

Notice of Meeting:

I hereby give notice that an extraordinary Meeting of the Council will be held on:

Date: Wednesday 5 October 2022
Time: 9.30am
Meeting Room: Council Chamber and via Audio Visual link
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Council *Kaunihera* OPEN AGENDA

Membership

Chairperson Mayor P Southgate
Heamana

Deputy Chairperson Deputy Mayor G Taylor
Heamana Tuarua

Members

Cr M Bunting	Cr A O’Leary
Cr M Gallagher	Cr R Pascoe
Cr R Hamilton	Cr S Thomson
Cr D Macpherson	Cr M van Oosten
Cr K Naidoo-Rauf	Cr E Wilson
Cr M Donovan	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Amy Viggers
Mana Whakahaere
Governance

3 October 2022

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

Oversight of Policies and Bylaws:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Council to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipaaanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Item 5

Committee: Council

Date: 05 October 2022

Author: Tyler Gaukrodger

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Council Open Minutes - 22 September 2022

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Minutes of the Council Meeting held on 22 September 2022 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Unconfirmed Open Minutes - 22 September 2022

Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Thursday 22 September 2022 at 9.39am.

PRESENT

Chairperson	Mayor P Southgate
<i>Heamana</i>	Deputy Mayor G Taylor
Deputy Chairperson	Cr M Bunting
<i>Heamana Tuarua</i>	Cr M Gallagher
Members	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr M Donovan
	Cr A O'Leary
	Cr R Pascoe
	Cr S Thomson
	Cr M van Oosten
	Cr E Wilson

In Attendance:	Lance Vervoort – Chief Executive
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Blair Bowcott – General Manager Growth
	Chris Allen – General Manager Development
	David Bryant – General Manager People and Organisational Performance
	Murray Heke – General Manager Customer, Technology and Transformation
	Sean Hickey – General Manager Strategy and Communication
	Andrew Parsons – Executive Director Strategic Infrastructure
	Louise Lukin – Director of the Chief Executive's Office
	Rebecca Whitehead – Acting General Manager Community
	Mish Hawthorne – Governance and Assurance Manager

Governance Team:	Amy Viggers – Governance Lead
	Carmen Fookes – Senior Governance Advisor
	Tyler Gaukrodger – Governance Advisor

Tame Pokaia opened the meeting with a karakia.

Item 4 (Public Forum) was taken first to accommodate availability of public in attendance

1. Public Forum – *AAtea koorero*

Felicity Anderson (Shaws Bird Park) spoke to Item (End of Triennium Matters) and provided a written submission (added to these minutes as **Appendix 1**). She spoke to the circulated petition to be discussed within the incoming Council regarding Shaw's Bird Park.

Rachel Karalus and Lale Ieremia (K'aute Pasifika) spoke to Item 10 (Chair's Report), acknowledging the Councillors who have dedicated their lives to the service of the community of Kirikiriroa, and noted the specific ways in which the retiring Councillors had assisted K'aute Pasifika. They then thanked the families of the Councillors for the support they have offered to the Elected Members and the Members for their hard work which helped the families and communities of Kirikiriroa. They outlined the significance of the location of the Pan Pacific Hub and the promotion of the multi-cultural journey.

K'aute Pasifika finished their public forum contribution with a song in thanks of the work undertaken by the Council.

2. **Apologies – Tono aroha**
There were no apologies.
3. **Confirmation of Agenda – Whakatau raarangi take**
Resolved: (Mayor Southgate/Cr Gallagher)
That the agenda is confirmed.
4. **Declarations of Interest – Tauaakii whaipaaanga**
No members of the Council declared a Conflict of Interest.
5. **Public Forum – AAtea korero (continued)**
Jane Woods (Pukete Neighbourhood House) spoke to Item 10 (Chair's Report), noting the change in management within Pukete Neighbourhood House and her thanks to the outgoing Councillors for their support, as well as the wider Council for their hard work over the triennium.
6. **Confirmation of the Council Open Minutes - 14 September 2022**
Resolved: (Mayor Southgate/Deputy Mayor Taylor)
That the Council confirm the Open Minutes of the Council Meeting held on 14 September 2022 as a true and correct record.
7. **Confirmation of the Strategic Growth Committee Open Minutes - 7 September 2022**
Resolved: (Mayor Southgate/Deputy Mayor Taylor)
That the Council confirm the Open Minutes of the Strategic Growth Committee Meeting held on 7 September 2022 as a true and correct record.
8. **Confirmation of the Strategic Risk and Assurance Committee Open Minutes - 13 September 2022**
Resolved: (Mayor Southgate/Deputy Mayor Taylor)
That the Council confirm the Open Minutes of the Strategic Risk and Assurance Committee Meeting held on 13 September 2022 as a true and correct record.
9. **Confirmation of the Traffic, Speed Limit and Road Closure Hearings Panel Open Minutes - 19 September 2022**
Resolved: (Mayor Southgate/Deputy Mayor Taylor)
That the Council confirm the Open Minutes of the Traffic, Speed Limit and Road Closure Hearings Panel meeting held on 19 September 2022 as a true and correct record.
10. **End of Triennium Matters**

The Governance and Assurance Manager introduced the report, noting the purpose of the report is to provide delegation to the Chief Executive during the time between the final meeting of the 2019-2022 triennium and the first meeting of the 2022-2025 triennium.

Resolved: (Cr Wilson/Cr Thomson)

That the Council:

- a) receives the report;
- b) extends the Chief Executive's current delegations (detailed in the Delegations to Positions Policy) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:
 - i. the extended delegations will have effect only for the period from 8 October 2022 (polling day) until the swearing in of the new Council;
 - ii. the extended delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002;
 - iii. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the first meeting of the new Council;
 - iv. the Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
 - v. where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, first consult with the Mayor-elect;
 - vi. the Chief Executive must report all matters relating to the exercise of an extended delegation to the incoming Council at the first meeting following the triennial general election;
 - vii. should any urgent matters arise during the interim election period which require significant political input, or at law must be made by Council, the first meeting following the triennial general election must be called by the Chief Executive as an 'emergency' meeting under clause 21 of Schedule 7 to the Local Government Act 2002; and
- c) notes that, as required under clause 30(7) of Schedule 7 to the Local Government Act 2002, the District Licensing Committee shall continue (and not be deemed to be discharged) on the coming into office of the members of the Council elected at the 2022 triennial general.

11. Chair's Report

The Mayor took the report as read, acknowledged the impact of the work undertaken by Cr Forsyth prior to her passing.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council receives the report.

Mayor Southgate acknowledged the experience in the Chambers from the retiring Councillors and the impact that each of them had on the Hamilton through their leadership. She thanked all Elected Members for the collaborative work undertaken throughout the triennium and noted the positive impact on the Community due to the decisions made during the triennium.

Valedictory speeches were heard from Cr Macpherson, Cr Gallagher, Cr Pascoe, and Cr Bunting.

The meeting was adjourned from 11.28am to 11.43am.

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Further speeches were then heard Cr O’Leary, Cr van Oosten, Cr Hamilton, Cr Naidoo-Rauf, Deputy Mayor Taylor, Cr Donovan, Cr Wilson, and Cr Thomson. Maangai Te Ua then spoke on behalf of the Maangai Maaori and they then invited those in the chamber to sing the waiata Maangai Hill had written.

Mayor Southgate closed the speeches by thanking the all Elected Members and Staff and acknowledged the work undertaken within the past three years. The Chief Executive then spoke on behalf of staff and thanked Elected Members and Maangai Maaori for their service to the City.

12. Resolution to Exclude the Public
Resolved: (Mayor Southgate/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. Confirmation of the Council Public Excluded Minutes - 14 September 2022) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Strategic Growth Committee Public Excluded Minutes - 7 September 2022)	
C3. Confirmation of the Strategic Risk and Assurance Committee Public Excluded Minutes - 13 September 2022		
C1. Confirmation of the Public Excluded Minutes of the Council (CE Review Committee Matters) meeting - 14 September 2022		

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	Section 7 (2) (j)

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Item C1.	information for improper gain or improper advantage to protect the privacy of natural persons to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (a) Section 7 (2) (j)
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The meeting went into a Public Excluded session at 1.04pm.

The meeting was declared closed at 1.05pm.

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Appendix 1:

Media Release: September 22, 2022

Shaw's Bird Park drops petition on council on eve of elections

Murray and Margaret Shaw have ruffled more than a few feathers in the fight to stop Hamilton City Council driving a new road right through their seven-hectare bird park at Glenview.

As the council gathered for the last time today before the local body elections, for an agenda full of mutual thank-yous, the couple and a tight group of supporters took the opportunity to remind those councillors hoping to get re-elected not to preen themselves too proudly.

Those that get back to the council table will be asked to front up to why the council's subdivision and roading planning doesn't align with its environmental responsibilities when it comes to protection of the city's Significant Natural Areas (SNA).

"We are not going away," Murray and Margaret say. "We have not given up the fight. We believe common sense – and a lot less cost for ratepayers – will see the council shift the location of the road.

"We want to see the growing number of families who will live in the area called Peacock have a natural and green place to play. The bird park has given free access to thousands of people who visit from throughout New Zealand each year. It can be a haven for its increasing number of neighbours together with the native species and ducks that live there."

The petition delivered to the council contains around 55,000 signatures in total (39,000+ on change.org.nz and the rest on hard copy). Of those more than 9,000 have been checked to ensure they are from Hamilton City ratepayers. They have been carefully curated to make sure the petition meets council's rules and cannot be ignored.

Murray and Margaret have been collecting names for their petition since 2018. The number of signatures on the petition, the Shaw's legal team points out, is more than the number of people who voted the Mayor into office last time and more than the number of people who even voted in Hamilton.

21 September 2022

Hamilton City Council

Attention: Mr Lance Vervoort – Chief Executive

By Email Only: CEO@hcc.govt.nz

Cc: Mayor and Councilors

**Julian
Dawson**
BARRISTER

- Resource Management
- Local Government
- Environmental Law

Shaw's Bird Park – Southern Links Arterial

1. I am instructed by the Shaw Family.
2. Shaw's Bird Park is a cherished and important community asset for the city of Hamilton. Every week, the Shaw Family open their property to the public at no charge. They host several thousand visitors a year. The park is home to rear and endangered native birds, parrots and thousands of native and exotic trees. You are probably aware of the ecological and recreational significance of the property.
3. Recently, Council has notated the wetlands and bush habitat on their property as a Significant Natural Area and habitat to the New Zealand Long Tailed Bat, now classified as a Nationally Critical Species.
4. When first proposed in 2007, the Southern Links Road had a more southerly alignment and it only touched the southern corner of the Shaw's property. Now, however, it goes through the middle of my client's property and the Significant Natural Area within it. If constructed, the road will destroy the wetlands and ecological habitat my clients have created over the past 40 years.

The Petition

5. My clients have mounted a petition to Save the Bird Park. To date, nearly 55,000 individuals have signed it. More sign every day.
6. Their Petition has been run at the Park since October 2018, and more lately on the digital platform of Change.Org. The Petition seeks to stop the Southern Links Arterial destroying the Park. It asks Council to consider alternative routes that would avoid the Park altogether.
7. Some 4,500 of the Petitioners explicitly identify as residing in Hamilton City.

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Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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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. Infrastructure Acceleration Fund - Central City Proposal) 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.	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)