
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 25 February 2016 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 Lance Vervoort – General Manager Community David Bryant – General Manager Corporate Kelvyn Eglinton – General Manager City Growth Sean Murray – Executive Director H3 and Events Blair Bowcott – Executive Director Special Projects Luke O’Dwyer - City Planning Unit Manager Sally Sheedy – Parks and Open Spaces Manager Communications Advisors
Also In Attendance	Lachlan Muldowney – City Solicitor Tompkins Wake for Item C2
Democracy Advisors	Mrs Jude Pani and Mrs Mary Birch

Opening Prayers

The Opening Prayers were led by Gloria and Arman Akhterjahan with a Baha’i Prayer .

1. Apologies

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

That apologies for lateness from Councillors Chesterman and Macpherson be received and accepted.

2. Confirmation of Agenda

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

The Council confirmed the agenda, noting the report circulated for Item C2 in the Public Excluded session and that the recommendations from the Finance Committee held on 18 February 2016 and the Strategy and Resources Committee held on 23 February 2015 would be taken as late items.

3. Declarations of Interest

Councillor King declared a conflict of interest for Item C2 to be taken in the public excluded session. He withdrew from the Meeting prior to consideration of Item C2 and took no part in discussion and voting for that Item.

4. Public Forum

Bruce Clarkson spoke in the public forum in support of the recommendations from the Finance Committee relating to designating as reserve and including within the Waiwhakareke Natural Heritage Park, the Smart Sub-division Land.

Update on Transfer of Pensioner Housing

As advised to Elected Members by the Mayor, the Council received a verbal update from the Executive Director Special Projects regarding settlement of the transfer of pensioner housing to Accessible Properties. Andrew Wilson, General Manager, Accessible Properties was in attendance for this briefing.

The Council was advised:

- Encumbrance prepared and registered. Balance of deposit being paid on transfer date of 7 March 2016;
- Hamilton City Council Tenancy Officer has been employed by Accessible Properties;
- Accessible Properties had secured an office in Hamilton and would be based in Hamilton from the commencement date of 7 March;
- Accessible Properties had agreed to contract the City Parks team to carry out the grounds maintenance contract which would provide continuity to tenants;
- Waiting list tenancy management files and detailed information had been transferred to Accessible Properties;
- There had been extensive correspondence between Council and the tenants;
- Andrew Wilson and the Accessible Properties team would visit and extend a welcome to all tenants on 7 and 8 March; and
- To provide guidance to their organisation, Accessible Properties was intending to set up a Hamilton social housing advisory group.

**5. Council Minutes - Open -
10 December and 15 December 2015**

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 10 December and 15 December 2015.

Councillor Macpherson dissenting.

Councillor Chesterman left the Meeting at 1.45pm.

**5a. Recommendations to Council
- Finance Committee Meeting 18 February 2016**

Councillor Pascoe presented the recommendations from the Finance Committee Meeting held on 18 February 2016. The recommendations expressed in parts were voted on separately.

Resolved: (Cr Pascoe/Cr Wilson)

1. Asset Analysis - Waiwhakareke Land - Retention or Disposal Options

That, consistent with the Council resolution on 26 September 2013, Council declares the Smart Sub-division Land (Lot 2 DP 425316, as further described in the Schedule) to be reserved and included within the Waiwhakareke Natural Heritage Park (Lot 1 DP 425316).

SCHEDULE

An estate in fee simple comprising all that land contained in Certificate of Title 499858 South Auckland Land Registry legally described as Lot 2 Deposited Plan 425316 comprising 5.1385 hectares more or less and physically located between Baverstock and Rotokauri Roads overlooking Lake Waiwhakareke.

Councillors King and Mallett dissenting.

Resolved: (Cr Pascoe/Cr Yeung)

2. Legal Services Contract

That the Chief Executive's delegation for legal services be increased to \$250,000.00 without going to public tender.

**6b. Recommendations to Council
- Strategy and Policy Committee Meeting - 23 February 2016**

Councillor O'Leary presented the recommendations from the Strategy and Policy Committee Meeting held on 23 February 2016.

Resolved: (Cr O'Leary/Cr Macpherson)

That:

- a) Council determine that the proposed Hamilton Trade Waste and Wastewater Bylaw 2016 is the most appropriate form of bylaw;
- b) Council determine that the proposed Hamilton Trade Waste and Wastewater Bylaw 2016 does

- not give rise to implications under the New Zealand Bill of Rights Act 1990;
- c) the proposed draft Trade Waste and Wastewater Bylaw 2016 be adopted by Council for public engagement;
 - d) Council notes:
 - i. Councillor Tooman is delegated to receive spoken submissions made to the proposed draft Trade Waste and Wastewater Bylaw 2016 at the drop in session on 22 March; and
 - ii. a summary of the submissions received on the proposed Trade Waste and Wastewater 2016, including recommendations, is presented to the 19 July 2016 Strategy and Policy Committee meeting as part of the staff report for deliberation and adoption.

6. Cemeteries Management Plan Revised

The General Manager, Community, supported by the Parks and Open Spaces Manager, introduced this Item for the Council to receive and adopt the Hamilton Cemeteries Management Plan (Plan) reformatted in an easy-to-read style.

In response to discussion on fees and charges, the Parks and Open Spaces Manager advised that fees and charges had been constructed on the basis of cost recovery. If the Plan was adopted by the Council, staff would review this cost recovery. The challenge was maintaining the cemetery when revenue is not being generated.

Resolved: (Cr Tooman/Cr O'Leary)

That

- a) The report be received; and
- b) The Hamilton Cemeteries Management Plan (2015) be adopted.

7. DC/Growth Working Group Phase 1 Update

Resolved: (Cr Tooman/Cr O'Leary)

That the report be received.

8. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)

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 – 10 December and 15 December 2015) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and	Section 48(1)(a)
C2. A & A King Family Trust Appeal Update) 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.	for the reasons stated on the agendas	Section 7 (2)
Item C2.	To maintain legal professional privilege	Section 7 (2) (g)

Councillor Macpherson dissenting.

The Meeting moved into a Public Excluded session (2.15pm to 3.50pm).

During the public excluded session:

Councillor King retired from the Meeting at 2.17pm.

Councillor O’Leary retired from the Meeting at 3.05pm.

Councillor Chesterman returned to the Meeting at 3.28pm.

The Meeting was declared closed at 3.50pm.