
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 24 August 2017 at 9.30am.

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

In Attendance:

Lance Vervoort – Acting Chief Executive
Kelvyn Eglinton – General Manager City Growth
Sean Hickey – General Manager Strategy and Communications
Sean Murray – General Manager Venues, Tourism and Major Events
Chris Allen – General Manager City Infrastructure
David Bryant – General Manager Corporate
Jeff Neems – Communications Advisor
Stephen Standley – Executive Projects Manager
Jen Baird – Communications Manager
Alice Morris – City Planning Policy Team Leader
Mark Roberts – Senior Planner
Lisa Topcsov – Partnership and Sponsorship Manager
Julie Clausen – Programme Manager - Strategy
Luke O'Dwyer – Economic Growth and Planning Unit Manager
Riki Manarangi – Corporate Policy Specialist
Nicola Walsh – Communications Advisor
Stafford Hodgson – Economic Growth and Planning Analyst
Elizabeth McKnight – City Planning Project Manager
Stephen Halliwell – Accounting Manager
Paul Bowman – Team Leader, Economic Growth and Urban Policy

Lachlan Muldowney – City Solicitor
Leonard Gardner, Eric Lawrence, Byron Harrison, Julian Elder – *Momentum Waikato Community Foundation Representatives.*

Governance Advisors: Lee-Ann Jordan – Governance Manager
Becca Brooke – Governance Team Leader
Amy Viggers and Rebecca Watson – Committee Advisors

1. Apologies

Resolved: (Crs Casson/Bunting)

That the apologies from Crs Yeung and O’Leary (for early departure) are received and accepted.

Resolved: (Mayor King/Cr Bunting)

That Council approves granting a leave of absence to Cr Pascoe for the period 19 September 2017 to 24 October 2017 inclusive.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Casson)

That the agenda is confirmed noting:

- Item 12 (Special Housing Areas Policy Deliberations Report) will be taken after 1.30pm to accommodate the City Solicitor. There would need to be some flexibility to the meeting order.
- An additional item for the Chair’s Report was tabled at the meeting and circulated to Elected Members (*attached to these minutes*).

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Matthew Cooper (Sport Waikato CE) and **Leanne Stewart** (Sport Waikato Facilities Advisor) spoke to Item 9 *Funding Partnership Opportunities for a Second Indoor Court Facility*. They spoke in support of a MOU with the University of Waikato and WINTEC.

David Braithwaite (Resident) spoke to Item 8 *Waikato Regional Theatre –Concept Design Recommendation to Council*. He expressed his views that he was against a new theatre being built on a site other than the current Founders Theatre site.

Richard Coventry and **Lale Iremia** (Perry Group Representatives) spoke to Item 9 *Special Housing Areas Policy Deliberations Report*. They spoke in support of the revised Special Housing Areas Policy being approved.

Scott Nelson, Alan van der Nagel, Ian Goldschmidt and Dan Minhinnick (Fonterra Representatives) spoke to Item 9 *Special Housing Areas Policy Deliberations Report*. They spoke against a Special Housing Areas Policy.

5. Council Meeting Open Minutes - 27 July 2017

Resolved: (Crs Casson/Taylor)

That Council confirm the Open Minutes of the Council Meeting held on 27 July 2017 as a true and correct record.

6. Elected Member Briefing Notes - 10 August 2017

Resolved: (Crs Macpherson/Casson)

That the Council confirm the notes of the Elected Member Briefing held on 10 August 2017 as true and correct record.

7. Chair's Report

The report was taken as read. The Chair noted that there was an additional item to the Chair's Report which was tabled and circulated, and it would be attached to the minutes of the meeting.

Resolved: (Crs Pascoe/Casson)

That Council:

- a) receives the report;
- b) approves Cr Philip Yeung's request for a leave of absence from 24 August 2017 to 23 November 2017;
- a) approves Cr Philip Yeung's request to step down as Deputy Chair of the Community and Services Committee; and
- b) appoints Cr Mark Bunting as Deputy Chair of the Community and Services Committee from 24 August 2017.

Resolved: (Crs Macpherson/Gallagher)

That Council delegates Council's representative on the Regional Transport Committee, Cr Dave Macpherson, to commit to a maximum of \$25,000 contribution to the development of a strategic business case exploring the opportunities for inter-regional rail connections between Hamilton and Auckland, subject to the following:

- i) the inclusion of a robust survey of likely passenger demand; and
- ii) Council's contribution being prioritised and funded within existing transport budgets allocated for developing Access Hamilton in 2017/18.

Crs Mallett and Tooman Dissenting.

Resolved: (Crs Gallagher/Pascoe)

That the Council:

- c) approves the following order of persons authorised to declare a local emergency: the Mayor, the Deputy Mayor, Cr Leo Tooman, Cr James Casson; and
- d) notes the order is only to be followed if the authorised person is not capable or not in an informed position to declare an emergency under the relevant legislation.

8. Waikato Regional Theatre - Concept Design Recommendation to Council

Representatives from Momentum Waikato Community Foundation provided a presentation to the Council on their proposed concept design and business case for the development of a new Waikato Regional Theatre. They responded to questions from Elected Members concerning proposed costs and funding options for the theatre, theatre design, and future projects being considered in conjunction with the theatre.

Resolved: (Mayor King/Cr Taylor)

That the Council:

- a) receives the report; and
- b) notes that Management will report back to Council at its 21 September 2017 meeting with:
 - i. management's response to the concept design;
 - ii. financial implications of the proposed capital contribution of \$30,000,000 plus GST;
 - iii. financial implications of any ongoing annual contribution by Council to the Waikato Regional Theatre's ownership and operating costs;
 - iv. options and financial implications regarding the future of Founders Theatre; and
 - v. a work plan for a public consultation process on the proposal for the new Waikato Regional Theatre and future options for the Founders Theatre including a draft consultation document, communications plan, timetable and cost estimate.

Cr Macpherson left the meeting (10.51am) during the above item. He was not present when the matter was voted on.

The meeting adjourned 11.42am – 12.00pm.

Cr O'Leary retired from the meeting during the above adjournment.

Cr Macpherson re-joined the meeting following the above adjournment.

9. Funding Partnership Opportunities for a Second Indoor Court Facility

The report was taken as read. Staff responded to questions from Elected Members concerning Councils future funding obligations and the proposed memorandum of understanding with Sport Waikato, and Wintec.

Resolved: (Crs Pascoe/Southgate)

That the Council:

- a) receives the report;
- b) delegates authority to the General Manager Community to continue discussions with Sport Waikato and the University of Waikato, and discussions with Sport Waikato and Waikato Institute of Technology (Wintec), which may include other local authorities, to investigate a potential partnership option for sport and recreation facilities; and
- c) notes that where agreement is reached the General Manager will report back to Council, with timing to align with the 10-Year Plan process, with draft non-binding heads of agreement.

Cr Mallett and Henry Dissenting.

10. Community Use of H3 Venues

General Manager Venues, Tourism and Major Events introduced the report and responded to questions from Elected Members concerning information around the types of events the venue was booked and used for. It was confirmed that there were a small number of community user bookings but due to the costs associated with operating the large venue, it did not lend itself well to smaller events.

Motion: (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report;
- b) approves Option 3: Move to a full Community Access and revise revenue and expenditure budgets;
- c) requires any discount above 33% by any users, to come to Council for approval; and
- d) approves that no council community grant funding will be approved towards the hireage of H3 facilities, and the funding guidelines are amended accordingly.

Amendment: (Crs Pascoe/Southgate)

That the Council:

- a) receives the report; and
- b) approves Option 1 Status Quo: Management to continue operating H3 venues on a semi-commercial basis.

The Amendment was put.

Those for the Amendment: Councillors Pascoe, Mallett, Tooman, Casson, Henry, Southgate and Taylor.

Those against the Amendment: Mayor King, Councillors Gallagher, Macpherson and Bunting.

The Amendment was declared carried and became the Substantive Motion.

Substantive Motion: (Crs Pascoe/Southgate)

That the Council:

- a) receives the report; and
- b) approves Option 1 Status Quo: Management to continue operating H3 venues on a semi-commercial basis.

Further Amendment: (Crs Gallagher/Casson)

That Council:

- a) receives the report;
- b) approves Option 2: Community User Venue Hire Fund;
- c) approves an annual community user reserve of \$200,000 to be held by H3 to offset the cost of discounts to community users at H3 venues; and

- d) requests staff to develop appropriate criteria to implement this resolution and report back to the 21 September 2017 Council meeting.

The Further Amendment was put.

Those for the Further Amendment: Mayor King, Councillors Gallagher, Macpherson and Casson.

Those against the Further Amendment: Councillors Pascoe, Mallett, Tooman, Bunting, Henry, Southgate and Taylor.

The Further Amendment was declared lost.

The Substantive Motion was then put.

Those for the Substantive Motion: Mayor King, Councillors Pascoe, Mallett, Tooman, Casson, Henry, Southgate and Taylor.

Those against the Substantive Motion: Councillors Gallagher, Macpherson and Bunting.

The Substantive Motion was declared carried.

Resolved: (Crs Pascoe/Southgate)

That the Council:

- a) receives the report; and
- b) approves Option 1 Status Quo: Management to continue operating H3 venues on a semi-commercial basis.

The meeting adjourned 1.52pm to 2.35pm.

Following the adjournment, Item 12 (Special Housing Areas Policy Deliberations Report) was taken ahead of Item 11 (Draft Significance and Engagement Policy - Review) to accommodate the availability of the City Solicitor.

12. Special Housing Areas Policy Deliberations Report

The Economic Growth and Planning Unit Manager introduced the report, noting that the tracked changes to attachment 2 of the report were previously accepted so should no longer be showing as tracked changes. Staff and the City Solicitor responded to questions from Elected Members concerning the application process for a Special Housing Areas and clarification of wording within the policy.

Motion: (Mayor King/Cr Taylor)

That the Council approves the Special Housing Areas Revised Policy (Option 1), as set out in attachment 2, pages 83 – 85 inclusive of the Special Housing Areas Policy Deliberations Report, 24 August 2017.

Amendment: (Cr Bunting/Henry)

That the Council:

- a) approves the Special Housing Areas Revised Policy (Option 1), as set out in attachment 2, pages 83 – 85 inclusive of the Special Housing Areas Policy Deliberations Report, 24 August 2017; and
- b) approves the inclusion of a clause to the policy “to target a minimum of 20% of total SHA stock over the life of the accord be set aside for affordable/social housing initiatives.”

The Amendment was put.

Those for the Amendment: Councillors Macpherson, Bunting and Henry.

Those against the Amendment: Mayor King, Councillors Gallagher, Pascoe, Mallett, Tooman, Casson and Taylor.

The Amendment was declared lost.

The Motion was then put and declared carried unanimously.

Resolved: (Mayor King/Cr Taylor)

That the Council approves the Special Housing Areas Revised Policy (Option 1), as set out in attachment 2, pages 83 – 85 inclusive of the Special Housing Areas Policy Deliberations Report, 24 August 2017

The meeting adjourned 3.55pm – 4.05pm.

Cr Southgate retired from the meeting (3.30pm) during the above item. She was not present when the matter was voted on.

Following the adjournment, Item 13 (Report back for Financial Strategy and Revenue Taskforce) and Item 14 (Audit and Risk Committee – External Appointment Update) were taken ahead of Item 11 (Draft Significance and Engagement Policy – Review) to accommodate staff availability.

13. Report back for Financial Strategy and Revenue Taskforce

The Chair of the Financial Strategy and Revenue Taskforce introduced the report, noting that the purpose of the Taskforce was to consider Revenue and Financial Strategy options ahead of the 10 Year Plan process. It was confirmed that approval of a financial strategy and potential revenue options would allow staff to model outcomes to assist Elected Members with decision making through the 10 Year Plan process.

Resolved: (Cr Pascoe/Mayor King)

That the Council:

- a) approves the following working Financial Strategy Measures:
 - (i) Debt to Revenue (LGFA calculation).
 - (ii) Balancing the Books (new calculation).
 - (iii) Rates increase limit (expressed as the percentage increase to existing ratepayers).
 - (iv) Rates limit (expressed as a maximum portion of the rateable capital value of the city).
- b) notes that the limits and targets associated with the Financial Strategy measures will be determined through the 10 Year plan Process; and
- c) requests the Chief Executive to obtain detailed financial modelling of the following potential revenue options for consideration to include in the 10-year Plan:
 - (i) Moving to full capital value rating sooner.
 - (ii) Introducing a targeted rate to fund community infrastructure.
 - (iii) Introducing a targeted rate on developer ready land.
 - (iv) Removing CBD remissions in the Development Contribution Policy.
 - (v) Removing Caps in the Development Contributions Policy.
 - (vi) Adding projects beyond the 10-year Plan to the Development Contributions Policy.
 - (vii) Introducing an entry fee for non-residents at the Enclosed Gardens at Hamilton Gardens.
 - (viii) Introducing a targeted rate to fund transportation initiatives.

14. Audit and Risk Committee - External Appointments Update

The report was taken as read.

Resolved: (Crs Casson/Tooman)

That the Council:

- a) receives the report; and
- b) notes that remuneration payable to:
 - i) the Chairperson of the Audit and Risk Committee (under Contract 11079) is amended to \$7,400 (excluding GST) per quarter for all his Council attendances and responsibilities, plus reasonable travel and accommodation costs; and
 - ii) Kieran Horne, as an external member of the Audit and Risk Committee, is \$3,750 (excluding GST) per quarter for all her Council attendances and responsibilities, plus reasonable travel and accommodation costs.

11. Draft Significance and Engagement Policy – Review

The Corporate Policy Specialist introduced the report. Staff responded to questions from Elected Members concerning the consultation parameters and the definition of a strategic asset as being what Council determines to be important to current and/or future wellbeing of the community.

Motion: (Crs Pascoe/Mallett)

That the Council approves the draft Significance and Engagement policy and proposal for public consultation from 26 August 2017 to 26 September 2017.

Amendment: (Mayor King/Cr Taylor)

That the Council adopts the draft Significance and Engagement policy.

The Amendment was put.

Those for the Amendment: Mayor King, Councillors Tooman, Bunting, Casson and Taylor.

Those against the Amendment: Councillors Gallagher, Pascoe, Mallett, Macpherson and Henry.

The Amendment was declared equal.

The Amendment was declared carried on the casting vote of the Chair.

The Amendment was then put as the Substantive Motion and declared carried.

Resolved: (Mayor King/Cr Taylor)

That the Council adopts the draft Significance and Engagement policy.

Crs Macpherson and Tooman Dissenting.

The following motion to extend the time of the meeting beyond six hours was moved at 5.05pm

Resolved: (Mayor King/ Cr Pascoe)

That the meeting be extended to continue beyond 6 hours as per Standing Order 3.2.7.

Cr Henry retired from the meeting at the conclusion of the above item (5.20pm). She was present when the matter was voted on.

10. Recommendation to Council concerning amendments to the External Funding Application Policy, from 8 August 2017 Community and Services Committee Meeting.

The report was taken as read. It was noted that the change in the policy meant that Council would no longer apply for external funding from Gaming Trusts who receive funding from class 4 gambling machines.

Resolved: (Mayor King/Cr Casson)

That Council approves the amended External Funding Applications Policy (attachment 1).

Cr Mallett Dissenting.

11. Resolution to Exclude the Public

Resolved: (Crs Tooman/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. Council Meeting Public Excluded Minutes - 27 July 2017) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C1. Elected Member Briefing Noted Closed - 10 August 2017) Official Information and Meetings Act 1987	

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 C1.	to protect the privacy of natural persons	Section 7 (2) (a)

The meeting went into a Public Excluded session at 5.27pm.

The meeting was declared closed at 5.32pm.

Appendix 1



Additional Item for Chair's Report

Cr Yeung has been absent from Council meetings since mid-May 2017 due to a serious illness.

I have been in reasonably frequent contact with Cr Yeung and his family since he became ill, and visited them on Saturday. He is at home and relatively comfortable. His condition has stabilised and he is alert and in good spirits, continuing to pay attention to the Council's business and decisions.

Although he is hopeful of returning to his official duties, he is not yet well enough to return. As a result, I have received a request from Cr Phillip for a leave of absence for three months from the date of this meeting so he can concentrate fully on his health.

Given this absence, Cr Yeung has also requested that he be replaced as Deputy Chair of the Community and Services Committee for the remainder of the triennium. In discussion with the Chair of the Community and Services Committee (Cr Paula Southgate), it is proposed that Cr Bunting take over as Deputy Chair to the Community and Services Committee.

Cr Yeung wishes to thank the public for their concerns and well wishes and asks for privacy during this time.

Recommendation

That Council:

- a) receives the report;
- b) approves Cr Philip Yeung's request for a leave of absence from 24 August 2017 to 23 November 2017;
- c) approves Cr Philip Yeung's request to step down as Deputy Chair of the Community and Services Committee; and
- d) appoints Cr Mark Bunting as Deputy Chair of the Community and Services Committee from 24 August 2017.

Given Cr Yeung's significant prior work in our community, his high profile and the esteem in which he is held across the city, it is also sensible for our Communications Unit staff to issue a brief statement and undertake other communications to advise residents and media of this development.

Andrew King
Mayor – Hamilton City