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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 Wednesday 29 June 2022 at 9.31am.**

### **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 D Macpherson Cr K Naidoo-Rauf Cr M Donovan Cr A O'Leary Cr Hamilton Cr S Thomson Cr M van Oosten Cr E Wilson (exclusively via audio visual link)

<b>In Attendance</b>	Lance Vervoort – Chief Executive David Bryant – General Manager People and Organisational Performance Blair Bowcott – General Manager Growth Helen Paki – General Manager Community Eeva-Liisa Wright – General Manager infrastructure Operations Sean Hickey – General Manager Strategy and Communication Andrew Parsons – Executive Director Strategic Infrastructure Maria Barrie – Parks and Recreation Manager Michelle Hawthorne – Governance and Assurance Manager Philippa Clear – Community and Social Development Manager Jamie Sirl – Team Leader City Planning Stephen Halliwell – Water Reform Financial Advisor Brendan Stringer – Consultant Peter van Hoven – Magical Bridge Trust NZ Gina Hailwood - Magical Bridge Trust NZ
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<b>Governance Team</b>	Amy Viggers – Governance Lead Carmen Fookes – Senior Governance Advisor Tyler Gaukrodger – Governance Advisor
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*Tame Pokaia opened the meeting with a karakia.*

**1. Apologies – *Tono aroha***

**Resolved:** (Mayor Southgate/Cr van Oosten)

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

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

**Resolved:** (Mayor Southgate/Cr van Oosten)

That the agenda is confirmed noting that:

- a) the order of items will be flexible to accommodate availability of presenters;
- b) the late attachment 2 (Draft 2 Hamilton City Council Submission to the Future of Local Government Review) for item 14 (Reform Response Programme Update) is accepted. The attachment was circulated to Elected Members to enable the most up to date information to be incorporated in the draft submission;
- c) the late attachment 1 (Plan Change 9 documentation) for item 21 (Recommendations from Open Committee Meetings) is accepted. The attachment was circulated to Elected Members under separate cover to enable the most up to date information to be included; and
- d) that Item C1 (Confirmation of the Extraordinary Council (Recommendation from the CE Review Committee) Public Excluded Minutes - 25 May 2022) and Item C2 (Recommendations from Public Excluded CE Review Committee Meeting of 9 June 2022) are taken at 4pm 29 June 2022 to accommodate availability.

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

Cr Wilson declared an perceived conflict in regards to Item 21 (Recommendations from Open Committee Meetings) regarding Plan Change 9. He noted he would not take part in the discussion or vote on the matter.

**4. Public Forum – *Aatea koorero***

No members of the public wished to speak.

**5. Confirmation of the Council Open Minutes of 5 May 2022**

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

That the Council confirm the Open Minutes of the Council Meeting held on 5 May 2022 as a true and correct record.

**6. Confirmation of the Council Open Minutes of 12 May 2022**

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

That the Council confirm the Open Minutes of the Council Meeting held on 12 May 2022 as a true and correct record.

**7. Confirmation of the Council Open Minutes of 3 June 2022**

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

That the Council confirm the Open Minutes of the Council Meeting held on 3 June 2022 as a true and correct record.

**8. Confirmation of the Council Open Minutes of 15 June 2022**

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

That the Council confirm the Open Minutes of the Council Meeting held on 15 June 2022 as a true and correct record.

**9. Confirmation of the Elected Member Open Briefing Notes - 23 May 2022**

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 23 May 2022 as a true and correct record.

**10. Confirmation of the Elected Member Open Briefing Notes - 15 June 2022**

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

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 15 June 2022 as a true and correct record.

**11. Chair's Report**

The Mayor introduced the report and responded to questions from Members concerning consultation on Central Government three waters reform.

**Resolved:** (Mayor Southgate/Cr van Oosten)

That the Council receives the report, noting the removal of the following statement from the Chair's report: "This will allow us to relay to Government with confidence how Hamiltonians feel about their proposals at the Select Committee".

**Cr Macpherson Dissenting.**

*Cr Hamilton joined the meeting (9.37am) during the discussion of the above item. He was present when the matter was voted on.*

**12. Magical Bridge Trust NZ Proposal**

The Parks and Recreation Manager introduced the report, and Peter Van Vroonhoven and Gina Hailwood (Magical Bridge Trust NZ). They responded to questions from Members regarding the size of the playground during Phase 1 development, the funding plan, timing of the phases, specific playground elements, carparks, potential life of the asset, and future costs of renewal which would be addressed in a future Long Term Plan.

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

That the Council:

- a) receives the report;
- b) approves the development of a fully inclusive playground at Claudelands Park; and
- c) notes that the project is to be delivered in stages as external funding is secured and
  - i. each stage will not proceed until full funding is secured
  - ii. there is no obligation for council to fund the development beyond the initial \$1.4m contribution; and
  - iii. progress reports will be provided to the Community Committee.

**13. Community Based Committees Report**

Mr Stringer (consultant) introduced the report, and outlined the process followed by staff in the development of the report. The Community and Social Development Manager then spoke to the staff recommendation, noting that was formed based on feedback during the engagement phased and from community leaders. Along with staff, Mr Stringer responded to questions from Members concerning stakeholder feedback, the consultation process and findings, the resource and cost estimations, venues for meetings, potential structures and benefits from each structure, use of

memorandum of understanding, the purpose and cost of the proposed independent review.

**Resolved:** (Cr O’Leary/Cr van Oosten)

That the Council:

- a) receives the report;
- b) recommends to the incoming Council after the October 2022 local authority elections that Council establish a trial for two new Community Committees as outlined in **Option 1** of the staff report;
- c) requests that as part of this work, staff also undertake work to offer enhanced support to existing community-based organisations to improve community engagement and advocacy; and
- d) requests the Chief Executive present Council’s recommendation to the incoming Council as part of its consideration of governance and delegation arrangements for the 2022-25 triennium, together with any additional information including costs.

**Crs Hamilton and Donovan Dissenting.**

**The meeting was adjourned 11.10am to 11.34am during discussion of the above item.**

#### **14. Reform Response Programme – Update**

##### **Future for Local Government Reform**

The General Manager Strategy and Communication introduced the report and responded to questions from Members concerning proposed changes to the submission on the Future for Local Government Reform.

**Resolved:** (Mayor Southgate/Cr van Oosten)

That the Council:

- a) receives the report;
- b) approves the draft submission on the Future for Local Government Reform to the Future of Local Government Panel subject to changes agreed during the meeting; and
- c) notes the approved submission on the Future for Local Government Reform will be sent to the Future of Local Government Panel by the 30 June 2022.

##### **Three Water Reform**

The Executive Director Strategic Infrastructure then outlined the Three Waters of the report and the decisions sought that were being sought from the Council. Staff responded to questions from Elected Members concerning funding which included the No-Worse Off Package, transition funding, and the Better Off Fund, risk to Council, and engagement with iwi and the community.

The above item (item 14 Reform Response Programme – Update Three Water Reform) was adjourned during the discussion of the matter to accommodate external presenters availability.

#### **22. Resolution to Exclude the Public**

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

##### **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 (Recommendation from the CE Review Committee) Public Excluded Minutes - 25 May 2022	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 )	Section 48(1)(a)
C2. Recommendations from Public Excluded CE Review Committee Meeting of 9 June 2022		

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)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting went into Public Excluded session at 1.03pm.**

**The meeting return to the Open session at 2.34pm.**

## 15. Reform Response Programme – Update – *Continued*

### **Three Water Reform**

Staff responded to further questions from Members concerning the contestable fund, Tranche 1 Funding, and political advocacy.

**Resolved:** (Cr O’Leary/Cr Donovan)

That the Council:

- a) does not approve the Tranche 1 Better Off Funding Process Plan as described in Option 1 of the report until public submissions have been received and considered and there is clarity over the following financial issues arising from the 3 Waters process;
  - i) clear direction on the extent and financial impact of the No Worse Off Funding;
  - ii) clear understanding of all Transitional Costs and associated funding;
  - iii) the level of Council 3 Waters debt to be transferred to the new water entity; and
- b) requests staff continue discussions with relevant Government authorities and report back a subsequent meeting prior to September 30, 2022.

**16. Plan Change 7 - Rotokauri North Private Plan Change - approval to make operative**

The Team Leader City Planning introduced the report noting the purpose of the report was to resolve that the Rotokauri North Private Plan Change become fully operative.

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

That the Council approves making Plan Change 7 – Rotokauri North Private Plan Change operative on 15 July 2022, in accordance with clause 20 of Schedule 1 of the Resource Management Act 1991 (RMA).

*Cr Hamilton left the meeting (3.14pm) during the discussion of the above item. He was not present when the item was voted on.*

**17. Peacocke Contract Updates**

The Executive Director Strategic Infrastructure introduced the report, and outlined the staff recommendation. Staff responded to questions from Members concerning the effect of the variation to the Housing Infrastructure Facility Agreement.

**Resolved:** (Cr van Oosten/Cr Macpherson)

That the Council:

- a) receives the report;
- b) approves, subject to the approval of the relevant budget provision in the 2022/23 Annual Plan, an increase to the Approved Contract Sum for Contract 142/2019 – Peacocke Waikato River Bridge and Strategic Services from \$140,000,000 to \$160,200,000 (excl GST). This increase of \$20,200,000 is comprised of the \$18.1m budget estimate to respond to cost escalation in the draft 2022/23 Annual Plan and, for the \$2.11m cost impacts of the August 2021 Covid-19 restrictions previously approved by the Finance Committee;
- c) approves, **Attachment 1** of the staff report, a timing variation for repayments under the Housing Infrastructure Facility Agreement and, requests the Chief Executive finalise and execute the variation;
- d) delegates to the Chief Executive authority to administer the Peacocke Housing Infrastructure Facility Agreement; and
- e) notes that staff are exploring innovative procurement via direct appointment for the Bikes on Pipes project.

**18. 2022 LGNZ Remits for Consideration**

The Mayor introduced the report, noting the previous letter send to Local Government New Zealand regarding the desire that they report back to members on the work undertaken on previous remits.

**Staff Action:** *The Mayor's office undertook to write to LGNZ again concerning reporting back to members on actions undertaken following remits approved during Local Government New Zealand Annual General Meetings.*

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

That the Council:

- a) receives the report; and
- b) notes that the Council has indicated to **support/not support** the following remits, to be voted on by the presiding HCC Delegate at the 2022 Local Government NZ AGM, and that the presiding delegate may duly take into consideration additional information received on the day to inform the final vote on behalf of the Council:

- i. Central government funding for public transport;
- ii. Review of Government transport funding;
- iii. Illegal street racing;
- iv. Bylaw infringements; and
- v. Density and proximity of vaping retailers.

*Cr Thomson retired from the meeting (3.28pm) during the above item. She was not present when the item was voted on.*

## **19. Recommendations from Open Committee Meetings**

### **Financial Performance & Strategy Report to 31 March 2022**

**Resolved:** (Cr van Oosten/Cr Bunting)

That the Council:

- a) approves the capital movement as identified in paragraph 32 of the 17 May 2022 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 54 to 55 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 58 to 60 of the staff report.

### **Infrastructure Operation's General Managers Report**

**Resolved:** (Cr O'Leary/Cr Thomson)

That the Council revokes the Hamilton City Speed Limits Bylaw 2018, effective 20 July 2022, as a result of the introduction of the Land Transport Rule: Setting of Speed Limits 2022.

### **Plan Change 9: Historic Heritage & Natural Environments - approval to notify**

**Resolved:** (Cr O'Leary/Cr Donovan)

That the Council:

- a) approves public notification of Proposed Plan Change 9 – Historic Heritage & Natural Environments pursuant to clause 5 of Schedule 1 to the Resource Management Act 1991 ('RMA'), subject to the Plan Change 9 documentation being circulated alongside the recommendation to Council on 30 June 2022; and
- b) delegates its powers to hear, determine, and make decisions on all submissions and matters relating to Proposed Plan Change 9 – Historic Heritage and Natural Environment to a panel of five hearing commissioners.

### **Traffic, Speed Limit and Road Closure Hearings Panel Terms of Reference Proposed Amendment**

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

That the Council:

- a) approves the amendments to the Traffic, Speed Limit and Road Closure Panel Terms of Reference as outlined in Attachment 1 of the staff report; and
- b) notes that the amendments to the Terms of Reference do not change the powers of the Traffic, Speed Limit and Road Closure Panel but only reflect the recent change in process for setting Speed Limits.

**Procedural Motion**

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

That the Council refers the remaining items on the agenda (listed below) to the 30 June 2022 Council Meeting:

- a) Item 16: Report from the Strategic Risk and Assurance Committee – Risk Management;
- b) Item 17: Report from the Strategic Risk and Assurance Committee – Safety and Wellness;
- c) Item 20: Climate Change Policy;
- d) Item C3: Confirmation of the Council Public Excluded Minutes of 12 May 2022;
- e) Item C4: Confirmation of the Council Public Excluded Minutes of 3 June 2022;
- f) Item C5: Watermain Renewals Contract Award;
- g) Item C6: Electricity Supply Contracts Award; and
- h) Item C7: Recommendations from Public Excluded Committee Meetings.

**The meeting was declared closed at 3.32pm.**