
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 8 August 2019 at 9.37am.

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 |
| | Jen Baird – General Manager City Growth |
| | Chris Allen - General Manager Development |
| | Eeva-Liisa Wright - General Manager Infrastructure Operations |
| | David Bryant - General Manager Corporate |
| | Sean Hickey – General Manager Strategy and Communication |
| | Julie Clausen – Programme Manager Strategy |
| | Luke O'Dwyer – City Planning Manager |
| | Cory Lang – Building Control manager |
| | Andrew Parsons – Strategic Development Manager |

| | |
|-------------------|--|
| Governance Staff: | Becca Brooke – Governance Lead |
| | Amy Viggers, Rebecca Watson and Claire Guthrie – Committee Advisor's |

The meeting was opened with a Karakia from Muna Wharawhara and a reading from the Venerable Stephen Black.

1. Apologies

Resolved: (Mayor King/Deputy Mayor Gallagher)
There were no apologies.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Macpherson)

That the agenda is confirmed noting the following:

- a) that item 13 (Future proofing Puhinui Station for access by Hamilton-Auckland rail service – Verbal Report) be accepted as a late item. It is a late item as staff were only notified of it on 5 August 2019 and to ensure timely information is provided to Elected Members; and
- b) that Item C6 (Rotokauri North Development No 1 Limited - Private Developer Agreement) and item C7 (Recommendation from the Finance Committee Meeting of 1 August 2019) have been circulated as late items due to the timing of the Finance Committee Meeting and Elected Member Briefing on 1 August 2019.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

Monica Lim, Hannah Huggan, Aimee Hudson, Bridie Case-Miller, Timi Barabas and Fern Melis Goodin (as Student Environment Leaders) spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*). They thanked the Council for the opportunity to speak and requested some additional steps be taken by the Council to address climate change such as increased planting of trees, and greater access to public transport.

Joanna Macky (MSc) spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*). She spoke to the level of emissions by New Zealand, the scientific understanding of climate change concerns, and asked that a 'Climate Change Emergency' not be declared in Hamilton.

Sarah Lorraine Thomson and Louise Hutt spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*) in support of a 'Climate Change Emergency' being declared. They asked the Council to consider a greater number of strategies and projects such as increased planting of native trees.

Lauren Mclean spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*) and the Intergovernmental Panel on Climate Change report which stated that a unprecedented change was required prior to 2030 to save the planet and asked that an emergency be declared.

Josh Nachowitz spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*). He advised that a Climate Change Action Plan for Hamilton City was necessary, that there are large costs associated to climate change damages and that implementing change now would benefit the residents of Hamilton.

Russelle Knapp spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*) in support of a 'Climate Change Emergency' being declared). She asked that an 'Climate Change Emergency' not be declared and spoke to the importance of democratic process.

Anna Casey-Cox and Jo Wrigley (representing Go Eco) spoke to Item 7 (*Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton*) and asked that the Council declare a Climate Change Emergency and continue with work on sustainability projects that benefit the environment.

5. Confirmation of the Council Open Minutes 20 June 2019

Resolved: (Mayor King/ Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 20 June 2019 as a true and correct record.

6. Confirmation of the Council Open Minutes 27 June 2019

Resolved: (Mayor King/ Deputy Mayor Gallagher)

That the Council confirm the Open Minutes of the Council Meeting held on 27 June 2019 as a true and correct record.

7. Implications of Council Declaring a 'Climate Change Emergency' for Hamilton. Consideration of Developing a Climate Change Action Plan for Council and Hamilton.

The General Manager Communication and Strategy spoke to the report. He noted that the cost of a Climate Change Action Plan was lower than originally reported and that it could be met through existing budget. Staff responded to questions from Elected Members concerning the following:

- the inclusion of sustainability principles in Council reports;
- the opinion of Waikato Tainui concerning climate change;
- the status of the Local Government New Zealand remit on Climate Change;
- implementation of additional climate change related projects;
- partnership opportunities between Hamilton City Council, Waikato Regional Council and Waikato Tainui in respect of the proposed action plan; and
- implications if Hamilton City Council was to declare a Climate Emergency and the scope of the proposed Action Plan.

Motion: (Mayor King/Cr Pascoe)

That the Council:

- a) receives the report;
- b) accepts that there is a need for Climate change issues to be considered urgently;
- c) in partnership with Waikato Tainui, Waikato Regional Council and our other strategic partners, Council develop a Climate Change Action Plan for Hamilton City (including an assessment of Hamilton's carbon foot print) to be funded from existing budgets;
- d) approves the draft supplementary information (Attachment 1) to form part of the Council's submission to the Climate Change Response (Zero Carbon) Amendment Bill that is to be presented at Parliament's Environment Committee's hearings for the Bill; and
- e) requests staff report back on progress with a draft plan for agreement at the April 2020 Council meeting.

Amendment: (Cr Southgate/Cr Macpherson)

That the Council:

- a) receives the report.
- b) resolves to declare a climate change emergency for Hamilton;
- c) in partnership with Waikato Tainui, Waikato Regional Council and our other strategic partners, Council develop a Climate Change Action Plan for Hamilton City (including an assessment of Hamilton's carbon foot print) to be funded from existing budgets; and
- d) approves the draft supplementary information (**Attachment 1**) to form part of the Council's submission to the Climate Change Response (Zero Carbon) Amendment Bill that is to be presented at Parliament's Environment Committee's hearings for the Bill.

The Amendment was put.

Those for the Amendment: Deputy Mayor Gallagher, Councillors Macpherson, Bunting, Southgate and Taylor.

Those against the Amendment: Mayor King, Councillors Pascoe, Mallett, Tooman, O'Leary, Casson, Henry and Hamilton.

The Amendment was declared LOST.

The Motion was put and declared CARRIED.

Resolved: (Mayor King/Cr Pascoe)

That the Council:

- a) receives the report;
- b) accepts that there is a need for Climate change issues to be considered urgently;
- c) in partnership with Waikato Tainui, Waikato Regional Council and our other strategic partners, Council develop a Climate Change Action Plan for Hamilton City (including an assessment of Hamilton's carbon foot print) to be funded from existing budgets;
- d) approves the draft supplementary information (Attachment 1) to form part of the Council's submission to the Climate Change Response (Zero Carbon) Amendment Bill that is to be presented at Parliament's Environment Committee's hearings for the Bill; and
- e) requests staff report back on progress with a draft plan for agreement at the April 2020 Council meeting.

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

Those against the Motion : Councillors Tooman, Mallett, Hamilton and Casson.

The meeting was adjourned from 11.47am to 12.37pm.

8. Future Proof Implementation Committee – Agreement

The General Manager City Growth spoke to the report noting the minor change to the agreement, footnote 3, based on feedback from New Zealand Transport Agency. She responded to questions from Elected Members concerning the scope of responsibility of the Future Proof Implementation Committee.

Resolved: (Cr Macpherson/Mayor King)

That the Council:

- a) receives the report;
- b) approves the updated Futureproof Implementation Committee Agreement, with a wording change to footnote 3 to reflect that the noted constraint of legislation and decision making obligations applies to all Partners of Futureproof, not just NZTA, with the Chief Executive delegated the authority to agree the final footnote wording with the other Partners;
- c) delegates the Mayor or Councillor Macpherson to sign the updated Future Proof Implementation Committee Agreement on behalf of Hamilton City Council; and
- d) notes that the first meeting of the expanded Future Proof Implementation Committee in accordance with the updated agreement will occur on 15 August 2019.

9. Building Warrants of Fitness (BWOs) Current Process and BWOs Update

The Building Control Manager introduced the report and outlined the responsibilities of Council as the Territorial Authority under the Building Act 2004. He responded to questions from Elected Members concerning the definition of 'high risk', the BWO's process, how Governors would be updated on BWO's in the future and specific actions being taken by staff concerning buildings that have outstanding BWO within Hamilton City.

Resolved: (Cr Macpherson/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) refers the Building Warrants of Fitness issues raised in the report to the Audit and Risk Committee.

10. Peacocke Property Purchase

The Strategic Development Manager took the report as read and responded to questions from Elected Member concerning the proposed increase in delegation for the Chief Executive's and the reasons as to the size of the increase.

Staff Action: *Staff undertook to provide additional information on the matter at the next Council meeting.*

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council approves a temporary increase to the Chief Executive's Financial Delegation from \$3,000,000 (three million dollars) to \$10,000,000 (ten million dollars), per sale and purchase agreement, solely for the purchase of property related to the Peacocke Housing Infrastructure Fund programme of works subject to not exceeding the total approved property purchase budget of \$66,500,000.

11. Recommendation from the Finance Committee Meeting of 1 August 2019

Resolved: (Cr Mallett/ Cr Casson)

That the Council:

- a) approves the rephrasing and delay deferrals of an additional \$6.53M capital projects from 2018/19 to future years as identified in the 1 August 2019 Capital Portfolio Monitoring Report;
- b) approves the additional funding of \$0.5M for the Central City Jetty as identified in the 1 August 2019 Capital Portfolio Monitoring Report;
- c) approves the significant forecast adjustments as set out in paragraphs 20 to 24 of this report; and
- d) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 25 to 34 of the staff report.

13. Future proofing Puhinui Station for access by Hamilton-Auckland rail service – Verbal Report

The General Manager Development provided Elected Members with an update on the Puhinui Station following the Passenger Rail Working Group meeting on Monday 5 August 2019. He outlined the plans for the Puhinui Station. He noted that there were concerns that the upgrade would not enable any direct future connection for the Hamilton-Auckland passenger rail service, or for that matter, any other inter-regional rail services.

Resolved: (Cr Macpherson/Mayor King)

That the Council:

- a) receives the verbal report; and
- b) requests that Passenger Rail Working Group formally request central Government and Auckland Transport consider the Hamilton-Auckland passenger rail service and other regional rail services in the design of the Puhinui Station, including the third main rail track.

Cr Mallett Dissenting.

12. 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 27 June 2019 |) Good reason to withhold) information exists under) Section 7 Local Government | Section 48(1)(a) |

-
- | | |
|--|--|
| C2. Sale of Land - Victoria on the River |) Official Information and) Meetings Act 1987) |
| C3. Victoria Riverside - Property Purchase | |
| C4. Release of Public Excluded Report and Minutes | |
| C5. CE Employment Matters | |
| C6. Rotokauri North Development No 1 Limited - Private Developer Agreement | |
| C7. Recommendation from the Finance Committee Meeting of 1 August 2019 | |

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 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) |
| Item C3. | 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) |
| Item C4. | to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C5. | to protect the privacy of natural persons | Section 7 (2) (a) |
| 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) |
| | to enable Council to carry out negotiations | Section 7 (2) (i) |

The meeting went into a Public Excluded Session at 2.07pm.

The meeting was declared closed at 6.02pm.