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## **Council Kaunihera OPEN MINUTES**

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and audio visual link on Thursday 29 April 2021 at 9.31am.**

### **PRESENT**

#### **Members**

Mayor P Southgate (via Audio Visual link)  
Cr M Bunting  
Cr M Gallagher (via Audio Visual link)  
Cr R Hamilton  
Cr D Macpherson  
Cr K Naidoo-Rauf (via Audio Visual link)  
Cr A O'Leary  
Cr R Pascoe  
Cr S Thomson  
Cr M van Oosten  
Cr E Wilson

#### **In attendance:**

Richard Briggs - Chief Executive  
Lance Vervoort - General Manager Community  
Sean Murry - General Manager Venues, Tourism and Major Events  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Jen Baird – General Manager City Growth  
Maire Porter – City Waters Manager  
Paul Bowman – Team Leader City Planning  
Lucy Ryan – City Centre Place Manager  
Wendy O'Neil – Strategic Property Team Leader  
Julie Clausen – Unit Manager Strategy and Corporate Planning  
Clare Foster – Property Officer

#### **Governance Staff:**

Becca Brooke – Governance Manager  
Amy Viggers – Governance Team Leader  
Tyler Gaukrodger and Carmen Fortin – Governance Advisors

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*Tame Pokaia opened the meeting with a karakia.*

#### **Resolved:**

(Cr Wilson/Cr Thomson)

That Cr O'Leary be appointed to the Role of Chair for the duration of the meeting.

**1. Apologies – *Tono aroha***

**Resolved:** (Cr O’Leary/Cr Van Oosten)

That the apologies for absences from Cr Forsyth, for partial attendance from Mayor Southgate, Deputy Mayor Taylor and Cr Gallagher are accepted.

**2. Confirmation of Agenda – *Whakatau raarangi take***

**Resolved:** (Cr Wilson/Cr Thomson)

That the agenda is confirmed noting that:

- a) Item 11 (Waikato Community Lands Trust – Funding Update) be deferred to allow further discussions with Waikato Community Lands Trust prior to the report being brought back to a future meeting of the Council; and
- b) Late item C12 (Judicial Review Verbal Update – 29 April 2021) is accepted. This was circulated as a late item to enable timely information to be distributed to Elected Members. Item 12 (Judicial Review Verbal Update – 29 April 2021) will be taken after Item C4 (Confirmation of the Elected Member Public Excluded Briefing Notes – 1 April 2021) to accommodate presenter availability.

**3. Declarations of Interest – *Tauaakii whaipanga***

No members of the Council declared a Conflict of Interest.

**4. Public Forum – *AAtea koorero***

**John Heskett** spoke to item C6 (Sky Gardens NZ Limited Request for Exclusivity Agreement – Arts Post Car Park Site, Victoria Street).

**5. Confirmation of the Council Open Minutes of 18 March 2021**

**Resolved:** (Cr Bunting/Wilson)

That the Council confirm the Open Minutes of the Council Meeting held on 18 March 2021 as a true and correct record.

**6. Confirmation of the Council Open Minutes of 1 April 2021**

**Resolved:** (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 1 April 2021 as a true and correct record.

**7. Confirmation of the Elected Member Open Briefing Notes - 10 March 2021**

**Resolved:** (Cr Bunting/Cr Wilson)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 10 March 2021 as a true and correct record.

**8. Confirmation of the Elected Member Open Briefing Notes - 17 March 2021**

**Resolved:** (Cr Hamilton/Cr Wilson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 17 March 2021 as a true and correct record.

**9. Chair's Report**

**Resolved:** (Cr Wilson/Cr Hamilton)

That the Council:

- a) receives the report; and
- b) notes Maangai Hemi Rau's resignation and the subsequent reappointment process.

**10. Central City Transformation Plan (CCTP) Refresh – Approval**

**Resolved:** (Cr Bunting/Cr van Oosten)

That the Council:

- a) receives the report; and
- b) approves the Central City Transformation Plan Refresh document (**Attachment 1** of the staff report).

**The meeting was adjourned from 10.39am to 10.54am.**

**11. Waikato Community Lands Trust - Funding Update** *this item was deferred to a future meeting of the Council during item 2 (Confirmation of the agenda).*

**12. Approval of HCC's Submissions to the 2021-31 Draft Long Term Plans of Waipa District Council, Waikato Regional Council and Waikato District Council**

**Resolved:** (Cr Pascoe/Cr Bunting)

That the Council:

- a) receives the staff report;
- b) approves HCC's **DRAFT 2** (appendix 1 of the minutes) submissions to the 2021-31 Draft Long Term Plans of Waipa District Council, Waikato Regional Council and Waikato District Council;
- c) notes the approved submissions will be sent to the respective three councils by 30 April 2021, noting minor changes will be incorporated into the final submissions;
- d) notes that Council representatives will request to speak in support of the approved submissions at the hearings for the 2021-31 Draft Long Term Plans of the respective three councils; and
- e) notes that the three approved submissions will be uploaded to Hamilton City Council's website.

*Cr Macpherson re-joined the meeting (10.57am) during the discussion of the above item.*

*Mayor Southgate joined the meeting (11.05am) during the discussion of the above item.*

**13. Domain Endowment Lease - Freeholding - 5 Cotter Place**

*Mayor Southgate retired from the meeting (11.40am) during discussion of the above item. She was not present when the item was voted on.*

**14. Three Waters Reform update**

**Resolved:** (Cr Wilson/Cr O'Leary)

That the Council receives the report.

**15. Recommendations from Open Committee Meetings**

**Financial Strategy Monitoring Report**

**Resolved:** (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the capital movement as identified in paragraph 20 and 21 of the 23 March 2021 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 and 20 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 21 to 23 of the staff report.

**Human Resources Information Services Contract Award**

**Resolved:** (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the direct appointment of Lagom Group as delivery consultant for the implementation of Council's HRIS solution noting the following:
  - i) that the project term is a period of eleven; and
  - ii) that the approved contract sum is set no greater than \$2,145,000;
- b) approves the direct appointment of Ceridian as HRIS software provider noting the following:
  - i) that the contract term is a period of five years; and
  - ii) that the approved contract sum is set no greater than \$1,895,000; and
- c) delegates authority to the General Manager People and Organisational Performance Group to finalise and execute contracts with Lagom Group and Ceridian.

**Personal Hire Devices- End of Trial Review**

**Resolved:** (Cr O'Leary/Cr Gallagher)

That the Council approves the following fees and charges:

- a) \$300 annual permit fee;
- b) fee of \$0.13 per ride; and
- c) a \$10,000 education campaign fund per operator, noting that there may be future ongoing funding shared among all operators for Council and user education.

**Korikori Green Proposal to Declare a Pedestrian Mall - Deliberation and Adoption Report**

**Resolved:** (Cr O'Leary/Cr Gallagher)

That the Council:

- a) approves that a section of Korikori Green be declared a Pedestrian Mall under Section 336(1) of the Local Government Act 1974;
- b) approves a public notice be issued stating the Council decision to declare a section of Korikori Green a Pedestrian Mall;
- c) notes that under section 336(3) of the Local Government Act 1974, any person may, within one month after making of a declaration of the pedestrian mall, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration; and
- d) notes that if no appeals to the declaration of the Pedestrian Mall in Korikori Green are received or upheld that the Hamilton Traffic Bylaw Pedestrian Mall register will be updated to include this information.

**Hamilton Stormwater Bylaw Review - Deliberations Report**

**Resolved:** (Cr O’Leary/Cr Gallagher)

That the Council:

- a) notes that, as part of this review, Council determined on 30 April 2020 that a Stormwater Bylaw is the most appropriate mechanism for addressing issues relating to stormwater management in Hamilton;
- b) notes that the Hamilton Stormwater Bylaw 2015 has been reviewed and consulted on as per the requirements of the Local Government Act 2002;
- c) notes that the revised Stormwater Bylaw 2021 is the most appropriate form of the bylaw, having regard to the issues identified in the review and consultation feedback;
- d) notes that the revised Hamilton Stormwater Bylaw 2021 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and adopts the revised Stormwater Bylaw 2021 effective from 1 October 2021.

**Waste Management and Minimisation Bylaw 2019**

**Resolved:** (Cr O’Leary/Cr Gallagher)

That the Council:

- a) approves the update minor changes to clause 9.2 of the Waste Management and Minimisation Bylaw 2019 ; and
- b) notes that section 156(2)(a) of the Local Government Act 2002 enables errors in a bylaw to be corrected by a publicly notified resolution.

**16. Resolution to Exclude the Public**

**Resolved:** (Cr O’Leary/Cr Hamilton)

**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 of 18 March 2021	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 10 March 2021	) Official Information and Meetings Act 1987	
C3. Confirmation of the Elected Member Public		

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- Excluded Briefing Notes -  
17 March 2021
  - C4. Confirmation of the  
Elected Member Public  
Excluded Briefing Notes -  
1 April 2021
  - C5. Chair's Report (Public  
Excluded Matter)
  - C6. Sky Gardens NZ Limited  
Request for Exclusivity  
Agreement - Arts Post Car  
Park Site, Victoria Street
  - C7. Appointment of a new  
Independent Hearing  
Commissioners' Panel
  - C8. External Funding  
Opportunities For  
Approval
  - C9. Confirmation of the  
Council Public Excluded  
(CE Review Committee  
Matters) Minutes of 22  
October 2020
  - C10. Public Excluded  
Recommendation from  
the CE Review Committee  
- Interim CE Performance  
Review 2020/21
  - C11. Public Excluded  
Recommendation from  
the CE Review Committee  
- CE Recruitment

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 prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C3. | to prevent the disclosure or use of official information for improper gain or improper advantage | 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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C6.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (b) (ii) Section 7 (2) (h)
Item C7.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C8.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C9.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C10.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C11.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (b) (ii) Section 7 (2) (h) Section 7 (2) (i)

**The meeting moved into a public excluded session at 11.49am.**

**The meeting went into an open session at 2.24pm.**

**16. Domain Endowment Lease - Freeholding - 5 Cotter Place**

**Procedural Motion**

**Resolved:** (Cr Macpherson/Cr Bunting)

That the item be moved into the public excluded session of the meeting to enable Council to carry out commercial activities without disadvantage.

**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
13. Domain Endowment Lease - Freeholding - 5 Cotter Place	) 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 13.                   to enable Council to carry out commercial     Section 7 (2) (h)  
                                  activities without disadvantage

**The meeting moved into a public excluded session at 2.26pm.**

**The meeting was declared closed at 3.53pm.**