
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 29 October 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 R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Andrew Parsons – Acting General Manager City Infrastructure Sean Murray – Executive Director H3 and Events Debra Stan-Barton – Acting General Manager City Environments Lance Vervoort – General Manager Community Blair Bowcott – Executive Director Special Projects Luke O’Dwyer – City Planning Manager Aaron Fleming – Unit Manager Strategy & Research Mark Brougham – Programme Manager Strategic Analysis and Business Intelligence Communications Advisors
Also In Attendance	Lachlan Muldowney – City Solicitor, Tomkins Wake
Committee Advisors	Mrs Jude Pani and Mrs Mary Birch

Opening Prayers

The Opening Prayers were led by Anjum Rahman from the Waikato Muslim Association.

1. Apologies

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

That apologies from Councillor O’Leary be accepted.

2. Confirmation of Agenda

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

That the Council confirm the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No members of the public spoke in the public forum.

5. Council Minutes - Open - 24 September 2015

The following corrections were noted:

Page 3 Item 6 – “public consultation” to read “public engagement” in 2.b)

Page 3 Item 7 – “Rick” to read “Risk”

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

That Council confirms and adopts as a true and correct record, with the changes noted, the Open Minutes of the Council Meetings held on 24 September 2015.

6. Notification of Ruakura Variation to Proposed District Plan

The City Planning Manager (supported by the City Solicitor, Lachlan Muldowney) presented this Report to notify the Ruakura Variation in accordance with the provisions of the First Schedule of the Resource Management Act 1991 (RMA) and to confirm the approach for hearing and issuing decisions on the Variation. The following was noted in response to questions:

- The budget to notification stage is \$50,000, with \$30,000 spent to date.
- The estimated cost of \$81,150 for the hearing and decision process is to be funded from within the City Planning Unit budget.
- It was considered best practice for the Council to appoint experienced RMA independent commissioners to complex plan change processes; with some councils delegating to a panel comprising both independent commissioners and Elected Members.
- Amendments to the RMA now required hearings panel members that are delegated to hear and make decisions on this matter to have the appropriate accreditation.
- If the full Council conducted the hearing, all Elected Members should attend and hear the evidence.
- Previously, Council had used a mix of independent commissioners and Elected Members.
- It would be going out to public consultation and submissions from 11 November to 18 December 2015, which was longer than the statutory notification period required.

- It was estimated that the hearing would be convened no earlier than May 2016, with notification expected on 11 November 2015.
- In estimating the time commitments for this Variation, the Board of Inquiry (BoI) sat for 6-7 weeks. Many of the issues dealt with by the BoI will not need to be re-litigated through this hearing process.
- The length of the hearing, deliberation and decision process depended on the number of submitters. Three weeks was not unrealistic.
- Staff would consider the option of holding the hearing at Council.

Motion: Crs Chesterman/Pascoe

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and
- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c).

Amendment: Crs Macpherson/Wilson

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991; and
- c) Council resolves to convene a hearings panel comprising the whole of Council to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified.

The Amendment (Crs Macpherson/Wilson) was Put.

Those for the Amendment: Councillors Gallagher, King, Macpherson, and Mallett

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, Green, Wilson and Tooman

The Amendment was declared lost.

Amendment: Crs Gallagher/King

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and

- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c) plus a former or current elected member who is suitably qualified if available

The Amendment (Crs Gallagher/King) was Put.

Those for the Amendment:	Councillors Gallagher, King, Macpherson, Green and Mallett
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, Wilson and Tooman

The Amendment was declared lost.

The Motion (Crs Chesterman/Pascoe) was then Put.

Resolved: (Crs Chesterman/Pascoe)

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and
- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c).

Those for the Motion:	Her Worship the Mayor Hardaker, Councillors Green, Wilson, Forsyth, Pascoe, Chesterman, Yeung, Mallett and Tooman
Those against the Motion:	Councillors King, Gallagher and Macpherson

The Meeting adjourned (3.40pm to 3.55pm).

7. Waikato Sub-Regional Waters Study - Next Steps

The Executive Director Special Projects presented this Item relating to a Waters Council Controlled Organisation for Hamilton City Council, and Waikato and Waipa District Councils. The Manager advised that Waipa District Council had adopted the recommendations as presented to the Council and Waikato District Council were considering this matter on 9 November 2015. The following was noted in response to questions:

- It was the intention to reach stage 3 by June 2016 and then pause until after the October 2016, with the project reconsidered by the incoming councils following the local government elections.
- Costs would be reported when they were known.
- Elected Members from each of the three councils would work through the issues and bring information back to the Council for consideration.
- There would be several “touch points” for the Council; Study - the term “*touch points*” related to reports and meetings.
- Debt, revenue and assets would reduce for the Council, as they would move to the CCO.

Councillor Wilson retired from the Meeting at 4.05pm prior to voting on Item 7.

Motion: Mayor Hardaker/Cr Chesterman

That:

- a) The report be received;
- b) Council support the establishment of a Hamilton City Council, Waikato District Council and Waipa District Council Waters Governance Group to address the issues in Attachment 1 of this report and any other associated issues, in accordance with the Terms of Reference outlined in Attachment 2 of this report;
- c) Council appoints the Mayor, Cr Mallett and Cr Gallagher to the Waters Governance Group;
- d) Council agrees to a combined budget of \$350,000 being allocated to the Waters Governance Group to undertake investigations into the issues identified in Attachment 1 of this report “Issues to be resolved prior to public consultation” and such other issues as may be identified, to report back on those investigations and to work towards the completion of a record of agreement between all three Councils by 30 June 2016;
- e) Hamilton City Council fund 50% (\$175,000) of the approved budget and Waikato and Waipa District Councils fund 25% (\$87,500) each of the approved budget;
- f) Hamilton City Council’s share of the funding for this project (\$175,000) will be addressed through the Risks and Opportunities process for the 2015/16 year.
- g) Council delegates authority to the Chief Executive to engage specialist advice as required.

Amendment: Crs Macpherson/Gallagher

That:

- a) The report be received;
- b) That prior to Hamilton City Council making any decision to proceed with further investigation into the Waikato Sub-Regional Waters Study, including the establishment of a Waters CCO, Council hold a referendum on:
 - i. whether to proceed with further consideration of a Waters CCO,

- ii. Or to preserve the status quo for 3 Waters operation,
 - iii. Or to study further a shared services agreement with neighbouring Councils on 3 Waters delivery.
- c) That the referendum be held at the time of, or prior to, the 2016 Triennial Election.
- d) That the cost of conducting a referendum be addressed through the Risks and Opportunities process for the 2015/16 year.

The Amendment (Crs Macpherson/Gallagher) was Put.

Those for the Amendment:	Councillors Gallagher and Macpherson
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, King, Green, Mallett, and Tooman

The Amendment was declared lost.

The Motion (Mayor Hardaker/Cr Chesterman) was then Put.

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

That:

- a) The report be received;
- b) Council support the establishment of a Hamilton City Council, Waikato District Council and Waipa District Council Waters Governance Group to address the issues in Attachment 1 of this report and any other associated issues, in accordance with the Terms of Reference outlined in Attachment 2 of this report;
- c) Council appoints the Mayor, Cr Mallett and Cr Gallagher to the Waters Governance Group;
- d) Council agrees to a combined budget of \$350,000 being allocated to the Waters Governance Group to undertake investigations into the issues identified in Attachment 1 of this report "Issues to be resolved prior to public consultation" and such other issues as may be identified, to report back on those investigations and to work towards the completion of a record of agreement between all three Councils by 30 June 2016;
- e) Hamilton City Council fund 50% (\$175,000) of the approved budget and Waikato and Waipa District Councils fund 25% (\$87,500) each of the approved budget;
- f) Hamilton City Council's share of the funding for this project (\$175,000) will be addressed through the Risks and Opportunities process for the 2015/16 year.
- g) Council delegates authority to the Chief Executive to engage specialist advice as required.

Councillors Macpherson and Gallagher dissenting

8. Consideration and Approval of HCC's Draft Submission to LGNZ's Final Position Paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector'

Resolved: (Crs Mallett/Tooman)

That:

- a) The report be received;
- b) HCC's draft submission to LGNZ's final position paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector' be considered and approved;
- c) That following approval, HCC's final submission be sent to LGNZ to meet the 30 October 2015 submission closing date;
- d) That subsequent to Council's submission is sent to LGNZ, the final submission be uploaded to HCC's website; and
- e) That local Members of Parliament be advised of and encouraged to support HCC's submission to LGNZ adopted at the 29 October 2015 Council meeting.

Councillors Gallagher and Macpherson dissenting.

9. Resolution to Exclude the Public

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

Section 48, Local Government Official Information and Meetings Act 1987

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 - 24 September 2015) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. City Honours) Official Information and Meetings Act 1987	
C3. Chief Executive Review)	

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 noted in the 24 September Agenda	Section 7 (2)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.		

Councillors Green and Macpherson retired from the Meeting at 4.50pm.

The Meeting moved into a Public Excluded session (4.50pm to 5.17pm).

The Meeting was declared closed at 5.17pm.