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## **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 via Audio Visual link on Thursday 10 June 2021 at 9.34am.**

### **PRESENT**

<b>Chairperson</b>	Mayor P Southgate
<b>Heamana</b>	
<b>Deputy Chairperson</b>	Deputy Mayor G Taylor
<b>Heamana Tuarua</b>	
<b>Members</b>	Cr M Bunting Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf Cr R Pascoe Cr S Thomson Cr M van Oosten (audio visual link) Cr E Wilson

<b>In Attendance</b>	Richard Briggs – Chief Executive Lance Vervoort – General Manager Community David Bryant – General Manager People and Organisational Performance Blair Bowcott – General Manager Growth Sean Murray - General Manager Venues, Tourism and Major Events Andrew Parsons – Executive Director Strategic Infrastructure Tania Herman – Group Business Manager, Infrastructure Operations Luke O'Dwyer – City Planning Manager Michelle Hawthorne – Legal Services Manager Frances Cox-Wright – Policy and Bylaw Lead Stephen Halliwell – Water Reform Financial Advisor Grant Kettle - Planning Guidance Unit Manager Sandra Murray - Consultant
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<b>Governance Staff</b>	Becca Brooke – Governance Manager Amy Viggers – Governance Team Leader Tyler Gaukrodger – Governance Advisor
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*Tame Pokaia opened the meeting with karakia.*

### **1. Apologies – Tono aroha**

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the apologies for absence from Cr O'Leary, and for partial attendance from Crs Bunting and Naidoo-Rauf are accepted.

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

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

That the agenda is confirmed noting that:

- a) late item 15 (Submission to the Gambling Commission on the review of Charitable Trust License Conditions for Casinos) is accepted due to timing; and
- b) that the item C7 (Wairere Drive Speed Limit Reduction) Attachment 4 – WSP Intersection Investigation Report was updated after the agenda was circulated to update information that was omitted in error by staff, and that the item is to be taken at 2pm to accommodate guest speaker availability.

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

At the beginning of Item 12 (Chair's Report), Cr Wilson declared an conflict of interest in relation to the item and the recommendation concerning the change to the Elected Member Support Policy for work being undertaken by Elected Member Commissioners under the Resource Management Act. He did not take part in the discussion or vote on that portion of the matter.

During the discussion of Item C10 (Appointment to the Hamilton District Licensing Committee), Cr Wilson declared an conflict of interest. He did not take part in the discussion or vote on that portion of the item.

**4. Public Forum – *Aatea koorero***

No members of the public wished to speak.

**5. Confirmation of the Extraordinary Council Open Minutes of 23 April 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 23 April 2021 as a true and correct record.

**6. Confirmation of the Council Open Minutes of 29 April 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 29 April 2021 as a true and correct record.

**7. Confirmation of the Extraordinary Council Open Minutes of 30 April 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 30 April 2021 as a true and correct record.

**8. Confirmation of the Extraordinary Council Open Minutes of 19 May 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 19 May 2021 as a true and correct record.

**9. Confirmation of Elected Member Open Briefing Notes - 31 March 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 31 March 2021 as a true and correct record.

**10. Confirmation of Elected Member Open Briefing Notes - 23 April 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 23 April 2021 as a true and correct record.

**11. Confirmation of Elected Member Open Briefing Notes - 17 May 2021**

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 17 May 2021 as a true and correct record.

At the beginning of Item 12 (Chair's Report), Cr Wilson declared an conflict of interest in relation to the item and the recommendation concerning the change to the Elected Member Support Policy for work being undertaken by Elected Member Commissioners under the Resource Management Act. He did not take part in the discussion or vote on that portion of the item.

**12. Chair's Report**

The Mayor outlined her proposed changes to the 2019-22 Governance Structure Terms of reference. Along with staff, she responded to questions from Elected Members concerning the appointment process and Elected Member Commissioners under the Resource Management Act.

**Staff Action:** *Staff undertook to inform Elected Members on the commissioner appointment process for RMA hearings.*

**Staff Action:** *Staff undertook to provide further information to Members regarding the Remuneration Authority guidance concerning hourly rates for qualified Elected Members who take on work as Commissioners under the Resource Management Act.*

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) receives the report;
- b) approves the following changes to the 2019-22 Governance Structure Terms of reference:
  - i. Cr Gallagher be appointed as Chair of the Environment Committee;
  - ii. Cr Wilson be appointed as Chair of the Hearings and Engagement Committee;
  - iii. Cr Gallagher be appointed as Deputy Chair of the Hearings and Engagement Committee;
  - iv. Cr Thomson be appointed as Deputy Chair of the Infrastructure Operations Committee on an interim basis;
  - v. Cr Naidoo-Rauf be appointed as a Hamilton City Council representative on the Hamilton City Council - Waikato Tainui Go-Governance Forum;
  - vi. Cr Wilson be appointed as the Hamilton City Council representative to the Te Huia Governance Forum; and

- vii. Cr Naidoo-Rauf be appointed as the Council representative at the Welcoming Communities Programme community steering group; and

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council approves the Elected Member Support Policy be updated to include reference that when qualified Elected Members take on work as Commissioners under the Resource Management Act at an hourly rate of \$80.00.

### 13. Delegations to Positions Policy update

The Policy and Bylaw Lead introduced the report and the proposed changes to the Delegations to Positions Policy.

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

That the Council:

- a) receives the report;
- b) notes that changes made to the *Delegations to Positions Policy* in April 2020 to enable an agile Covid-19 response require review by 30 June 2021, or they will automatically expire; and
- c) approves the proposed changes to the *Delegations to Positions Policy* (**Attachment 1** – clean copy; **Attachment 2** – tracked changes).

### 14. Three Waters Reform Update

The Executive Director Strategic Infrastructure outlined the staff report and introduced the Water Reform Financial Advisor. Staff responded to questions from Elected Members concerning the potential membership of a Waikato Bay of Plenty waters group, discussion that was undertaken with Central Governments, the timeline, potential future cost to Council, value of Council's water assets, Members opinion of a Governance Structure, cost to Council to participate in the reform and changes to the feedback to Local Government New Zealand on the Government's Three Waters Reform programme.

It was agreed the that the below points be incorporated into the feedback to be sent to Local Government New Zealand on the Government's Three Waters Reform programme and that the feedback would be sent to other relevant organisation and members of Parliament.

- Asset value transfers and debt;
- including reference to regulatory regimes;
- Iwi and Te Mana o te Wai inclusion;
- reference to implications from other reform programmes; and
- additional Governance model certainty, which would need to include the voice of local Government.

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

That the Council:

- a) receives the report;
- b) approves the appointment of Maangai Norm Hill to the Three Waters Reform Reference Group; and
- c) approves the feedback to Local Government New Zealand on the Government's Three Waters Reform programme (**attachment 5** of the staff report) subject to the incorporation of feedback received during the meeting.

**The meeting was adjourned 10.54am to 11.22am during the discussion of the above item.**

*Cr van Oosten retired from the meeting during the above adjournment.*

*Cr Naidoo-Rauf joined the meeting (11.25am) during the discussion of the above item. She was present when the matter was voted on.*

**15. Submission to the Gambling Commission on the review of Charitable Trust License Conditions for Casinos**

The Planning Guidance Unit Manager outlined the report, options available to the Council and the process that was followed by staff. Staff responded to questions from Elected Members concerning other Councils submissions, previous reviews undertaken on Casinos, use and definition of 'casino win', Council's sinking lid policy, the limitation to consult with partners due to the timeline. It was confirmed by staff that the submission would be circulated to relevant Members of Parliament as was standard practice.

**Resolved:** (Deputy Mayor Taylor/Cr Macpherson)

That the Council

- a) receives the report;
- b) approves **Draft 2** Hamilton City Council submission (**attachment 1** of the staff report) to the review of the charitable trust licence conditions attached to the venue licences for the Auckland, Hamilton, Christchurch, Dunedin, Queenstown and Wharf casinos be amended to include the below and to be sent to the Gambling Commission:
  - i. that the Council believes a review is timely, a nation-wide approach should be taken and that casinos should contribute a greater amount of their profit to the community;
  - ii. that Class 4 Gambling venues are required to return a minimum of 40% of net profits to the community as grants, but that HCC is not suggesting this specific % necessarily apply to Casinos; and
- c) notes that the approved submission will be uploaded to the Hamilton City Council website.

*Cr Bunting left the meeting (12.26pm) during the discussion of the above item. He was not present when the matter was voted on.*

**16. Recommendations from Open Committee Meetings**

**Financial Strategy Monitoring Report**

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

That the Council:

- a) approves the capital movement as identified in paragraph 22 of the 13 May 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 24 of the staff report.

**External Funding Applications Policy Review**

**Resolved:** (Cr Naidoo-Rauf/Mayor Southgate)

That the Council approves the revised External Funding Applications Policy.

**Te Waka Six-Monthly Update**

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

That the Council delegates the Chair of Economic Development Committee, Deputy Chair of

Economic Development Committee, and the CE to work with staff to finalise and sign the 2021-2024 Partnership Agreement and 2021-2022 Service Level Agreement with Te Waka.

**New Licence - WEL Networks - Municipal Building**

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

That the Council approves a new licence for WEL Networks for a base radio station located on the roof of the Municipal Building, subject to the following terms and conditions:

- a) Term – 10 years, commencing 1 July 2021;
- b) Renewals – nil;
- c) Rental – Market, to be determined by a registered valuer; and
- d) Rent reviews – CPI annually, market review at 5 years.

**Policy Review - Appointment and Remuneration of Board Members of COs, CCOs and CCTOs**

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

That the Council approves the draft Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy (**attachment 1** of the staff report).

**Hamilton Traffic Bylaw 2015 Review – Determination Report**

**Resolved:** (Cr Thomson/Cr Gallagher)

That the Council:

- a) approves Option 1 as outlined in the staff report, in that it determines that a Hamilton Traffic Bylaw is the most appropriate mechanism for addressing issues related to traffic management in Hamilton; and
- b) approves the review of the Hamilton Traffic Bylaw 2015, including the preparation of a Statement of Proposal and a revised draft Traffic Bylaw subject to a) above being approved by the Council.

**Trade Waste and Wastewater Bylaw 2016 Review – Determination Report**

**Resolved:** (Cr Thomson/Cr Gallagher)

That the Council:

- a) approves Option 1 as outlined in the staff report, in that it determines that a Hamilton Trade Waste and Wastewater Bylaw is the most appropriate mechanism for addressing issues relating to the management of trade waste and wastewater in Hamilton; and
- b) approves a review of the Hamilton Trade Waste and Wastewater Bylaw 2016, including the preparation of a Statement of Proposal and a revised draft Hamilton Trade Waste and Wastewater Bylaw subject to a) being approved by the Council.

**Trade Waste and Wastewater Bylaw 2016 Review – Determination Report**

**Resolved:** (Cr Thomson/Cr Gallagher)

That the Council:

- a) approves Option 1 as outlined in the staff report, in that it determines that a Hamilton Trade Waste and Wastewater Bylaw is the most appropriate mechanism for addressing issues relating to the management of trade waste and wastewater in Hamilton; and
- b) approves a review of the Hamilton Trade Waste and Wastewater Bylaw 2016, including the preparation of a Statement of Proposal and a revised draft Hamilton Trade Waste and Wastewater Bylaw subject to a) being approved by the Council.

**17. Resolution to Exclude the Public**

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

**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 Extraordinary Council Public Excluded Minutes of 23 April 2021	) 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 Council Public Excluded Minutes of 29 April 2021		
C3. Confirmation of the Extraordinary Council Public Excluded Minutes of 30 April 2021		
C4. Confirmation of Elected Member Public Excluded Briefing Notes - 23 April 2021		
C5. Confirmation of Elected Member Public Excluded Briefing Notes - 17 May 2021		
C6. Confirmation of Elected Member Public Excluded Briefing Notes - 26 May 2021		
C7. Wairere Drive Speed Limit Reduction		
C8. Rototuna Village Pool Agreements		
C9. Appointment of External Members to the Strategic Risk and Audit Committee		
C10. Appointment to the Hamilton District Licensing Committee		
C11. Hamilton Christian School Proposal		
C12. Peacocke Northern Sports Park and Infrastructure Land Purchase		
C13. Recommendations from Public Excluded Committee Meetings		

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C8.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C9.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C10.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C11.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C12.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C13.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting moved into a public excluded session at 12.40pm**

**The meeting was declared closed at 5.18pm**

#### ***Minute Note 21/10/2021:***

*On 21/10/2021 the following resolutions were determined to be released to the public via these minutes and the quarterly update.*

#### ***Recommendations from Public Excluded Committee Meetings - 2 Brooklyn Road and 778 Heaphy Terrace - Property Disposal***

#### ***Resolved:***

*That the Council:*

- a) approves the public tender of the sites at 2 Brooklyn Road and 778 Heaphy Terrace to obtain a suitable party to buy and redevelop the land in accordance with Council's criteria (Option 1 in the staff report);*



- b) delegates the Chief Executive to develop a design brief in collaboration with the Urban Design Panel as part of the tender process and to negotiate the terms and conditions of the sale of the land with the preferred party;*
- c) notes that following the tender process staff will report back to the Economic Development Committee as per the sale and disposal of Land Policy requirements;*
- d) notes that should there be a successful tender for the sites at 2 Brooklyn Road and 778 Heaphy Terrace the sale funds be allocated to the Municipal Endowment Fund; and*
- e) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

***Recommendations from Public Excluded Committee Meetings - Municipal Endowment Fund Action and Management Plan – Approval***

***Resolved:***

*That the Council:*

- a) approve the Action and Management Plans for the Municipal Endowment Fund (Attachment 1 and Attachment 2 to the staff report) for implementation from 1 July 2021; and*
- b) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

***Minute Note 21/12/2021:***

*On 21/12/2021 the following resolutions were determined to be released to the public via these minutes and the quarterly update.*

***Appointment of External Members to the Strategic Risk and Audit Committee***

***Resolved:***

***That the Council:***

- a) receives the report;*
- b) approves to reappoint Keiran Horne as an external member and chair of the Strategic Risk and Assurance Committee for a term of three years (ending 30 June 2024);*
- c) approves to reappoint Bruce Robertson as an external member and deputy chair of the Strategic Risk and Assurance Committee for a term of three years (ending 30 September 2024);*
- d) delegates authority to the Chief Executive and General Manager, People and Organisational Performance, to complete contract negotiations for the appointments;*
- e) acknowledges Keiran Horne's work as Chair during and after the COVID-19 lockdowns;*
- f) notes that the position of Maangai Maaori on the Strategic Risk and Assurance Committee is currently vacant and a replacement is being sought through the determined process; and*
- g) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

***Recommendations from Public Excluded Committee Meetings***

***Resolved:***

*That the Council:*

- a) approves the appointment of Janie Elrick to replace Earl Rattray as a director on the Waikato Innovation Growth Limited and New Zealand Food Innovation Waikato Limited Boards, of which Hamilton City Council is a shareholder;*
- b) notes that the name of the successful director candidate will be made public once the unsuccessful candidates have been notified; and*
- c) notes that the decision in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

***Minute Note 17/08/2022:***

*On 17/08/2022 the following resolutions were determined to be released to the public via these minutes and the quarterly update.*

***Appointment to the Hamilton District Licensing Committee***

***Resolved:***

*That the Council:*

- a) receives the report;*
- b) approves the appointments of Murray Clearwater, Roger Matthews and Cr Ewan Wilson to the list of persons approved as members of the Hamilton District Licensing Committee for a period of five years, pursuant to Section 189 of the Sale and Supply of Alcohol Act 2012;*
- c) notes that a further recruitment process will be undertaken to fill the two remaining Hamilton District Licensing Committee vacancies; and*
- d) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*