
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 28 May 2015 at 1.30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Chief Executive, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Customer Relationships, General Manager Events and Economic Development, General Manager Performance and Chief Financial Officer,.
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Director of Operations H3, City Planning Unit Manager, Strategic Property Unit Manager, Programme Manager – Bylaws and Communications Unit Manager

Committee Advisors	Mrs J Pani and Mrs M Birch
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Opening Prayers

The Opening Prayers were led by Reverend Doctor Susan Thompson, a member of the Methodist Community.

Altrusa Award – Women’s Empowerment Principles

Members of Zonta Hamilton/Waikato presented a certificate to Hamilton City Council to recognise Hamilton City Council signing the Women’s Empowerment Principles. Pam Witten and Vicki Mee spoke on behalf of Zonta Hamilton/Waikato and presented the certificate to Mayor Julie Hardaker and Chief Executive, Richard Briggs.

Minute’s Silence

A minute’s silence was held to recognise the recent death of the former Hamilton City Councillor and Member of Parliament for Hamilton West, Dorothy Jelicich.

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That apologies from Councillor Gallagher be accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the Council confirm the agenda, noting the following additional tabled documents: recommendations from the Strategy and Policy Committee meeting held on 26 May (Item 7) and a memo from the City Planning Unit Manager (Item 9).

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

There were no speakers in the public forum.

5. Council Minutes - Open - 30 April 2015

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 30 April 2015.

6. Recommendations to Council - Finance Committee Meeting 21 May 2015

Councillor Pascoe, the Chair of the Finance Committee, presented the recommendations of the Committee Meeting held on 21 May 2015. These recommendations were moved by Councillor Pascoe, seconded by Councillor Mallett.

This item was deferred until later in the meeting to enable Councillor Pascoe to review the draft minutes from the 21 May Finance Committee meeting to confirm the proposed amendments to the New Zealand Local Government Funding Agency Documents.

7. Recommendations to Council - Strategy and Policy Committee Meeting - 26 May 2015

Councillor O'Leary, the Chair of the Strategy and Policy Committee, presented the recommendations of the Committee Meeting held on 26 May 2015, which were tabled at the Council Meeting.

The 26 May 2015 Strategy and Policy Committee agenda, including all attachments, is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

Clarity was sought on whether the tabled recommendations could be received on to the agenda given the legislative requirement for the agenda to be circulated two clear working days prior to the meeting.

The Democracy Manager advised that the circulation of information after the Committee meeting which was held on 26 May 2015 was notified on the Council agenda that had been circulated in accordance with Standing Orders; and that the Council had resolved to receive the tabled documents when the Agenda was confirmed under Item 2.

The Democracy Manager also commented that the Strategy and Policy Committee received notification that the recommendations from the 26 May Committee meeting would be presented to the Council on 28 May for consideration.

It was requested that the recommendations expressed in parts be voted on part by part.

It was confirmed regarding a bylaw deliberation and adoption report, that Council could accept or reject the recommendations in total. Council could also make changes.

Resolved: (Crs O'Leary/Chesterman)

1. Older Persons Plan

That Council:

- a) Approves the Hamilton Older Persons Plan as presented to the Committee; and
- b) Notes that progress on the Plan will be reported six-monthly through the Community Forum Subcommittee

Councillors Macpherson and Mallett dissenting.

Resolved: (Crs O'Leary/Yeung)

2. Public Art Plan & Development Guide

That:

- a) Council adopts the revised Draft Public Art Plan and Development Guide as presented to the Committee;
- b) Council notes that a Terms of Reference for a Public Art Subcommittee is to be reported back to the 7 July Strategy and Policy Committee; and
- c) the Art in Public Places Policy be deleted.

Resolved: (Crs O'Leary/Chesterman)

3. Stormwater Bylaw 2015 Deliberation & Adoption Report

That:

- a) Council determines that the Hamilton Stormwater Bylaw 2015 does not give rise to implications under the New Zealand Bill of Rights 1990;
- b) Council accepts the recommended changes to the Hamilton Stormwater Bylaw 2015 as shown in Attachment 1 to the Committee report and adopts the Stormwater Bylaw 2015;
- c) Council adopts the associated Stormwater High Risk Facilities Register; and
- d) the Hamilton Stormwater Bylaw 2015 comes into force on 28 September 2015.

Councillors King and Macpherson dissenting.

Resolved: (Crs O'Leary/Chesterman)

4. Dog Control Policy and Bylaw 2015 Deliberation and Adoption Report

That Council:

- a) Amends the draft Hamilton Dog Control Policy and Register with the following changes:
 - (i) Remove Hammond Park from the Dog Control Off-Lead Exercise and Prohibited Areas Register
 - (ii) Update the Policy with the tracked changed wording so it is easier to read.
- b) Adopts the Hamilton Dog Control Policy and Bylaw 2015 to come into force 1 July 2015.
- d) Adopts the amended Dog Control Off-Lead Exercise and Prohibited Areas Register; and
- e) Revokes the Hamilton City Dog Control Bylaw 2009 on 1 July 2015.

8. FIFA U-20 World Cup New Zealand 2015 - Update

The General Manager Events and Economic Development and the Director of Operations H3, presented this update report on Hamilton hosting matches as part of the FIFA U-20 World Cup.

It was noted that:

- There had been extremely positive feedback from the FIFA organising committee, including the condition of the playing grounds;
- There was an excellent contribution to the success of Hamilton hosting this event by the Council team;
- Along with the \$357,000 income from the private sector, there was an additional \$20,000 “in kind” support from Sky City;
- The \$160,000 hosting fee was used within New Zealand;
- The costs to Council did not include staff time;
- The surplus would be returned to the Event Sponsorship Fund; and
- Confirmation there would be no carry-forward funding from the Event Sponsorship Fund.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the report be received

9. Frankton Railyards - Tyres

The General Manager Events and Economic Development presented this update report regarding the removal of the abandoned tyres from the Frankton Railyards and their relocation to other sites.

Additional information on how tyre storage is managed and regulated, prepared by the City Planning Manager in response to discussion at the 26 May 2015 Strategy and Policy Committee Meeting, was tabled.

The GM summarised the current situation and commented that with the high media interest he would attempt to clarify some of the issues, including Council’s contractual obligations.

During questions to staff it was noted:

- Council was introduced to the sub-tenant Pacific Foods by Kiwirail, which gave staff comfort to enter into the contract;
- Contract entered into with Pacific Foods was for a permissible activity;
- There was no indication of potential compliance issues with thresholds being triggered;
- Issues with tyre storage were brought to Council’s attention by a neighbour and the Fire Service;
- A system was being introduced to ensure that with the passage of time, the organisation did not lose institutional knowledge;
- EcoVersion has advised they are using the two sites – Waihi and Taupo – temporary storage solutions;
- EcoVersion intend to extract two products from the used tyres; firstly a product to make new tyres and secondly a bitumen modifier which is used for roading construction;
- EcoVersion had confirmed that the project will proceed;
- Council does not have any further financial liability;
- Discussions with Kawerau District Council (KDC) were at officer level only;

- Contracts (including milestones) were in place between EcoVersion and KDC;
- Council paid \$250,000 to move the tyres from the Frankton Railyards;
- Council did not receive any of the projected \$8,000 rental income from Pacific Foods; and
- Council needed to be cautious regarding negotiating contracts and their subsequent monitoring and any enforcement issues.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)
That the report be received.

During Item 9:

Councillor Green left the meeting at 3.08pm and rejoined the meeting at 3.20pm.

The Meeting adjourned from 3.25pm until 3.45pm

Councillors Green and O'Leary retired from the meeting at 3.25pm and were not present for voting.

Councillor Mallett retired from the meeting at 4.00pm and was not present for voting.

The Meeting returned to consideration of Item 6.

6. Recommendations to Council - Finance Committee Meeting 21 May 2015 Cont'd

Councillor Pascoe confirmed that the recommendations from the 21 May 2015 Finance Committee Meeting, as noted in the Council agenda, were correct. The attachment to the Committee report provided detail on the changes being requested. The Motion which had been moved by Councillor Pascoe and seconded by Councillor Mallett earlier in the meeting was then put.

Resolved: (Crs Pascoe/Mallett)

1. Proposed Amendments to New Zealand Local Government Funding Agency (NZLGFA) Documents

That Council approves the changes to the NZLGFA documents presented to the Committee.

2. Community Occupancy Applications – Graham Park and Beetham Park

That Council:

- a. Consents to the Hamilton Childcare Services Trust assignment of lease at Beetham Park to the Waikato Kindergarten Association; and
- b. Approves a variation to Clause 30(a) of the River Glade Archers Incorporated Licence to Occupy at Graham Park.

10. Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

Section 48, Local Government Official Information and Meetings Act 1987

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. Council Minutes - Public Excluded - 30 April 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Honorary Hamilton Ambassador Award) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Proposed District Plan - Appeals to the Te Rapa North Industrial Zone)	

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 protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.	on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i)
	to maintain legal professional privilege	Section 7 (2) (g)

Councillor Macpherson dissenting.

The Meeting moved into Public Excluded Session from 4.15 until 4.50pm.

The Meeting was declared closed at 4.50pm.