The meeting adjourned 11.40am – 12.05pm.

8. Confirmation of the Council Open Minutes - 13 December 2018

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 13 December 2018 as a true and correct record.

9. Confirmation of the Elected Member Briefing Notes - 13 December 2018

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Member Briefing Meeting held on 13 December 2018 as a true and correct record.

10. Regulatory Efficiency and Effectiveness Programme (REEP) Proposed Plan Change

The REEP Project Manager introduced the report, noting a correction to paragraph 15 of the staff report which should refer to (para 13c). Staff and Mr Lachlan Muldowney (Lawyer for Hamilton City Council) responded to questions from Elected Members concerning the various recommended changes in Attachment 1 of the staff report and their effects.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) approves preparation of a change to the District Plan to:
 - i. incorporate the recommendations from the Regulatory Efficiency and Effectiveness Programme (REEP) that can be made in a simple plan change (refer Attachment 1);
 - ii. correct a mapping error in relation to the National Grid Yard and National Grid Corridor; and
 - iii. rezone Lot 2 DP 425316 from Special Natural Zone, Rotokauri – Lake Waiwhakareke Landscape Character Area to Destination Open Space.

11. Parks, Domains and Reserves Bylaw review

The Senior Planner and the Corporate Policy Specialist took the report as read. They responded to questions from Elected Members concerning drone usage guidelines, the purpose of the bylaw as an education tool, opportunities to pursue prosecution if required, and the requirement for the Council to consider all public spaces under the Freedom Camping Act.

Staff Action: Staff undertook to organise an Elected Member Briefing concerning drone usage guidelines and regulations.

Resolved: (Mayor King/Cr Tooman)

That the Council determines that a bylaw is the most appropriate mechanism of addressing the issues associated with the management and protection of parks within Hamilton.

Resolved: (Mayor King/Cr Tooman)

That the Council approves the consultation process outlined including the attached Statement of Proposal which sets out the proposed amendments to the Hamilton City Parks, Domains and Reserves Bylaw 2012.

12. River Plan: Task Force Terms of Reference

The Key Projects Programme Manager introduced the report. The Chair of the River Plan Task Force provided an update on the formation of the River Plan Taskforce Group. They responded to questions from Elected Members concerning the scope of projects the taskforce would consider and the delegation of the taskforce which they confirmed was to only to provide recommendations to the Council.

Resolved: (Cr Taylor/Cr Casson)

That the Council:

- a) receives the report; and
- b) approves the draft River Plan Task Force Terms of Reference (attachment 1 of this report).

19. Review of Future Proof and Hamilton to Auckland Corridor Plan Governance Arrangements

The Executive Director Special Projects provided an overview of the report. He noted the Future Proof Growth Management Partnership would be updated with a new governance and executive/technical structure. This would become the primary delivery mechanism for the Corridor Plan from 2019. Staff responded to questions from Elected Members concerning the focus of the new governance group and the role Elected Members would have in the group.

Staff Action: *Staff undertook to invite all Elected Members to the future governance meetings of the yet to be established partnership group.*

Resolved: (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report;
- b) approves the Future Proof growth management partnership to be repurposed to respond to the Hamilton to Auckland Corridor Plan as described in section 3 and recommendations 4(a) – 4(i) in Attachment 1 to this report:
 - i. use the Future Proof governance, management and technical model, and invite Auckland partners and central government representation, to respond to the Hamilton to Auckland Corridor Plan;
 - ii. invite central government and Auckland Council (and other Auckland partners where appropriate) to have representation on Future Proof structures at all levels;
 - iii. convene more regular Future Proof Implementation Committee meetings on a bimonthly basis, with informal workshops in the “off” months;
 - iv. chief Executive Advisory Group members to report/present at Future Proof Implementation Committee meetings on the direction/strategic matters;
 - v. hold six monthly partnership stocktake meetings with Chief Executive Advisory Group members;

- vi. retain the independent chair model;
 - vii. include standing items on the Chief Executive Advisory Group and Future Proof Implementation Committee agendas in relation to project check-ins;
 - viii. report a summary of Future Proof Implementation Committee meetings to partner Council Committee/Council meetings;
 - ix. review the number of representatives from each organization on Future Proof Implementation Committee post local government elections in October 2019.
- c) notes that Council's approval of 2b) above is subject to the following conditions and requests the Chief Executive negotiate this re-development with the other growth management partnership representatives:
- i. a new name for the partnership to reflect its new focus and participants;
 - ii. the primary focus of the new partnership is to:
 - respond and deliver on the Government Urban Growth Agenda with respect to the Hamilton to Auckland corridor;
 - to respond and deliver the Hamilton to Auckland Corridor Plan and growth planning for the sub-region;
 - to guide the development of the Hamilton-Waikato Metropolitan Spatial Plan;
 - the re-development of the draft Future Development Strategy (required by the National Policy Statement on Urban Development Capacity), growth strategies and other planning processes (such as working with the Urban Development Authority) for the sub-region to reflect the above;
 - iii. the Memorandum of Understanding, Joint Committee Agreement and Terms of Reference for the governance, management and technical model are reviewed to reflect the new focus and participants;
 - iv. the Terms of Reference for the independent chair are reviewed and subject to appropriate procurement processes, noting the current contract expires at 30 June 2019;
 - v. the external resourcing needed by the partnership is reviewed and subject to appropriate procurement processes, noting the current contract expires 30 June 2019.
- d) requests the Chief Executive negotiate with the other growth management partnership representatives to withdraw the existing Future Proof resolution to invite Matamata-Piako District Council to join the partnership, and instead seek that Matamata-Piako District Council are engaged as a key stakeholder to the Hamilton to Auckland Corridor Plan and the Metropolitan Spatial Plan; and
- e) notes that the Hamilton to Auckland Corridor Plan governance arrangements will be considered by the Governance Group of Ministers, Mayors and Chairs on 15 February 2019 and the Future Proof Implementation Committee on 20 February 2019, with Hamilton City Council represented by the Mayor and Councillor Macpherson; and
- f) notes that the Hamilton to Auckland Corridor Plan, will be reported to the Growth and Infrastructure Committee on 26 March 2019.

Cr Mallett Dissenting.

The meeting adjourned 2.00pm – 2.45pm.

Cr Macpherson left the meeting during the above adjournment.

13. Boon Festival 2019 - Request to Install Mural on Municipal Building

The General Manager Community spoke to the report noting that there was a need to consult on the proposal and as such requested the matter be deferred to the 19 February 2019 Community Services and Environment Committee Meeting for consideration.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council refers item 17 (Boon Festival 2019 - Request to Install Mural on Municipal Building) and item C2 (Boon Street Festival – further information) in the public excluded section of the agenda to the 19 February 2019, Community Services and Environment Committee meeting for consideration.

Cr O’Leary re-joined the meeting (2.49pm) at the conclusion of the above item. She did not partake in the vote on the matter.

It was noted that Item 13 – (Contract 12073 Telecommunications Services Extension) would be moved into the public excluded section of the agenda for reasons as outlined in the resolution to exclude the public. It had been incorrectly included in the open section of the agenda due to administrative error.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That Item 13 – (Contract 12073 Telecommunications Services Extension) be moved into the public excluded section of the agenda to enable Council to carry out commercial activities without disadvantage.

14. 79 Norton Road - Municipal Endowment - Family Start Proposal

The Strategic Property Manager took the report as read and responded to questions from Elected Members concerning the value of the potential lease, the process staff had followed since 2 August 2018 to attempt to sell the land, and the requirement for the new leasee to remove all buildings from the land at the end of the lease.

Resolved: (Cr Tooman/Cr Casson)

That the Council:

- a) revokes the following resolution of Council made at its 2 August 2018 meeting in respect of Item 15 – Municipal Endowment – Sale of Land – 79 Norton Road

“ a) approves selling the land described in the schedule by a competitive, transparent open-market process (option 1 of this report);

b) authorises the Chief Executive to give effect to this resolution; and

c) notes that the net proceeds of sale will be credited to the Municipal Endowment Fund Reserve.”

- b) approves leasing the land described in the schedule to Kirikiriroa Family Services Trust on commercial terms:

- Initial term of five years
- One right of renewal of five years
- Market rental

- c) authorises the Chief Executive to give effect to this resolution.

SCHEDULE

First All that land described as an Estate in Fee Simple comprising Lot 3 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1420 of 794

square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Second All that land described as an Estate in Fee Simple comprising Lot 4 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1421 of 61 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Third All that land described as an Estate in Fee Simple comprising Lot 5 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1422 of 615 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Fourth All that land described as an Estate in Fee Simple comprising Lot 6 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1423 of 814 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Cr Macpherson re-joined the meeting (2.59pm) during the discussion of the above item. He was present when the matter was voted on.

15. Draft 2019 Council Schedule of Reports

The Governance Manager introduced the report and responded to questions from Elected Members concerning specific report due dates that were based on previous resolutions of the Council.

Resolved: (Mayor King/Cr Casson)

That the Council:

- a) receives the draft 2019 Schedule of Reports; and
- b) notes that the Schedule of Reports is intended to be a living document that will be updated as necessary and will be made available to Elected Members on Onedrive.

16. 2019 Triennial Elections Information

The Governance Manager introduced the staff report. She responded to questions from Elected Members concerning the advertisement of candidate information events on the Council website, electoral spend requirements under the Local Electoral Act (2001). It was noted that the Electoral Officer, Dale Ofsoske, should be contacted directly if members had any questions associated with electoral spend or relevant legislation.

Resolved: (Cr Hamilton/Cr Casson)

That the Council:

- a) receives the report; and
- b) approves the names of the Hamilton City Council candidates for the 2019 Local Authority Elections to be arranged on the voting documents to be **random order**.

18. 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 - 13 December 2018) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C3. Contract 12073 – Telecommunications Services)	

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 C3. Enable Council to carry out commercial activities without disadvantage; Section 7 (2) (h)

The meeting went into a public excluded session at 3.45pm.

The meeting was declared closed at 3.50pm.

Appendix 1

7 February 2019

Dear All

APPLICATION BY SKYCITY HAMILTON TO DEPLOY 60 ADDITIONAL GAMING MACHINES IN SUBSTITUTION FOR THREE BLACK JACK TABLES (TOGETHER WITH RELATED APPLICATIONS)

1. By letter dated 10 December 2018, the Gambling Commission received an application from SKYCITY to deploy 60 gaming machines at the Hamilton casino, in substitution for three Blackjack tables.
2. While increases in the opportunities for casino gambling are prohibited by section 11 of the Gambling Act 2003, section 12(2)(a) provides that an increase in the number of gaming machines is not an increase in the opportunities for casino gambling if accompanied by a reduction in the number of table games that the Commission believes is proportionate. The maximum numbers of gaming machines and table games, and a minimum ratio between them, are conditions of the Hamilton casino operator's licence.
3. The Commission initially sought submissions on the application from the Secretary for Internal Affairs, Problem Gambling Foundation, The Salvation Army Oasis, Hamilton Casino Monitoring Group and Ministry of Health by 21 January 2019, but subsequently extended that date to 19 February 2019.
4. Although section 12 of the Act has been in force since 2003, the application is the first occasion on which a casino has applied to the Commission to increase its gaming machines in exchange for a reduction in table games. The application has generated considerable public interest, particularly in the Hamilton and Waikato communities. Some interested parties have contacted the Commission with a request that a broad consultation process be adopted and that the Commission hold a public hearing of the application.
5. The Commission has considered the novelty of the issues and the extent of local community concern to which the application gives rise. It has decided to broaden the scope of consultation and to hold a public hearing as part of its process to determine the application. As the application is the first of its kind to seek substitution of table games for gaming machines and the decision is likely to affect the prospects of similar applications elsewhere, the Commission takes the view that it should be the subject of public notice, both nationally and locally, so that those interested in both the broad national issues and their local application can be heard.
6. This letter is to notify you that the Commission intends to issue public notices and additional invitations to a number of entities which are potentially interested in the outcome. When doing so, it will outline the hearing process that it intends to follow.
7. In the light of the decision to notify the application publicly and to issue further invitations to make submissions, the present arrangements to lodge submissions by 19 February 2019 are vacated. A later date for the receipt of submissions will be advised.

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8. Please contact the writer should you have any queries.

Yours faithfully,



Blair Cairncross

Executive Director Gambling Commission

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cc: **Phil O'Connell**
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