
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 27 August 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 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
	Debra Stan-Barton – Acting General Manager City Environments
	Chris Allen – General Manager City Infrastructure
	Lance Vervoort – General Manager Community
	Sean Murray – Executive Director H3 and Events
	Blair Bowcott – Executive Director Special Projects
	Paul Condor – Chief Financial Officer
	Sally Sheedy – Parks & Open Spaces Manager
	Chad Hooker – Director of Operations H3
	Nicolas Wells – Strategic Property Unit Manager
	Luke O’Dwyer – City Planning Manager
	Renee McMillan – Team Leader Planning and Assets
	Lee Cowan - Communications Unit Manager

Also In Attendance	Lachlan Muldowney, City Solicitor – for Item C4 in the Public Excluded Meeting
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Committee Advisors	Mrs J Pani and Mrs M Birch
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Opening Prayers

The Opening Prayers were led by Barry Cope, representing the Waikato Compassion Meditation Society (Buddhist) and the Theosophical Society.

1. Apologies

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

That apologies from Councillor Green be accepted.

2. Confirmation of Agenda

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

That the Council confirm the Agenda with the addition of a Late Item – Recommendation from the Civil Defence and Emergency Management Subcommittee – Appointment of Hamilton City Controller – to be taken as Item 12A.

3. Declarations of Interest

Councillor King declared a conflict of interest for Item C4 – Proposed District Plan Appeals Update – and indicated that he would withdraw from the Meeting when that Item was considered.

4. Public Forum

The following spoke in the Public Forum to Item 9 – FIFA U-20 World Cup 2015:

- Mark Christie representing Waikato Bay of Plenty Football; and
- Dick Breukink representing H15.

5. Council Minutes 30 July and Item 5 of 30 June 2015 Council Minutes

The Democracy Manager presented this Item for the Council to adopt both the 30 July Council Minutes and Item 5 of the 4 June 2015 Council Minutes held over from 30 July Meeting. She confirmed that having reviewed both the YouTube recording of the 4 June Meeting and the audio of the 30 June 2015 Meeting, the deferred section from the Minutes of the 4 June 2015 Council Meeting was accurate and was being presented back for confirmation as a true and correct record.

Minute Note: During debate Her Worship the Mayor requested that Councillor King withdraw a statement that had been drawn to the attention of the Chairperson by way of a Point of Order. Councillor King refused to withdraw the statement and apologise. Her Worship the Mayor requested that Councillor King's refusal of a ruling by the Chairperson be recorded in the Minutes.

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

That Council confirms and adopts as a true and correct record the:

- i. Open Minutes of the Council Meetings held on 30 July; and
- ii. Item 5 – “Council Minutes – Open – 4 June 2015” – of the 30 June 2015 Council Minutes.

Councillor Macpherson dissenting.

6. Recommendations to Council - Strategy and Policy Committee Meeting - 11 August 2015

Councillor O’Leary, Chair of the Strategy and Policy Committee presented the recommendations of the Strategy and Policy Committee meeting held on 11 August 2015.

The recommendations were Put and voted on in parts.

Resolved: (Crs O’Leary/Chesterman)

1. Hamilton Rangatahi Youth Action Plan Review

That Council approve the reviewed Hamilton Rangatahi Youth Action Plan.

Councillors King, Mallett and Wilson dissenting.

Resolved: (Crs O’Leary/King)

2. Class 4 Gambling Venues and TAB Board Venues Polices - Statement of Proposal

That:

- a) the Statement of Proposal including copies of the proposed Class 4 Gambling Venues Policy (reflecting 2 relocation options for feedback) and TAB Board Venues Policy be adopted and to commence the special consultative procedure;
- b) the special consultative procedure period commences 2 September and closes 2 October 2015; and
- c) Council notes hearings of submissions and deliberations be received and considered at a Strategy and Policy Committee meeting.

Resolved: (Crs O’Leary/Pascoe)

3. Governance Policies - Review

That:

- a) the ‘Elections – Communicating with the Public’ Policy (Attachment 8 to the Committee Report) be **deleted** (with a reference to the OAG Guidelines – “*Good Practice for Managing Public Communications by Local Authorities*”, be included in the Council’s Code of Behaviour);
- b) the:
 - i. Councillor attendance at Conferences, Seminars and Training Policy (Attachment 4 to the Committee Report) be **deleted**;
 - ii. Elected Members’ Expenses and Allowances Policy (Attachment 5 to the Committee Report) be **deleted**,

- iii. Elected Members' IT Policy (Attachment 6 to the Committee Report) be **deleted** and the key principles be captured in a new Elected Member Support Policy (Attachment 1 to the Committee Report);
- c) the new Elected Members' Support Policy (Attachment 1 to the Committee Report) be **adopted**; and
- d) the 'Corporate Hospitality and Entertainment' Policy (Attachment 7 to the Committee Report) be retained with no changes.

Councillors Gallagher, King, Macpherson and Mallett voted against Item 3 d).

Resolved: (Crs O'Leary/Forsyth)

4. Biking Plan

That the Biking Plan (as attached to the Committee Report) be adopted.

Councillor Mallett dissenting.

7. Recommendations to Council - Finance Committee Meeting 20 August 2015

Councillor Pascoe, the Chair of the Finance Committee, presented the recommendations of the Finance Committee Meeting held on 20 August 2015.

Resolved: (Crs Pascoe/Tooman)

Resolution Drive Extension Multi Party Funding Agreement and Business Case

That:

- a) The Resolution Drive and Borman Road Extensions project business case is approved and Council agrees to proceed with the projects recommended in the business case;
- b) Council delegates approval to the CE to enter into a Multi Party Funding Agreement with NZTA for an agreed sum of \$9,829,000 to construct the Resolution Drive Extension and associated works as part of the Waikato Expressway Hamilton Section construction contract; and
- c) The Approved Contract Sum for the Multi Party Funding Agreement be set at \$10,329,000 excluding GST comprising \$9,829,000 the agreed sum and \$500,000 for contingency.

**8. Event Sponsorship Subcommittee Meeting
5 August 2015 - Terms of Reference**

Council was advised that this item would be presented to a future meeting following discussion on the work of this Subcommittee. It was noted that Sandra Peek was appointed for the current triennium when the Council confirmed its Governance Structure following the 2013 Local Government Elections.

9. FIFA U-20 World Cup 2015 Final Report

The Executive Director H3 and Events, and the Director of Operations H3, presented this post event report on hosting of the FIFA U-20 World Cup 2015 and associated activities undertaken in Hamilton.

Motion: (Crs Chesterman/Pascoe)

That:

- a) The report be received; and
- b) Council approves the return of the surplus event budget to Council's Event Sponsorship fund for allocation in the 2015/16 financial year.

Amendment: (Crs Macpherson/Gallagher)

That:

- a) The report be received; and
- b) Council approves the return of the surplus event budget as follows:
 - i) \$65,000 to the Events Sponsorship Fund; and
 - ii) \$13,163 to the Single Year Grant Fund.

Councillor King foreshadowed an Amendment that the surplus event budget be returned to pay down debt. (Councillor Mallett indicated his intention to second the Foreshadowed Amendment should this become an Amendment.)

During the Debate speakers spoke for/against the Motion, Amendment and the Foreshadowed Amendment.

Amendment (Crs Macpherson/Gallagher) was Put.

That:

- a) The report be received; and
- b) Council approves the return of the surplus event budget as follows:
 - i) \$65,000 to the Events Sponsorship Fund; and
 - ii) \$13,163 to the Single Year Grant Fund.

Those for the Amendment:

Councillors Yeung, Gallagher, O'Leary, Macpherson, and Wilson

Those against the Amendment:

Her Worship the Mayor Hardaker, Councillors Chesterman, Forsyth, Pascoe, King, Mallett and Tooman

The Amendment was declared lost.

The Amendment (Crs King/Mallett) was then Put.

That:

- a) that the report be received; and
- b) that the surplus event budget be returned to pay down debt

Those for the Amendment: Councillors King, Macpherson and Mallett

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Gallagher, Forsyth, Pascoe, O'Leary, Tooman, and Wilson

The Amendment was declared lost.

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

Resolved: (Crs Chesterman/Pascoe)

That:

- a) The report be received; and
- b) Council approves the return of the surplus event budget to Council's Event Sponsorship fund for allocation in the 2015/16 financial year.

Those for the Motion: Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Gallagher, Forsyth, Pascoe, O'Leary, Tooman, and Wilson

Those against the Motion: Councillors King, Macpherson and Mallett.

The Meeting adjourned (4.00pm to 4.20pm).

Item 12 was taken at this time.

12. Victoria on the River Development Site (265 Victoria Street)

The Executive Director H3 and Events presented this report updating the Council on the status of land known as Victoria on the River, specifically relating to the outcome of the slope stability assessment and stormwater investigation report undertaken by AECOM.

Resolved: (Crs Forsyth/O'Leary)

That:

- a) the report be received;
- b) Management report back to Council at its November 2015 meeting with recommendations on the future use of the land that will include a new site master-plan inclusive of;
 - i. Land safety remediation options.
 - ii. Integration with legal obligations that currently rest over the land.
 - iii. Works with neighbouring interests.
 - iv. Incorporates the key elements of public amenity originally envisaged by Council.
 - v. Integrates to the direction of travel for "The River Plan" and "Central City Transformation Plan" (in draft).
 - vi. Financial and any land transactional implications.

10. Melville Park - Hamilton Roller Skating Club Lease Application

The GM Community and Parks & Open Spaces Manager introduced this Report and presented the recommendations from the Melville Speed Skate Park Hearings Panel in relation to the Hamilton Roller Skating Club lease application for Melville Park. It was noted that to provide the Hamilton Roller Skating Club a timely decision, this Panel, established by the Finance Committee, was reporting directly to the Council.

Staff highlighted wording changes in the staff recommendations c)viii) to clarify that the Hamilton Dog Obedience Club and Waikato Agility Group event parking would be restricted to 3 times per year and in c)ix) signage to indicate the public are not to use the proposed track on Wednesday and Thursday nights.

During discussion the following were agreed to by the Mover and Seconder and incorporated into the Motion:

- Specifying the date of 27 August 2017 in recommendation c)i);
- (Crs King/Macpherson Amendment) – That the Skating Club be given a further subsidy under s5.6(iii) of the Community Occupancy Policy and then they are charged 5/7th of the total lease cost.

Councillor Mallett left the meeting at 5.15pm during discussion on Item 10. He was not present for voting.

Resolved: (Crs Tooman/O'Leary)

That:

- a) The report be received;
- b) The landscape plan for the proposed speed skate track as presented by Opus International Consultants Ltd in Attachment 1, be accepted;
- c) Council grants the Hamilton Roller Skating Club Incorporated approval to develop a speed skate track at Melville Park in accordance with the landscape plan prepared by Opus International Consultants Ltd subject to:
 - i) The track approval lapsing if not given effect by 27 August 2017;
 - ii) Construction of the proposed track being fully funded by the Hamilton Roller Skating Club Incorporated;
 - iii) Landscaping being established in accordance with the approved landscape plan within one month of completion of the track and prior to use of the track for speed skating;
 - iv) Any necessary consents being obtained by the Hamilton Roller Skating Club Incorporated prior to construction commencing;
 - v) Assessment of stormwater design pre and post construction by an appropriately qualified engineer and assessment being made available to Council, including:
 - i. Functionality of any proposed soakage devices;
 - ii. Impacts to overland flow and general site drainage, including any ponding; and
 - iii. Impacts to overall site stormwater discharge to the piped network and downstream open channel (peak flow quantities and general quality).
 - vi) Construction not commencing prior to 5 October 2015;
 - vii) The Hamilton Roller Skating Club Incorporated being responsible for all maintenance of the proposed track;
 - viii) The Hamilton Roller Skating Club Incorporated being required to make the inner area of the proposed track available to the Hamilton Dog Obedience Club and Waikato Agility Group for parking during events held three times per year by those groups;
 - ix) The Hamilton Roller Skating Club are not to use the proposed track on a Wednesday and Thursday night, during times the dog obedience lawn is booked by the Hamilton Dog Obedience Club or Waikato Agility Group. During such times, the inner area of the proposed track will be made available to the Hamilton Dog Obedience Club and Waikato Agility Group for use; and signage being installed advising the public are not to use the proposed track during times the dog obedience lawn is booked by the Hamilton Dog Obedience Club or Waikato Agility Group on Wednesday and Thursday nights.
- d) Following section 54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to the Hamilton Roller Skating Club Incorporated for land at Melville Park as outlined in Attachment 2, less the area agreed by the Melville Speed Skate Park – Hearings Panel at the meeting on 19 August 2015, being part of Pt Lot 512 DPS9477, subject to the following terms and conditions:
 - i. Term – 15 years commencing 27 August 2015;
 - ii. Rent – \$1,081.25 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
- iv. The Hamilton Roller Skating Club Incorporated's existing lease dated 20 August 1999 and subsequent variations being surrendered by Deed.
- e) Hamilton City Council funds the cost of the fencing and landscaping excluding the bund, at an estimated cost of \$9,540 excluding GST.
- f) That the Skating Club be given a further subsidy under s5.6(iii) of the Community Occupancy Policy and then they are charged 5/7th of the total lease cost.

11. 2016 Local Authority Elections - Online Voting Trial

The Democracy Manager introduced this Report presenting information on both the functional requirements and associated unbudgeted costs with an online voting trial.

Motion: (Crs Wilson/Forsyth)

That:

- a) The report be received;
- b) The Council confirms its interest with LGNZ, for Hamilton City Council to participate in the online voting trial for the 2016 Local Authority Elections;
- c) Council approves the additional (unbudgeted) costs to a maximum of \$67,000+GST (with the Electoral Officer looking at ways to reduce this additional cost);
- d) The Electoral Officer liaises with the Waikato Regional Council and Waikato District Health Board regarding cost sharing of the additional costs for online voting; and
- e) Council is advised of the outcome of the September Cabinet decision on which councils will be permitted to be part of the trial of online voting for the 2016 Local Authority Elections.

Amendment: (Crs Pascoe/Yeung)

That:

- a) The report be received; and
- b) The Council confirms with LGNZ, that Hamilton City Council will not be participating in the online voting trial for the 2016 Local Authority Elections.

Councillor Mallett returned to the meeting at 6.15pm during discussion on Item 11. He was present for voting.

The Amendment was Put.

Those for the Amendment:

Councillors Mallett, King, Gallagher,
Macpherson, Pascoe, Tooman and Yeung

Those against the Amendment:

Her Worship the Mayor Hardaker,
Councillors Wilson, Forsyth, Chesterman
and O'Leary

The Amendment was declared carried.

The Amendment became the substantive Motion which was then Put.

Resolved: (Crs Pascoe/Yeung)

That:

- a) The report be received; and
- b) The Council confirms with LGNZ, that Hamilton City Council will not be participating in the online voting trial for the 2016 Local Authority Elections.

The Meeting adjourned (6.40pm to 7.10pm).

12A. Recommendation from Civil Defence and Emergency Management Subcommittee - Appointment of Hamilton City Controller

Councillor Leo Tooman, Chair of the Civil Defence and Emergency Management Subcommittee presented the recommendation of the Civil Defence and Emergency Management Subcommittee Meeting held on 26 August 2015.

Resolved: (Crs Mallett/Pascoe)

That Mr Kelvin Powell is endorsed as a second Hamilton City Controller in order to begin the formal appointment process.

Councillor Wilson returned to the meeting at 7.15pm. He was not present for Item 12A.

13. Resolution to Exclude the Public

Motion: (Her Worship the Mayor Hardaker/Cr O'Leary)
That the public be excluded for Items C1 – C5 as listed in the Council Agenda.

Amendment: (Crs Macpherson/Gallagher)
That:

- a) the public be excluded for Items C1 – C4 as listed in the Council Agenda; and
- b) Item C5 "Park Renaming" be considered in the Open Meeting.

The Amendment was Put.

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

The Amendment was declared lost.

The Motion was then Put.

Resolved: (Her Worship the Mayor Hardaker/Cr O'Leary)

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 - 30 July 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Recommendations to Council - Finance Committee Meeting 20 August 2015) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Creative Waikato Trust Board appointment		
C4. Proposed District Plan Appeals Update		
C5. Park Renaming		

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 enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C3.	to enable Council to carry out negotiations	
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C5.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)
	to protect the privacy of natural persons	Section 7 (2) (a)

And that Lachlan Muldowney remain for Item C4 to provide advice to the Council.

The Meeting moved into a Public Excluded session (7.15pm to 9.35pm).

During the public excluded session under Standing Orders 3.2.7 the Council resolved to continue past six hours.

The Meeting was declared closed at 9.35pm.