

---

## **Council Kaunihera OPEN MINUTES**

---

**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Thursday 18 March 2021 at 9.30am.**

### **PRESENT**

<b>Chairperson</b>	Mayor P Southgate
<b><i>Heamana</i></b>	
<b>Deputy Chairperson</b>	Deputy Mayor G Taylor
<b><i>Heamana Tuarua</i></b>	
<b>Members</b>	Cr M Bunting Cr M Forsyth (via Audio Visual Link) Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf (via Audio Visual Link) Cr A O'Leary Cr R Pascoe Cr S Thomson (via Audio Visual Link) Cr M van Oosten Cr E Wilson

<b>In Attendance</b>	Lance Vervoort – General Manager Community Eeva-Liisa Wright - General Manager Infrastructure Operations David Bryant - General Manager People and Organisational Performance Sean Hickey – General Manager Strategy and Communications Julie Sanderson – Group Business Manager City Growth James Clarke - Director of the Mayor's Office Andrew Parsons - Strategic Development Manager Maria Barrie - Unit Director Parks and Recreation Trevor Harris – Property Officer Acquisitions Disposal Michelle Hawthorne - Legal Services Manager Frances Cox-Wright - Policy and Bylaw Lead Kelvin Powell - City Safe Unit Manager Inde King – Partnership Manager Luke O'Dwyer – City Planning Manager Lachlan Muldowny – Hamilton City Council Lawyer
----------------------	---

<b>Governance Team</b>	Becca Brooke – Governance Manager Amy Viggers – Governance Team Leader Tyler Gaukrodger – Governance Advisor
------------------------	--

---

*The meeting was opened with a Karakia from Amorangi Maaori, Muna Wharawhara.*

*Mayor Southgate acknowledged the passing of former Mayor David Braithwaite. Cr Bunting, Cr Gallagher and Deputy Mayor Taylor made a brief statement, acknowledging the impact he had made to the city. The Mayor led a minute's silence in recognition of former Mayor David Braithwaite.*

**1. Apologies – Tono aroha**

**Resolved:** (Deputy Mayor Taylor/Cr Hamilton)

That the apologies for partial attendance from Cr Naidoo-Rauf was accepted.

**2. Confirmation of Agenda – Whakatau raarangi take**

**Resolved:** (Cr Pascoe/Cr O'Leary)

That the agenda is confirmed.

**3. Declarations of Interest – Tauaakii whaipanga**

Cr O'Leary declared an conflict of interest in item C5 (City Honours Recommendations March 2021). She noted that would not take part in the discussion and would not vote on the matter.

**4. Public Forum – Aatea koorero**

No members of public wished to speak.

**5. Confirmation of the Council Open Minutes of - 4 February 2021**

**Resolved:** (Mayor Southgate/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 4 February 2021 as a true and correct record.

**6. Confirmation of the Elected Member Open Briefing Notes - 3 March 2021**

**Resolved:** (Mayor Southgate/Cr Thomson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 3 March 2021 as a true and correct record.

**7. Chair's Report**

The Mayor spoke to her report, thanking staff and Elected Members for their engagement in the LTP Consultation programme. She responded to questions from Elected Members concerning the purpose of the Waikato Plan, and the Waikato Plan Leadership Committee.

**Staff Action:** *Staff undertook to provide an overview of the various external committees which includes how they interlink and the purpose of each of them.*

**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) receives the report; and
- b) approves Cr Gallagher be appointed as the Hamilton City Council representative to the Waikato Plan Leadership Committee with Mayor Southgate as alternate.

*Item 10 (Whatukoruru Reserve Deliberations Report) was taken after item 7 (Chair's Report) to accommodate members of the public in attendance.*

**8. Whatukoruru Reserve Deliberations Report**

The Unit Director Parks and Recreation outlined the process to date, and proposed revocation of the reserve status for Whatukoruru Reserve. Staff responded to questions from Elected Members concerning transfer of land for a road reserve, the rehabilitation agreement with Waikato Tainui

and related costs.

It was confirmed by staff that any possible surplus land in the area, that was to be used as road reserve, would be offered back to Waikato Tainui as part of the historic pa site and be reflected in the agreement.

**Resolved:** (Mayor Southgate/Cr Gallagher)

That the Council:

- a) receives the report;
- b) notes that two submissions were received relating to the proposed revocation of the reserve status for Whatukoruru Reserve (one in support and one objecting), both in response to the public consultation undertaken in terms of the Reserves Act 1977;
- c) notes that each submitter attended the Council's Hearings and Engagement Committee on 1 December 2020 and spoke to their submission; and
- d) approves the revocation of the reserve status of the land described in Schedule 1, pursuant to section 24 of the Reserves Act 1977:

*Schedule One*

<i>Reserve Name</i>	<i>Approximate area subject to survey (m2)</i>	<i>Legal Description</i>	<i>Computer Freehold Register</i>
<b><i>Whatukoruru Reserve</i></b>	<b><i>24340</i></b>	<b><i>Lot 1 DPS 90309</i></b>	<b><i>347695</i></b>

**9. Elected Member childcare allowances: Proposed submission to the Remuneration Authority**

The Governance Manager outlined the report and the proposed submission to the REM Authority on Elected Member Childcare Allowance. Staff responded to questions from Elected Members concerning access to ECE 20 hours free childcare, clarification sought in the proposed submission, the current family members definition in the determination, the proposed change to the Elected Members Support Policy, requirements to receive the proposed childcare allowances reimbursement, human rights considerations, risks to reputation, definition of 'day to day care', required evidence of provision of childcare arrangements, and payments for childcare.

**Resolved:** (Cr Thomson/Cr Macpherson)

That the Council approves an update to the Hamilton City Council *Elected Members Support Policy* to include the Elected Member Childcare Allowance as currently set out by the Remuneration Authority Determination.

**The Motion was put.**

**Those for the Motion:**

Councillors Gallagher, Macpherson, Bunting, Hamilton, Forsyth, Naidoo-Rauf, van Oosten and Thomson.

**Those against the Motion :**

Mayor Southgate, Deputy Mayor Taylor, Councillors Pascoe, O'Leary and Wilson.

**The Motion was declared CARRIED.**

**Resolved:** (Cr Thomson/Cr Macpherson)

That the Council:

- a) approves the proposed submission on Elected Member childcare allowances (**Attachment 1**) to be sent to the REM Authority by 31 March 2021 so that it may be considered as part of the review of local government elected members remuneration and entitlements for the 2021/22 financial year;
- b) notes that the submission will be updated to request the Remuneration Authority as part of their consideration of this submission, provide guidance and clarification on the following points:
  - i. the definition of 'day to day care';
  - ii. the appropriate rates of payment for eligible childcare arrangements; and
  - iii. required evidence of provision of childcare arrangements and payment for childcare;
- c) notes that the proposed submission has been socialised with Elected Members at other local authorities who may make individual, group or Council submissions in support of the Hamilton City Council submission; and
- d) notes following feedback or a determination from the Remuneration Authority a report will be brought to the Council for the purpose of further consideration in relation to the *Elected Members Support Policy*.

**The Motion was put.**

**Those for the Motion:**

Councillors Gallagher, Macpherson,  
Hamilton, Forsyth, Naidoo-Rauf, van  
Oosten and Thomson.

**Those against the Motion :**

Mayor Southgate, Deputy Mayor Taylor,  
Councillors Bunting, Pascoe, O'Leary and  
Wilson.

**The Motion was declared CARRIED.**

**The meeting was adjourned 11.12am to 11.25am during the discussion of the above matter.**

*Cr Naidoo-Rauf left the meeting (12.32pm) at the conclusion of the above item. She was present when the matter was voted on.*

#### **10. District Licensing Committee Reappointment**

The City Safe Unit Manager took the report as read and responded to questions from Elected Members concerning the recommendation to increase the membership of the Hamilton District Licensing Committee, the appointment process, and the diversity of the committee.

**Resolved:** (Cr Wilson/Cr Hamilton)

That the Council:

- a) receives the report;
- b) approves the reappointment of Tegan McIntyre to the Hamilton District Licensing Committee for a further period of five years pursuant to the provisions of s192 (3) of the Sale and Supply of Alcohol Act 2012; and
- c) approves an increase in the membership of the Hamilton District Licensing Committee from seven to ten members.

**The meeting was adjourned 12.42 to 1.41pm.**

**11. Hamilton City Council's Draft 1 Submission to the WEL Energy Trust's 2021/22 Draft Annual Plan**

The Partnership Manager spoke to the report, noting that it also responded to the 11 February 2021 Community Committee meeting. Staff responded to questions from Elected members concerning the draft submission, conversations concerning the submission with WEL Energy Trust trustees, and Council's position as a capital and income beneficiary.

**Resolved:** (Cr Hamilton/Cr Bunting)

That the Council:

- a) receives the report;
- b) approves Hamilton City Council's **Draft 1** submission to the WEL Energy Trust's 2021/22 Draft Annual Plan, noting a paragraph will be added to the submission concerning the links with the Trust's social impact investment focus;
- c) notes that the approved submission will be sent to the WEL Energy Trust on 19 March (noting that the Trust has provided Council an extension to the official 17 March submission closing date); and
- d) notes that the Council representatives (including nominated Elected Member/s) will speak in support of the approved submission at the Trust's hearing scheduled for 23 March 2021.

**12. Watercare Water Allocation Application - Board of Inquiry**

The Strategic Development Manager took the report as read. Staff responded to questions from Elected Members concerning proposed consent conditions outlined in Council submission, Hamilton City Council's initial position, active steps of Regional Council to manage the volume and queue of requests to draw water from the Waikato River, and the incorporation of the four wellbeings within the submission.

**Resolved:** (Cr Macpherson/Deputy Mayor Taylor)

That the Council:

- a) subject to resolution b) below, approves for lodgement with the Environmental Protection Agency, the proposed Hamilton City Council submission to the Board of Inquiry hearing on the Watercare Water Allocation application (**attachment 1** of the staff report);
- b) delegates authority to the chief executive to finalise the Hamilton City Council submission once the formal position is known from potential partners who have common submission points;
- c) requests the Chief Executive to develop a water allocation application for Waikato Regional Council to meet the city's expected long-term water demand and report back to the Council for approval of the application prior to lodgement; and
- d) notes that there is a substantial unbudgeted estimated expense for Hamilton City Council to participate in the Board of Enquiry process, and resolves to place this matter on the table during the Board of Enquiry process.

*Cr O'Leary and Cr Hamilton left the meeting (2.38pm) at the conclusion of the above item. They were present when the matter was voted on.*

**13. Recommendations from Open Committee Meetings**

**Multi-Year Community Grant (2021-24 Allocation)**

**Resolved:** (Cr Bunting/ Cr Naidoo-Rauf)

That the Council approves an additional grant of \$15,000 (per annum) to the Hamilton Citizen's Advice Bureau for the next three years (currently unfunded).

**Financial Strategy Monitoring Report**

**Resolved:** (Cr Pascoe/ Cr van Oosten)

That the Council:

- a) approves the capital movement as identified in paragraph 14 and 15 of the 16 February 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 20 to 21 of the staff report; and
- e) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 22 to 25 of the staff report.

**Hamilton Open Air Burning Bylaw Review**

**Resolved:** (Cr Forsyth/Cr Thomson)

That the Council:

- a) determines a bylaw is not the most appropriate means of controlling the issue of open air burning in Hamilton; and
- b) approves consultation on the revocation of the Hamilton Open Air Burning Bylaw 2015 (Option 3 of the staff report) and the Statement of Proposal (**Attachment 1**).

**International Relations Update March 2021**

**Resolved:** (Cr Wilson/Cr Bunting)

That the Council approves the revised International Relations Policy (**Attachment 2**).

**New Lease – Two Degrees Limited – Raymond Street (cabinets)**

**Resolved:** (Cr Wilson/Cr Bunting)

That the Council approves the new lease for Two Degrees Limited for telecommunications cabinets located on land adjacent to Raymond Park, subject to the following terms and conditions:

- a) Term – 10 years, commencing 1 March 2021;
- b) Rental – \$4,000 plus GST per annum; and
- c) Rent reviews – 3-yearly market review.

*Cr O'Leary re-joined the meeting (2.40pm) at the conclusion of the above vote. She was not present when the matter was voted on.*

**New Licence – Kordia Limited – FMG Waikato Stadium**

**Resolved:** (Cr Wilson/Cr Bunting)

That the Council approves a new licence for Kordia Limited for a telecommunications cabinet located in the communications room at FMG Waikato Stadium, subject to the following terms and conditions:

- a) Term – 4 years, commencing 1 July 2021;
- b) Renewals – 1 x 5 years (1 July 2025);
- c) Rental – \$1,000 plus GST per annum; and
- d) Rent reviews – market review on renewal (1 July 2025).

*Cr Hamilton re-joined the meeting (2.41pm) at the conclusion of the above vote. He was not present when the matter was voted on.*

**The meeting adjourned 2.41pm to 2.48pm**

*Crs Gallagher, Bunting and Thomson left the meeting during the above adjournment.*

*Cr Forsyth retired from the meeting during the above adjournment.*

**14. Resolution to Exclude the Public**

**Resolved:** (Mayor Southgate/ Cr Pascoe)

**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 of 4 February 2021	) Good reason to withhold ) information exists under ) Section 7 Local Government ) Official Information and ) Meetings Act 1987 )	Section 48(1)(a)
C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 17 February 2021		
C3. Confirmation of the Elected Member Public Excluded Briefing Notes - 24 February 2021		
C4. Approval of Deed of Lease (Office Space and Carparks) – Montana Catering 2001 Limited and Hamilton City Council		
C5. City Honours Recommendations March 2021		
C6. Release of Public Excluded Information		

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 enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting moved into a public excluded session at 2.50pm.**

**The meeting was declared closed at 3.23pm.**