
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 26 May 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 D Macpherson Cr G Mallett Cr A O’Leary Cr R Pascoe Cr L Tooman Cr P Yeung
In Attendance	Chief Executive – Richard Briggs General Manager Strategy and Communication – Sean Hickey General Manager Community – Lance Vervoort General Manager City Growth – Kelvyn Eglinton General Manager Corporate – David Bryant Director H3 and Events – Sean Murray Communications Manager – Lee Cowan Parks & Open Spaces Manager – Sally Sheedy City Planning Unit Manager – Luke O’Dwyer Strategic Land Manager – Ken Cunningham Operations Team Leader – Robyn Denton City Planning Policy Team Leader – Alice Morris
Committee Advisors:	Mrs MM Birch and Mr B Stringer

Her Worship the Mayor Hardaker welcomed everyone to the Meeting. She congratulated Aaron Leaman, Waikato Times, on his recent award.

1. Apologies

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

That the apologies from:

- a) Councillors Wilson and King; and
 - b) Councillor Chesterman (lateness),
- be received and accepted.

2. Confirmation of Agenda

Additional papers had been circulated to Elected Members prior to the meeting relating to Items in the Public Excluded section of the Meeting.

A document was tabled which corrected the wording in Item 5 – Open Council Minutes – 28 April 2016, relating to the CCO Subcommittee Recommendations to Council, on page 18 of the Agenda.

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

The Council to confirm the Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes had been set aside for a public forum. The following spoke:

Justin Walker – Spoke to his PowerPoint presentation on Item 8 – Wairere Drive and Huntington Drive (west) intersection safety concerns and improvements. He tabled a document raising concerns around the OPUS Report and noting that the Huntington Community did not agree with the staff recommendation.

Warren Stace – Spoke to Item 9 – Waiwhakareke Land – Declaration as Reserve. He tabled a document and confirmed that he fully supported Council's intention to add the 5.1 hectares of land to the Waiwhakareke Natural Heritage Park.

Professor Bruce Clarkson - Chair of the Waiwhakareke Advisory Group - Spoke to Item 9 – Waiwhakareke Land – Declaration as Reserve. He tabled a document and confirmed that he fully supported Council's intention to add the 5.1 hectares of land to the Waiwhakareke Natural Heritage Park.

Kemble Pudney – On behalf of Tui 2000 and himself - Spoke to Item 9 – Waiwhakareke Land – Declaration as Reserve. He tabled a document and confirmed that he fully supported Council's intention to add the 5.1 hectares of land to the Waiwhakareke Natural Heritage Park.

5. Confirmation of Minutes

The correct wording for Item 5 – Open Council Minutes – 28 April 2016, relating to the CCO Subcommittee Recommendations to Council, on page 18 of the Agenda was to be included as follows:

That:

- a) The report be received; and
- b) The subcommittee recommend to Council that Hamilton Properties Ltd will continue to be exempt from CCO annual reporting requirements while it is a non-trading company until the period ending 10 May 2019.

Democracy was asked to confirm at the next meeting Councillor Mallet's voting on Item 13 relating to Recommendations to Council from the 21 April Finance Committee Meeting and whether it had been recorded correctly.

Councillor Gallagher gave notice of his intention to discuss bringing in part of the Public Excluded Minutes relating to Item C2 into the Open Minutes of the Meeting.

Resolved: (Her Worship the Mayors Hardaker/Yeung)

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 28 April 2016, subject to the above noted amendment relating to the CCO Subcommittee Recommendations to Council.

Minute Note: Subsequent to the Meeting, Democracy confirmed that Councillor Mallett had retired from the 28 April 2016 Meeting prior to the voting on Item 13; this had been correctly recorded in the Open Minutes.

6. Proposed District Plan Minutes - Open - 23 February 2016

Resolved: (Her Worship the Mayors Hardaker/Tooman)

That Council confirms and adopts as a true and correct record the Open Minutes of the Proposed District Plan Subcommittee Meeting held on 23 February 2016.

7. Recommendations to Council - Strategy and Policy Committee Meeting - 3 May 2016

Councillor O'Leary, Chair of the Strategy and Policy Committee introduced this Item.

Age Friendly Global Network

Councillor O'Leary confirmed that the letter of support had been received from The Honourable Maggie Barry, Minister for Seniors and circulated to Elected Members on 12 May 2016. It would be included with the Chair's report to the Strategy and Policy Committee on 7 June 2016.

Resolved: (Crs O'Leary/Yeung)

That:

- a) Hamilton City join the World Health Organisation Age Friendly Global Network;
- b) Council instruct the Older Persons Advisory Panel to appoint an Age Friendly Steering Group to develop an Age Friendly Plan for Hamilton, with the following timeframes:
 - Appointing of steering group members (1 month);
 - Initial scoping of services and facilities available to older people in Hamilton, and identifying gaps (6 months);
 - Development of Age Friendly Plan for Hamilton (6-9 months, including certification process for World Health Organisation);
 - Implementation of plan (ongoing with regular review and updates to the plan); and
- c) Council notes the Older Persons Advisory Panel is to report back to the Strategy and Policy Committee at appropriate times during the development of the Plan.

Councillor Mallet dissenting

Business Improvement District Policy Review

Resolved: (Crs O'Leary/Pascoe)

That the draft Business Improvement District Policy is adopted as final.

Councillor Mallet dissenting

8. Wairere Drive and Huntington Drive (west) intersection safety concerns and improvements

The General Manager City Infrastructure (“the GM”) and the Operations Team Leader, took the report as read. They introduced Mike Meister and Cherie Mason from OPUS.

The GM highlighted, and responded to questions on, the following points:

- It was agreed that the current arrangements were not suitable in the long-term;
- The Grey Matter Report had indicated that the four-laning of this section of the road was 15 years away;
- Traffic volumes had been increasing at a faster rate than originally predicted;
- There was currently a crash problem, particularly in relation to vehicles turning right out of Huntington Drive (west);
- At this point in time, staff did not currently agree with the Huntington Community preferred option of a seagull type intersection with no right turn, as evidence indicated that this would introduce a crash risk that was not currently present now;
- Improvements could be made to the left turn into Huntington Drive (west) by creating a dedicated left run slip lane with high entry angle. This could be started within two to three months once the concept had been turned into a full design;
- The OPUS report had been completely independent; and
- NZ Transport Agency (NZTA) was currently undertaking a research project into the safety of seagull intersections. The draft report would be available in July/August 2016.

Motion: (Crs Yeung/Pascoe)

That:

- a) the report be received;
- b) improvements be made as soon as possible to the left turn into Huntington Drive (west) based on Opus alternative Option 1 as proposed in this report which is to create a dedicated left turn slip lane with a high entry angle;
- c) monitoring of the intersection be undertaken once this work is completed and that a review of the Huntington Residents Group modified seagull option is undertaken once NZ Transport Agency have completed their research project into seagull type intersections which is expected to be completed by December 2016;
- d) a Working Group is established to work with Council staff on c) above as follows:
 - i. The Working Group includes two staff members, two Huntington resident representatives and two Councillors – Councillors Yeung and Pascoe (one of the Councillors will chair the Working Group).
 - ii. A Terms of Reference for the Working Group is to be developed and agreed by all parties prior to the commencement of the review;
- e) an independent consultant be commissioned to fully evaluate the Huntington Drive intersections for a “safer right hand turn” on to Wairere Drive, and report back to Council when completed; and
- f) the budget for the safety improvement including the works to complete the project does not exceed \$300,000.

Amendment: (Crs Chesterman/Macpherson)

That:

- a) The report be received;
- b) Staff prepare design and costings on the residents' option – modified seagull (Option 4);
- c) If the estimated costs are within the \$300,000 allocation, work is to proceed on Option 4; and
- d) If the estimated costs are in excess of \$300,000, staff report back to Council.

The Amendment was Put.

Those for the Amendment: Councillors Chesterman, Green and Macpherson

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

The Amendment was declared lost. The Motion was then Put.

Resolved: (Crs Yeung/Pascoe)

That:

- a) the report be received.
- b) improvements be made as soon as possible to the left turn into Huntington Drive (west) based on Opus alternative Option 1 as proposed in this report which is to create a dedicated left turn slip lane with a high entry angle.
- c) monitoring of the intersection be undertaken once this work is completed and that a review of the Huntington Residents Group modified seagull option is undertaken once NZ Transport Agency have completed their research project into seagull type intersections which is expected to be completed by December 2016.
- d) a Working Group is established to work with Council staff on c) above as follows:
 - i. The Working Group includes two staff members, two Huntington resident representatives and two Councillors – Councillors Yeung and Pascoe (one of the Councillors will chair the Working Group).
 - ii. A Terms of Reference for the Working Group is to be developed and agreed by all parties prior to the commencement of the review.
- e) an independent consultant be commissioned to fully evaluate the Huntington Drive intersections for a "safer right hand turn" on to Wairere Drive, and report back to Council when completed.
- f) the budget for the safety improvement including the works to complete the project does not exceed \$300,000.

Councillor Tooman dissenting.

The Meeting adjourned (3.35pm to 3.50pm).

9. Waiwhakareke Land - Declaration as Reserve

The Parks and Open Spaces Manager took the report as read.

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

That:

- a) the report be received;
- b) pursuant to Section 14 of the Reserves Act 1977 Council resolves to declare the land described in the Schedule to be Local Purpose (Natural Heritage Park) Reserve; and
- c) Council authorises the Chief Executive Officer to prepare and execute any instruments that may be required to give effect to this resolution.

SCHEDULE

All that land contained in Computer Freehold Register 499858 South Auckland Registry legally described as Lot 2 Deposited Plan 425316 comprising 5.1385 hectares more or less and physically located at Rotokauri and Baverstock Roads.

Councillor Mallett dissenting.

10. Community Occupancy Applications

The Parks and Open Spaces Manager took the report as read.

Resolved: (Her Worship the Mayor Hardaker/Chesterman)

That:

- a) the report be received;
- b) Council approves the granting of a new community group lease under s54(1)(B) of the Reserves Act 1977, to **Resthills Sports Centre Incorporated** for premises at Resthills Park as shown in Attachment 1 of the staff report, being part of Lot 2 DPS 9219, CFR 175538 subject to the following terms and conditions:
 - (i) Term – 15 years;
 - (ii) Rent – \$314.38 plus GST per annum in accordance with the Community Occupancy Policy;
 - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- c) Council approves a variation to lease to extend the leased area under s54(1)(B) of the Reserves Act 1977, of the **Waikato Kindergarten Association** for premises at Hillcrest Park, as shown in Attachment 2 of the staff report, being part of Lot 18 DPS 8212, CFR 248584 subject to all terms and conditions being as per their current lease. The new rental rate to account for the increase in leased area to be as follows:
 - (i) Rent – \$605.88 plus GST per annum in accordance with the Community Occupancy Policy;
 - (ii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- d) Council approves the granting of a community group lease to **Te Kohao Health Limited** under section 61(2A) of the Reserves Act 1977, over part of Enderley Park classified local purpose (off-street parking) reserve, for car parking purposes - being a lease over that part of the land comprised in Lot 109 DPS 7131, CFR 173204, and as shown on Attachment 3 of the staff report, subject to the following terms and conditions:
 - (i) Term – five years;
 - (ii) Rent – \$42.00 plus GST per annum in accordance with the Community Occupancy Policy;
 - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines; and
- e) Council approves:
 - (i) the granting of a community group licence to **Te Kohao Health Limited** under section 61(1) of the Reserves Act 1977, over that part of Enderley Park classified local purpose (off-street parking) reserve, for car parking purposes – being a non-exclusive licence to occupy that part of the land comprised in Lot 109 DPS 7131, CFR 173204, and as shown on Attachment 3 of the staff report, subject to the terms and conditions set out in paragraph e) (iii);
 - (ii) entering into an agreement with **Te Kohao Health Limited** under section 53(1)(F) of the Reserves Act 1977, to use part of Enderley Park classified recreation reserve for car parking purposes – being a non-exclusive agreement to use that part of the land comprised in Lot 2 DPS 7131, CFR 175536, and as shown on Attachment 3 of the staff report, subject to the terms and conditions set out in paragraph e) (iii);

- (iii) The above licence and agreement are approved subject to the following terms and conditions:
 - i) Term – five years (during normal business hours, Monday to Friday);
 - ii) Rent – \$76.25 plus GST per annum in accordance with the Community Occupancy Policy ('Rent' being the sum payable for both the licence and agreement);
 - iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.

11. Brywood Rise - Road Stopping

The Strategic Land Manager introduced the report. He advised that the indicative value of the area of Brywood Rise under consideration was in the region of \$50,000 to \$100,000 and that sufficient road width would be retained for traffic.

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

That:

- a) the report be received;
- b) an area of Brywood Rise totalling approximately 664m² (subject to confirmation by a survey plan) as shown highlighted red on Attachment 1 of the staff report, be stopped in terms of the Public Works Act 1981;
- c) should the Public Works Act 1981 process not be completed then the requirements of the Local Government Act 1974 be complied with;
- d) the area of Brywood Rise stopped, as detailed in (b) above, be sold to Brywood Development Co Ltd at current market value, subject to the value being supported by an independent registered valuation report obtained by Council;
- e) all costs associated with the road stopping process and sale and purchase of the land is the responsibility of Brywood Development Co Ltd; and
- f) the Chief Executive is delegated authority to sign all documentation relating to the road stopping and sale of the land.

12. Preparation of a Plan Change in Temple View.

City Planning Unit Manager and City Planning Policy Team Leader introduced this report.

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

That:

- a) the report be received; and
- b) staff prepare the District Plan change documentation, required under the Resource Management Act, for the Temple View Alteration Area.

13. Resolution to Exclude the Public

As noted in Item 5 – Confirmation of the Minutes -28 April 2016, Councillor Gallagher sought to move Item C2 – Provisional local Alcohol Policy – Appeal from the Public Excluded Minutes into the Open Minutes. After discussion, it was acknowledged that the information contained in this section of the Public Excluded Minutes was now in the public domain.

Resolved: (Crs Macpherson/Gallagher)

That the portion of Item C2 – Provisional local Alcohol Policy – Appeal on pages 7 and 8 of the Public Excluded Agenda forms part of the publically available (Open) Minutes.

Resolved: (Her Worship the Mayor Hardaker/Chesterman)

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. Chief Executive Review - Verbal Update) Good reason to withhold information exists under	Section 48(1)(a)
C2. Council Minutes - Public Excluded - 28 April 2016) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Proposed District Plan Subcommittee Minutes - Public Excluded - 14 December 2015 and 23 February 2016)	
C4. Proposed District Plan Appeals Update - A&A King Family Trust		

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 protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C4.	to maintain legal professional privilege	Section 7 (2) (g)

The Meeting moved into a Public Excluded Session (4.25pm to 5.00pm).

The Meeting was declared closed at 5.00pm.