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## Council

### OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 26 February 2015 at 1.30pm.**

#### PRESENT

Chairperson	Her Worship the Mayor Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr A King
	Cr G Mallett
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Chief Executive, Chief Financial Officer, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Events and Economic Development, Acting General Manager Organisational Development, General Manager Performance.
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Parks & Open Space Manager, City Planning Unit Manager, Team Leader Planning and Assets, Programme Manager - Bylaws, Strategy and Research, Infrastructure Planner, Senior Strategic Policy Analyst, Development Contribution Officer, Communications Manager

Committee Advisors	Mrs J Pani, Mrs M Birch and Mr B Stringer
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#### Opening Prayers

The Opening Prayers were led by Su Ellis and Gayl de Boer from the Bahai'i Community.

#### 1. Apologies

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

That apologies from Councillors Green, Macpherson (for lateness), O'Leary and Pascoe be accepted.

## 2. Confirmation of Agenda

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

The Council confirmed the agenda.

## 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

## 4. Public Forum

No speakers were in the public forum.

## 5. Confirmation of Minutes

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

That the open minutes of the Ordinary Council Meeting of 11 December 2014 be adopted as a true and correct record.

## 6. Recommendation to Council - Finance Committee Meeting - 19 February 2015

Councillor Mallett, Deputy Chair of Finance Committee, presented the recommendation of the Committee Meeting held on 19 February 2015.

**Resolved:** (Crs Mallett/Gallagher)

### Community Occupancy Applications

- 1) That following Section 54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to the Hamilton City Bowling Club Incorporated for premises at Hinemoa Park as outlined in Attachment 1 of the Committee report, being Section 1 SO Plan 57622, subject to the following terms and conditions:
  - (i) Term - Two years commencing 19 February 2015;
  - (ii) Rent - \$9,380.00 plus GST per annum in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- 2) That in accordance with Section 5.6(iv) of the Community Occupancy Policy, Council adopts a rent of \$2,187.00 plus GST per annum for **New Zealand Riding for the Disabled Association (Waikato Group) Incorporated** at Hamilton Park Cemetery, subject to annual CPI adjustments and a further review in 2018.

**7. Recommendation to Council - Strategy and Policy Committee Meeting - 24 February 2015**

Councillor King, Deputy Chair of Strategy and Policy Committee, presented the recommendations of the Committee meeting held on 24 February 2015.

Copies of the recommendations for consideration by the Council were tabled.

The Recommendations, Moved by Councillor King, Seconded by Councillor Mallett, were Put part by part.

**1. Council Risk Management Policy**

**Resolved:** (Crs King/Mallett)

That the Council adopts the draft Council Risk Management Policy (Attachment 1 in the Committee's report).

**2. Garden Place Pedestrian Mall Alteration Deliberation and Declaration Report**

**Resolved:** (Crs King/Mallett)

That Council determines that following the outcome of the consultation period the Garden Place Pedestrian Mall boundaries remain as they are.

**Councillor King Dissenting**

**3. Traffic Bylaw Deliberation and Bylaw Adoption Report**

**Resolved:** (Crs King/Mallett)

That the Council:

- a. determines that the Hamilton Traffic Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;
- b. accepts the recommended changes to the Hamilton Traffic Bylaw 2015 as shown in Attachment 3 of the Committee's report, and that the Hamilton Traffic Bylaw 2015 be adopted and come into force on 5 March 2015;
- c. adopts the Registers as shown in Attachment 4 of the Committee's report and that they come into force on 5 March 2015; and
- d. revokes the Hamilton City Traffic Bylaw 2012 (Amended) on 5 March 2015.

**4. Proposed Stormwater Bylaw 2015 for Public Engagement**

**Resolved:** (Crs King/Mallett)

That the Council:

- a. determines that the proposed Hamilton Stormwater Bylaw 2015 is the most appropriate form of bylaw;
- b. determines that the proposed Hamilton Stormwater Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;

- c. adopts the draft Hamilton Stormwater Bylaw 2015 to commence public engagement, subject to the following changes:
  - i. “the district of Hamilton City” be inserted into the scope; and
  - ii. “not exceeding \$20,000” be inserted into the penalties and offences section, as shown in Attachment 1 to this Report.
- d. determines that a four week online public engagement process commences on 4 March 2015 and runs until 1 April 2015.

**Councillor King Dissenting**

**5. Dog Control Bylaw and Policy 2015 Statement of Proposal**

**Resolved:** (Crs King/Mallett)

That the Council:

- a. determines that the proposed Dog Control Policy and Hamilton Dog Control Bylaw 2015 are the most appropriate form of policy and bylaw;
- b. determines that the proposed Hamilton Dog Control Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990; and
- c. adopts the draft Statement of Proposal (including a Summary of Information, draft Dog Control Policy 2015, draft Hamilton Dog Control Bylaw 2015, and proposed Dog Control Exercise and Prohibited Areas Register) to commence public consultation.

**6. Open Air Burning Bylaw 2015 Deliberation and Adoption Report**

**Resolved:** (Crs King/Mallett)

That the Council:

- a. determines that the draft Hamilton Open Air Burning Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights Act 1990;
- b. accepts the recommended changes to the Hamilton Open Air Burning Bylaw 2015 (as shown in Attachment 2 in the Committee’s Report), subject to the following minor changes made at the direction of the Committee:
  - i. Capitalisation and punctuation is tidied up throughout the Bylaw;
  - ii. The phrase “No person shall” is replaced with the phrase “A person must not” to prevent confusion;
  - iii. “officer of Council or Other” is removed from the definition of Authorised Officer;
  - iv. The note from the bottom of page three is moved to the end of clause 5.2;
  - v. The note at the end of Section 6 is moved to the end of clause 6.5;
  - vi. The note at the end of Section 7 is moved to the end of clause 7.2;

- vii. Clause 7.4 is clarified by inserting the words “ incurred by Council associated with”; and
  - viii. “This note does not form part of the Bylaw” is added to the note at the top of page 5, such changes shown in blue in Attachment 2 to this Report.
- c. adopts the Hamilton Open Air Burning Bylaw 2015 and it comes into force on 5 March 2015.

**Councillors King and Mallett dissenting.**

## **7. Recommendation from Chair’s Report (Peace Tiles in Civic Square)**

**Resolved:** (Crs King/Mallett)

That the Council approves the installation of the Peace Tiles in Civic Square.

## **8. Dedication of road reserve at Minogue Park**

The Parks & Open Spaces Manager presented this Item seeking approval to dedicate the road reserve at Minogue Park as road.

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

That:

- a) The report be received, and:
- b) Pursuant to Section 111 of the Reserves Act 1977, that the local purpose (road) reserve vested in it and described in the Schedule be dedicated as a road.

### ***Schedule***

<i>Area</i>	<i>Description</i>
<i>1.0197 hectares</i>	<i>Section 1, SO 334104 and Sections 3 and 4, SO 477592 (Part Computer Freehold Register 676534).</i>

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

**Resolved:** (Her Worship the 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. Council Minutes - Public Excluded - 11 December 2014	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Waikato Plan: Appointment of 5th Non-Local Government Member	)	
C3. Appeal Settlement - Notice of Requirement for Southern Links Designation		
C4. Development contributions objection - LGA (2002) section 199C - Te Runanga o Kirikiriroa		

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.	on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i) Section 7 (2) (i)
	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)

And that the City Solicitor remain in attendance to provide advice on Item C4.

**The Meeting moved into Public Excluded Session from 1.50 until 4.40pm.**

**Councillor Macpherson joined the Meeting at 2.30pm during Item C3 of the Public Excluded Session.**

**The Meeting was declared closed at 4.40pm.**