
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 2 August 2018 at 9.38am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:

- Richard Briggs – Chief Executive
- Lance Vervoort – General Manager Community
- David Bryant – General Manager Corporate
- Jen Baird - General Manager City Growth
- Chris Allen – General Manager Capital Development
- Eeva-Liisa Wright – General Manager City Infrastructure Operations
- Sean Hickey - General Manager Strategy and Communication
- Sean Murray – General Manager Venues, Tourism and Major Events
- Alice Morris - City Planning Policy Team Leader
- Trent Fowles – Compliance Manager
- Phil Saunders – Principal Building Advisor
- Riki Manarangi – Corporate Policy Specialist
- Nicolas Wells – Strategic Property Unit Manager
- Claire Foster – Property Officer
- Natalie Swart – Project Manager
- Emily Acraman – Research Assistant
- Muna Wharawhara – Amorangi Maaori
- Natasha Ryan - Key Projects Programme Manager
- Maria Barrie – Park and Recreation Manager
- Virginie Maene – Leadership Team Assistant
- Nigel Ward - Communications Team Leader
- Tracey Wood – City Events Manager
- Maire Porter – City Waters Manager
- Cory Lang – Building Control Manager

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

Tame Pokaia carried out a blessing and the Reverend Stephen Black carried out a reading to open the Council Meeting.

1. Apologies

Resolved: (Crs Mallett/Bunting)
That the apologies for Crs Casson, Henry, and Pascoe are accepted.

2. Confirmation of Agenda

Resolved: (Mayor King/Deputy Mayor Gallagher)
That the agenda is confirmed noting the following:

- a) that the debate will be 2 minutes with an extension of 1 minute if required; and
- b) that there is to be flexibility to the order of the agenda, specifically Item 20 (Maaori Representation Review Proposal) which is to be taken pending the arrival of the external presenters.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Shaun Brooker (Principal – Hamilton Christian School) – Spoke to Item C3 (Rototuna Town Centre Area Q Park Lane) and requested that the school remained informed regarding Area Q Park Lane development.

Warwick Michie - Spoke to Item 20 (Maaori Representation Review Proposal). He spoke against the staff recommendation.

Piri Kaio – Spoke to Item 20 (Maaori Representation Review Proposal). She acknowledged the history that there was previously a Nga Hui Haumi Committee and the courageous step council was taking regarding Maaori participation.

Margaret Evans - Spoke to Item 20 (Maaori Representation Review Proposal). She noted that the report provided 3 options Councillors needed to consider. She suggested a transparent nomination process occur to select Maaori representatives to existing Council committees.

Rawiri Bidois (Te Haa o te Whenua o Kirikiriroa) – Spoke to Item 20 (Maaori Representation Review Proposal) and the process that had had been followed by staff and representatives to reach today's recommendation. He noted his support of the recommendation because it had been reached through consultation between staff and Maaori.

Sonny Matenga (Ngaati Tamainupoo) – Spoke in support of the staff recommendation in Item 20 (Maaori Representation Review Proposal).

Andrea Elliot (Te Runanga o Kirikiriroa) – Spoke in support of the staff recommendation in Item 20 (Maaori Representation Review Proposal) and noted that would provide for genuine Maaori involvement.

Tame Pokaia (Representing Waikato Tainui) – He read a statement in support of the proposal in Item 20 (Maaori Representation Review Proposal) and noted Waikato Tainui apologies for not being able to attend due to a Iwi Chairs Forum.

Item 8 (Audit New Zealand Report: Proposed Central City Park) was taken after Item 4 (Public Forum) to accommodate external presenters.

8. Audit New Zealand Report: Proposed Central City Park

The General Manager Corporate introduced Jared Williams and Lyn Daken, representatives from Audit New Zealand, and took the report as read. They responded to questions from Elected Members concerning findings noted within the Audit New Zealand report.

Resolved: (Cr O’Leary/Mayor King)

That the Council receives the report.

Resolved: (Cr O’Leary/Mayor King)

That the Council:

- a) notes the need for compliance with the report template for written reports requiring a decision from the Council; and
- b) notes that in the event of a verbal report, any proposal requiring a Council decision is compliant with the decision making requirements under the Local Government Act 2002.

Those for the Motion: Mayor King, Deputy Mayor Gallagher, Councillors Tooman, O’Leary, Macpherson and Southgate.

Those against the Amendment: Councillors Mallett, Bunting, Taylor and Hamilton.

The Motion was declared carried.

5. Confirmation Council Open Minutes - 26 June 2018

Resolved: (Mayor King/ Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 26 June 2018 as a true and correct record.

6. Confirmation Council Open Minutes - 28 June 2018

Resolved: (Mayor King/ Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 28 June 2018 as a true and correct record.

Item 11 (Refuse Transfer Station & Hamilton Organic Centre – Proposed Increase of Gate Fees 2018/19) was taken after item 6 (Confirmation Council Open Minutes 28 June 2018).

11. Refuse Transfer Station & Hamilton Organic Centre - Proposed Increase of Gate Fees 2018/19

The General Manager of City Infrastructure Operations introduced the report. Staff responded to questions from Elected Members concerning the gate fee increases over the last few years, waste minimisation education and current terms of the lease agreement.

Action: *Staff undertook to provide a dollar value in future reports to demonstrate the cost for general public to use the Refuse Transfer Station and Organic Centre.*

Resolved: (Crs Tooman/Bunting)

That the Council:

- a) receives the report;
- b) notes the increase in Refuse Transfer Station gate fees proposed by Waste Management to be implemented 13 September 2018 and declines the opportunity to offer a Council funded subsidy of these gate fees; and
- c) approves the increase in Hamilton Organic Centre gate fees proposed by Waste Management to be implemented 3 August 2018 and declines the opportunity to offer a Council funded subsidy of these gate fees.

The meeting adjourned 10.58am - 11.17am during the discussion of the above item.

20. Maaori Representation Review Proposal

Mayor King introduced the report. The Governance Manager introduced Tame Pokaia (Council's Kaumatua), Muna Wharawhara (Amorangi Maaori), and Paul Beverley (Consultant). Mr Beverley spoke to the following points:

- Current approaches to Maaori Representation across local councils;
- The Local Government Act requirement for Council to facilitate and partner with Maaori regarding decision making; and
- The successful collaboration that had occurred between Maaori stakeholders and Council staff, resulting in a strong proposal.

The presenters responded to questions from Elected Members concerning the legislative requirements, perceived benefits of Maaori Representation, appointment approach and implementation considerations of the proposed approach.

Resolved: (Mayor King/Cr O'Leary)

That the Council:

- a) approves the appointment of Maaori representatives to existing Council committees (Option 2 in the report) as follows:
 - i. Finance Committee – one seat for Iwi representative;
 - ii. Growth & Infrastructure Committee – one seat for Iwi representative;
 - iii. Community & Services Committee – one seat for Iwi representative and one seat for Maataawaka representative (i.e. two seats in total); and
 - iv. Regulatory & Hearings Committee – one seat for Iwi representative,such appointments to have full voting and speaking rights under the Council's Standing Orders.

- b) delegates the Chief Executive to complete negotiations and the execution of the following documentation:
- i. The principal kawenata (overarching formal agreement) in relation to Maaori representation between the Council, Te Runanga o Kirikiriroa ('TROP'), Waikato Tainui; and
 - ii. Individual kawenata (agreement) between the Council and individual external appointees to Council committees,
- noting that the content of the final version of the principal kawenata is to be substantially the same as the draft in Attachment 1 to this report.
- c) notes the estimated funding for the proposed appointments above as follows:
- i. Total remuneration costs of between \$53,920 and \$67,400 per year;
 - ii. One-off technology costs of \$12,000
- d) notes that the inaugural candidates nominated for appointment to the above Council committees are expected to be presented for approval by the Council before the end of September 2018.

The motion was put.

Those for the Motion:	Mayor King, Councillors O'Leary, Macpherson, Southgate, Taylor and Hamilton.
Those against the Motion:	Deputy Mayor Gallagher, Mallett, Councillors Tooman and Bunting.

The motion was declared carried.

The meeting adjourned 12.48pm – 1.40pm.

10. Heritage and Character Management - Proposed Plan Change

Procedural Motion

Resolved: (Mayor King/Cr O'Leary)
That the Heritage and Character Management - Proposed Plan Change report (item 10) lie on the table until a briefing on 13 September 2018 held on the interrelationship of this item and the Central City Park, and Waikato Regional Theatre matters.

Deputy Mayor Gallagher and Cr Southgate Dissenting.

Cr Tooman left the meeting (1.48pm) during the discussion of the above item. He was not present when the matter was voted on.

9. Online Voting Trial Update

The Governance Manager introduced the report, and noted a change to the staff recommendation to recommend that the Council participate in the online voting trial. Staff responded to questions from Elected Members concerning the status of the legislation which would enable online voting, voter subsets, the Waikato District Health Board's view on the trial, the costs, timing and stages of the trial.

Resolved: (Crs O'Leary/Bunting)

That the Council:

- a) approves, in principle, the Council participating in an online voting trial in the 2019 local authority elections for a subset of electors, subject to the following conditions:
 - i. the Local Electoral Matters Bill and subsequent regulations being passed in time to procure and implement an online voting solution;
 - ii. all risks, including security risks, being appropriately managed to the satisfaction of the Council;
 - iii. agreement with the Waikato Regional Council and Waikato District Health Board on the participation and allocation of costs for an online voting trial;
 - iv. the costs of an online voting trial being acceptable to the Council;
 - v. appointment of a provider to undertake the trial on behalf of the Council; and
 - vi. the Council giving final approval for a trial to proceed.
- b) delegates the Chief Executive:
 - i. to enter into an agreement with other participating territorial authorities to work together to select a provider and run an online voting trial for the 2019 local authority elections (subject to the conditions in paragraph 3(a) above);
 - ii. to propose a subset of electors, in consultation with Elected Members, for the purpose of an online voting trial; and
- c) notes that paragraphs 3(a) and (b) above do NOT commit the Council to participating in a trial for online voting at the 2019 local authority elections.

Cr Tooman re-joined the meeting (1.52pm) during the discussion of the above item. He was present when the matter was voted on.

Cr Mallett left the meeting (2.05pm) during the discussion of the above item. He was not present when the matter was voted on.

Prior to voting on the above Item 9, Items 12 and 13 were taken to allow staff time to access information to respond to questions in relation to the above matter.

12. Proposed Priority Vehicular and Pedestrian Thoroughfares and Transport Routes of Strategic Importance

The Senior Building Advisor took the report as read. Staff responded to questions from Elected Members concerning clarification on the purpose of priority vehicular and pedestrian thoroughfares.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council approves the proposed priority vehicular and pedestrian thoroughfares and transport routes of strategic importance (as per Attachments 1-4).

13. Open Air Burning Bylaw - Adoption of Revised Bylaw

The report was taken as read. Staff responded to questions from Elected Members concerning the change in legislation to the Fire and Emergency New Zealand Act 2017.

It was noted that there was a figure that needed to be corrected on page 132 of the agenda regarding authorised officer section – should refer to clause 6 of the Bylaw instead of clause 7. Staff would correct this in the Bylaw following the meeting.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council approves the adoption of the revised Open Air Burning Bylaw (Attachment 2).

7. Chair's Report - 02 August 2018

The Chair's report was taken as read. Staff responded to questions from Elected Members concerning clarification of section 80 of the Local Government Act 2002 and the Public Places Policy.

The General Manager Community and the Leadership Team Assistant gave a verbal report about the recent trip to Ieper and the functions they and the Mayor took part in as part of the relationship between Hamilton City and Ieper. The Mayor thanked Peter Bos for his contribution to the relationship with Ieper. He also thanked the General Manager Community and Leadership Team Assistant, Virginie Maenaë, for their contribution to making the trip successful.

The General Manager Capital Development provided an update on Hamilton to Auckland Rail progress. He responded to questions from Elected Members concerning the interim passenger rail business case.

Resolved: (Mayor King/Cr O'Leary)

That the Council approves the use section 80 of the Local Government Act 2002 to not enforce clause 68 of the Public Place Policy to allow mobile shops to operate as a part of a council permitted event in the Central City.

Crs Tooman and Mallett Dissenting.

Resolved: (Mayor King/ Deputy Mayor Gallagher)

That the Council receives the report.

Cr Mallett re-joined the meeting (2.50pm) during the discussion of the above item. He was present when the matter was voted on.

14. Governance Structure 2016-19 – Mid-Term Review

The Governance Manager introduced the report. Staff responded to questions from Elected Members concerning the changes to the establishment of taskforces and appointments to committees.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves the changes to the 2016-19 Governance Structure recommended by staff, as set out in attachment 1 of the report;
- b) approves the recommendation of the Audit and Risk Committee to its terms of reference, as set out in attachment 1 of the report;
- c) notes that the 2016-19 Governance Structure will be updated in light of the decision taken on the Maaori Representation Review report at the 2 August 2018 Council meeting;
- d) disestablish the REEP Taskforce, noting it will become a business as usual function; and

- e) notes there may be minor changes to Committee Memberships to be reported back for approval to the 16 August 2018 Council meeting.

15. Municipal Endowment - Sale of Land - 79 Norton Road

The Strategic Property Unit Manager took the report as read. Staff responded to questions from Elected Members concerning the process for identifying land for sale.

Motion: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves selling the land described in the schedule by a competitive, transparent, open-market process (option 1 of this report);
- b) authorises the Chief Executive to give effect to this resolution; and
- c) notes that the net proceeds of sale will be credited to the Municipal Endowment Fund Reserve.

SCHEDULE

First All that land described as an Estate in Fee Simple comprising Lot 3 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1420 of 794 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Second All that land described as an Estate in Fee Simple comprising Lot 4 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1421 of 61 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Third All that land described as an Estate in Fee Simple comprising Lot 5 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1422 of 615 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Fourth All that land described as an Estate in Fee Simple comprising Lot 6 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1423 of 814 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Amendment: (Crs Macpherson/Southgate)

That the sale of 39 Norton Road is put on hold for 3 months while staff consider options for leasing the land.

The Amendment was put.

Those for the Amendment: Deputy Mayor Gallagher, O'Leary, Councillors Macpherson, Bunting and Southgate.

Those against the Amendment: Mayor King, Councillors Mallett, Tooman, Taylor and Hamilton.

The Amendment was declared equal.

Mayor King exercised his casting vote as Chair and the Amendment was declared lost.

The Motion was then put.

Those for the Motion: Mayor King, Councillors Mallett, Tooman, Taylor and Hamilton.

Those against the Motion: Deputy Mayor Gallagher, Councillors O'Leary, Macpherson, Bunting and Southgate.

The Motion was declared equal.

Mayor King exercised his casting vote as Chair and the Motion was declared carried.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves selling the land described in the schedule by a competitive, transparent, open-market process (option 1 of this report);
- b) authorises the Chief Executive to give effect to this resolution; and
- c) notes that the net proceeds of sale will be credited to the Municipal Endowment Fund Reserve.

SCHEDULE

First All that land described as an Estate in Fee Simple comprising Lot 3 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1420 of 794 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Second All that land described as an Estate in Fee Simple comprising Lot 4 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1421 of 61 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Third All that land described as an Estate in Fee Simple comprising Lot 5 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1422 of 615 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Fourth All that land described as an Estate in Fee Simple comprising Lot 6 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1423 of 814 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

16. Hamilton Gardens - Wintec - New Lease

The Strategic Property Manager introduced the report and responded to questions from Elected Members concerning specifics of the lease.

Resolved: (Cr Mallett/Deputy Mayor Gallagher)

That the Council:

- a) approves a new lease for Wintec at the Hamilton Gardens based on the following:
 - i. Term – 9 years, 3 months commencing 1 September 2018 (final expiry 31 December 2027)
 - ii. Rental – \$50,000 inclusive GST per annum
 - iii. Rent reviews – annually, CPI adjusted

- iv. Surrender of lease commenced 1 April 2013 (expiry 31 March 2023)
- b) delegates the Chief Executive to give effect to this resolution.

Cr O'Leary left the meeting 4.15pm during the discussion of the above item. She was not present when the matter was voted on.

17. Beetham Park - Golf Waikato (2009) Limited - New Lease

The Strategic Property Manager introduced the report. He responded to questions from Elected Members concerning the lease.

Resolved: (Crs Southgate/Hamilton)

That the Council:

- a) approves a new ground lease for Golf Waikato (2009) Limited located at Beetham Park, Ulster Street, Hamilton based on the following:
 - i. Term – 5 years, commencing 1 November 2018;
 - ii. Renewals – 2 x 5 years, (1 November 2023 and 1 November 2028);
 - iii. Rental – market rent at commencement date;
 - iv. Rent reviews – market review 3 yearly (2021, 2024, 2027 and 2030);
 - v. Variation to lease dated 27 January 2007 – remove last right of renewal – lease to fully expire 31 October 2018; and
- b) delegates the Chief Executive to give effect to this resolution.

Cr O'Leary re-joined the meeting (4.20pm) during the discussion of the above item. She was present when the matter was voted on.

18. Crosby Road (adjacent to Porritt Stadium) - Vodafone New Zealand Limited - New Lease

The Strategic Property Manager took the report as read.

Resolved: (Crs Mallett/Taylor)

That the Council:

- a) approves a new lease for Vodafone New Zealand Limited located at Crosby Road, adjacent to Porritt Stadium, Chartwell, Hamilton (next to reservoir) based on the following:
 - i. Term – 6 years, commencing 1 May 2018;
 - ii. Renewals – 2 x 6 years, (1 May 2024 and 1 May 2030);
 - iii. Rental – \$8,500 plus GST per annum;
 - iv. Rent reviews – market review on renewal; and
- b) delegates the Chief Executive to give effect to this resolution.

19. Resolution to Exclude the Public

Resolved: (Mayor King/Deputy Mayor Gallagher)

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 Council Public Excluded Minutes - 26 June 2018) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Board Chair Appointment - Waikato Regional Airport Limited) Official Information and Meetings Act 1987	
C3. Rototuna Town Centre - Area Q Park Lane		
C4. Update from the CEO Review Committee		
C5. Purchase of Land and Buildings - Central City Park		

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

The meeting went into a public excluded session at 4.22pm.

The meeting was declared closed at 7.15pm.