
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 15 December 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 G Mallett
	Cr A O’Leary
	Cr R Pascoe
	Cr L Tooman

In Attendance	Richard Briggs – Chief Executive
	Chris Allen – 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
	Kelvin Powell – City Safe Unit Manager
	Deanne McManus-Emery – Community Development & Leisure Manager
	Chris Simpson, Economic Growth Unit Manager
	Nicolas Wells, Strategic Property Manager
	Tania Herman, River Plan Project Manager
	Ken Cunningham, Strategic Land Manager
	Luke O’Dwyer, City Planning Unit Manager
	Lee Cowan, Communications Manager

Also In Attendance	Mike Trigger, AECOM – for Item 6 Victoria on the River
	Lachlan Muldowney – City Solicitor Tompkins Wake for Item C3 in the Public Excluded session

Committee Advisors	Mrs Jude Pani and Mrs Mary Birch
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1. Apologies

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

That apologies from Councillors Macpherson, Wilson and Yeung be received and accepted.

2. Confirmation of Agenda

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

That the Council confirm the agenda, including the late items:

“Consideration and Approval of HCC’s Draft Submission to the Commerce Committee on the Shop Trading Hours Amendment Bill” to be considered as Item 8 in the Open session; and

“Sale – Beggs Wiseman Building” to be taken as Item C4 in the Public Excluded session

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Sandy Turner spoke in the public forum on behalf of the Central City Business Association to Item 6 Victoria on the River. Ms Turner expressed support of the remediation works on Council owned riverbank land at 268-274 Victoria Street.

5. Recommendations to Council - Strategy and Policy Committee Meeting - 8 December 2015

Councillor O’Leary presented the recommendations from the Strategy and Policy Committee Meeting held on 8 December 2015. The recommendations expressed in parts were voted on in parts.

Resolved: (Crs O’Leary/Pascoe)

1. Hamilton Arts Agenda Review

That the revised Hamilton Arts Agenda 2015 (as attached to the Committee report) be adopted, replacing the current version.

Resolved: (Crs O’Leary/Forsyth)

2. Recommendations from Business and Investment Subcommittee

That:

- a) the draft Central City Transformation Plan (as circulated with the Committee report) be approved; and
- b) the changes to parking in the Central City Transformation Plan be implemented after 1 July 2016 to take into account integration with the parking technology project.

Councillors King and Mallett voted against 2a) and 2 b)

- c) **Gateways Policy**
 - i. the draft Gateways Policy (as attached to the Committee Report) be approved; and
 - ii. no public engagement is undertaken for this policy.
- d) **Streetscape Beautification and Verge Maintenance Policy**
 - i. the draft Streetscape Beautification and Verge Maintenance Policy (as attached to the Committee Report) be approved; and
 - ii. no public engagement is undertaken for this policy.
- e) the Street and Directional Signage Policy (as attached to the Committee report) be deleted.

Resolved: (Crs O'Leary/Gallagher)

3. Recommendations from Community Forum Subcommittee – Social Wellbeing Strategy

That:

- a) Council remain committed to promoting social wellbeing;
- b) the current Social Wellbeing Strategy be replaced with a Social Wellbeing Indicator Report;
- c) Council, in principle, joins the Quality of Life survey in order to provide the evidence base for a Social Wellbeing Indicator Report and that the Chief Executive is authorised to execute the terms of participation in that survey following a Council briefing on this item.
- d) the Hamilton Residents survey continue to be used to provide evidence that will guide Council's actions related to specific social wellbeing issues and initiatives; and
- e) a Social Wellbeing Indicator Report is developed to present key features of the Quality of Life survey and presented at the Strategy and Policy Committee in May 2016.

Councillors King and Mallett voted against 3a) – 3e)

Resolved: (Crs O'Leary/King)

4. Proposed Hamilton Alcohol Control Bylaw 2015 – Adoption Report

That:

- a) Council notes that an alcohol ban for Steele Park and the Hamilton East shopping precinct is to be considered by the Hamilton East Neighbourhood Plan Working Group during the development of the Hamilton East Neighborhood Plan;
- b) Council determine that the draft Hamilton Alcohol Control Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights 1990; and
- c) the draft Hamilton Alcohol Control Bylaw 2015 (as attached to the Committee report) be adopted and come into force on 20 January 2016.

6. Victoria on the River - VOTR

The Executive Director H3 and Events, supported by the Strategic Land Manager, introduced this report seeking approval to commence and fund required remediation works on Council owned riverbank land at 2687-274 Victoria Street, known as Victoria on the River (VOTR).

Mike Trigger, Project Manager, AECOM, was in attendance to respond to questions relating to the Summary of Engineering and Contamination Assessments report prepared by AECOM.

The following was noted:

- Two step process: first step was remediation, second step was to complete an open public urban space.
- It is anticipated that the total costs will come in at the lower end of the estimated range, with the estimated range between high and low considered realistic estimates of costs.
- Costs to date included the enhancement plan.
- Council had only worked with AECOM and staff considered that getting another opinion would not provide any new information.
- Attachment 3 prepared by Edwards White Architects was a concept plan only. There would be adjustments as the tender work evolved, including the work carried out with the neighbours.
- All work is tendered – leverage remediation to the enhancement.
- Staff had received feedback about softening the edges.
- Staff advised that the safety measures were adequate while the investigative work was carried out. The situation would then be reviewed.
- Staff had considered closing the walkway and advised that, under their “duty of care” role, if there were issues of safety or any doubt, the walkway would be closed.
- AECOM commented that any immediate danger was multi-faceted; saturation of the slope and a significant earthquake would create a risk. The car park was in good condition with surface cracking having been repaired to ensure there was no large scale water infiltration. More work needed to be done to determine whether the earthquake risk was at an acceptable level.
- There was a weighting in the tendering process given to local contractors. A pre-tender briefing was suggested.

The Meeting adjourned (3.05pm to 3.25pm).

Following discussion on safety aspects and also the tendering process, the Mover and Seconder of the staff recommendation agreed to incorporate into the Motion g) and h).

Resolved: (Crs Chesterman/O'Leary)

That

- a) That the report be received
- b) That Council approves immediate implementation of the remediation detailed in the body of this report at a maximum estimated cost of \$4,150,000 (plus GST if any) to be funded by debt.
- c) That Council approves immediate implementation of the enhancement detailed in the body of this report at a maximum estimated cost of \$2,600,000 (plus GST if any) to be funded by debt.
- d) That Council authorises staff to engage suitably qualified consultants to prepare plans, specifications and all documents necessary to publicly tender the works in accordance with Council policy.
- e) That staff report back to Council to obtain approval to award the contract for the works in accordance with Council policy.
- f) That Council authorizes the Chief Executive Officer to execute any instruments required to give effect to this resolution.
- g) That the Chief Executive undertake a safety audit that, as much as reasonably practical, ensures all necessary measures have been taken to the public safety issues raised in the reports have been addressed.
- h) That a pre-tender briefing is held to ensure all potential tenderers understand Council's tendering terms and conditions.

7. Consideration and Approval of HCC's Draft Submission to the Commerce Committee on the Shop Trading Hours Amendment Bill

The Executive Director Special Projects introduced this late Item for the Council to consider a submission to the Commerce Committee's proposal on the Shop Trading Hours Amendment Bill (Bill). The draft submission being presented supported the Bill and LGNZ's position on the Bill.

Motion: Her Worship the Mayor Hardaker/Cr Mallett

That:

- a) The report be received;
- b) That HCC's draft 15 December 2015 submission to the Commerce Committee on the Shop Trading Hours Amendment Bill be considered and approved;
- c) That HCC's final submission be sent to the Commerce Committee to meet the 21 January 2016 submission closing date;
- d) That HCC's final submission to the Commerce Committee be uploaded to Council's website; and
- e) That local Members of Parliament be advised and encouraged to support HCC's submission to the Commerce Committee on the Shop Trading Hours Amendment Bill.

Amendment: Crs O'Leary/Gallagher

That:

- a) The report be received;
- b) That HCC's draft 15 December 2015 submission to the Commerce Committee on the Shop Trading Hours Amendment Bill be considered and approved, noting that HCC does not agree

that the decision whether shops can or cannot trade on Easter Sunday be devolved to local government;

- c) That HCC's final submission be sent to the Commerce Committee to meet the 21 January 2016 submission closing date;
- d) That HCC's final submission to the Commerce Committee be uploaded to Council's website; and
- e) That local Members of Parliament be advised and encouraged to support HCC's submission to the Commerce Committee on the Shop Trading Hours Amendment Bill

The Amendment (Crs O'Leary/Gallagher) was Put.

Those for the Amendment:	Councillors Gallagher, King, Green, Forsyth, Pascoe, and O'Leary
Those against the Amendment:	Mayor Hardaker, Councillors Chesterman, Mallett and Tooman

The Amendment was declared Carried and became the Substantive Motion which was then Put.

Resolved: (Crs O'Leary/Gallagher)

That:

- a) The report be received.
- b) That HCC's draft 15 December 2015 submission to the Commerce Committee on the Shop Trading Hours Amendment Bill be considered and approved, noting that HCC does not agree that the decision whether shops can or cannot trade on Easter Sunday be devolved to local government.
- c) That HCC's final submission be sent to the Commerce Committee to meet the 21 January 2016 submission closing date.
- d) That HCC's final submission to the Commerce Committee be uploaded to Council's website.
- e) That local Members of Parliament be advised and encouraged to support HCC's submission to the Commerce Committee on the Shop Trading Hours Amendment Bill.

Councillor Mallett dissenting.

8. Resolution to Exclude the Public

Motion: 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. Ferrybank Development Plan) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Ruakura Private Development Agreement Principles		
C3. Executive Recruitment Contract		
C4. Sale - Beggs Wiseman Building		

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 enable Council to carry out negotiations	Section 7 (2) (i)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

Amendment: Crs King/Mallett

That Item C1 – Ferrybank Development Plan – be moved into the open meeting.

The Amendment (Crs King/Mallett) was Put.

Those for the Amendment: Councillors King and Mallett
Those against the Amendment: Mayor Hardaker, Councillors Chesterman, Gallagher, Green, Forsyth, Pascoe, O'Leary and Tooman

The Amendment was declared Lost and the Motion was then Put.

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

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C2. Ruakura Private Development Agreement Principles) information exists under	
C3. Executive Recruitment Contract) Section 7 Local Government	
C4. Sale - Beggs Wiseman Building) Official Information and Meetings Act 1987	

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Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

Councillor Mallett dissenting.

The Meeting moved into a Public Excluded session (4.30pm to 7.00pm).

The Meeting was declared closed at 7.00pm.