
Extraordinary Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 25 September 2018 at 2.05pm.

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 P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:

- Richard Briggs – Chief Executive
- Jen Baird – General Manager City Growth
- Chris Allen – General Manager Development
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Lance Vervoort – General Manager Community
- Karen Saunders – Group Business Manager
- Greg Carstens – Unit Manager Economic Growth and Planning
- Alice Morris – City Planning Policy Team Leader
- Jackie Collier – City Development Strategic Manager
- Helen Paki – Business Planning Manager
- Andy Mannering – Manager Social Development
- Paul Bowman – Team Leader Economic Growth and Planning
- Stafford Hodgson – Senior Strategic Policy Analyst
- Jamie Sirl – Senior Planner
- Aimee Taylor - Planner
- Laura Galt - Planner

- Lachlan Muldowney – Hamilton City Council Lawyer
- Mark Renner – City Solicitor

Governance Advisors:

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

Tame Pokaia opened the meeting with blessing.

1. Apologies

Resolved: (Crs Macpherson/Bunting)

That the apologies from Cr Pascoe, Cr Casson (for early departure) and Cr Southgate (for early departure) are accepted.

2. Confirmation of Agenda

Resolved: (Crs Casson/Henry)

That the agenda is confirmed noting the following:

- a) that the debate will be 2 minutes with an extension of 1 minute if required;
- b) that there was a replacement staff recommendation in relation to Item 5 (Special Housing Area (SHA) Affordability Criteria) which was circulated to Elected Members prior to the meeting;
- c) Item 7 (HCC's Draft 1 Submission to Waikato District Council's Proposed District Plan) was circulated as a late report prior to the meeting and is to be taken after Item 4 (Public Forum) to accommodate staff availability; and
- d) Item C2 (Amberfield Subdivision Application) was circulated as a late report prior to the 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. Hamilton City Council's Draft 1 Submission to Waikato District Council's Proposed District Plan

The General Manager City Growth introduced the report and noted that the submission was only for the area indicated on the attached map (attachment 2) the area of interest to Hamilton within Waikato District Council's Proposed District Plan.

Staff and the Lawyer for Hamilton City Council responded to questions from Elected Members concerning the position of Future Proof in relation to the proposed District Plan and whether Waikato District Council was aware of Hamilton City Council's position.

Elected Members sought clarification and changes to the submission concerning the following:

- opposition to the Te Kowhai Airpark Zone as it did not connect well with the current Te Kowhai village;
- part opposition to biodiversity offsetting as there was no link to the Regional Policy Statement which advises that there be no net loss when offsetting; and
- commuter transport needs for areas outside of Hamilton's immediate areas of interest.

Resolved: (Mayor King/Cr Taylor)

That the Council:

- a) receives the report;
- b) approves HCC's **Draft 1** submission to Waikato District Council's Proposed District Plan; subject to any amendments agreed by the Council being incorporated into the final submission;
- c) notes the final submission be approved by the Chief Executive and submitted to Waikato District Council by the 9 October 2018;
- d) notes the approved submission will be uploaded to Hamilton City Council's website;

and

- e) notes that Council will speak in support of its written submission at the hearings for Waikato District Council's Proposed District Plan.

6. Special Housing Area (SHA) Affordability Criteria

The General Manager City Growth introduced the report noting that there was a requirement for Council's Special Housing Area Policy to be clearer regarding the affordability criteria. Staff and the Lawyer for Hamilton City Council responded to questions from Elected Members concerning the potential mechanisms Council could prescribe to direct the sale of affordable homes to those that meet specified criteria and the effect of those mechanisms on the market.

Motion: (Mayor King/Deputy Mayor Gallagher)

That the Council resolves to adopt a series of options A through C, with A being the preference, and staff are authorised to implement B or C should the more preferred option or options not meet with the Minister's approval:

Option A

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the Order in Council;
at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market to first home buyers at or below 90% of the Hamilton average house value;
- b) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer; and
- c) the Hamilton SHA policy being updated to reflect the changes outlined above.

Option B

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the order in council;
at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market at or below 90% of the Hamilton average house value.
and
- b) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer.
- c) the Hamilton SHA policy being updated to reflect the changes outlined above.

Option C

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the order in council;
at least 10% of dwellings must be on individual fee simple titled sections and sold at or below 90% of the Hamilton average house value.
and
- b) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the sale be on the open market to first home buyers, and that the purchaser must be a genuine and arms length first home buyer.
- c) the Hamilton SHA policy being updated to reflect the changes outlined above.

Amendment: (Crs O'Leary/Casson)

That the Council:

- a) approves affordability criteria option 2(c): 10% of new dwellings must have a floor area of 120m² or less (including the garage) and
- b) amends the Hamilton Special Housing Areas Policy to include the affordability criteria in a) above.

The Amendment was put.

Those for the Amendment: Councillors O'Leary and Casson.

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

The Amendment was declared lost.

The Motion was then put and declared carried unanimously.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council resolves to adopt a series of options A through C, with A being the preference, and staff are authorised to implement B or C should the more preferred option or options not meet with the Minister's approval:

Option A

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the Order in Council;
at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market to first home buyers at or below 90% of the Hamilton average house value;
- d) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer; and
- e) the Hamilton SHA policy being updated to reflect the changes outlined above.

Option B

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the order in council;
at least 10% of dwellings must be on individual fee simple titled sections and be sold on the open market at or below 90% of the Hamilton average house value.
and
- d) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the purchaser must be a genuine and arms length first home buyer.
- e) the Hamilton SHA policy being updated to reflect the changes outlined above.

Option C

To recommend the SHA proposal to the Minister subject to:

- a) the following affordability criteria being included in the order in council;
at least 10% of dwellings must be on individual fee simple titled sections and sold at or below 90% of the Hamilton average house value.
and
- b) the PDA with the developer including any necessary provisions which enforce the delivery of this affordability criteria outcome, including a requirement that the sale be on the open market to first home buyers, and that the purchaser must be a genuine and arms length first home buyer.
- d) the Hamilton SHA policy being updated to reflect the changes outlined above.

7. Resolution to Exclude the Public

Resolved: (Mayor King/Cr Bunting)

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. Special Housing Area (SHA) Affordability Criteria) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Amberfield Subdivision Application) 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 commercial activities without disadvantage	Section 7 (2) (h)
Item C2.	to enable Council to carry out negotiations	Section 7 (2) (i)

Crs Casson and O’Leary retired from the meeting at the conclusion of the open session of the meeting.

The meeting went into a Public Excluded session at 4.16pm.

The meeting was declared closed 5.47pm.