
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 26 June 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 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 Hickey – General Manager Strategy and Communication
- Chris Allen – General Manager City Infrastructure
- Jen Baird – General Manager City Growth
- Sean Murry – General Manager Venues Tourism and Major Events
- David Bryant - General Manager Corporate
- Blair Bowcott - Executive Director Special Projects
- Paul Bowman - Team Leader Economic Growth
- Elizabeth McKnight - Project Manager
- Clare Douglas - Intermediate Planner
- Muna Wharawhara – Amorangi Maaori
- Nicola Walsh – Communication Advisor
- Shelley Monrad – Senior Planner
- Andrew Parsons – Waters Manager
- Jackie Collier – Strategic Manager Infrastructure
- Fraser McNutt – Planning Guidance Manager
- Jason Cargo – Key Account Manager
- Nicolas Wells – Strategic Property Manager
- Jason Harrison - Transportation Manager
- Nigel Ward – Acting Communications Manager

Luke O'Dwyer – Beca Consultant
Lachlan Muldowney – Lawyer for Hamilton City Council

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

Muna Wharawhara carried out a blessing and the Reverend Stephen Black carried out a reading to open the Council Meeting.

Deputy Mayor Gallagher acknowledged the passing of Koro Wetere, former MP, and spoke of his large contribution to the Waikato region and New Zealand. A minutes silence was observed in recognition of Koro Wetere.

1. Apologies

Resolved: (Mayor King/Cr Macpherson)

That the apologies for Deputy Mayor Gallagher and Cr Casson for early departure were accepted.

2. Confirmation of Agenda

Elected Members raised concerns that the Audit New Zealand Report concerning the Central City Park report was not included in the agenda as previously advised.

Resolved: (Crs Mallett/Taylor)

That the agenda is confirmed noting that the debate will be 2 minutes with an extension of 1 minute if required.

Cr Pascoe Dissenting.

3. Declarations of Interest

Cr Pascoe declared an interest in Item 9 (Special Housing Area Application – Te Awa Lakes) and would not take part in the discussion, debate or vote on the item.

4. Public Forum

No members of the public wished to speak.

5. Confirmation of Council Open Minutes - 24 May 2018

Resolved: (Crs Bunting/Mallett)

That the Council confirm the Open Minutes of the Council Meeting held on 24 May 2018 as a true and correct record, noting the amendment of the voting record for Item 12 (Gambling Policy) to include Cr Bunting who was present at the time.

6. Confirmation of Elected Member Briefing Notes - Open - 22 May 2018

Resolved: (Mayor King/Cr Taylor)

That the Council confirm the open notes of the Elected Member Briefing held on 22 May 2018 as a true and correct record.

7. Confirmation of Elected Member Briefing Notes - Open - 7 June 2018

Resolved: (Mayor King/Cr Macpherson)

That the Council confirm the open notes of the Elected Member Briefing held on 7 June 2018 as a true and correct record.

8. Confirmation of Elected Member Briefing Notes - Open - 12 June 2018

Resolved: (Crs Mallett/Hamilton)

That the Council confirm the open notes of the Elected Member Briefing held on 12 June 2018 as a true and correct record.

Cr Pascoe previously declared a conflict of interest in relation to the below matter (Special Housing Area Application – Te Awa Lakes). He left *the meeting (9.47am) prior to the item starting, and was not present when the matter was voted on.*

9. Special Housing Area Application - Te Awa Lakes

A video recording of the meeting in relation to this item can be found [here](#)

The following groups spoke to the Te Awa Lakes Special Housing Area application:

- **Ministry of Education**

Alison Harold (Manager Education Network) and Sharon Walker (Infrastructure Manager) spoke against the Special Housing Area (SHA) application. They noted that without sufficient lead in time, the Ministry of Education would have difficulty planning for sufficient schooling provision in the area. They responded to questions from Elected Members concerning the Ministries strategy for providing adequate schooling in high growth areas.

- **Habitat for Humanity – Central North Island**

Nic Greene (General Manager) spoke in support of the SHA application. He noted that from a social perspective the area was well suited to a residential development and would help address housing shortage and affordability concerns.

- **Sport Waikato**

Matthew Cooper (CEO) spoke in support of Te Awa Lakes development concept. He noted that he was particularly supportive of the housing affordability requirement within the application, that the development would help address the current lack of housing in Hamilton, and the vibrant social neighbourhood provisions within the design.

- **Waikato Regional Economic Development Agency (REDA)**

Dallas Fisher (Chair of REDA) spoke to his presentation. He noted REDA was supportive of the Te Awa Lakes development because of the community focus incorporated within the design and because development would support tourism, growth, and economic development in the area. He responded to questions from Elected Members concerning his views on the possible effects of changing the zoning of the area from industrial to residential.

- **Fosters Construction**

Leonard Gardner (Foster Group Commercial Manager) spoke in support of the SHA application. He commented that he thought there was enough industrial land already available in Hamilton to address any industrial land requirements. He responded to questions from Elected Members concerning the location of the development and reverse sensitivity concerns.

- **Waikato Regional Council**

Mark Tumura (Manager Integration and Infrastructure) and Darion Embling (Integrated Catchment Management) spoke against the SHA application. They noted that the proposed development failed to meet a number of requirements for SHAs, including that it was not in alignment with existing strategic plans for the area. They raised concerns around the likelihood of negative impacts on the environment as a direct result of the proposed development, specifically in relation to bio security concerns for the river. It was noted that increased resource would be required to monitor and control these factors. They responded to questions from Elected Members concerning bio security and environmental concerns.

- **AFFCO New Zealand Limited and Open Country Dairy Limited (ODC)**

Garry Venus (Consultant) spoke against the SHA application on behalf of AFFCO and ODC. He noted that should the proposed development go ahead, future plans for expansion and growth for both AFFCO and ODC would be negatively impacted. His view was that the proposed development should go through a private plan change process given the significance of the decision and potential impact to surrounding businesses. Mr Venus commented that it was critical to retain the current provision for industrial land in the outskirts of the city to enable and plan for future industrial growth and economic development in the area. He responded to questions from Elected Members concerning reverse sensitivity issues.

- **Fonterra**

Scott Nelson (Commercial Operations Manager) introduced Daniel Minhinnick (Partner Russell McVeagh) Mark Crisp (Director of NZ Manufacturing) and Alan Van der Nagel (Director New Zealand Manufacturing). They noted their overall support for provision of more affordable housing developments in Hamilton, however they were not supportive of this particular SHA application as the location would negatively impact Fonterra's ability to expand and develop in the future and created reverse sensitivity issues. They also noted that the development was not in alignment with Council's current strategic plans and believed that this particular development should be considered through the appropriate RMA process due to the complex issues involved. They expressed concerns that approval of the SHA application would undermine the commitment Council had given to the District Plan. They responded to questions from Elected Members concerning reverse sensitivity issues, traffic concerns, and potential economic effects.

- **Ports of Auckland**

Mark Arbuthnot (Bentley & Co), representing Ports of Auckland, spoke against the SHA application. He expressed concerns that the proposed development would negatively impact existing businesses in the area and hinder future industrial growth. He noted that

there were also concerns around reverse sensitivity issues and that the proposed development did not align with Council's current strategic plans. He responded to questions from Elected Members concerning reverse sensitivity issues.

The meeting adjourned 11.35am to 11.50am.

- **Mana Whenua Group**

Sunny Karanga introduced Carolyn Hopa, Dennis Mariu and Norm Hill (Boffa Miskell) and provided a presentation in support of the Te Awa Lakes SHA application. They noted their support of the proposal particularly as it was in alignment with the Waikato Tainui Environmental Plan which focused on the health and wellbeing of the people and the land. They also commented on the collaborative approach to partnership taken by Perry's. They responded to questions from Elected Members concerning Waikato Tainui's priorities around a affordable housing and creating healthy vibrant communities with good outcomes for their people.

- **Perry Group (Applicants)**

Lale Ireremea and John Oliver outlined the Special Housing Area process and consultation undertaken to date by the Perry Group. They introduced Simon Perry who noted in his opinion, that Council would not be losing industrial land as the land in question was not suitable to be used as industrial land, instead Council would gain residential land that was needed to meet housing demands. They responded to questions from Elected Members concerning the Special Housing Areas process, reverse sensitivity concerns, and the qualifying design process.

The meeting adjourned 12.52pm to 1.40pm.

Luke O'Dwyer (Consultant) and Lachlan Muldowney (Lawyer for Hamilton City Council) spoke to the staff report. They noted that the process followed for this Special Housing Area application was in accordance with the legislation and policy set in place by the Government. They acknowledged that some negative effects were present for the development but these could be appropriately managed.

The Lawyer for Hamilton City Council outlined the draft Private Developers' Agreement and noted infrastructure, yield, and affordability issues would be addressed during the next stage of the process when the Private Developers' Agreement was drafted.

They responded to questions from Elected Members concerning how potential reverse sensitivity concerns could be addressed through building specifications, a no complaints covenant, and specifications around the Special Housing Area process.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) considers the analysis presented and all other relevant information provided to it regarding the proposed Te Awa Lakes Special Housing Area;
- c) recommends to the Minister for Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Te Awa Lakes

Special Housing Area has prescribed criteria as follows:

- i) the maximum calculated height of dwellings shall be 10m and no more than 2-3 storeys;
 - ii) the SHA shall deliver a minimum yield of 1000 dwellings;
 - iii) the SHA shall not contain less than 40% of the total yield for affordable dwellings as defined in the Stage 1 PDA.
- d) in its recommendation to the Minister, further recommends that the criteria set out in resolution c) above be adopted by the Minister as criteria to be prescribed for this Special Housing Area.
- e) delegates the Chief Executive the power to negotiate and enter the Stage 1 PDA and report back to Council for decision prior to proceeding with Stage 2 PDA on behalf of Council;
- f) instructs the Chief Executive investigate the Operative District Plan provisions relating to the Te Rapa North Industrial Zone to determine the merits of a plan change to accelerate the release of the deferred industrial zoned land at Te Rapa North, having regard to the approved Special Housing Area and to receive a report back on this issue by no later than September 2018; and
- g) requests the Chief Executive undertake and report back to Council no later than September 2018 on progressing the following actions:
- investigating the long-term employment land needs for the future of Hamilton, taking into account land currently outside of the existing City boundary,
 - developing a comprehensive future land release programme for residential and employment land.

Crs Mallett and Tooman Dissenting.

The meeting adjourned 3.00pm to 3.20pm.

Cr Pascoe re-joined the meeting during the above adjournment.

10. Transfer of Easement - Gifting of Land - Shakespeare Avenue

The Strategic Property Manager took the report as read. He responded to questions from Elected Members concerning delays that lead to the request for a transfer of land from Te Runanga o Kirikiriroa.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves the partial surrender of the encumbrance over the land described first in the schedule and the contemporaneous registration of a new encumbrance (with identical terms to the existing encumbrance) over the land described second in the schedule; and
- b) delegates the Chief Executive to give effect to this resolution.

SCHEDULE

FIRST All that land contained in Certificate of Title 241894 South Auckland Registry legally described as Lot 100 Deposited Plan South Auckland 6684 comprising 498 square metres more or less and physically located at 14 Shakespeare Avenue, Hamilton (shown in pink on

Attachment 1).

SECOND All that land contained in Certificate of Title SA41B/835 South Auckland Registry legally described as Part Lot 37 Deposited Plan South Auckland 6684 comprising 1,529 square metres more or less and physically located at 13 Shakespeare Avenue, Hamilton (shown in green on Attachment 1).

Item 13 (Notice of Motion from Cr Casson in relation to the 9th floor balustrade) and Item 14 (Notice of Motion from Cr O'Leary in relation to Online Voting) were taken next to accommodate the availability of Elected Members.

13. Notice of Motion from Cr Casson in relation to the 9th floor balustrade

The report was taken as read. Staff responded to questions from Elected Members concerning the quotes that had been received and the previous voting outcome.

Resolved: (Crs Casson/Henry)

That the Council revoke the resolution of Council made at the 16th November 2017 Ordinary Council meeting that:

“Council approves up to \$25,000 for the replacement for the replacement of the 9th floor desk balustrade with safety glass.”

Mayor King Dissenting.

14. Notice of Motion from Cr O'Leary in relation to online voting

Cr O'Leary outlined her notice of motion. The Governance Manager responded to questions from Elected Members concerning clarification on the motion, steps in the process to consider an online voting trial and costs.

Resolved: (Crs O'Leary/Bunting)

That the Council:

- a) confirms its interest in exploring participating in an online voting trial for the 2019 local authority elections;
- b) requests the Chief Executive further investigate the consideration and costs of undertaking an online voting trial for the whole city and options for a sub-set of voters for the 2019 local authority elections;
- c) report back Council on 2 August 2018 for further consideration noting that any online trial would be conditional on the following:
 - i. upon the Local Electoral Bill being enacted;
 - ii. regulations being made under the Local Electoral Regulations 2001 authorising the Council to undertake a trial of online voting;
 - iii. technical compliance protocols for a trial (including security and assurance) being developed by the Department of Internal Affairs and implemented and reviewed by the Electoral Officer and staff;
 - iv. agreement with Waikato Regional Council and Waikato District Health Board on the allocation of costs for undertaking a trial;
 - v. agreement with a provider to undertake the trial on behalf of the Council; and the

- Council resolving to undertake a trial of online voting in accordance with regulations;
- vi. Council resolution to proceed.

Cr Mallett Dissenting.

Deputy Mayor Gallagher left the meeting (3.34pm) during the above item. He was not present when the matter was voted on.

12. Delegations under the Housing Accords and Special Housing Areas Act

The Planning Guidance Unit Manager took the report as read. He responded to questions from Elected Members concerning whether there were currently any accredited Elected Members, the risk of judicial review in implementing an Accord Territorial Authority Panel and the cost associated with Elected Members becoming accredited commissioners.

Action: *The Chief Executive undertook to provide further information on training options and associated costs.*

Resolved: (Crs Macpherson/Taylor)

That the Council:

- a) receives the report;
- b) establishes an Accord Territorial Authority Panel (ATA Panel) with the Terms of Reference set out as Attachment 1 to the report; and
- c) delegates its powers and functions under the Housing Accords and Special Housing Areas Act 2013 (the **HASHAA**) authority to the Chief Executive to be exercised, in accordance with the Terms of Reference (attachment 1 of this report).

Crs Pascoe and Casson Dissenting.

Deputy Mayor Gallagher re-joined the meeting (4.18pm) at the conclusion of the above item. He was not present when the matter was voted on.

11. Cost Savings for the 2018-28 10-Year Plan

The Chief Executive took the report as read. He responded to questions from Elected Members concerning specifics around cost saving initiatives such as the establishment of a New Capital Delivery Group, how the savings would be reported to council and feedback received from Audit NZ. He noted that he would encourage and challenge Elected Members to be forward thinking around more innovative ideas.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report;
- b) endorses the approach highlighted in this report for achieving \$94m in savings as forecast in the 10-Year Plan; and
- c) requests the Chief Executive report to the Finance Committee with an update on progress by December 2018.

An extension of time was moved at 5.10pm at the conclusion of the above item.

Resolved: (Mayor King/Cr Bunting)

That the meeting extend beyond 6 hours as per standing order 3.2.7

The meeting adjourned 5.10pm to 5.25pm

Cr Casson retired from the meeting during the above adjournment.

15. Recommendation from Growth and Infrastructure Committee - Central City Parking Trial

The report was taken as read.

Resolved: (Crs Taylor/Bunting)

That the Council approves the current Central City Parking Trial continue for a further 12 months until 30th June 2019, with staff to report back to Council by April 2019 with an updated review of the trial.

Crs Mallett, Tooman, and Henry Dissenting.

16. Recommendation from Community and Services Committee - Regional Community Facilities Funding Framework

The report was taken as read.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council works with the Mayoral Forum to explore the development of a Regional Facilities Contestable Fund relating to the direct provision of funding for facilities with cross-boundary benefits.

Cr Mallett Dissenting.

17. Recommendation from Community and Services Committee - Clarence Street Theatre Trust

The report was taken as read.

Resolved: (Crs O'Leary/Henry)

That the Council approves the unbudgeted funds of \$28,615.88 + GST be paid to the Clarence Street Theatre Trust towards roof repairs.

18. Recommendation from Community and Services Committee - Open Spaces Provision Policy

Resolved: (Crs Southgate/Henry)

That the Council approves the Open Spaces Provision Policy.

Cr Mallett Dissenting.

19. Local Government New Zealand (LGNZ) Annual General Meeting 2018 - Remits for Consideration.

The report was taken as read. Staff responded to questions from Elected Members concerning the various LGNZ remits.

Resolved: (Cr Bunting/ Deputy Mayor Gallagher)

That the Council approves the **'Drug testing in the Community' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

Those for the Motion : Deputy Mayor Gallagher, Councillors Pascoe, Mallett, Bunting, Southgate, Taylor and Hamilton.

Those against the Motion: Mayor King, Councillors Tooman, O'Leary, Macpherson and Henry.

The Motion was declared carried.

Resolved: (Crs Bunting/Mallett)

That the Council approves the **'HCV – Rural Roads Policy' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King Dissenting.

Resolved: (Crs O'Leary/Southgate)

That the Council approves the **'Heritage Buildings' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King and Cr Mallett Dissenting

Resolved: (Crs Macpherson/Mallett)

That the Council approves the **'Climate Change – advocate to banks' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

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

Those against the Motion: Mayor King, Councillors Mallett, Tooman, and Pascoe.

The Motion was declared carried.

Resolved: (Crs Henry/ Southgate)

That the Council approves the **'Climate Change Adaptation Fund' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

Those for the Motion : Deputy Mayor Gallagher, Councillors Henry, O'Leary, Southgate, Pascoe, Macpherson and Hamilton.

Those against the Motion: Mayor King, Councillors Bunting, Mallett, Taylor and Tooman.

The Motion was declared carried.

Resolved: (Crs O'Leary/Macpherson)

That the Council approves the **'Local Alcohol Policies'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

Cr Mallett Dissenting.

Resolved: (Crs Henry/Taylor)

That the Council approves the **'Biofuels'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

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

Those against the Motion: Mayor King, Councillors Mallett, Tooman and Pascoe.

The Motion was declared carried.

Resolved: (Crs O'Leary/Henry)

That the Council approves the **'Walking the talk – single use plastics'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King and Cr Mallett Dissenting.

Resolved: (Crs Pascoe/Mallett)

That the Council approves the **'A mandatory register of cooling towers'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King and Cr Henry Dissenting.

Resolved: (Crs Southgate/Bunting)

That the Council approves the **'Copper in brake pads'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King, Crs Mallett and Pascoe Dissenting

Resolved: (Crs Bunting/Henry)

That the Council approves the **'Reducing the waste stream'** be supported by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King and Cr Mallett Dissenting.

Resolved: (Crs Southgate/Bunting)

That the Council approves the **'Tyres stewardship' be supported** by Council's delegate at the 2018 Local Government NZ AGM.

Mayor King Dissenting.

20. Change to Contract 16433 - Finance Project Lead 2018-28 10-Year Plan

The General Manager Corporate took the report as read. He responded to questions from Elected Members concerning the length and amount of the contract. It was confirmed that the funds were budgeted.

Resolved: (Crs Pascoe/Macpherson)

That the Council:

- a) receives the report; and
- b) approves an increase to the Approved Contract Sum for Contract 16433 to \$275,000.00 (previously approved as \$240,000.00)

Cr Henry Dissenting.

21. 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 Elected Member Briefing Notes - Closed - 22 May 2018) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of Elected Member Briefing Notes - Closed - 12 June 2018) Official Information and Meetings Act 1987	

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 enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
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Item C2. to prevent the disclosure or use of official Section 7 (2) (j)
information for improper gain or improper
advantage

The meeting went into a public excluded session at 5.45pm.

The meeting was declared closed at 5.46pm.