
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 4 May 2017 at 9.34am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr P Yeung

In Attendance:	Richard Briggs – Chief Executive
	Lance Vervoort – General Manager Community
	Kelvyn Eglinton – General Manager City Growth
	Chris Allen – General Manager City Infrastructure
	Sean Murray – General Manager H3, Major Events and Tourism
	Blair Bowcott – Executive Director Special Projects
	Andrew Parsons – City Development Manager
	Maire Porter – City Waters Manager
	Nigel Ward – Communications Team Leader
	Nick Johnston – Strategic Advisor Arts and Community
	Brendan Stringer – Legal Services and Governance Officer
	Kelvin Powell – City Safe Unit Manager
	Susan Stanford – Animal Control Manager
	Paul Ryan – Senior Planner

James Gurnick – City Solicitor, Tompkins Wake

Governance Advisors: Lee-Ann Jordan – Governance Manager
Becca Brooke – Governance Team Leader
Amy Viggers – Committee Advisor
Claire Guthrie – Committee Advisor

1. Apologies

Resolved: (Crs Casson/Yeung)

That the apologies from Crs Gallagher, Macpherson and Bunting for early departure are received and accepted.

2. Confirmation of Agenda

Resolved: (Crs Bunting/Tooman)

That the agenda is confirmed noting Item 6 (Elected Member Briefing notes – 30 March 2017) and Item C2 (Elected Member Briefing notes – 13 April 2017) attachments have been circulated under separate cover.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

One Victoria Trust Chair, Aaron Chesham spoke to Item 9 (*One Victoria Trust – the Meteor Theatre Update Report*). He outlined achievements of One Victoria Trust and cost saving opportunities that had been undertaken to stay within tight budget constraints.

Christina Campbell spoke to Item C3 (*Recommendation to Council from Finance Committee – 11 April 2017*). Ms Campbell tabled a letter from her lawyer in relation to the ongoing issues with her property.

5. Council Minutes - 6 April 2017

Resolved: (Crs Casson/Taylor)

That the Council confirm the Open Minutes of the Council Meeting held on 6 April 2017 as a true and correct record, noting changes to Item 9 (Proposal for free 2-hour on-street parking in the CBD) date be updated to 7 March 2017 and that the first point reads as follows: *The Proposal's alignment with other policies such as Access Hamilton and CCTP, which promote a vibrant City Centre and increased use of public transport.*

6. Elected Member Briefing notes - 30 March 2017

Resolved: (Crs Southgate/Yeung)

That the Council confirm the notes of the Elected Member Briefing held on 30 March 2017 as a true and correct record, noting a change to topic 4 (Peter Winder update), point 2 to read as *Capital Grant Schemes for Community Groups*.

7. Elected Member Briefing notes - 13 April 2017

Resolved: (Crs Casson/O'Leary)

That the Council confirm the notes of the Elected Member Briefing held on 13 April 2017 as a true and correct record.

8. Chair's Report

Mayor King introduced his report, and outlined staffing situations in the Mayor's office and functions undertaken. He noted that he intended to hire an academic researcher. Elected Members discussed the purpose of the Financial Strategy/Revenue Taskforce and its membership.

It was noted that the General Manager Corporate, David Bryant would be added as a staff member in the Terms of Reference for the Taskforce.

Resolved: (Mayor King/Cr Macpherson)

That:

- a) the report is received;
- b) the draft terms of reference for the Financial Strategy/Revenue taskforce are approved;
- c) the task force is chaired by Councillor Rob Pascoe with the Mayor, Councillors Mallett, Macpherson, Southgate and O'Leary, and the Chief Executive appointed as members; and
- d) the taskforce is delegated the responsibility to appoint the remaining two independent members of the taskforce themselves.

9. One Victoria Trust - The Meteor Theatre Update Report

The General Manager of H3, Major Events and Tourism took the report as read. Staff responded to questions from Elected Members regarding the original gift agreement between Hamilton City Council and One Victoria Trust of \$75,000.00 and the implications of a further grant.

Resolved: (Crs O'Leary/Southgate)

That:

- a) council receives the report;
- b) council underwrite One Victoria Trust to a maximum \$26,292 for the additional building work required as indicated in the report which if required must be uplifted no later than 30 June 2017;
- c) notes the underwrite is acknowledged to be over and above the terms of the original gift agreement between Hamilton City Council and One Victoria Trust;

- d) the Chief Executive is authorised to vary the original gift deed between the Council and One Victoria Trust to reflect (b) and (c); and
- e) the grant be listed on the Risks and Opportunities schedule.

Those for the Motion: Councillors Gallagher, Pascoe, Yeung, O'Leary, Macpherson, Bunting, Henry, Southgate and Taylor

Those against the Motion: Mayor King, Councillors Mallett, Tooman and Casson.

The Motion was declared carried.

The meeting adjourned 10.12am – 10.30am during the discussion of the above item.

10. Waters Study (Water, Wastewater and Stormwater - Sub-regional Collaboration)

The Executive Director Special Projects and consultant Peter Winder, members of the Hamilton City Council Waters Governance Group, along with staff responded to questions from Elected Members concerning the following:

- The risks and benefits of asset-owning versus non-owning asset owning CCOs
- Financial and non-financial benefits and cost savings for asset-owning versus non-owning asset owning CCOs
- Cost-sharing approaches
- Tariff levels and structures
- Reputational risks and customer responsiveness
- Who bills the customers
- Consultation process and documentation (staff confirmed it would be ideally be one process between the three councils)
- The original brief for Cranleigh and new information and factors for consideration since the CCO investigations had begun

Resolved: (Crs Pascoe/Bunting)

- a) That council receives this report.
- b) That Council:
 - (i) receives the information on the Enhanced Shared Services, Shared Waters Management Company and Asset Owning Company as contained in *Attachment 2: Waters Study – Overview of Governance Structure Options*;
 - (ii) agrees to the Shared Waters Management Company as the preferred model for Hamilton City Council to continue discussions on waters sub-regional collaboration;
 - (iii) authorises the Hamilton City Council Waters Governance Group members to reconvene discussions with Waikato and Waipa District Councils on a mutually preferred waters sub-regional collaboration model; and

- (iv) authorises the Hamilton City Council Waters Governance Group members, upon reaching mutual agreement with Waipa and Waikato District Councils to obtain information necessary for public consultation and prepare the Consultation Document for Hamilton City Council approval.

Crs Henry and O'Leary Dissenting.

The meeting adjourned (12.40 – 1.30pm).

11. Regulatory Effectiveness and Efficiency Programme

The report was taken as read. Staff responded to questions from the Elected Members concerning the Terms of Reference as follows:

- Approval of the Regulatory Effectiveness and Efficiency Programme.
- The role of the taskforce.
- Existing Legislative requirements to review the District Plan.

Motion: (Mayors King/Mallett)

That Council approves the Terms of Reference for the Regulatory Effectiveness and Efficiency Programme as recommended by the REEP Taskforce (including Crs Casson and Mallett).

Those for the Motion: Mayor King, Councillors Mallett, Bunting, Casson and Taylor.

Those against the Motion: Councillors Pascoe, Yeung, Tooman, O'Leary, Henry and Southgate.

The Motion was declared lost.

Crs Macpherson and Gallagher retired from the meeting at 1.45pm during the discussion of the above item. They were not present when the matter was voted on.

12. The Government's consultation document "Clean Water"

The Senior Planner introduced the report, noting that the Council's submission content was consistent with the recent Healthy Rivers submission to Regional Council. It was also in line with the Council's strategies and plans. Elected Members asked that the submission include more emphasis on cost implications of clean water initiatives needing to be tolerable to ratepayers.

Resolved: (Mayor King/Cr Casson)

That Council:

- a) receives the report; and
- b) approves Council's 4 May 2017 submission to the Ministry for the Environment's consultation document, *Clean Water*.

Cr Mallett Dissenting.

13. Beale Cottage Historic Reserve Management Plan implementation

The Strategic Advisor for Arts and Community spoke to the report. He noted that it had been deferred from the 4 April 2017 Community and Services Committee Meeting so that a request from Elected Members to include an action list in the report could be actioned. He stated that in relation to Item 5 on the action plan, Beale Cottage garden concept plan was not funded which could affect the overall timeframe for completion of the plan.

Resolved: (Crs Southgate/O'Leary)

That Council:

- a) receives the report; and
- b) notes that any proposals requiring additional funding will be considered through the 2018-28 10 Year Plan process.

14. Animal Education and Control Dog Control Act 1996 - Section 10A report

The report was taken as read.

Resolved: (Crs Bunting/Casson)

That Council:

- a) receives the report;
- b) approves the report for submission to the Secretary for Local Government and publication in accordance with the Dog Control Act 1996; and
- c) delegates to the Chief Executive power to receive future reports pursuant to section 10A of the Dog Control Act 1996 and submit the reports to the Secretary for Local Government and publish the report as required under the Act.

15. Amendment to Finance Committee Delegations - Governance Structure 2016-19

The Governance Manager explained that the purpose of the report was to address an omission in the Finance Committee's delegations in regards to unbudgeted expenditure.

Resolved: (Crs Pascoe/Mallett)

That the Council approves the changes to the Finance Committee's delegations as attached to this report.

16. Resolution to Exclude the Public

Resolved: (Crs Bunting/Casson)

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. Elected Member Briefing Notes - Public Excluded - 7 April 2017) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Elected Member Briefing Notes - Public Excluded - 13 April 2017) Official Information and Meetings Act 1987	
C3. Recommendation to Council from the Finance Committee - 11 April 2017		

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to protect the privacy of natural persons to maintain legal professional privilege	Section 7 (2) (a) Section 7 (2) (g)

The meeting went into a public excluded session at 3.17pm.

During the public excluded session it was resolved that the notes in relation to Item C2 (Elected Member Briefing Notes - Public Excluded - 13 April 2017) would be made available as appendix 1 to the open minutes of this meeting.

The meeting was declared closed at 4.30pm

Appendix 1

Elected Member Briefing Notes – 13 April 2017 – Public Excluded

Time and date:	13 April 2017
Venue:	Council Chamber, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Yeung, Henry, Taylor, Macpherson, Tooman, Casson, Pascoe, O'Leary
Apology for Full Session:	Crs Mallett, Southgate, Bunting
Apology for Part Session	Crs O'Leary, Casson, Taylor

Discussion

The briefing session covered the following topic in the closed session:

- **HOUSING ACCORD SPECIAL HOUSING AREA POLICY**

The Economic Growth and Planning Unit Manager provided Elected Members with an overview of the Housing Accord and the proposed policy outcomes for Special Housing Areas (SHAs). A policy is needed to give effect to the Housing Accord which the Council had approved. He discussed the policy outcomes sought noting the main aim was to increase overall housing. SHAs were a tool for councils to enable fast-tracking of regulatory requirements and barriers to entry to be reduced. Affordable housing would potentially also be increased by increasing housing stock and generating a range and mix of housing.

The Economic Growth and Planning Unit Manager responded to questions relating to:

- Implications for the Council of approving a policy, policy obligations and options
- Boundaries for SHAs
- Eligibility of future urban zones to be SHAs
- Applicability of development contributions
- Processes for social housing providers
- Use of industrial zones for SHAs
- Engagement with Government and developers regarding proposals.

The Economic Growth and Planning Unit Manager undertook to include Elected Members' feedback into the development of the draft policy which would come to the Council for consideration in June 2017.