
Council

OPEN MINUTES

Minutes of a meeting of the Council held in the Reception Lounge and Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 11 October 2018 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 G Mallett
	Cr A O’Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:

- Richard Briggs – Chief Executive
- Lance Vervoort – General Manager Community
- Jen Baird – General Manager City Growth
- Chris Allen – General Manager Development
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Sean Murray – General Manager Venues, Tourism and Major Events
- Sean Hickey – General Manager strategy and Communication
- Blair Bowcott – Executive Director Special Projects
- Andrew Parsons – City Development Manager
- Paula Rolfe – Team Leader Implementation & Monitoring
- Alice Morris – City Planning Policy Team Leader
- Ken Cunningham – Strategic Land Manager
- Rebecca Whitehead – Libraries Director
- Chris Barton – Project Development Manager
- Tracey Musty – Financial Controller
- Sarah Wilson – Organisational Support Team Leader
- Russell Hynds – Finance Manager
- Morva Kaye – Financial Accountant
- Natalie Palmer – Unit Manager Communications and Marketing
- Nigel Ward – Communication Advisor
- Riki Manarangi – Corporate Policy Specialist

Governance Staff:

- Lee-Ann Jordan – Governance Manager
- Becca Brooke – Governance Team Leader
- Amy Viggers – Committee Advisor

The meeting was opened in the Reception Lounge. Tame Pokaia carried out a blessing to open the Council meeting and thanked Maata McManus for her work on the new mayoral robes. The Venerable Paul Weeding then carried out a reading to open the Council Meeting.

The meeting started with a welcoming ceremony for the newly appointed Maangi Maaori.

The meeting adjourned 10.10am to 11.00am and reconvened in the Council Chamber.

Cr Mallett joined the meeting during the above adjournment.

Deputy Mayor Gallagher acknowledged the one-year anniversary of former Councillor Philip Yeung's passing with a few words.

1. Apologies

Resolved: (Crs Taylor/Bunting)

That the apologies for absence from Cr Macpherson and for lateness Cr Mallett 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;
- b) item 9 (Recommendation from A&R committee – Adoption of the Annual Report 2017/18) attachments have been circulated under separate cover;
- c) that the late topics, Future Proof Submission and Special Housing Areas, be added to item 10 (Chair's Report) be accepted. These topics have been added as a late item as the information is relevant and topical so unable to be taken at a later date;
- d) item 15 (Heritage and Character Management Proposed Plan Change) is to be taken after item 13 (Greater Hamilton Growth Strategy) to accommodate staff availability; and
- e) that the late item 21 (HCC's Draft 1 Initial Feedback to the Government's Three Waters Review) be added to the agenda. This item has been brought as a late report to allow the Council to consider whether to make a submission on the Government's Three Waters Review.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Deputy Mayor Dynes Fulton, Cr Aksel Bech, Cr Rob McGuire – Spoke to item C5 (Waikato District Council Libraries Proposal). They noted that they were seeking regional collaboration for library services which was in alignment with Hamilton City Council's Strategy for cross border partnerships. They responded to questions from Elected Members concerning their proposal.

5. Confirmation of the Council Open Minutes - 6 September 2018

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council meeting held on 6 September 2018 as a true and correct record.

6. Confirmation of the Extraordinary Council Open Minutes - 25 September 2018

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 25 September 2018 as a true and correct record.

7. Confirmation of the Elected Member Briefing Notes - 5 September 2018 - Open

Resolved: (Crs Tooman/Hamilton)

That the Council confirm the Open Notes of the Elected Member Briefing held on 5 September 2018 as a true and correct record.

8. Confirmation of the Elected Member Briefing Notes - 13 September 2018 - Open

Resolved: (Crs Bunting/Henry)

That the Council confirm the Open Notes of the Elected Member Briefing held on 13 September 2018 as a true and correct record.

9. Recommendation from the Audit and Risk Committee - Adoption of the Annual Report 2017/18

Mayor King thanked the Audit and Risk Committee Chair Paul Connell for his contribution to Council for the past 6 years as a member of, and as Chair, of the Audit and Risk Committee.

The Chair of the Audit and Risk Committee introduced the report noting that the Audit and Risk Committee recommended the adoption of the Annual Report 2017/18.

Resolved: (Crs Pascoe/Southgate)

That the Council:

- a) adopts the 2017/18 Annual Report; and
- b) formally thanks Paul Connell for his contribution to Council throughout the last 6 years as a member of, and as Chair, of the Audit and Risk Committee.

10. Chair's Report

The Chair took the report as read.

The General Manager City Growth provided a verbal update in relation to the Special Housing Areas gazette notice.

The Chair and staff responded to questions from Elected Members concerning funding of slips remedial work and the private developer agreements' process in relation to special housing areas.

Resolved: (Crs Pascoe/Bunting)

That the Council:

- a) receives the report;
- b) defers the Kirikiriroa slip report to the 4th December 2018 Finance committee meeting;

- c) approves the amalgamation of the Parking Taskforce into the Access Hamilton Taskforce, noting that Cr Bunting is the Chair of the Access Hamilton Taskforce (as resolved at 6 September 2018 Council Meeting);
- d) endorses the updated gazette notice for Special Housing Areas (*circulated to Elected Members and attached to the minutes of this meeting as appendix 1*); and
- e) notes Council has a continuing strong association with Ieper but will not offer financial support for the New Zealand Memorial Museum in this instance.

11. Psychoactive Substances Policy – Review

The report was taken as read, noting that an amendment to the date in the staff recommendation had been made to reflect legislation.

Resolved: (Crs O'Leary/Pascoe)

That the Council approves that the Psychoactive Substances Policy remain unamended and that the next 'review by' date be October 2023 to comply with the Psychoactive Substances Act 2013.

12. Waikato Plan

The Executive Director Special Projects introduced the report, providing a brief update on Hamilton City Council's ongoing participation in the Waikato Plan. He noted that partnerships across the region and with Iwi would continue to be strengthened by remaining part of the Waikato Plan. He responded to questions from Elected Members regarding the background of the Waikato Plan including its original purpose and structure.

Motion: (Deputy Mayor Gallagher/Cr Casson)

That the Council:

- a) notes the Waikato Plan Leadership Group has been established as a Standing Committee of Waikato Regional Council, and that the Committee has the terms of reference and membership as outlined in Attachment 1 of the staff report;
- b) notes the transition to the new administration and delivery arrangements will be co-ordinated by Waikato Regional Council, which is in accordance with the McGredy Winder report;
- c) approves the disestablishment of the Waikato Plan Leadership Group Joint Committee; and
- d) approves Hamilton City Council's continued participation in the Waikato Plan.

Amendment: (Mayor King/Cr Mallett)

That the Council approves the withdrawal of Hamilton City Council's participation in the Waikato Plan and the Waikato Plan Leadership Group.

The Amendment was put.

Those for the Amendment: Mayor King, Crs Mallett and Henry.

Those against the Amendment: Deputy Mayor Gallagher, Crs Pascoe, Tooman, O'Leary, Bunting, Casson, Southgate, Taylor and Hamilton.

**The Amendment was declared lost.
The Motion was then put and declared carried.**

Resolved: (Deputy Mayor Gallagher/Cr Casson)

That the Council:

- a) notes the Waikato Plan Leadership Group has been established as a Standing Committee of Waikato Regional Council, and that the Committee has the terms of reference and membership as outlined in Attachment 1 of the staff report;
- b) notes the transition to the new administration and delivery arrangements will be co-ordinated by Waikato Regional Council, which is in accordance with the McGredy Winder report;
- c) approves the disestablishment of the Waikato Plan Leadership Group Joint Committee; and
- d) approves Hamilton City Council's continued participation in the Waikato Plan.

Cr Mallett Dissenting.

The meeting adjourned 1.30pm to 2.05pm.

13. Greater Hamilton Growth Strategy

The General Manager City Growth introduced the report noting that this report was one in a number of interlinking Growth matters being covered in this agenda. The Executive Director Special Projects provided an overview on the Greater Hamilton Growth Strategy. Staff responded to questions concerning the cost of the strategy, scope which was to provide evidence of how to best plan, develop, and manage the city to meet increasing population and economic growth.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) notes that on-going work is occurring on the Hamilton to Auckland Corridor Plan which involves participation with central government, local government and iwi partners to progress a number of priority initiatives including the development of a long-term Metropolitan Spatial Plan for an area surrounding Hamilton broadly from Ngaruawahia to Cambridge/Te Awamutu;
- c) approves the preparation of a Greater Hamilton Growth Strategy for the long-term future growth and form of the city reflecting Hamilton in its broadest sense. The Growth Strategy to include a future land release programme and strategy for residential and employment land, identifying any additional areas of land outside of the City required for growth into the future and how Hamilton will deliver the Growth Strategy outside its boundary without direct control of the land;
- d) notes that the Future Proof Implementation Committee are undertaking a review of Future Proof to consider the context for sub-regional collaboration and that a report on the outcome of this review will be brought to Council for consideration; and

- e) approves exploratory discussions with adjoining territorial authorities and Future Proof by the Mayor, the Chair of Growth and Infrastructure Committee, and the Chief Executive as to how the future growth of the City (expressed within the Greater Hamilton Growth Strategy) can be jointly planned and managed to best serve the needs of the growth across these communities, including the provision of additional land for the City, noting that these discussions are:
- i. intended to identify a range of information, opportunities and scenarios to assist the Council with the development of the Greater Hamilton Growth Strategy;
 - ii. do not commit the Council to a course of action or decision; and
 - iii. will be reported to the Council on a regular basis for information and/or consideration.

Item 21 (HCC's Draft 1 Initial Feedback to the Government's Three Waters Review) was taken next to accommodate presenters in attendance.

21. HCC's Draft 1 Initial Feedback to the Government's Three Waters Review

The General Manager Infrastructure Operations introduced the report, noting that this report was the outcome of previous discussions around the wider considerations of three waters.

Elected Members noted the following points be included in the submission:

- Council's strong support of the Wellington water service delivery model;
- The development of the water services proposal between Hamilton City Council, Waikato District Council and Waipa District Council, that was not adopted by all councils; and
- Council's openness to considering various models for the management of three waters in the Greater Waikato Region.

Resolved: (Crs Bunting/Taylor)

That the Council:

- a) receives the report;
- b) approves HCC's Draft 1 Initial Feedback to the Governments Three Waters Review;
- c) notes the approves Initial Feedback will be sent to the Minister of Local Government, the Hon Nanaia Mahuta, and will also be copied to the Rt Hon Winston Peters, the Hon James Shaw and representatives from the Department of Internal Affairs; and
- d) notes the approved Initial Feedback will then be uploaded to Hamilton City Council's website.

14. Heritage and Character Management - Proposed Plan Change

The General Manager City Growth introduced the report, noting that the report sought to defer consideration of a possible Heritage and Character Plan Change. She responded to questions from Elected Members concerning the reasons for deferral which related to the number of active plan changes and staff resources.

Resolved: (Crs O'Leary/Southgate)

That the Council:

- a) receives the report; and
- b) defers consideration of a possible Heritage and Character Plan Change until staff complete a review and prioritisation of all known plan changes and is to be reported back to Council by March 2019.

Deputy Mayor Gallagher Dissenting.

15. 2018/19 Heritage Fund Allocations

The General Manager City Growth and City Planning Team Leader introduced the report noting that there was increased interest in the fund. They responded to questions from Elected Members concerning the successful applicants, other funds available to applicants such as lottery grants, and the inability to include clauses such as a requirement to wash a building into the terms and conditions of the allocation of funds.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council approves the allocation of the 2018/19 Heritage Fund as set out in Attachment 2 of the staff report.

16. Peacocke Proposed Plan Change

The Peacocke's Programme Manager introduced the report. Mr Muldowney (Lawyer for Council) and the Team Leader of Implementation and Monitoring responded to questions from Elected Members concerning the original purpose of Master Plans in the District Plan, and the benefits and risks of the recommended option (option 1) in the staff report: the development of two plan changes.

Resolved: (Crs O'Leary/Pascoe)

That the Council:

- a) receives the report; and
- b) approves the preparation of two plan changes to the Hamilton District Plan for the Peacocke Structure Plan (Option 1 of this report).

17. Wetland Storage and Treatment Area Land Purchase - Borman Road

The report was taken as read. The General Manager Development responded to questions from Elected Members concerning cost, location and purpose of the purchase which was to allow for adequate storm water infrastructure in the catchment area.

Resolved: (Crs Mallett/Tooman)

That the Council:

- a) approves the purchase of approximately 1.2802ha of land for \$3,900,000 (plus GST, if any), as shown on Attachments 1 & 2, subject to Title and purchase price being adjusted, if required, on a proportionate square metre rate; and
- b) delegates authority to the Chief Executive to sign all relevant documentation to enable completion of the purchase.

18. Recommendation from the Community Services and Environment Committee - Community Occupancy Policy

Procedural Motion

Resolved: (Crs Southgate/Hamilton)

That the Council defer this decision to the 13 November 2018 Council Meeting.

19. Recommendation from the Community Services and Environment Committee - Community Assistance Policy

Resolved: (Cr Hamilton/Cr Bunting)

That the Council approves the updated Community Assistance Policy.

Resolved: (Mayor King/Deputy Mayor Gallagher)

An extension of time was moved at 4.38pm as per standing order 3.2.7.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the apologies for early departure from Crs Pascoe, Tooman and O’Leary are accepted.

20. 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 of the Council Public Excluded Minutes - 6 September 2018) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Extraordinary Council Public Excluded Minutes - 25 September 2018) Official Information and) Meetings Act 1987)	
C3. Confirmation of the Elected Member Briefing Notes - 5 September 2018 - Closed		
C4. Confirmation of the Elected Member Briefing Notes - 13 September 2018 - Closed		

- C5. Waikato District Council
Libraries Proposal
- C6. Peacocke Land First Rights
of Refusal
- C7. Hamilton Ring Road
Contract Award

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C6.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)

The meeting went into a Public Excluded session 4.39pm.

During the Public Excluded session of the meeting it was resolved that the following resolution was to be released to the public.

C5. Waikato District Council Libraries Proposal

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council receives the report.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council declines the current offer of \$250,000 from Waikato District Council.

Those for the Motion: Mayor King, Crs Gallagher, Casson, Henry and Taylor.

Those against the Motion: Crs Mallett, Bunting, Southgate and Hamilton.

The Motion was declared carried.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) requests the Chief Executive write to Waikato District Council proposing that a meeting, or meetings, between the two Councils be organised to consider all current issues between the Councils, with the purpose of agreeing on a path forward for each of them within the wider context of growth in the central Waikato area. These issues will include, but not be limited to:
 - i. arrangements for Waikato DC residents using HCC library services
 - ii. arrangements for cross-boundary sharing of other services agreed by the Councils
 - iii. the exploratory discussions proposed in the Greater Hamilton Growth Strategy report of 11 October 2018 around jointly planning for and managing growth including the provision of extra land for the city
 - iv. other matters mutually agreed between the Councils.
- b) requests the CE and/or his nominees together with the Mayor and Chair of Growth and Infrastructure Committee and Chair of Regulatory and Hearings Committee participate in these meetings once arranged and that the Chief Executive and/or his nominee(s) report back to the November 2018 Council meeting on progress arising from this resolution;
- c) requests that this is a standing item on Council agendas until further notice so that any proposals resulting from these discussions can be brought back to the Council for consideration and approval; and approves that the decision on this matter be released to the public

The meeting was declared closed at 6.09pm.

Appendix 1

Gazette Notice for Special Housing Areas

At least 10% of dwellings must be sold at or below 90% of the Hamilton average house value*

*Where “average house value” means the average Hamilton City residential house value for the most recently released June figure, published by qv.co.nz.