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## Council

### OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 19 April 2018 at 9.40am.**

#### 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 R Hamilton

In Attendance:

Richard Briggs – Chief Executive  
Lance Vervoort – General Manager Community  
Sean Murray – General Manger Venues, Tourism and Major Events  
Sean Hickey – General Manager Strategy and Communication  
Jen Braid – General Manager City Growth  
Eeva-Liisa Wright – Acting General Manager City Infrastructure  
Nigel Ward – Acting Unit Manager Communication  
Natasha Ryan – Key Projects Programme Manager  
Chad Hooker – Director of Operations  
Nicolas Wells – Strategic Property Manager  
Andrew Parsons – City Development Manager  
Trent Fowles – Compliance Manager  
Charlotte Catmur – Waste Minimisation Advisor  
Mark Brougham – Programme Manager  
Brendan Stringer – Legal Services and Governance Officer  
Jaime Sirl – Senior Planner  
Raewyn Simpson – Senior Planner  
Jeff Neems – Communications Advisor  
Claire Foster – Property Officer

Sarah Nathan - Creative Waikato CEO  
Sean Austin – The Chiefs Commercial Manager

Governance Staff: Lee-Ann Jordan - Governance Manager  
Amy Viggers, Claire Guthrie and Rebecca Watson – Committee Advisor

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*Tame Pokaia carried out a blessing and the Venerable Paul Weeding a bible reading to open the Council Meeting.*

*The Chief Executive acknowledged the passing of former Councillor Jean Vickridge. He asked that the meeting observe a minute's silence in recognition of the contribution she had made to the city. Deputy Mayor Gallagher made a brief statement, acknowledging the positive impact she had made to the city.*

**1. Apologies**

**Resolved:** (Crs Casson/Tooman)

That the apology from Cr Bunting (absence between 1pm and 3pm) is accepted.

**2. Confirmation of Agenda**

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

That the agenda be confirmed noting the following:

- that the debate will be 2 minutes with an extension of 1 minute if required;
- that there is to be an additional verbal update taken as a part of Item 10 (*Chair's Report*). The update is on Bill amendments affecting Local Government. It is late as the information was received on 18 April 2018 and there is urgency in making a submission to Central Government; and
- that there would flexibility to order of items to accommodate presenters.

**3. Declarations of Interest**

No members of the Council declared a Conflict of Interest.

**4. Public Forum**

**Graham McFarlane (Verandah Café Director)** – Spoke to item C5 (*New Lease - Verandah Cafe - Hamilton Lake Domain*) and addressed level of service matters raised through earlier lease discussions.

**Helen Jarman (Resident)** – Spoke to item 13 (*River Plan Progress*). Ms Jarman raised concerns regarding a proposed river pathway between Victoria on the River and Embassy Park that was to be built alongside her and other's residential property.

**Darren Mills (Waikato River Explorer Director)** - Spoke to item 13 (*River Plan Progress*). Mr Mills spoke in support of the new jetty structure with ramp and pontoon. He responded to questions from Elected Members regarding the proposed design for the jetty.

*Item 5-13 were taken after Item 4 (Public Forum) to accommodate external presenters.*

**10. Chair's Report - 19 April 2018**

The Mayor took the report in parts.

Sarah Nathan (Creative Waikato CEO) spoke to the process followed to select local artist Jeremy Shirley to design a piece of art to represent Hamilton in Hamilton's sister city Chengdu, China. She responded to questions from Elected Members concerning timeline and process.

The Deputy Mayor Gallagher gave a verbal report on the relationship between Hamilton City and the City of Ieper.

Councillor O’Leary gave a verbal report on the Local Government (Community Well-being) Amendment Bill and the Local Electoral Matters Bill.

*Action: Staff undertook to provide an update on Sister City Relationships at a future Elected Member Briefing.*

**Resolved:** (Deputy Mayor Gallagher/Mayor King)

That the Council:

- a) receives the report;
- b) defers the Founders Theatre future use of site report to the 24 May meeting of Council; and
- c) delegates the Mayor to upgrade the current Memorandum of Understanding with Ieper to a Sister City Memorandum of Understanding if he reasonably believes it is beneficial to the city.

*Following the discussion of the above item, Item 10 (Chair’s Report), Item 11 (FMG Stadium Waikato – Proposed Development), Item 12 (Deliberation and adoption of the 2018-2024 Waste Management and Minimisation Plan) and Item 13 (River Plan Progress) were taken next to accommodate external presenters in attendance.*

#### **11. FMG Stadium Waikato - Proposed Development**

The Director of Operations and Sean Austin (The Chiefs Commercial Manager) spoke to the report. They responded to questions from Elected Members concerning the design, location and ownership of the proposed corporate suites, and Council’s possible financial contribution towards a resource consent.

**Motion:** (Cr Macpherson/Mayor King)

That the Council:

- a) receives the report; and
- b) requests the Chief Executive negotiate the commercial terms of the agreement with the Chiefs Rugby Club Limited, including the cost to Council, if any, of the resource consent for the corporate hosting facility and brings the final draft agreement to the Council for approval.

**Amendment:** (Crs Casson/Pascoe)

That the Council:

- a) receives the report;
- b) delegates the Chief Executive to negotiate the commercial terms of the agreement with the Chiefs Rugby Club Limited.

#### **The Amendment was put.**

**Those for the Amendment:** Councillor Casson.

**Those against the Amendment:** Mayor King, Deputy Mayor, Gallagher, Councillors Pascoe, Mallett, Tooman, O’Leary, Macpherson, Bunting, Henry, Southgate, Taylor and Hamilton.

**The Amendment was declared lost.**

**The Motion was put and declared carried.**

**Resolved:** (Cr Macpherson/Mayor King)

That the Council:

- a) receives the report; and
- b) requests the Chief Executive negotiate the commercial terms of the agreement with the Chiefs Rugby Club Limited, including the cost to Council, if any, of the resource consent for the corporate hosting facility and brings the final draft agreement to the Council for approval.

**During the discussion of the above Item the meeting adjourned (11.12am – 11.30am).**

## **12. Deliberation and adoption of the 2018-2024 Waste Management and Minimisation Plan**

The report was taken as read. Staff responded to questions from Elected Members concerning funding from the Ministry for the Environment Waste Minimisation Fund and how the Waste Management and Minimisation Plan would work alongside the other Council proposals such as kerbside collection.

**Resolved:** (Crs Bunting/Henry)

That the Council:

- a) receives the report; and
- b) adopts the 2018-2024 Waste Management and Minimisation Plan.

**Cr Mallett dissenting.**

## **13. River Plan Progress**

The report was taken as read. Staff responded to questions from Elected Members concerning the deferral of a connection between Victoria on the River and Embassy Park, and possible design options for the new jetty structure.

*Action: Staff undertook to provide an update on the \$1million pledge by Donny Trust for river development projects through a report to a future Community and Services Committee meeting as previously agreed at the 17 April 2018 Committee meeting.*

**Resolved:** (Mayor King/Cr O'Leary)

That the Council:

- a) receives the report;
- b) defers construction of the upper level connection between Victoria on the River and Embassy Park until staff report back to Council in August 2018 on revised costs and other matters; and
- c) approves the alternative for the Jetty being a new jetty structure with ramp and pontoon (Option A of this report).

**Cr Mallett dissenting.**

*Cr Bunting left the meeting (12.59pm) during the discussion of the above item. He was not present when the matter was voted on.*

**The meeting adjourned 1.28pm to 2.08pm.**

*Following the above adjournment the meeting resumed with Items 5-9 before continuing with Item 14.*

**5. Confirmation of the Council Open Minutes - 15 March 2018**

**Resolved:** (Mayor King/Cr Taylor)

That the Council confirm the Open Minutes of the Council Meeting held on 15 March 2018 as a true and correct record.

**6. Confirmation of the Council Open Minutes - 27 March 2018 (10 Year Plan)**

**Resolved:** (Mayor King/Cr Taylor)

That the Council confirm the Open Minutes of the Council Meeting (10 Year Plan) held on 27 March 2018 as a true and correct record.

**7. Confirmation of Elected Member Briefing Notes - Open - 15 March 2018**

**Resolved:** (Mayor King/Cr Taylor)

That the Council confirm the open notes of the Elected Member Briefing held on 15 March 2018 as a true and correct record.

**8. Confirmation of Elected Member Briefing Notes - Open - 22 March 2018**

**Resolved:** (Mayor King/Cr Taylor)

That the Council confirm the open notes of the Elected Member Briefing held on 22 March 2018 as a true and correct record noting that Cr Pascoe was in attendance.

**9. Confirmation of Elected Member Briefing Notes - Open - 27 March 2018**

**Resolved:** (Cr Macpherson/Mayor King)

That the Council confirm the open notes of the Elected Member Briefing held on 27 March 2018 as a true and correct record.

*Cr Bunting re-joined the meeting (2.21pm) during the discussion of the above item. He was present when the matter was voted on.*

**14. Draft HCC Submissions to the Draft 2018-28 Long Term Plans of Waikato Regional Council, Waikato District Council and Waipa District Council**

The report was taken as read. Staff responded to questions from Elected Members concerning the submissions process, how Waikato Regional Council funds itself, and Project Watershed finances.

*Action: Staff undertook to provide an update on Project Watershed finances in a future report to the Growth and Infrastructure Committee.*

**Resolved:** (Mayor King/Cr Casson)

That the Council:

- a) receives the report.
- b) approves HCC's draft submission to:

- Waikato Regional Council's Draft 2018-28 Long Term Plan.
- Waikato District Council's Draft 2018-28 Long Term Plan.
- Waipa District Council's Draft 2018-28 Long Term Plan.

- c) notes the approved submissions will be sent to the respective councils by 20 April 2018; and  
d) notes the approved submissions will then be uploaded to HCC's website.

*Cr O'Leary left the meeting (3.18pm) during the discussion of the above item. She was not present when the matter was voted on.*

*Cr Southgate retired from the meeting (3.35pm) during the discussion of the above item. She was not present when the matter was voted on.*

**15. Submissions in respect of 1) Government Proposal to make KiwiRail an Approved Public Organisation; and 2) Land Transport Management (Regional Fuel Tax) Amendment Bill**

The report was taken as read.

**Resolved:** (Crs Macpherson/ Pascoe)

That the Council:

- a) receives the report;  
b) approves HCC's draft submission to:  
i. The Government proposal to make KiwiRail an Approved Public Organisation;  
ii. The Land Transport Management (Regional Fuel Tax) Amendment Bill;  
c) notes the approved submissions will be sent to the respective organisations by 20 April 2018; and  
d) notes the approved submissions will then be uploaded to HCC's website.

**The Motion was put.**

**Those for the Motion:**

Mayor King, Deputy Mayor Gallagher,  
Councillors O'Leary, Macpherson,  
Bunting, Henry, Taylor and Hamilton.

**Those against the Motion:**

Councillors Pascoe, Mallett, Tooman and  
Casson.

**The Motion was declared carried.**

*Cr O'Leary re-joined to the meeting (3.44pm) during the discussion of the above item. She was present when the matter was voted on.*

**16. Recommendation from the Growth and Infrastructure Committee - Ruakura Reservoir Bulk Watermains**

The report was taken as read.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council approves the award of Contract 17141 to West Construction 2011 Ltd for the installation of a new bulk water supply to Ruakura with an Approved Contract Sum of \$4,200,000.00.

**17. Recommendation from the Growth and Infrastructure Committee - Private Developer Agreement Tasman Greig Development Limited**

The report was taken as read. Staff responded to questions from Elected Members concerning the perceived benefits to Council from the private developer agreement.

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

That the Council approves \$2.335 million be included on the Risk and Opportunities Register for the land acquisition and road construction, and that this cost be offset by savings from CE15090, Roothing Upgrades and Development in Rotokauri.

**Cr Casson dissenting.**

**18. Resolution to Exclude the Public**

**Resolved:** (Mayor King/Cr Taylor)

**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 Council Public Excluded Minutes - 15 March 2018	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of Elected Member Briefing Notes - Closed - 13 March 2018		
C3. Confirmation of Elected Member Briefing Notes - Closed - 22 March 2018		
C4. Confirmation of Elected Member Briefing Notes - Closed - 27 March 2018		
C5. New Lease - Verandah Cafe - Hamilton Lake		

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Domain

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 maintain legal professional privilege	Section 7 (2) (g)
Item C2.	to maintain legal professional privilege	Section 7 (2) (g)
Item C3.	to maintain legal professional privilege	Section 7 (2) (g)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C5.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information	Section 7 (2) (b) (ii)

**The meeting went into a public excluded session at 4.01pm.**

**The meeting was declared closed at 4.43pm.**