
Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber and Audio Visual Link, Municipal Building, Garden Place, Hamilton on Thursday 11 November 2021 at 9.30am.

PRESENT

Chairperson Mayor P Southgate
Heamana

Deputy Chairperson Deputy Mayor G Taylor
Heamana Tuarua

Members Cr M Bunting
Cr M Gallagher
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
Chris Allen – General Manager Development
Eeva-Liisa Wright – General Manager Infrastructure Operations
Blair Bowcott – General Manager Growth
David Bryant – General Manager People and Organisational Performance
Sean Hickey - General Manager Strategy and Communications
Helen Paki – General Manager Community
Andrew Parsons – Executive Director Strategic Infrastructure
Debra Stan-Barton – Acting City Planning Manager
Paul Bowman – Team Leader City Planning
Julie Clausen - Unit Manager Strategy and Corporate Planning,
Stephen Halliwell - Water Reform Financial Advisor
Kelvin Powell - City Safe Unit Manager

Governance Staff: Becca Brooke - Governance Manager
Amy Viggers – Governance Team Leader
Tyler Gaukrodger – Governance Advisor

Cr Hamilton opened the meeting with a Karakia

1. Apologies – *Tono aroha*

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the apology for early departure from Cr Macpherson is accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the agenda is confirmed noting that:

- a) the late attachment (Draft 1 submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill) for Item 9 (Hamilton City Council's Draft 1 Submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill) is accepted as part of the agenda. Due to the very recent release of the Resource Management (Enabling Housing Supply and Other Matter) Amendment bill and commencement of the consultation period (26 October 2021), in tandem with the complexity of developing a draft Council submission, Draft 1 of the Council's submission was not able to be included in the agenda. The attachment was circulated to Members prior to the meeting and is available via the following [link](#);
- b) the late attachment 2 (Discussion Paper – Economic Regulation and Consumer Protection for Three Waters Services in New Zealand) for Item 10 (Reform Response Programme – Update) is accepted as part of the agenda. The attachment was circulated as a late attachment follow the receipt of it on 5 November 2021 and will be attached to the minutes as **appendix 2**;
- c) Item 13 (Recommendations from Committee Meetings) recommendation from the Central City and River Plan Advisory Group is accepted as part of the agenda;
- d) the late Item C6 (Environment Court Verbal Update) is accepted as part of the agenda due to timing. This item will be taken in the Public Excluded agenda to maintain legal privilege; and
- e) the meeting will adjourn from 10.30am to 11.15am to enable members to attend the Armistice Day Commemorations.

3. Declarations of Interest – *Tauaakii whaipanga*

Cr Pascoe declared a conflict of interest in relation to item C3 (Rototuna Library Construction Contract Award) and noted that he would not take part in the discussion or vote on the matter.

4. Confirmation of the Council Open Minutes of 30 September 2021

Resolved: (Mayor Southgate/Cr Wilson)

That the Council confirm the Open Minutes of the Council Meeting held on 30 September 2021 as a true and correct record.

5. Public Forum – *Aatea koorero*

Melissa Renwick (Hospitality NZ) spoke to item 13 (Recommendations from Open Committee Meetings) in support of the recommendation from the Central City and River Plan Advisory Group to extend outdoor dining areas. She responded to question from Elected Members concerning the scope of the recommendation and host responsibility requirements.

6. Confirmation of the Extraordinary Council Open Minutes of 13 October 2021

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 13 October 2021 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 29 September 2021

Resolved: (Mayor Southgate/Cr Wilson)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 29 September 2021 as a true and correct record.

8. Chair's Report

Mayor Southgate spoke to her report in particular the recommendation and the work being undertaken by Council whilst being in various alert levels. She and staff responded to questions from elected members concerning how Council could further support community led vaccination initiatives in Hamilton, Councils vaccine policy and the Age Friendly Steering Group.

Staff Action: *staff undertook to report to the 25 November 2021 Community Committee meeting concerning how Council can further support community led vaccination initiatives in Hamilton, particularly in areas with lower vaccination rates.*

Resolved: (Cr Hamilton/Cr Wilson)

That the Council:

- a) receive the report;
- b) delegates the Environment Committee Chair, Deputy Chair and Principal Advisor authority to approve and send Council submissions to the Government consultations on the following two documents: *Transitioning to a Low-Emissions and Climate-Resilient Future – Emissions Reduction Plan Discussion Document* and *Taking Responsibility for our Waste: Proposals for a New Waste Strategy; Issues and Options for new Waste Legislation;*
- c) appoint Helen Paki (General Manager Community) to the Rototuna Recreation Centre Trust Board following the resignation from the Board of Lance Vervoort; and
- d) appoints Cr Pascoe as Council's representative to the Age Friendly Steering Group.

The meeting was adjourned 10.15am to 11.30am.

9. Hamilton City Council's Draft 1 Submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

The Acting City Planning Manager outlined the draft submission and the updated staff recommendation which had been pre-circulated and are available via the following [link](#). Staff responded to questions from Elected Members concerning the timeline, the effect of the proposed changes, the capacity assessment, specific details within the submission which included the suggested changes to the amendment bill, the infrastructure requirements should the bill be passed and the effect it has. It was agreed that the submission would be amended to strengthen to Council position based on matters raised by Elected members.

Staff Action: *Staff undertook to contact relevant Members of Parliament in relation to Council submission and the concerns that are raised in it regarding the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.*

Resolved: (Cr Hamilton/Mayor Southgate)

That the Council:

- a) receives the report;
- b) approves Council's **Draft 1** submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill;
- c) notes that the submission comprises **two parts**:
 - i. **General Introduction/Part A** - this contains the same content for all of the Future Proof councils (Waikato District Council, Waipa District Council, Hamilton City Council and the Waikato Regional Council) and Waikato Tainui. It is acknowledged that differences in this section may arise from the various governance approval processes;
 - ii. **Part B** - contains Hamilton City Council's specific points on the Bill;
- d) notes that the submission will also be in alignment with the Waikato River Authority's submission to the Bill regarding the Vision and Strategy for the Waikato River;

- e) provides delegated authority to the Chair of the District Plan Committee and the General Manager Growth (in consultation with the Chief Executives of the other Future Proof partners) to refine the joint submission (following discussion at the 11 November Council meeting) to reflect any partner feedback and to ensure final alignment of the submission's key messages;
- f) notes that the final approved submission will be sent to Parliament's Environment Select Committee to meet the 16 November 2021 submission closing date;
- g) notes in **Draft 1** that Hamilton City Council and its Future Proof partners will request to speak in support of the approved submission at the Environment Select Committee hearings; and
- h) notes that Hamilton City Council's representatives at the Environment Select Committee hearings be the Chair of the District Plan Committee; the General Manager Growth; the Acting City Planning Unit Manager; and the Team Leader City Planning.

Item 12 (Proposed 2022 Schedule of Meetings) was taken after item 9 (Hamilton City Council's Draft 1 Submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill) to accommodate availability.

10. Proposed 2022 Schedule of Meetings

The Governance Manager took the report as read.

Resolved: (Cr Bunting/Cr Wilson)

That the Council approves the proposed 2022 Schedule of Meetings (**attachment 1** of the staff report).

The meeting was adjourned 12.40pm to 1.42pm.

11. Reform Response Programme – Update

The General Manager Strategy and Communications outlined the new format of the report which covered the Resource Management Reform, the Future for Local Government Review and the Three Waters Reform.

The General Manager Growth outlined the work being undertaken in relation to the Resource Management Reform and the role of Governors. The Unit Manager Strategy and Corporate Planning then took the Future for Local Government Review section as read and responded to questions concerning the timeline for the review and the next steps which included a Briefing on the matter on 24 November 2021.

The Water Reform Financial Advisor provided Members with an overview of recent decision made by Central Government in relation to the Three Waters Reform. Staff responded to questions from Elected Members concerning the development of a Council submission that would be reported to the December Council meeting, how the Council can influence those that are a part of the working Groups, and the terms of reference for working group.

Staff Action: *Staff undertook to seek information from Central Governance as to why the Government had ruled out further Government Funding, eg underwriting, to enable greater Council engagement in a waters model.*

Resolved: (Mayor Southgate/Cr Wilson)

That the Council receives the report.

Procedural Motion

Resolved: (Mayor Southgate/Cr Macpherson)

That Standing Order 22.2 Time Limit on Speakers and 22.9 Right of Reply are suspended to enable each speak to speak for no more than 5 minutes and that the mover of the Motion and Amendment to have a right of reply.

Motion: (Cr Pascoe/Cr Hamilton)

That the Council:

- a) receives the report;
- b) restates its strong opposition to the three waters reform model as currently proposed by Government and as rejected by this Council on 30 September 2021;
- c) expresses its bitter disappointment with the recent decision by Government to mandate the new water entities, without proper, comprehensive consideration of the feedback provided by this Council and by other councils; and
- d) insists that any process going forward ensures that each and every Council is assisted, encouraged and funded by government to undertake comprehensive community consultation;
- e) requests a letter be sent to central Government, signed by the Mayor, to advise that Hamilton City Council:
 - i. does not support the Government's recent and changed position to mandate three waters reform in place of the opt-in/opt-out model as initially promised;
 - ii. does not support the Government's preferred ownership model, and requests consideration be given to other models (including structures that explicitly include an element of direct Council ownership and control), in consultation with the local government sector;
 - iii. strongly believes that Councils must retain planning and financial control over the new water entities, to support the comprehensive strategic and planning frameworks in place for growth, development and placemaking (local and cross boundary);
 - iv. requests further work be undertaken, in partnership with local Government and Maaori, on the size and shape of any new entities – for example, exploring whether entities covering smaller numbers of Councils with clearer shared interests would be more effective than the 'mega entities' currently proposed;
 - v. requests further work be undertaken, in partnership with Maaori, on the role of Iwi, which should be based on its special interest and relationship to water, and its wish to preserve kaitiakitanga;
 - vi. believes it is essential that, prior to any select committee process, Councils should be supported to undertake proper consultation with their community, as is required of them under the Local Government Act 2002, thus giving genuine effect to local voice;
 - vii. requests Government set out clearly the financial savings that the new entities would generate in the medium term, in addition to the 30-year timeframe that is the current focus;
 - viii. is prepared to engage with the working group being set up by Government to address the sector's concerns around ownership and governance, and any other advisory group formed, provided the Terms of Reference give Council confidence that meaningful changes will be possible, and a model can be delivered that will work for Hamilton; and
 - ix. will continue to work with Futureproof partners and other neighbouring councils to explore credible alternatives to the current model; and
- f) establishes a working group consisting of the Mayor, Deputy Mayor, Chair of Infrastructure Operations and Chair of Finance to inform the draft letter for Council's consideration and approval as soon as possible.

Amendment: (Deputy Mayor Taylor/Cr Bunting)

That the Council:

- a) receives the report;
- b) that this council records a vote of no confidence in the Government's 3 Waters reform process and urges it to halt the process as it is currently proposed;
- c) requests staff report to the next council meeting on the implications of exiting LGNZ;
- d) asserts that its position is that it:
 - i. Does not support the Government's recent and changed position to mandate 3-waters reform in place of an opt-in/opt-out option originally promised; and
 - ii. Does not support the Government's preferred ownership model, and any reform proposal must involve consideration of other models (including those involving council ownership), in consultation with the local government sector; and
 - iii. Does not support the Minister's preferred option to give Iwi the same governance status as that of local government who presently own the water assets; and
 - iv. Does not support the Minister and her government using the select committee process for consultation rather than each Council seeking to consult with their community as is required by them under the Local Government Act 2002;
- e) notes that any Hamilton City Council Elected Member appointed to working groups being established by Cabinet is only authorised to express the above positions; and
- f) HCC endorses a letter to the Prime Minister by Waimakariri Mayor Dan Gordon and actively takes up opportunities to work with other like-minded councils to develop, evaluate and agree on alternative 3 Waters delivery models with effective local control.

The Amendment was put.

Those for the Amendment:

Deputy Mayor Taylor, Councillors O'Leary, Bunting, Naidoo-Rauf, Wilson and Donovan.

Those against the Amendment:

Mayor Southgate, Councillors Hamilton, Gallagher, Pascoe, Macpherson, van Oosten and Thomson

The Amendment was declared LOST.

The Motion was put and Declared CARRIED.

Resolved: (Cr Pascoe/Cr Hamilton)

That the Council:

- a) receives the report;
- b) restates its strong opposition to the three waters reform model as currently proposed by Government and as rejected by this Council on 30 September 2021;
- c) expresses its bitter disappointment with the recent decision by Government to mandate the new water entities, without proper, comprehensive consideration of the feedback provided by this Council and by other councils; and
- d) insists that any process going forward ensures that each and every Council is assisted, encouraged and funded by government to undertake comprehensive community consultation;
- e) requests a letter be sent to central Government, signed by the Mayor, to advise that Hamilton City Council:
 - i. does not support the Government's recent and changed position to mandate three waters reform in place of the opt-in/opt-out model as initially promised;

- ii. does not support the Government’s preferred ownership model, and requests consideration be given to other models (including structures that explicitly include an element of direct Council ownership and control), in consultation with the local government sector;
 - iii. strongly believes that Councils must retain planning and financial control over the new water entities, to support the comprehensive strategic and planning frameworks in place for growth, development and placemaking (local and cross boundary);
 - iv. requests further work be undertaken, in partnership with local Government and Maaori, on the size and shape of any new entities – for example, exploring whether entities covering smaller numbers of Councils with clearer shared interests would be more effective than the ‘mega entities’ currently proposed;
 - v. requests further work be undertaken, in partnership with Maaori, on the role of Iwi, which should be based on its special interest and relationship to water, and its wish to preserve kaitiakitanga;
 - vi. believes it is essential that, prior to any select committee process, Councils should be supported to undertake proper consultation with their community, as is required of them under the Local Government Act 2002, thus giving genuine effect to local voice;
 - vii. requests Government set out clearly the financial savings that the new entities would generate in the medium term, in addition to the 30-year timeframe that is the current focus;
 - viii. is prepared to engage with the working group being set up by Government to address the sector’s concerns around ownership and governance, and any other advisory group formed, provided the Terms of Reference give Council confidence that meaningful changes will be possible, and a model can be delivered that will work for Hamilton; and
 - ix. will continue to work with Futureproof partners and other neighbouring councils to explore credible alternatives to the current model; and
- f) establishes a working group consisting of the Mayor, Deputy Mayor, Chair of Infrastructure Operations and Chair of Finance to inform the draft letter for Council’s consideration and approval as soon as possible.

Those for the Motion: Mayor Southgate, Councillors Hamilton, Gallagher, Pascoe, Macpherson, van Oosten and Thomson.

Those against the Motion: Deputy Mayor Taylor, Councillors O’Leary, Bunting, Naidoo-Rauf, Wilson and Donovan.

The meeting was adjourned 4.14pm to 4.30pm.

12. 2021 Wider Representation Review - Final Proposal

The Governance Manager outlined the staff report noting the proposal that went out for public consultation and the next steps in the process.

Motion: (Cr Bunting/Cr Wilson)

That the Council:

- a) receives the report;
- b) determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to change the initial proposal as outlined below with its final proposal

as follows:

- i. One city-wide General ward and one city-wide Maaori ward, increase to 15 Elected Members (including the Mayor) and no community boards:
 - I. Hamilton City Council comprises 14 Councillors elected under the ward system, plus the Mayor elected 'at large';
 - II. Hamilton City Council is divided into two wards, consisting of the following communities of interest:
 - **Hamilton City General Ward** (represented by twelve Councillors), comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Hamilton City General electoral rolls within the City area.
 - **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area.
 - III. No community boards are established as:
 - effective representation is unlikely to be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
 - ward Councillors are expected to provide sufficient representation of communities of interest and ensure adequate representation and access between Elected Members and the population.
- c) notes that the final proposal will be publicly notified on or before 17 November 2021 as legislatively required;
- d) delegates authority to the Governance Manager and Electoral Officer to review and approve the wording of the reasons for the Council's decision in response to submissions received on the Council's initial proposal, for the purpose of the public notice required under section 19N of the Local Electoral Act 2001;
- e) notes that the final proposal is subject to a one-month appeal period and should any appeal be received; the matter is sent to the Local Government Commission for determination;
- f) notes that procedurally, for any amendment or alteration of Council's initial proposal, the Council must demonstrate a connection to the submissions received; and
- g) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

Amendment: (Cr O'Leary/Cr van Oosten)

That the Council:

- a) receives the report;
- b) determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council's initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as its final proposal. That is:
 - i. Two general wards (East and West) and one city-wide Maaori ward, increase to 15 Elected Members (including the Mayor) and no community boards:
 - I. Hamilton City Council comprises 14 Councillors elected under the ward system, plus the Mayor elected 'at large';

II. Hamilton City Council is divided into three wards, consisting of the following communities of interest:

- **East General Ward** (represented by six Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries;
- **West General Ward** (represented by six Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries;
- **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area.

III. No community boards are established as:

- effective representation is unlikely to be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
- ward Councillors are expected to provide sufficient representation of communities of interest and ensure adequate representation and access between Elected Members and the population.

- c) notes that the final proposal will be publicly notified on or before 17 November 2021 as legislatively required;
- d) delegates authority to the Governance Manager and Electoral Officer to review and approve the wording of the reasons for the Council's decision in response to submissions received on the Council's initial proposal, for the purpose of the public notice required under section 19N of the Local Electoral Act 2001;
- e) notes that the final proposal is subject to a one-month appeal period and should any appeal be received; the matter is sent to the Local Government Commission for determination;
- f) notes that procedurally, for any amendment or alteration of Council's initial proposal, the Council must demonstrate a connection to the submissions received; and
- g) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

Foreshadowed Amendment: (Cr Pascoe/Mayor Southgate)

That the Council:

- a) receives the report;
- b) determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council's initial proposal for the 2021 Wider Representation Review, to change the initial proposal as outlined below, with the final proposal as follows:
 - i. Two general wards (East and West) and one city-wide Maaori ward, with 13 Elected Members (including the Mayor) and no community boards:
 - I. Hamilton City Council comprises 12 Councillors elected under the ward system, plus the Mayor elected 'at large';

II. Hamilton City Council is divided into three wards, consisting of the following communities of interest:

- **East General Ward** (represented by five Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries;
- **West General Ward** (represented by five Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries;
- **Kirikiroa Maaori Ward** (represented by two Councillors), comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area.

III. No community boards are established as:

- effective representation is unlikely to be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
- ward Councillors are expected to provide sufficient representation of communities of interest and ensure adequate representation and access between Elected Members and the population.

- c) notes that the final proposal will be publicly notified on or before 17 November 2021 as legislatively required;
- d) delegates authority to the Governance Manager and Electoral Officer to review and approve the wording of the reasons for the Council's decision in response to submissions received on the Council's initial proposal, for the purpose of the public notice required under section 19N of the Local Electoral Act 2001;
- e) notes that the final proposal is subject to a one-month appeal period and should any appeal be received; the matter is sent to the Local Government Commission for determination;
- f) notes that procedurally, for any amendment or alteration of Council's initial proposal, the Council must demonstrate a connection to the submissions received; and
- g) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections).

The Amendment was put.

Those for the Amendment:

Councillors Gallagher, van Oosten,
Thomson, Naidoo-Rauf, O'Leary and
Macpherson

Those against the Amendment:

Mayor Southgate, Deputy Mayor Taylor,
Councillors Hamilton, Pascoe, Bunting,
Wilson and Donovan.

**The Amendment was declared LOST.
The Foreshadowed Amendment was then put.**

Those for the Foreshadowed Amendment: Mayor Southgate, Councillors, van Oosten, Thomson, Naidoo-Rauf, O'Leary Macpherson, Hamilton and Pascoe.

Those against the Foreshadowed Amendment: Deputy Mayor Taylor, Councillors Bunting, Donovan, Gallagher and Wilson.

The Foreshadowed Amendment was declared CARRIED.

The meeting was adjourned 5.40pm to 5.44pm.

Cr Macpherson retired from the meeting during the above adjournment.

Foreshadowed Amendment as the Substantive Motion was put.

Those for the Foreshadowed Amendment as the Substantive Motion: Mayor Southgate, Councillors Hamilton, Pascoe, and Naidoo-Rauf.

Those against the Foreshadowed Amendment as the Substantive Motion: Deputy Mayor Taylor, Councillors Gallagher, Bunting, Donovan, O'leary van Oosten, Thomson and Wilson

The Foreshadowed Amendment as the Substantive Motion was declared LOST.

Governance Minute Note: At the point in the meeting the Mover and Seconder of the original Motion on this matter withdrew their Motion with the leave of the meeting.

The Council then proceeded with the following process to determine the final representation review arrangement proposal.

Number of Elected Members

Motion: (Cr O'Leary/Cr Bunting)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council's initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as the final proposal. That is that Hamilton City Council comprises of **14** Councillors elected, plus the Mayor elected 'at large'.

Amendment: (Cr Pascoe/Mayor Southgate)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council's initial proposal for the 2021 Wider Representation Review, to change the initial proposal as the final proposal. That is that Hamilton City Council comprises of **12** Councillors elected, plus the Mayor elected 'at large'.

The Amendment was put.

Those for the Amendment: Mayor Southgate, Councillors Hamilton, Pascoe, Donovan and Naidoo-Rauf.

Those against the Amendment: Deputy Mayor Taylor, Councillors Gallagher, Bunting, O'Leary, Thomson, Wilson and van Oosten.

The Amendment was declared LOST.

The Motion was put and declared CARRIED.

Resolved: (Cr O’Leary/Cr Bunting)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as the final proposal. That is that Hamilton City Council comprises of **14** Councillors elected, plus the Mayor elected ‘at large’.

Those for the Motion: Deputy Mayor Taylor, Councillors Gallagher, Bunting, Naidoo-Rauf, O’Leary van Oosten, Thomson and Wilson.

Those against the Motion: Mayor Southgate, Councillors Donovan, Hamilton and Pascoe.

General Ward Arrangements

Motion: (Cr Gallagher/Cr O’leary)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as its final proposal. That is Hamilton City Council is divided into three wards of which two are general wards (East and West), consisting of the following communities of interest:

- i. **East General Ward** (represented by six Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries; and
- ii. **West General Ward** (represented by six Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries.

Amendment: (Cr Bunting/Cr Wilson)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to change the initial proposal as the final proposal. That is Hamilton City Council is divided into two wards of which one is a City-Wide General ward ‘**Hamilton City General City-Wide Ward**’ (represented by 12 Councillors) with the community of interest comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Hamilton City General electoral rolls within the City area.

The Amendment was put.

Those for the Amendment: Deputy Mayor Taylor, Councillor Bunting, Donovan and Wilson.

Those against the Amendment: Mayor Southgate, Councillors Gallagher, Pascoe, Hamilton, Naidoo-Rauf, van Oosten, Thomson and O’Leary.

**The Amendment was declared LOST.
The Motion was put and declared CARRIED.**

Resolved: (Cr Gallagher/Cr O’leary)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as its final proposal. That is Hamilton City Council is divided into three wards of which two are general wards (East and West), consisting of the following communities of interest:

- i. **East General Ward** (represented by six Councillors), comprising the area to the east of the Waikato River as shown shaded blue in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the East ward boundaries; and
- ii. **West General Ward** (represented by six Councillors), comprising the area to the west of the Waikato River as shown shaded green in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the general electoral roll within the West ward boundaries.

Those for the Motion:

Mayor Southgate, Deputy Mayor Taylor,
Councillors Gallagher, Pascoe, Hamilton,
Naidoo-Rauf, van Oosten, Thomson,
O’Leary and Wilson.

Those against the Motion:

Councillor Bunting and Donovan.

Maaori Ward Arrangements

Resolved: (Cr van Oosten/Cr Thomson)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as its final proposal. That is Hamilton City Council is divided into three wards of which one is a city-wide Maaori ward ‘**Kirikiroa Maaori Ward**’ (represented by two Councillors), comprising the whole city area as shown in **Attachment 3**. Councillors in this ward are to be elected by electors registered on the Maaori electoral roll within the city area.

Community Boards

Resolved: (Cr Bunting/Cr Wilson)

That the Council determines, in accordance with the provisions of the Local Electoral Act 2001 and following consideration of public submissions of the Council’s initial proposal for the 2021 Wider Representation Review, to retain the initial proposal as its final proposal. That is **no community boards** are established as:

- i. effective representation is unlikely to be enhanced by establishing community boards, having considered the identified communities of interest in terms of distinctiveness, representation, access and effective governance; and
- ii. ward Councillors are expected to provide sufficient representation of communities of interest and ensure adequate representation and access between Elected Members and the population.

Resolved: (Cr O’Leary/Cr van Oosten)

That the Council:

- a) receives the report;
- b) notes that the final proposal will be publicly notified on or before 17 November 2021 as legislatively required;

- c) delegates authority to the Governance Manager and Electoral Officer to review and approve the wording of the reasons for the Council's decision in response to submissions received on the Council's initial proposal, for the purpose of the public notice required under section 19N of the Local Electoral Act 2001;
- d) notes that the final proposal is subject to a one-month appeal period and should any appeal be received; the matter is sent to the Local Government Commission for determination;
- e) notes that procedurally, for any amendment or alteration of Council's initial proposal, the Council must demonstrate a connection to the submissions received;
- f) recommends that any arrangements confirmed as a result of this Wider Representation Review be reviewed in 2023/24 (for the 2025 triennial elections);
- g) requests staff report back to the Council by April 2022 on a process to establish a trial for two Community Committees, one in the East Ward, one in the West Ward.

Procedural Motion

Motion: (Cr Wilson/Cr O'Leary)

That the meeting be adjourned to Tuesday 16 November at 9.00am.

The Procedural Motion was put.

Those for the Procedural Motion: Councillors O'Leary and Wilson.

Those against the Procedural Motion: Councillors Gallagher, Pascoe, Bunting, Southgate, Taylor, Hamilton, Naidoo-Rauf, van Oosten, Thomson and Donovan

The Procedural Motion was declared LOST.

Procedural Motion

Resolved: (Cr Thomson/Mayor Southgate)

That Standing order 22.2 be suspended to enable debate speaking times to be decreased to 2 minutes.

13. Recommendations from Open Committee Meetings

The report was taken as read. Staff responded to questions concerning the revenue lost and potential impact on the community if all outdoor dining spaces were increased to address Covid-19 distancing requirements.

Draft Permanent Public Art Policy and Draft Monuments and Memorials Policy

Resolved: (Cr Bunting/Cr Wilson)

That the Council approves the final Draft Permanent Public Art Policy and Draft Monuments and Memorials Policy, with the removal of the reference to the public arts taskforce.

Chair's Report

Resolved: (Mayor Southgate/Cr Hamilton)

That the Council approves the Southern Links Working Group, made up of Cr Macpherson, Cr Hamilton, Cr Wilson, Deputy Mayor Taylor, Maangai Te Ua and Cr Thomson to work with staff and external parties on matters relating to the promotion of the Southern Links transport network and related growth and economic development issues.

Future Proof Update Report

Resolved: (Mayor Southgate/Cr Hamilton)

That the Council approves the appointment of Councillor Macpherson as the Hamilton City Council representative on the Future Proof Hearings Committee to hear and consider submissions and provide recommendations for changes to the final Future Proof Strategy, with Councillor Gallagher as the alternate.

Recommendations from the Central City River Plan Advisory Group Meeting of 2 November 2021

Resolved: (Deputy Mayor Taylor/Mayor Southgate)

That the Council:

- a) requests staff draft a letter to central Government, to be signed by the Mayor and Deputy Mayor, supporting the letter of 22 October from the Restaurant Association to the Ministry of Justice, requesting amendment to the relevant legislation to enable temporary variations to on licence conditions to support outside dining during Covid-19 restrictions;
- b) approves all outdoor dining permits that expired between 17 August 2021 (the date of most recent Covid-19 Level 4 lockdown in Hamilton) and 11 November 2021 (inclusive) to automatically be extended for 12 months until 11 November 2022 without fees and charges;
- c) approves all outdoor dining permits that were issued or renewed between 17 August and 11 November 2021 (inclusive) and incurred fees and/or charges to be automatically extended for 12 months from expiry date without further fees and charges;
- d) approves all outdoor dining permits that expire between 12 November 2021 and 28 February 2022 (inclusive) to automatically be extended for 12 months from the date of expiry without fees and charges;
- e) approves all new applications for outdoor dining permits received between 12 November 2021 and 28 February 2022 (inclusive) to be prioritised for processing, processed without fees and charges, and be issued for 12 months;
- f) notes that b)-d) above will be reviewed by 28 February 2022 to consider whether it is appropriate to make further provision for automatic extension of permits and fees and costs to be waived based on the impact of Covid-19 restrictions;
- g) notes, for clarity and in compliance with section 80 of the Local Government Act 2002, that this decision may have some inconsistencies with the current Trading in Public Places Policy regarding prescribed fees, charges and duration of some permits. To the extent that these recommendations are inconsistent with that Policy, these recommendations will prevail for the timeframes specified unless modified by resolution of the Council; and
- h) requests staff to progress work on ways to fairly and safely enable outdoor dining to make increased use of public spaces beyond what is currently permitted, including targeted engagement with key stakeholders, and to report back to Council as soon as reasonably possible.

Cr Pascoe Dissenting.

14. Resolution to Exclude the Public

Resolved:

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 30 September 2021) 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 Elected Member Public Excluded Briefing Notes - 6 October 2021)	
C3. Rototuna Library Construction Contract Award		
C4. City Honours Recommendations November 2021		
C5. Recommendation from the CE Review Committee		
C6. Environment Court Update		

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 enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	To maintain legal professional privilege	Section 7 (2) (g)

The meeting moved into a public excluded session at 6.35pm.

The meeting was declared closed at 7.03pm.