
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 30 June 2016 at 1:30pm.

PRESENT

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

In Attendance	Chief Executive – Richard Briggs
	General Manager Strategy and Communication – Sean Hickey
	General Manager Community – Lance Vervoort
	General Manager City Growth – Kelvyn Eglinton
	General Manager Corporate – David Bryant
	Executive Director H3 and Events – Sean Murray
	Communications Manager – Lee Cowan
	Revenue Manager - John Gibson
	Greg Carstens – Strategic Policy Analyst
	Kelvin Powell – City Safe Unit Manager
	Paula Rolfe – District Plan Review Project Manager
	Jacob Quinn – Special Projects Manager
	Dale Ofsoske – Electoral Officer, Election Services

Committee Advisors	Mrs J Pani and Mrs MM Birch
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1. Apologies

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

That the apologies from Councillor Pascoe be received and accepted.

2. Confirmation of Agenda

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

That the Agenda be confirmed noting Item 7 – Adoption of the Annual Plan 2016/17 and Item 9 – Rates Resolution to set and assess Rates for 2016/2017 were to be taken after the Public Forum as the first substantive Items on the Agenda. Item 5 - Confirmation of the Council Minutes was to be taken as the last substantive Item on the Open Agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes had been set aside for a public forum. No members of the public spoke.

7. Adoption of the Annual Plan 2016/17

The Chief Executive and General Manager Corporate introduced this Item, explaining the process that had been undertaken and the potential risks if the Annual Plan was not adopted. Staff responded to questions relating to the detail contained in the Annual Plan and minor amendments were made as follows:

- Delivering the Hamilton Plan – River Plan on page 30 of the Council Agenda – the wording be changed to *“The developer’s plan for Ferrybank will be considered in August....”*;
- Delivering the Hamilton Plan - Transforming the Central City – on page 30 of the Council Agenda - the wording to be changed to *“A parking zone in the south of the city offering free parking before 9am and after 3pm”*;
- The Hamilton Plan – Our 10 Priorities are – on page 27 of the Council Agenda the wording of the 8th bullet point to be changed to *“Access to affordable housing”*; and
- Delivering the Hamilton Plan – Recreation Facilities – on page 33 of the Council Agenda – remove the wording *“four-court”*.

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

That:

- a) the report be received; and
- b) the Annual Plan 2016/17 be adopted with the wording changes articulated at the Meeting.

Before the above matter was voted on, further motions were Put as follows:

Resolved: (Crs King/Mallett)

That the H3 budget is increased to reflect the full revenue of leasing the Clarke Lounge for Civic and hosting functions and the associated Civic Events budget is increased.

Crs Chesterman and Yeung Dissenting.

Resolved: (Crs King/Mallett)

That:

- a) Staff bring a full report on section availability, infrastructure availability, growth pressures and infrastructure planning to the August 2016 Council meeting; and
- b) Staff present a report to the August 2016 meeting in respect of councils debt and swap portfolio including the Treasury Management Policy.

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

That:

- a) the report be received; and
- b) the Annual Plan 2016/17 be adopted with the wording changes articulated at the meeting.

The Meeting adjourned during the above Item (3.15 to 3.20pm).

9. Rates Resolution to Set and Assess Rates for 2016/2017

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

That:

- a) the report be received; and
- b) Council resolves the set and assess the following rates to apply to the 2016/17 financial year (1 July 2016 to 30 June 2017):

All figures are GST inclusive

General Rate

A general rate is set and assessed on the capital value of all rateable land in the City.

General rates are set under Section 13 of the Local Government (Rating) Act 2002 on a differential basis on the categories of land identified below. The rating categories are defined in the Rating Policy. The differential basis is the use to which the land is put, and in the case of the BID Commercial differential, the location of the land. The different categories of rateable land are outlined in the table below.

This funding mechanism covers all services of Council. The total revenue sought for 2016/2017 is \$32.458 million.

A general rate set and assessed on a differential basis as follows:

source	differential categories	differential factor	Percentage of Total General Rates	general rate in the dollar of Capital value (GST incl)	Rates revenue (gst incl)
General Rate	Residential	1.0000	65.00%	0.00092568	\$21,039,499
	Commercial	1.8455	27.08%	0.00170838	\$8,766,908
	BID Commercial	1.7533	6.92%	0.00162296	\$2,238,381
	Rural	0.4662	1.00%	0.00043153	\$323,684

Land described in Part 2 of Schedule 1 of the Local Government (Rating) Act 2002 (broadly land owned or used by societies for arts or sports) will be assessed 50% of the residential rate (general and transitional rates) that applies to the land.

The revenue sought for 2016/17 is \$212,104.

Targeted Rates

Transitional Rate

The rate is set and assessed on the land value of all rateable properties in the City.

The transitional rates are set on a differential basis on the categories identified in the table below. The rating categories are defined in the Rating Policy. The differential basis is based on the use to which the land is put, the location of the land and/or area of the land.

The total revenue sought is \$129.706 million.

source	differential categories	differential factor	Percentage of Total transitional Rates	transitional rate in the dollar of land value (GST incl)	Rates revenue (gst incl)
Transitional Rate	Residential	1.0000	63.16%	0.00745521	\$81,928,009
	Commercial	3.0283	26.75%	0.02257668	\$34,689,927
	BID Commercial	2.8769	7.25%	0.02144785	\$9,410,180
	MultiUnit Residential	1.5183	1.79%	0.01131894	\$2,322,058
	Rural Residential	0.5732	0.05%	0.00427321	\$58,919
	Rural Small	0.3868	0.75%	0.00288389	\$972,249
	Rural Large	0.1816	0.25%	0.00135390	\$324,814

Metered Water Rate

The rate is set and assessed for metered and restricted flow water supply on a differential basis to all metered rating units (as defined by Hamilton City Council's Water Supply Bylaw 2013).

The rate is:

- i. a fixed amount based on the nature of the connection as follows:
 - \$430 for all metered rating units(except rural receiving a restricted flow supply); and
 - \$318 for rural rating units receiving a restricted flow supply.
- ii. a charge per unit of water consumed or supplied on every metered connection in accordance with the following scale:
 - All metered rating units (except rural receiving a restricted supply) - \$1.79 per kilolitre of water supplied after the first 240 kilolitres of consumption or supply; and
 - rural rating units receiving a restricted flow supply - \$1.32 per kilolitre of water supplied after the first 240 kilolitres of consumption or supply.

The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.

The total revenue sought is \$9.394 million.

Commercial and Rural Non-metered Water Rate

The rate is set and assessed on non-metered Commercial and Rural properties which are connected to or have a water supply available. The rate is \$430 per separately used inhabited part of the rating unit.

The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities. The total revenue sought is \$266,600.

Access Hamilton Rate

The rate is set and assessed at a uniform rate per dollar of capital value on all rating units in the City (excluding 100% non-rateable and 50% non-rateable properties).

The rate is \$0.00019173 per dollar of capital value. The total revenue sought is \$5,750,000.

The Access Hamilton rate funds the work programmes and/or financing costs relating to this project as part of the Transport Network activity.

Business Improvement District Rates (BID)

The rate is set and assessed on all separately used or inhabited part of commercial rating units in the BID area as mapped in the Rating Policy. The rate is:

- i. BID Fixed rate: a fixed amount of \$230 per separately used or inhabited parts of a rating unit within the defined area; and
- ii. BID CV Rate: a rate per dollar of capital value required to meet the total revenue (after allowing for the total revenue raised by the fixed amount of \$230 per separately used or inhabited part of a rating unit), is \$0.00003424.

The rate provides funding to the Economic Development activity. The total revenue sought is \$322,000.

Hamilton Gardens Rate

The rate is set and assessed as a fixed amount on all separately used or inhabited part of each rating unit within the City. The rate is set at \$11.50.

The rate contributes funding to develop themed gardens and infrastructure as part of the Hamilton Gardens activity.

The total revenue sought is \$707,250.

Services Category Use - Water Rate

The rate is set and assessed on properties as defined as service category (see Rating Policy) and which are connected to the water supply.

- i. a fixed amount of \$430 per separately used or inhabited part of a rating unit; and
- ii. a rate per dollar of land value of the rating unit, set at \$0.00204605

The rate provides funding towards the water distribution and water treatment and storage activities.

The total revenue sought is \$118,399.

Services Category Use- Refuse Rate

The rate is set and assessed on properties defined as service category (see Rating Policy) and which are provided with refuse collection service. The rate is:

- i. a fixed amount of \$149 per separately used or inhabited part of a rating unit; and
- ii. a rate per dollar of land value per rating unit set at \$0.00073504.

The rate provides funding towards the refuse collection activity.

The total revenue sought is \$46,220.

Service Category Use -Sewerage Rate

The rate is set and assessed on properties defined as service category (see Rating Policy) and which are connected to the sewerage network. The rate is:

- i. a fixed amount of \$421 per separately used or inhabited part of a rating unit; and
- ii. The rate per dollar of land value set at \$0.00222648.

The rate provides funding towards the sewage distribution and sewage treatment and storage activities.

The total revenue sought is \$956,604.

Due Dates for Payment of Rates

The due dates for rates covering the financial period 1 July 2016 to 30 June 2017 are as follows:

Area	Instalment 1	Instalment 2	Instalment 3	Instalment 4
North East	18 Aug 2016	10 Nov 2016	1. 16 Feb 2017	11 May 2017
South East	25 Aug 2016	17 Nov 2016	2. 23 Feb 2017	3. 18 May 2017
North West	01 Sep 2016	24 Nov 2016	4. 02 Mar 2017	5. 25 May 2017
South West	08 Sep 2016	01 Dec 2016	6. 09 Mar 2017	01 Jun 2017

Penalties

Pursuant to Section 57 and 58 of the Local Government (Rating) Act 2002 Council authorises the following penalties that may be applied:

- (a) A penalty of 10% of the amount due and unpaid on the due date to be added on the day after the due date;
- (b) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 7 July 2016 to be added on the day after 7 July 2016;
- (c) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 7 January 2017 to be added on 7 January 2017; and
- (d) A penalty of 10% of the amount unpaid for water-by-meter rates charged to be added on the day after the due date.

Cr Chesterman retired from the meeting at the start of the above Item (4.00pm) and was not present when the matter was voted on.

6. 2016 Triennial Elections - Appointment of Electoral Officer

The Democracy Manager introduced Dale Ofsoske, Election Services.

Resolved: (Crs Mallett/Her Worship the Mayor Hardaker)

That:

- a) The report be received; and
- b) Pursuant to Section 12 (1) of the Local Electoral Act 2001, Dale Ofsoske, from Independent Election Services Ltd, be appointed as the Hamilton City Council's Electoral Officer, with effect from 1 July 2016.

8. Development Contributions Policy Update 2016/2017

General Manager City Growth and Strategic Policy Analyst introduced the report which was taken as read. An update was provided regarding the current status of issues raised by the Developer Party; of the 21 issues raised agreement had still to be reached on eight.

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

That:

- a) the report be received.
- b) Council adopts the recommended amendments to Council's Development Contributions Policy effective 1 July 2016, detailed in the attachments to this report, being:
 - (i) updated development contribution charges;
 - (ii) a new Special Assessments provision;
 - (iii) an amendment that dwellings with four or more bedrooms shall not receive the residential Higher Density dwelling discount;
 - (iv) an amendment that excludes Council from paying itself development contributions for its own capital projects;
 - (v) two new sections providing additional disclosure and guidance relating to private developer agreements (PDA's) and Objections under the Local Government Act 2002; and
 - (vi) minor changes such as updated dates and page references.
- c) Council endorses the wider outcomes of Phase 2 of the Development Contribution and Growth Funding Working Group.
- d) staff provide an updated report on the matters in paragraph 36 at the August 2016 Council meeting.
- e) issue 22 is added to the Attachment 6 – that issue is to discuss with the working group the CBD remission.

10. Victoria on the River (VOTR) - Stage Two Works

General Manager Community and Special Projects Manager took the report as read.

Resolved: (Her Worship the Mayor Hardaker/Wilson)

That:

- a) the report be received;
- b) Council delegates authority to the Chief Executive to approve and award the contract for the Victoria on the River (VOTR) – Stage Two (Earthworks and Enhancement) for an amount not to exceed \$4,900,000 (plus GST if any); and
- c) Council authorises the Chief Executive to execute any instruments required to give effect to this resolution.

Councillor Mallett Dissenting

11. Rototuna Indoor Recreation Centre - Funding Contribution and Operating Agreement

General Manager Community took the report as read.

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

That:

- a) the report be received;
- b) Grant funding of \$52,000 per annum, for capital renewals related to the Rototuna Indoor Recreation Centre, as required by the Ministry of Education, be included in the next Long Term Plan from the 2027/28 year onwards; and
- c) Council appoints Deputy Chief Executive, Lance Vervoort and Councillor Forsyth, as Initial Trustees of the Rototuna Indoor Recreation Centre Trust.

It was agreed that Her Worship the Mayor Hardaker would write to the Mayor of Waikato District. The letter would express Council's disappointment regarding Waikato District Council's current decision not to contribute to the funding of the Rototuna Indoor Recreation Centre.

The Meeting adjourned (4.55pm – 5.10pm)

Cr Forsyth left the Meeting during the adjournment (4.55pm)

12. RATA Multi-party funding agreement

Resolved: (Crs Tooman/Gallagher)

That:

- a) the report be received;
- b) the Chief Executive is delegated to enter into a multi-party funding agreement with the Waikato Local Authority Shared Services for the Waikato Road Asset Technical Accord's service from 1 July 2016 for a period of 2+3+3 years (with rights of renewal after each period and an ability for Councils to stay or opt out); and
- c) the Chief Executive is instructed to raise this Council's concerns about the governance structure and seek a more simplified governance structure.

Cr Forsyth re-joined the Meeting (5.15pm) during the discussion on the above Item and was present when the matter was voted on.

13. Animal Education and Control Dog Control Act 1996 - Section 10A report

City Safe Unit Manager introduced the report, which was taken as read. It was explained that under the Dog Control Act 1996, Territorial Authorities were required to submit a report to Secretary for Local Government on their dog control policies and practices.

Resolved: (Crs Wilson/Forsyth)

That:

- a) the report be received; and
- b) the report be adopted by Council, submitted to the Secretary for Local Government and published in accordance with the Dog Control Act 1996.

14. Recommendations to Council - Strategy and Policy Committee Meeting - 7 June 2016

Councillor O'Leary, Chair of the Strategy and Policy Committee, introduced the Item.

Resolved: (Crs O'Leary/Yeung)

1. 2016 Disability Policy Review

That the draft Disability Policy 2016 and revised Disability Action Plan 2016/17 are recommended for approval.

Resolved: (Crs O'Leary/Yeung)

2. Older Persons Plan Annual Report

That the following completed actions from the Older Persons Plan and Older Persons Plan Annual Implementation report be removed:

- a) Action 5 – Develop guidelines for council information in formats more accessible to older people;
- b) Act 13 – Deliver six mobile technology workshops to Hamilton Rest Homes; and
- c) Action 19 - The Older Persons Advisory Panel will develop a plan for communicating with and obtaining the views of older people by June 2016.

Crs Mallett and Macpherson Dissenting.

Resolved: (Crs O'Leary/ Her Worship the Mayor Hardaker)

3. Future Proof Update

That Council confirm the following positions as a basis for advocacy by Council's representatives at the Future Proof Implementation Committee in relation to the update of the Future Proof Growth Strategy and Implementation Plan 2009:

- a) That the established Hamilton Urban Growth Strategy (HUGS) settlement pattern remains Council's strategic position and that growth cell staging will continue to occur in accordance with planned HUGS sequencing, noting that changes in sequencing remains Council's decision. This includes the 50% Infill:Greenfield targets and progressing Peacockes Stage 2 as the next major residential growth cell;
- b) That the City has an adequate allocation and appropriate staging of industrial land within the Ruakura, Te Rapa North and Rotokauri areas to provide for future growth needs;
- c) That Council acknowledges and supports the growth planned in existing towns in the Waikato and Waipa Districts, in line with the existing Future Proof strategy, provided they are developed with appropriate community and social infrastructure, not just 'core services', while ribbon growth along the Waikato Expressway is resisted and that further connections to the Waikato Expressway are kept to a minimum;

- d) That growth of the villages around Hamilton should be generally aligned with what is anticipated in the existing Future Proof Strategy, including the use of clear urban limits and allowing for gaps between the City/towns and villages;
- e) That any large scale residential, commercial or industrial development in the Waikato and Waipa Districts above and beyond that already anticipated by the existing Future Proof Strategy or the Regional Policy Statement will be of potential concern;
- f) That an implementation action be included in the Future Proof update to negotiate a Strategic Agreement with Waipa District Council in relation to the Waipa District land on the City-side of the Southern Links designation, and with Waikato District in relation to land bordered by Southern Links, east side of the Waikato River and the Waikato Expressway for the purposes of a long term urban land resource for the City beyond the current HUGS cells;
- g) That Council supports the use of population growth statistics that align with the National Policy Statement on Urban Development;
- h) That Council is to advance negotiations with Waikato District Council to bring HT1, R2 and WA into the City boundary ahead of the current dates in the Strategic Agreement as part of the Future Proof Review; and
- i) That Council supports an independent assessment to validate growth projections (sequencing, area and timing) which is currently proposed by each Future Proof partner.

Cr Mallett Dissenting.

Item 5 was taken next to accommodate staff availability.

5. Council Minutes - Open - 19 and 26 May 2016

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meeting held on 19 May 2016.

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meeting held on 26 May 2016 noting that Item 8 – Wairere Drive and Huntington Drive (West) intersection safety concerns and improvement was moved by Councillor Yeung and seconded by Councillor Pascoe.

15. Proposed National Policy Statement on Urban Development Capacity

General Manager City Growth and District Plan Review Project Manager introduced the Item. Feedback on the draft submission was provided.

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

That the report is to be referred to the Extraordinary Council Meeting on 14 July 2016.

16. Resolution to Exclude the Public

Resolved: (Her Worship the Mayors Hardaker/Yeung)

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. Council Minutes - Public Excluded - 19 and 26 May 2016) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987))))	Section 48(1)(a)

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. for the reasons noted in the agendas Section 7 (2)

The Meeting moved into a Public Excluded session 5.40pm to 5.45pm

The Meeting was declared closed 5.45pm