
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 19 March 2020 at 9.30am.

PRESENT

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Forsyth
	Cr M Gallagher
	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr R Pascoe
	Cr M van Oosten

In Attendance:	Richard Briggs - Chief Executive
	Lance Vervoort – General Manager Community
	David Bryant – General Manager Corporate
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Jen Baird – General Manager City Growth
	Sean Hickey – General Manager Strategy and Communications
	Blair Bowcott – Executive Director Special Projects
	Maria Barrie - Parks and Recreation Manager
	Tracey Musty – Financial Controller
	Nick Chester - Social Development Advisor
	Luke O'Dwyer – City Planning Manager
	Julie Clausen - Unit Manager Strategy and Corporate Planning
	Natasha Ryan - Key Projects Programme Manager
	Debra Stan-Barton - Project Manager, Regulatory Efficiency and Effectiveness Programme
	Jeanette Tyrell – Public Relations Advisor
	James Clarke – Advisor to the Mayor
	Lachlan Muldowney – Lawyer for Hamilton City Council
Governance Staff:	Amy Viggers – Governance Team Leader
	Carmen Fortin, Claire Guthrie and Rebecca Watson - Governance Advisors

1. Apologies

Resolved: (Cr van Oosten/Cr Naidoo-Rauf)

That the apologies for absence from Crs Wilson, O'Leary and Thomson, are accepted.

2. Confirmation of Agenda

Resolved: (Deputy Mayor Taylor/Cr van Oosten)

That the agenda is confirmed noting that the late item C6 (Waikato Regional Airport Limited) is deferred to a later meeting of the Council. This late item was referred from the Economic Development Committee meeting on 10 March 2020 and due to unforeseeable circumstances staff were unable to gather the requested information in time for this meeting.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No members of the public wished to speak.

5. Confirmation of the Council Open Minutes 4 February 2020

Resolved: (Mayor Southgate/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 4 February 2020 as a true and correct record.

6. Confirmation of the Extraordinary Council Meeting Open Minutes - 11 February 2020

Resolved: (Cr Bunting/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 11 February 2020 as a true and correct record.

7. Confirmation of Elected Member Open Briefing Notes - 12 February 2020

Resolved: (Cr Bunting/Cr van Oosten)

That the Council confirm the Open Notes of the Elected Member Briefing held on 12 February 2020 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 26 February 2020.

Resolved: (Cr Bunting/Cr van Oosten)

That the Council confirm the Open Notes of the Elected Member Briefing held on 26 February 2020 as a true and correct record.

9. Confirmation of Elected Member Open Briefing Notes - 4 March 2020

Resolved: (Cr Bunting/Cr van Oosten)

That the Council confirm the Open Notes of the Elected Member Briefing held on 4 March 2020 as a true and correct record.

10. Chair's Report

The report was taken as read. The Chief Executive gave an overview of the reasons for the minimum wage report delays, and the expected timeframes concerning the living wage issues.

Staff responded to questions from Elected Members concerning the following:

- clarification of minimum wage vs living wage;
- reasons for the Living wage report being delayed;
- work being completed by Treasury; and
- whether the Living Wage report would include the broader impacts including social, and economic outputs.

Staff Action: *Staff undertook to circulate information on contracts prior to the report coming back to Elected Members.*

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) receives the report; and
- b) defers Council Minimum Wage Levels Report to the 30 April 2020 Council meeting.

11. Deliberations Report on the Part Reclassification of Claudelands Park

The Parks and Recreation Manager and Social Development Advisor spoke to the report, and provided an overview of the process taken to date. Staff responded to questions from Elected Members concerning replanting of the park area, potential loss and regeneration of green space areas and consent conditions and process.

Resolved: (Mayor Southgate/Cr Bunting)

That the Council

- a) receives the report; and
- b) pursuant to section 24 of the Reserves Act 1977, the Hamilton City Council hereby changes the classification of that part of Claudelands Park described in Schedule One, to local purpose (community facilities) subject to the provisions of the Act.

Schedule One

<i>Reserve Name</i>	<i>Approximate area subject to survey (ha)</i>	<i>Legal Description</i>	<i>Computer Freehold Register</i>
<i>Claudelands Park</i>	<i>0.3894</i>	<i>Lot 1 DP 386843</i>	<i>347695</i>

12. Proposed Plan Change 6 - Regulatory Efficiency and Effectiveness Plan Change

The City Planning Manager introduced the report noting that there was an amendment to paragraph 43 and it should read as follows:

c. An amended definition for 'self-contained house-keeping unit' to enable sinks in bedrooms or an additional kitchen in a dwelling provided the dwelling continues to function as one-household (section 1.1 definitions and consequential changes)

d. An increase in the percentage of apartments in an Integrated Residential Development to 30% (Rule 4.7.11)

He explained that that there are some consequential changes required if the withdrawal of the

recommended provisions is successful, they were:

One duplex on a rear site as a permitted activity

- Rule 4.3.1a
- Rule 4.3.1h

Three dwellings on a site as a permitted activity

- Rule 4.3.1a
- Rule 4.3.1f
- Rule 4.3.1g

Removal of definition for self-contained house-keeping unit

This will require withdrawal of the changes to the following:

- Definition of Indoor living area
- Definition of Kitchen
- Definition of Residential Unit
- Definition of Self-Contained house-keeping unit
- Rule 4.4.12, 6.4.7g, 7.5.3f and residential unit indoor living area

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) agrees to no longer progress with the processing of proposed Plan Change 11 – Residential Density; and
- b) agrees prior to hearing the submissions on Plan Change 6, to withdraw from Plan Change 6 the proposed changes to:
 - Rule 4.3.1 Activity status relating to residential intensification
 - Definition of self-contained house-keeping unit including all consequential changes
 - Rule 4.7.11 Integrated Residential Development

Resolved: (Deputy Mayor Taylor/Cr Hamilton)

That the Council:

- a) revokes the following section of the 27 June 2019 resolution of Council:

“That the Council hears, determines and makes decision on submissions and matters relating to plan change 6 once notified.”;

and
- b) delegates authority to the Chief Executive to appoint a suitably qualified independent commissioner(s) to hear, determine and make decisions on the Plan Change.

Cr Gallagher and Cr Macpherson Dissenting.

The meeting was adjourned 10.32am to 10.55am.

13. Hamilton City Council's Draft 1 Submission to the WEL Energy Trust's 2020-21 Draft Annual Plan

The Unit Manager Strategy and Corporate Planning spoke to the report, noting that Draft 2 has been made available to Elected Members, and provided an overview of the process taken to date. Staff responded to questions from Elected Members concerning the opportunity to speak to the submission.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) receives the report;
- b) approves the Council's **Draft 2** submission to the WEL Energy Trust's 2020-21 Draft Annual Plan;
- c) notes that following approval, the final submission will be sent to the Trust to meet the 20 March 2020 submission closing date;
- d) will speak in support of its approved submission at the Trust's hearing scheduled for 25 March 2020; and
- e) nominates Council representatives to present the approved submission at the Trust's hearing.

14. Open Recommendations from Committees to the Council

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the rephrasing and delay deferrals of an additional \$92.7M capital projects from 2019/20 to future years and savings of \$4.8M as identified in the December 2019 (11 February 2020 meeting) Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 17 to 20 of the staff report; and
- c) approves the revised forecast Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 21 to 28 of the staff report.

Resolved: (Deputy Mayor Taylor/Cr Gallagher)

That the Council:

- a) approves the name of the CBD/River Plan Advisory Group be updated to the Central City and River Plan Advisory Group; and
- b) approves the draft Terms of Reference (Attachment 2 of the staff report) Central City and River Plan Advisory Group.

Resolved: (Cr Gallagher/Deputy Mayor Taylor)

That the Council approves the following fees and charges for personal hire devices:

- i. \$300 annual permit fee;
- ii. \$85.00 per permitted device annual charge (for enforcement and management);
- iii. \$10,000 education programme fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user education.

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the Audit Engagement letter; and
- b) that the Mayor is authorised to sign the Audit Engagement letter on the Council's behalf.

Resolved: (Cr Pascoe/Deputy Mayor Taylor)

That the Council approves future New Zealand Local Government Funding Agency reports be directed to the Finance Committee.

15. Resolution to Exclude the Public

Resolved: (Mayor Southgate/Deputy Mayor 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) of the Local Government Official Information and Meetings Act 1987
C1. Confirmation of the Council Minutes 4 February 2020 - Public Excluded) 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 Closed Notes - 12 February 2020		
C3. Confirmation of the Elected Member Briefing Closed Notes - 26 February 2020		
C4. Rototuna Village - Pool Agreement		
C5. Public Excluded Recommendations from Committees to the Council		

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 negotiations	Section 7 (2) (i)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

The meeting went into a public excluded session at 11.30am.

The meeting was declared closed at 12.51pm.

Appendix 1:

Resolved: (Cr Macpherson/Deputy Mayor Taylor)

That the Council:

- a) confirm the Public Excluded Notes of the Elected Member Briefing held on 12 February 2020 as a true and correct record; and
- b) notes that these closed briefing notes will be released to the public via the open minutes as **appendix 1**.

Elected Member Briefing Notes – 12 February 2020 – Closed

Time and date:	9.30am, 12 February 2020
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor Southgate, Deputy Mayor Taylor, Crs Pascoe, O’Leary, Bunting, Gallagher, Hamilton, Macpherson, van Oosten, Thomson, Wilson, Forsyth, Maangai Maaori Hill.
Apology for Full Session:	Cr Naidoo-Rauf, Maangai Maaori Takiari-Brame, Te Ua, Thompson-Evans and Whetu
Apologies for lateness/early departure:	Crs Hamilton, Forsyth, Pascoe, Wilson, Macpherson, Taylor, Maangai Maaori Hill

Discussion

The briefing session covered the following item in a closed session.

- Journey to High Performance

There were a number of key points arising from the discussion:

1. Journey to High Performance *(Presentation was provided)*

The Chief Executive provided information on the HCC’s culture change journey which started after he was employed. He stated key aspects included engaging one provider, a focus on the wellbeing of Hamiltonians, a move away from hierarchical authority, and a restructure to implement the required structures so everyone could be the best version of themselves.

The General Manager, Community, outlined how this high-performance framework was implemented through the Connected programme with Steel Performance Systems Framework. The five frameworks were outlined – strategy, culture, leadership, capability, performance management. The embedding of all of these in the way HCC works delivers on the organisation’s mission, purpose and vision. This consistent approach, aimed at ensuring every staff member becomes the best version of themselves, is seeing an ongoing uplift in the clarity of direction, the culture, the capability and the overall performance of the organisation.

Members asked questions in relation to the following:

- importance of overarching ethos on leadership and relationship to the Members’ role, how to support and align with it
- definition of the purpose statement and relationship to the elected wing
- involvement of elected members in development of strategies and other guiding principles
- strategies to address complexity of work /business areas and collaboration across all areas

- strategies to help elected members process/report/manage complaints and problems
- support for staff decision-making when dealing with the public
- importance of quality of life for residents

Appendix 2:

Resolved: (Cr Macpherson/Deputy Mayor Taylor)

That the Council:

- a) confirm the Public Excluded Notes of the Elected Member Briefing held on 26 February 2020 as a true and correct record; and
- b) notes that these closed briefing notes will be released to the public via the open minutes as **appendix 2**.

Elected Member Briefing Notes – 26 February 2020 – Closed

Time and date:	9.30am, 26 February 2020
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor Southgate, Deputy Mayor Taylor, Crs O’Leary, Bunting, Gallagher Hamilton, Macpherson, van Oosten, Thomson, Wilson, Naidoo-Rauf, Forsyth, and Maangai Te Ua
Apology for Full Session:	Cr Pascoe, Maangai Takiari-Brame, Hill, Thompson-Evans and Whetu
Apologies for lateness/early departure:	Mayor Southgate, Deputy Mayor Taylor, Crs O’Leary, Hamilton, Macpherson, van Oosten, Thomson, Naidoo-Rauf, Forsyth and Maangai Te Ua

Discussion

The briefing session covered the following item in a closed session:

- Draft Hamilton Gardens Management Plan

There were a number of key points arising from the discussion:

1. **Draft Hamilton Gardens Management Plan** *(Presentation was provided)*

The General Manager Community introduced the presenters, the Visitor Destination Manager, and Ms Shaye Thomas (Barrister). Ms Thomas spoke to the pre-circulated letter from Mr Lachlan Muldowney on the legal implications if the Council was to re-consult on the Rhododendron Lawn’s future use. The General Manager and the Visitor Destination Manager spoke to the feedback received from the Project Governance Group (PGG) and the options and issues around traffic flow, car parking and the proposed development plan.

Elected Members asked questions in relation to the following:

- disability access and access for commuter buses
- site of the tree top walk
- use of green options for carpark

- options for further pedestrian access across Cobham Drive
- need for communication plans to ensure public understanding for changes including the greenhouse demolition
- consultation document
- timeline for consultation and deliberations