

# Council *Kaunihera* OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio-Visual link on Thursday 30 May 2024 at 9:30 am.

## PRESENT

**Chairperson** Mayor Paula Southgate  
**Heamana**  
**Deputy Chairperson** Deputy Mayor Angela O’Leary  
**Heamana Tuarua**

**Members**

- Cr Andrew Bydder
- Cr Anna Casey-Cox
- Cr Mark Donovan
- Cr Louise Hutt
- Cr Maxine van Oosten (via audio-visual)
- Cr Emma Pike
- Cr Kesh Naidoo-Rauf
- Cr Moko Tauariki (via audio-visual)
- Cr Geoff Taylor
- Cr Sarah Thomson (via audio-visual)
- Cr Ewan Wilson

**In Attendance** Peter Winder- Waters Consultant

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*The meeting was opened with a Karakia.*

**1. Apologies – Tono aroha**

**Resolved:** (Mayor Southgate/Cr Hutt)

That the apologies for partial attendance from Cr Pike, Cr van Oosten, Cr Tauariki, and Cr Macindoe are accepted.

**2. Confirmation of Agenda – Whakatau raarangi take**

**Resolved:** (Mayor Southgate/Deputy Mayor O’Leary)

That the agenda is confirmed.

**3. Declarations of Interest – Tauaakii whaipaaanga**

Cr Bydder declared an interest on Item C4 (**Peacocke Property Update**) He noted that he would not take part in the discussion and the vote.

**4. Public Forum – AAtea koorero**

**Roger Stratford** spoke to Item 14: Notice of Motion (Representation Review)

**Georgie Dansey** spoke to Item 14: Notice of Motion (Representation Review)

**Holly Snape** (Community Waikato) spoke to Item 14: Notice of Motion (Representation Review)

**Jeremy Mayall** (Creative Waikato) spoke to Item 9: Local Water Done Well and Item 14: Notice of Motion (Representation Review)

*Written submissions were received from Phil Evans (Bike ACTION Hamilton) Kelli Pike, and Roger Stratford. These are attached to the minutes of the meeting as **Appendix 1**.*

**5. Confirmation of the Council Open Minutes 4 April 2024**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

Cr Macindoe noted a correction to the minutes to include his attendance at the meeting.

That the Council confirm the open Minutes of the Council Meeting held on 4 April 2024 as a true and correct record noting that Cr Macindoe was in attendance.

**6. Confirmation of the Elected Member Briefing Open Notes 3 April 2024**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council confirm the Open notes of the Briefing held on 3 April 2024 as a true and correct record.

**7. Confirmation of the Elected Member Briefing Open Notes 10 April 2024**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council confirm the Open notes of the Briefing held on 10 April 2024 as a true and correct record.

**8. Confirmation of the Elected Member Briefing Open Notes 18 April 2024**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council confirm the Open notes of the Briefing held on 18 April 2024 as a true and correct record.

**9. Local Water Done Well Update**

Peter Winter Water Consultant took the report as read. Staff responded to questions from Elected Members concerning funding.

**Resolved:** (Cr Wilson/Cr Donovan)

That the Council:

- a) receives the report;
- b) notes that responding to Local Water Done Well will require Hamilton City Council to incur costs that are unbudgeted in the current year, and for which no provision has been made in the draft Long-Term Plan for 2024/25 and beyond.
- c) notes that the Better-Off Funding projects are significantly progressed with most of the Better Off Funding spent or committed;
- d) delegates authority to the Chief Executive to transition approximately \$1.3M of uncommitted Better-Off Funding (grant funding) to support Local Water Done Well;
- e) notes that the result of the Better Off Funding transition to Local Water Done Well will be reported to the first Finance Committee following the transition of the funds;

- f) notes that a Waters Transition Fund payment of \$364,750 is expected from the Department in Internal Affairs; and
- g) notes the Chief Executive will commission work under delegated authority to confirm or re-validate the 2015 Cranleigh business case identified benefits for water services, support the exploration of options for the future delivery of water services and undertake initial due diligence with Waikato District.
- h) that the total project funding is capped at \$1.66 million until 30 June 2025.

*Cr van Oosten left the meeting (10.19 am) during the discussion of the above item. She was not present when the matter was voted on.*

*Cr Macindoe left the meeting (10.28 am) during the discussion of the above item. He was not present when the matter was voted on.*

**10. Bryce Street Resilience Works - Seddon Road to Tristram Street**

The Network & Systems Operations Manager took the report as read Staff responded to questions from Elected Members concerning the proposed budget, scope of works, and engaging with NZTA (Waka Kotahi).

During the discussion of the above item the matter was adjourned to enable staff to respond to question from Elected Members.

**11. Submission on Waikato Regional Council Representation Review**

The Governance & Assurance Manager took report as read.

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report; and
- b) approves staff submit on behalf of Hamilton City Council in support of the Hamilton arrangement proposal.

**The meeting was adjourned from 10.54 am to 11.24 am.**

*Cr Macindoe re-joined the meeting during the above adjournment.*

**10. Bryce Street Resilience Works - Seddon Road to Tristram Street – continued**

**Motion:** (Deputy Mayor O'Leary /Cr Hutt)

That the Council:

- a) receives the report;
- b) notes that the decision of the 7 June 2018 Community and Services Committee meeting to delegate authority to the CE to progress matters related to the proposal for a Community Cricket Centre in Circus Park by Northern Districts Cricket including road stopping of Bryce Street between Seddon Road and Tristram Street will not proceed any further as Northern Districts Cricket no longer wish to pursue this option;
- c) approves the inclusion of Bryce Street Resilience Works has been added to the Low- Cost Low-Risk Local Roads programme for 2023/24 at an estimated cost of \$650,000 with 51% of

the cost being subsidy by NZ Transport Agency;

- d) notes that the completion of the Bryce Street Resilience Works is weather dependent, and the work may not be able to be completed in the 2023/24 financial year, funding from NZ Transport Agency is not able to be carried over into the new Long Term Plan period and therefore if the works are delayed funding will be required from the 2024/25 Minor Improvements – Local Roads programme to complete the works; and
- e) notes that the proposed shared path on the southern side of Bryce Street between Seddon Road and Tristram Street will be formalised via a subsequent Traffic, Speed Limit and Temporary Road Closure Hearing Panel meeting.
- f) requests staff report back to the appropriate Committee on the total costs of the project and, if required, how much contingency is used on unexpected additional costs; and
- g) requests staff work on the option for permanent road closure and return to green space in line with the Western Town Belt Plan in time for the next 2027-37 Long Term Plan.

**Amendment:** (Cr Wilson/Cr Bydder)

That the Council:

- a) receives the report;
- b) notes that the decision of the 7 June 2018 Community and Services Committee meeting to delegate authority to the CE to progress matters related to the proposal for a Community Cricket Centre in Circus Park by Northern Districts Cricket including road stopping of Bryce Street between Seddon Road and Tristram Street will not proceed any further as Northern Districts Cricket no longer wish to pursue this option;
- c) approves the inclusion of Bryce Street Resilience Works has been added to the Low- Cost Low-Risk Local Roads programme for 2023/24 at an estimated cost of \$500,000 with 51% of the cost being subsidy by NZ Transport Agency;
- d) notes that the completion of the Bryce Street Resilience Works is weather dependent, and the work may not be able to be completed in the 2023/24 financial year, funding from NZ Transport Agency is not able to be carried over into the new Long Term Plan period and therefore if the works are delayed funding will be required from the 2024/25 Minor Improvements – Local Roads programme to complete the works; and
- e) notes that the proposed shared path on the southern side of Bryce Street between Seddon Road and Tristram Street will be formalised via a subsequent Traffic, Speed Limit and Temporary Road Closure Hearing Panel meeting.

**The Amendment was put.**

**Those for the Amendment:**

Cr Wilson, Cr Bydder, Cr Donovan, Cr Macindoe, Cr Naidoo-Rauf, Cr Taylor, and Mayor Southgate

**Those against the Amendment:**

Deputy Mayor O’Leary, Cr Hutt, Cr Casey-Cox, Cr Thomson, Cr van Oosten

**The Amendment was declared CARRIED.**

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

**Resolved:** (Cr Wilson/Cr Bydder)

That the Council:

- a) receives the report;

- b) notes that the decision of the 7 June 2018 Community and Services Committee meeting to delegate authority to the CE to progress matters related to the proposal for a Community Cricket Centre in Circus Park by Northern Districts Cricket including road stopping of Bryce Street between Seddon Road and Tristram Street will not proceed any further as Northern Districts Cricket no longer wish to pursue this option;
- c) approves the inclusion of Bryce Street Resilience Works has been added to the Low- Cost Low-Risk Local Roads programme for 2023/24 at an estimated cost of \$500,000 with 51% of the cost being subsidy by NZ Transport Agency;
- d) notes that the completion of the Bryce Street Resilience Works is weather dependent, and the work may not be able to be completed in the 2023/24 financial year, funding from NZ Transport Agency is not able to be carried over into the new Long Term Plan period and therefore if the works are delayed funding will be required from the 2024/25 Minor Improvements – Local Roads programme to complete the works; and
- e) notes that the proposed shared path on the southern side of Bryce Street between Seddon Road and Tristram Street will be formalised via a subsequent Traffic, Speed Limit and Temporary Road Closure Hearing Panel meeting

*Deputy Mayor O’Leary and Cr Taylor re-joined the meeting (11.27 am) during the discussion of the above item. Members were present when the matter was voted on.*

*Cr van Oosten re-joined the meeting (11.52 am) during the discussion of the above item. She was present when the matter was voted on.*

## **12. 2024 Maaori Ward By-Election**

The Governance Lead took the report as read. Staff responded to questions from Elected Members concerning the proposed budget and engagement campaigns

**Resolved:** (Mayor Southgate/Cr Tauariki)

That the Council:

- a) receives the report;
- b) notes the legislative requirements;
- c) notes the dates for the 2024 Maaori Ward by-election;
- d) approves unbudgeted operational costs of \$70,000 for a by-election following the resignation of Melaina Huaki;
- e) approves the names of the Hamilton City Council Candidates for the 2024 Maaori Ward by-election to be arranged on the voting documents to be Random order.

*Cr Tauariki joined the meeting (11.58 am) during the discussion of the above item. He was present when the matter was voted on.*

*Cr Pike joined the meeting (12.10 pm) during the discussion of the above item. She was present when the matter was voted on.*

**13. Recommendations from Open Committee Meetings**

**Resolved:** (Mayor Southgate/Cr van Oosten)

**Safety and Wellbeing Report - 1 November 2023 to 31 January 2024**

That the Council receives the report.

**Risk Management Report**

That the Council:

- a) receives the report; and
- b) approves the Risk Management Policy, subject to the inclusion of contractors being added to scope section of the policy.

**Water Supply Bylaw -Deliberations Report**

That the Infrastructure and Transport Committee:

- a) receives the report;
- b) recommends Council adopts the revised Water Supply Bylaw (2024), effective from 1 November 2024; and
- c) notes that:
  - i. as part of this review, Council determined on 21 September 2023 that a Water Supply Bylaw is the most appropriate mechanism for addressing issues relating to water Supply management in Hamilton;
  - ii. the Hamilton Water Supply Bylaw 2013 has been reviewed and consulted on as per the requirements of the Local Government Act 2002;
  - iii. the revised Water Supply Bylaw 2024 is the most appropriate form of the Bylaw, having regard to the issues identified in the review and consultation feedback; and
  - iv. the revised Water Supply Bylaw 2024 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

**Financial Performance & Strategy Report**

That the Council:

- a) approves the capital movement as identified in the 7 May 2024 Capital Portfolio Monitoring Report; and
- b) approves the significant forecast adjustments and revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in the Financial Strategy section of this staff report.

**14. Notice of Motion (Representation Review)**

The mover of the motion spoke to the motion and responded to questions from Elected Members concerning the cost and cost savings associated with conducting review, and the scope of the motion Staff responded to questions from Elected Members concerning potential implications of the motion

**Motion:** (Cr Macindoe/Cr Taylor)

That the Council:

- a) requests staff prepare a report for an extraordinary Council meeting to be held no later than 30 July 2024 presenting options for an initial proposal for the purposes of a Representation Review under the Local Electoral Act 2001; and
- b) that the report considers in the context of the matters which must be considered under the Local Electoral Act 2001, the options of:

- i. abolition of the current East and West wards, to be replaced by on City -wide ward for all eligible voters in Hamilton City: and
- ii. a reduction in the number of Elected Members to 11- i.e. the Mayor and 10 Councillors.

**The Motion was put.**

**Those for the Motion:**

Cr Wilson, Cr Bydder, Cr Donovan, Cr Macindoe, Cr Naidoo-Rauf and Cr Taylor  
Mayor Southgate, Deputy Mayor O'Leary,  
Cr Hutt, Cr Casey-Cox, Cr Thomson, Cr van Oosten and Cr Tauariki

**Those against the Motion:**

**The Motion was declared LOST.**

**15. Resolution to Exclude the Public**

**Resolved:** (Mayor Southgate/Deputy Mayor O'Leary)

**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 4 April 2024	) Good reason to withhold ) Information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes 3 April 2024		
C3. Confirmation of the Elected Member Closed Briefing Notes 1 May 2024		
C4. Peacocke Property Update		
C5. External Member Appointments to Strategic Risk and Assurance Committee		
C6. Recommendations		

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

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)
Item C4.	to enable Council to carry out commercial activities without disadvantage. to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)
Item C5.	to protect the privacy of natural persons to enable Council to carry out negotiations	Section 7 (2) (a) Section 7 (2) (i)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting moved in the Closed session at 1.24 pm**

**The meeting was declared closed at 3.44 pm**



## Appendix 1

Public Forum written submission, Full Council Meeting, May 30, 2024<sup>↵</sup>

### Item 10, Bryce St Resilience Works—Seddon Rd to Tristram Street<sup>¶</sup>

From Phil Evans, Bike ACTION Hamilton<sup>¶</sup>

1. → Bike ACTION Hamilton supports the Staff Recommendation of Option 4, Changes to the road layout and regrading of the slope, **with the addition of:**
  - a. → **Cycle-Only Lights at the intersection with Tristram St**, similar to those at the intersection of Ward and Anglesea Sts.<sup>¶</sup>
  - b. → **Sharrows painted on both lanes of Bryce Street between Anglesea St and Victoria St.**<sup>¶</sup>
  - c. → **A concrete barrier with cycle wands at the end of the Kmart cycle path** to stop drivers illegally stopping in the bike lane when turning left.<sup>¶</sup>
2. → The three requests above would better connect the Western Rail Trail with Claudlands Bridge, as this is a major cycleway route through the CBD.<sup>¶</sup>
3. → **Request a.** above would allow all people riding bikes to use the proposed new 4-meter-wide path in both directions, and be able to cross the intersection safely.<sup>↵</sup>



4. → People riding bikes could cross that intersection diagonally to join the existing painted cycle lane running past Genesis and the Transport Hub. Those heading west could cross at the same time to join the proposed 4-meter path, and avoid the danger of drivers turning left at the same time as those riding straight through the intersection to the proposed new path. (I have personal experience of being knocked off my bike at that intersection by a driver turning left across my path. The driver was fined \$150 for failing to give way).<sup>¶</sup>

5. → The Cycle Lights could replace the sharrows proposed along the east bound lane for that section of the road.¶
6. → **Keeping bikes in both directions on the southern side shared path keeps them out of traffic, something that most Elected Members have stated is the preferred option. Here is the opportunity to do just that, as it extends the Western Rail Trail off road shared path up to Tristram St, but would only be effective with Cycle Only Lights installed.**¶
7. → **Request b.** above, the addition of painted sharrows, would go some way to connect the full length of Bryce St to Claudlands Bridge. Instead of painting them on the proposed new re-alignment, paint them on the Anglesea/Victoria section. Here is an opportunity to close the gap that currently exists.¶
8. → **Please note that the preferred option is always off road cycle lanes, but where this is not possible, on road solutions need to be installed.** Sharrows are already used in a number of locations, so drivers are becoming more aware of their purpose.¶
9. → While the south side between Tristram and Anglesea is largely protected, there is still an issue of safety at the entrance to the Kmart car park (also on the Ward St side) with drivers often edging their vehicles out into the bike lane when exiting the car park. This forces people on bikes to move out into the traffic lane on this busy section of road. There is also the issue of drivers turning left across the bike lane, often cutting cyclists off. (I have personal experience of this on many occasions).¶
10. → **Request c.** above, a concrete barrier with cycle wands would allow for a safer connection to the extended Western Rail Trail, as detailed above. It would stop drivers from cutting across, and stopping in the existing bike lane to turn left. This has been requested of Council Staff in the past, but I was advised there were future plans for that intersection and Tristram St, so protection of the bike lane at the intersection was not installed.¶

Here is an opportunity to close the gap between the Western Rail Trail and Claudlands Bridge at the same time as the remedial work along the Rail Corridor. If it is not done now, costs will only increase.¶

I would also challenge the cost of \$650,000 for the proposed work. Altering the curb and making a 4 meter wide path should only take a few days, not several weeks it takes to do similar projects. The cost could be considerably lower if contractors productivity was increased from a very slow pace, to a pace that actually got the work done promptly. An Audit of contractor productivity was requested in our LTP submission.¶

¶

Phil Evans<sup>✉</sup>  
Bike ACTION Hamilton<sup>✉</sup>  
Advocating for Safer Cycling in Hamilton¶

served - and lucky - to have so many voices around the table. Decision making will be stronger and debate more robust.

It wasn't clear to me in the Notice of Motion, whether the intention of those putting it forward was to remove Maaori Wards or Maangai Seats, though based on my past observations and social media comments of signatories - it would seem likely - so I will also say that I think the only people who should have a say on whether there are Maaori Wards or not, are those on the Maaori Electoral Roll.

I would also ask Cr Tim, to reflect on a statement quoted by the Waikato Times.... saying that Maaori voters "should have the same rights as everyone else". This quote implies that he knows what's best for Maaori - when it is abundantly clear that Maaori aspirations are to retain Maaori Wards. Take guidance from what Maaori are telling you. That is what is best.

I appreciate being able to participate in this process, though I want to point out that burnout, and submission fatigue is real at the moment, and so bringing forward a representation review at this point in time will no doubt generate less engagement that it deserves.

Kotahi te kohao o te ngira e kahuna ai te miro ma, te miro pango, te miro whero. Let us continue on a path of valuing the diversity and voices of everyone in our city.

Ngaa mihi  
Kelli Pike  
#toitutetiriti

Author: Roger Stratford

Notice of Motion - Representation Review (introduction of a city-wide Ward & down-sizing to 11 elected members)

Proposed by Crs. Macindoe/ Taylor.

29 May 2024

### Universalist catastrophe aversion

An extraordinary representation review should not proceed and I do not support the notice of motion for the following reasons. Universalist approaches result in catastrophes [Dr. David Starkey, British Historian]. The two Ward system provides a practical balance; whereas a single-ward system is a one-size-fits-all or universalist approach that will not provide *particular* representation for the industrial community of Dinsdale, first-home buyers of Flagstaff, the underprivileged of Fairfield or students in Hillcrest. It is the *particular representation* afforded by multiple-ward systems that ensures that the ratepayer compact is upheld. This compact, or contract, to pay city rates is made through the exercise of representation on Council, by voting in their Ward once every three years. Once this (unwritten) 'contract' is broken, the ratepayer becomes at risk to refuse to continue to pay the rates demanded of them. The replacement of the two (East / West) Wards by a single city-wide Ward robs the ratepayer of the *particular* nature of representation based on their community experience. It is not necessary to be able to vote for each and every Councillor position - it is sufficient that *localised* representation occurs. The city-wide Ward provides a free-pass for sovereign citizens to opt out of paying rates. For that reason, the two-ward system should be retained, for now.

There should not be a reduction in numbers of elected Councillors, which would result in a gender imbalance favouring women (5-4 split from 9 citywide Councillors) and effectively isolating the Kiririroa - Maaori Ward Councillor that would result from a 9+1=10 make-up.

I commend the courage of Councillor Melania Huaki to resign from the *Kiririroa* Ward. There should be at least three by-elections taking place each year in a city the size of Hamilton Kiririroa. When an elected councillor is ready to throw in the towel, for whatever reason, others have the chance to contest their vacated council seats.

#### CONCLUSION

1. A City-wide Ward will result in mass ratepayer non-compliance, as the unwritten compact to pay rates engaged through *particular* representation by local Councillors is thwarted;
2. A ten-member Council will isolate the singular Kiririroa-Maaori ward Councillor, impacting on their ability to settle in to affairs culturally;
3. A nine-member general city-wide Ward on Council will necessarily have a gender imbalance and be more likely to be women dominant.
4. The current 12-member general Ward Councillors factor conveniently into 3x4 or 2x6 voting pattern make-ups.