

## Notice of Meeting:

I hereby give notice that an ordinary meeting of Hamilton City Council will be held on:

**Date:** Thursday 28 April 2016  
**Time:** 1:30pm  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council OPEN AGENDA

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### Membership

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 R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly

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Jude Pani  
Democracy Manager  
**22 April 2016**  
Telephone: 07 838 6883  
Jude.Pani@hcc.govt.nz  
www.hamilton.govt.nz

## **Terms of Reference:**

- To carry out leadership functions including advocacy and facilitation on behalf of the community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council.
- To make those decisions which are required by legislation to be made by resolution of the local authority.
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to staff or other Committees.
- To receive the Council Risk Register and legal issues reports.
- To receive reports from the Audit & Risk Committee.
- To develop and approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- To approve the Hamilton Plan and to retain overview of it through setting direction on key strategic projects and receiving regular reports on its overall achievement
- Make decisions in respect of District Plan matters.
- The authority to agree to settle and submit draft consent orders to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Plan Variation or Notice of Requirement to designate land or for a heritage order, or a resource consent application.
- The authority to reject a private plan change request.

## **Financial:**

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council's borrowing programme and treasury management strategy.
- To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

## **Procedural Matters:**

- Delegation of all Committee powers.
- Adoption of Standing Orders.
- Confirmation of all Standing and Special Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive, setting of the Chief Executive's performance targets and review of the Chief Executive's Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations.

## Opening Prayer

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**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

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**

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 three minutes or longer at the discretion of Her Worship 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 Council Democracy 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 Democracy by telephoning 07 838 6825.

**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Council Minutes - Open -  
31 March 2016

**Author:** Jude Pani

<b>Status</b>	<i>Open</i>
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### Recommendation

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 31 March 2016.

### 1. Attachments

2. Attachment 1 - Council Minutes - Open - 31 March 2016

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## Council

### OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 31 March 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 R Pascoe
	Cr L Tooman
	Cr E Wilson
Cr P Yeung	

In Attendance	Richard Briggs – Chief Executive (for Item 6)
	Lance Vervoort – Acting Chief Executive
	Chris Allen – General Manager City Infrastructure
	David Bryant – General Manager Corporate
	Kelvyn Eglinton – General Manager City Growth
	Sean Murray – Executive Director H3 and Events
	Sean Hickey – General Manager Strategy and Communications
	Luke O'Dwyer - City Planning Unit Manager
	Sally Sheedy – Parks and Open Spaces Manager
	Chad Hooker – Director Of Event Operations, H3
	Mark Brougham – Programme Manager - Analysis & Research
	Muna Wharawhara – Amorangi Maaori
	Kelvin Powell – City Safe Unit Manager
	Communications Advisors

Also In Attendance	Tame Pokaia – Hamilton City Council Kaumatua for Item C3
	Deputy Electoral Officer, Dale Ofoske, Independent Election Services Ltd for Item 7
	Lachlan Muldowney – City Solicitor Tompkins Wake for Item C6

Democracy Advisors	Mrs Jude Pani and Mrs Mary Birch
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## 1. Apologies

There were no apologies.

## 2. Confirmation of Agenda

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

The Council to confirm the agenda noting that the Draft Submission on the Waikato Regional Council Annual Plan would be considered as Item 10 and the Update on the Ruakura Trees would be received as part of the Recommendations from Strategy and Policy Committee – Item 9.

## 3. Declarations of Interest

Councillor King declared a conflict of interest for Items C1 and C6 to be taken in the public excluded session. He withdrew from the Meeting prior to consideration of C1 and C6 and took no part in discussion and voting for the Items.

## 4. Public Forum

The following spoke in the public forum to Item 6 (Founders Theatre – Future Options Report) supporting a performing arts venue for Hamilton to replace the recently closed Founders Theatre:

Sarah Nathan – Creative Waikato  
Ron Braithwaite  
Jason Wade – Clarence Street Theatre  
Fiona Bradley – Hamilton Operatic Society  
Christine Sidwell  
Brenda Sayers  
Tom MacRae  
Andrew Buchanan-Smart  
Susan Trodden – Orchestra Central

*Action:* The Executive Director H3 and Events advised that he would circulate the agreements with operators that had Founders Theatre bookings when the agreements have been finalised.

## 5. Council Minutes - Open - 16, 18, 24 and 25 February 2016

The following was noted in response to questions:

*Indoor Recreation Facilities:* The acceptable governance and operations agreement with the Rototuna High School Establishment Board of Trustees and Ministry of Education for the operation of the indoor recreation centre would be available within the next two weeks.

*Waterworld:* A report will be presented to the next Finance Committee Meeting.

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on:

- i. 16 February 2016;
- ii. 18 February 2016;
- iii. 24 February 2016; and
- iv. 25 February 2016.

## 6. Founders Theatre - Future Options Report

The Executive Director H3 and Events, supported by the Director of Event Operations, presented options for the future of Founders Theatre. The following was noted in response to questions:

- The issue of the possible future of Founders Theatre triggers Council's Significant and Engagement Policy and staff have moved quickly to get it out to public consultation;
- \$100,000 was allocated for the Founders Theatre Upgrade Business Case. It was an expensive process as the systems and designs were complex;
- A collection of reports prepared over the last 10 years is to be circulated to Elected Members;
- Seismic assessment will commence in the next 2-3 weeks, and because of the state of the market, the Detailed Seismic Design Assessment is expected to take up to three months to complete;
- It was considered appropriate that Council consults with the public at this stage prior to receiving Detailed Seismic Design Assessment;
- In terms of building compliance, a 2007 assessment indicated the building was 55% compliant;
- Creative New Zealand has advised that theatre patronage across the country has risen;
- There were no issues with the foundations;
- The costs have been based on the conceptual design and include: flying system, strengthening the stage house and the connection between the stage house and the auditorium; and
- The \$20M does anticipate earthquake strengthening requirements and was viewed to be a realistic amount.

**During the discussion, the Meeting adjourned (3.05pm to 3.25pm) and (3.35pm to 3.40pm).**

**Resolved:** (Her Worship the Mayor Hardaker/Pascoe)

That:

- a) The report be received;
- b) Founders Theatre remain temporarily closed;
- c) Staff report back to the 28 April 2016 Council Meeting for approval of:
  - a discussion document to be used for public engagement that includes a summary of the issues and the future options, including estimated costs for each option;
  - a timeline, process and cost for 4 weeks of public engagement on the options to commence on 1 May 2016, with that process to include:
    - a survey of Hamilton residents, and people living in the Waikato Region, conducted by an independent survey company,
    - engagement with the arts community and relevant organisations,
    - advice from the Arts Forum Advisory Panel; and
- d) Staff report back to the Council Meeting no later than June 2016 with the detailed seismic assessment and a recommendation to address the Founders Theatre issues.

## 7. 2016 Triennial Elections - Pre-election Information

The Electoral Officer, Jude Pani, supported by the Deputy Electoral Officer, Dale Ofoske, introduced this update report on the 2016 Triennial Elections, seeking a decision on the order in which candidates' names are to appear on the Hamilton City Council voting documents. The following was provided in response to questions:

- The Electoral Officer would follow up on the suggestion of presenting random order candidates' names on the voting document in the same format as they appear in the candidate information booklet, i.e. with the Christian name followed by the Surname;
- Candidates may have 150 words in English and 150 words in Maaori. However, if another language was required, it would come out of the 150 word limit; and
- There was no additional cost for having random order of candidate names on the voting document.

**Resolved:** (Crs Gallagher/Chesterman)

That:

- a) The report be received; and
- b) The Council resolves for the 2016 Hamilton City Council triennial elections, to adopt the random order of candidate names, as permitted under Regulation 31 of the Local Electoral Regulations 2001.

## 8. International Visit - Wuxi and Chengdu

**Resolved:** (Crs Wilson/Chesterman)

That the Report be received.

**9. Recommendations from Strategy & Policy Committee - 23 February and 22 March 2016**

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

**1. Heritage Plan and Historic Heritage Fund Guidelines**

That Council adopts the Heritage Plan and Historic Heritage Fund Guidelines (as identified as Attachments 1 and 2 to the Committee report).

**Councillors King and Mallett dissenting.**

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

**2. Frankton Neighbourhood Plan**

That Council adopts the Frankton Neighbourhood Plan (Attachment 1 to the staff report within the agenda) with the appropriate amendments to the Plan recognising the changes to Forlongs.

**Councillors King, Macpherson and Mallett dissenting.**

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

**3. Waikato Museum Strategic Plan**

That Council adopts the Waikato Museum Strategic Plan (as identified as Attachment 1 to the Committee report in the Strategy and Policy Agenda, 22 March 2016, titled 'Draft Waikato Museum Strategic Plan').

**Councillor Mallett dissenting.**

**Resolved:** (Crs Forsyth/O'Leary)

**4. Wairere/Cobham Pedestrian and Cycle Bridge Design**

That:

- a) the concept design for the Cobham Drive pedestrian and cycle overbridge to be constructed as part of the Hamilton Ring Road project is approved; and
- b) Council note that staff are to report back to the next Strategy and Policy Committee Meeting, to be held on 3 May 2016, on costed options for:
  - i) Additional piers and structures to replace embankment;
  - ii) Handrail/superstructure detailing work;
  - iii) Colour, lighting, planting; and
  - iv) Additional pedestrian/cycle safety features on Wairere Drive.

**Councillor Mallett dissenting.**

Councillor O'Leary retired from the Meeting at 4.30pm at the conclusion of this Item.

## 5. Ruakura Trees

The General Manager, City Growth, updated the Council on the situation regarding the Ruakura trees. A map indicating the position of the 36 trees in total in the area was tabled. The following was noted:

- Under the current District Plan the trees were not protected. However, under the Proposed District Plan they are noted on a schedule and are therefore now known as “scheduled trees”. The specificity in terms of the schedule has not been determined.
- Under the resource consent received from Tainui Group Holdings, Council staff are going through a process to decide whether removal of the trees would be notified. That determination has not yet been made.
- Elected Members to be kept informed on a regular basis through the Executive Update.

Councillor Forsyth retired from the Meeting at 4.45pm during discussion on Ruakura Trees.

**Resolved:** (Crs Chesterman/Pascoe)

That the verbal report on the Ruakura Trees be received and further updates be provided to Council.

## 10. Consideration and Approval of HCC's Draft Submission to Waikato Regional Council's 2016/17 Proposed Annual Plan Consultation Document

**Resolved:** (Crs Pascoe/Chesterman)

That:

- The report be received;
- The Council approves the **Draft 1** (circulated by email to Council) submission to the Waikato Regional Council's 2016/17 Proposed Annual Plan Consultation Document; and
- The approved submission be sent to the WRC to meet the submission closing date of 11 April 2016.

## 11. Resolution to Exclude the Public

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

### Section 48, Local Government Official Information and Meetings Act 1987

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda, excepting Tame Pokaia – Hamilton City Council Kaumatua for Item C3 and Lachlan Muldowney – City Solicitor Tompkins Wake for Item C6.

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    Reasons    for    passing    this    Ground(s)    under    section    48(1)

be considered	resolution in relation to each	for the passing of this resolution
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- |   |   |                  |
|---|---|------------------|
| C1. Council Minutes - Public Excluded - 25 February 2016                      | ) Good reason to withhold information exists under Section 7 Local Government | Section 48(1)(a) |
| C2. Appointment of Hearing Panel for Ruakura Variation                        | ) Official Information and Meetings Act 1987                                  |                  |
| C3. Freedom Holder of the City Nomination                                     | )   |                  |
| C4. Request for additional Deputy Commissioner - District Licensing Committee |   |                  |
| C5. Recommendations to Council - Finance Committee Meeting - 18 February 2016 |   |                  |
| C6. Proposed District Plan Appeals 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. | for the reasons stated on the agenda   | Section 7 (2) (a)                      |
| Item C2. | to protect the privacy of natural persons  | Section 7 (2) (a)                      |
| Item C3. | to protect the privacy of natural persons  | Section 7 (2) (a)                      |
| Item C4. | to protect the privacy of natural persons  | Section 7 (2) (a)                      |
| Item C5. | to enable Council to carry out commercial activities without disadvantage            | Section 7 (2) (h)<br>Section 7 (2) (i) |
| Item C6. | to enable Council to carry out negotiations to maintain legal professional privilege | Section 7 (2) (g)                      |

**The Meeting moved into a Public Excluded session (5.05pm to 6.45pm).**

**The Meeting was declared closed at 6.45pm.**

**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Founders Theatre - Future  
Options Engagement Report

**Author:** Julie Clausen

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Plan, 2015-25 10 Year Plan</i>
<b>Financial status</b>	<i>The cost of the engagement will be sourced from within existing budgets and documented on the Risk and Opportunities report and is \$72,000</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. The purpose of the report is to consider and approve:
  - a) The engagement document to be used for public engagement; and
  - b) The timeline, process and cost for the 4 week engagement on the future options for Founders Theatre.

## Recommendations from Management

That:

- a) The report be received;
- b) The Founders Theatre Engagement Document is approved;
- c) The process for public engagement as set out in this report is approved;
- d) The engagement period is from 2 May 2016 to 3 June 2016; and
- e) Staff report to the 28 July 2016 Council meeting on the feedback received through the engagement process and provide recommendations for Council to consider on the options for Founders Theatre.

## 3. Attachments

4. Attachment 1 - Founders Theatre Engagement Document (*Under Separate Cover*)

**5. Key Issues**

6. Background

7. At the Council meeting on [31 March 2016](#), Council determined to undertake public engagement on future options for Founders Theatre and made the following resolution:

8. Resolved:

- a) The report be received;
- b) Founders Theatre remain temporarily closed;
- c) Staff report back to the 28 April 2016 Council Meeting for approval of:
  - a discussion document to be used for public engagement that includes a summary of the issues and the future options, including estimated costs for each option;
  - a timeline, process and cost for 4 weeks of public engagement on the options to commence on 1 May 2016, with that process to include:
    - a survey of Hamilton residents, and people living in the Waikato Region, conducted by an independent survey company,
    - engagement with the arts community and relevant organisations,
    - advice from the Arts Forum Advisory Panel.
- d) Staff report back to the Council Meeting no later than June 2016 with the detailed seismic assessment and a recommendation to address the Founders Theatre issues.

9. Engagement Document

10. The Founders Theatre Engagement Document sets out the issues for Founders Theatre and three future options for the theatre.

11. This document will be provided under a separate cover to Council.

12. Engagement Process

13. Founders Theatre is listed as a strategic asset within Council’s Significance and Engagement Policy. Decisions on the future of this asset trigger s83 of the Local Government Act (LGA) requiring a special consultative procedure. The Founders Theatre Engagement Document will also serve as the Statement of Proposal as required under s83.

14. A period of four weeks public engagement is proposed to commence on Monday 2 May 2016 and conclude on Friday 3 June 2016.

15. The proposed engagement process will include the following:

<b>Channel</b>	<b>Target Audience</b>	<b>Timeframe</b>
Founders Theatre Engagement Document distributed to 55,000 homes across Hamilton with City News and to communities neighboring Hamilton City	General public	Delivered 9-10 May 2016
Independent telephone survey Conducted by an independent research company	Representative selection of 1000 residents in Hamilton, and 400 from across Waipa, Waikato and the wider Waikato region. This sample size provides an acceptable margin of error rating.	During May 2016

Channel	Target Audience	Timeframe
Online survey and submission form on "have your say" Council website	Self selection Promoted by social media, public notice and other media as required	2 May 2016 to 3 June 2016
Statement of proposal and submission form available from Council offices (Garden Place and libraries)	General public	2 May 2016 to 3 June 2016
Focus groups (run by Creative Waikato)	Arts community	During May 2016
Advice from the Arts Forum	Independent advisory board to Council on arts matters	Arts Forum meeting 5 <sup>th</sup> May 2016
Hearings	Self selection via council website and call centre	13 June 2016

16. Discussions have been held with Creative Waikato and they have agreed to facilitate focus groups with the arts community and relevant arts organisations as part of the public engagement. These focus group meetings will be held during May 2016 and feedback received will be incorporated into Creative Waikato's engagement response. Those involved in the focus groups may also provide feedback separately to Council.
17. The Hearings meeting will be conducted on 13 June and this date has been held in Councilors' diaries.

## 18. Financial and Resourcing Implications

19. The cost of undertaking the engagement will be sourced from within existing budgets and documented through the Risks and Opportunities report.
20. The cost estimate is:

Item	Estimated Cost
External Costs:	
Independent research survey	\$35,000
Focus groups	\$5,000
City News insert	\$12,000
City News insert distribution to neighbouring communities	\$15,000
Other promotional costs	\$5,000
<b>Total External Costs</b>	<b>\$72,000</b>
Internal staff time for engagement, submission and council reporting	\$44,600
<b>Total Project Cost</b>	<b>\$116,600</b>

## 21. Reporting on Engagement Feedback

22. A staff report on the feedback received through the engagement process and recommendations for Council to consider on the options for Founders Theatre will be presented to Council at the Council meeting on the 28 July 2016.

23. Council had resolved that this date be the June Council meeting, but having assessed the time needed to analyse the feedback and develop the report for Council, this has been deferred to 28 July 2016 to allow sufficient time.

**24. Risk**

25. There are no identified risks associated with the adoption of the engagement document and process.

**Signatory**

Authoriser	Sean Hickey, General Manager Strategy and Communications
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**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Indoor Recreation Centre  
Heads of Agreement

**Author:** Mathew Bayliss

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	
<b>Financial status</b>	<i>There budget allocated Amount \$4.5m</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is/is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- The purpose of this report is to provide an update to council on the progress made with the Indoor Recreation Centre Heads of Agreement.

## 3. Executive Summary

- Through the recent Annual Plan process, Council approved a \$4.5m grant towards the construction of two of the four courts to be built at the new Rototuna High School.
- A Heads of Agreement has been developed with the Ministry of Education and the Rototuna High School Establishment Board of Trustees, The development of the agreement has been supported by Sport Waikato and specifies the obligations of the three parties involved regarding ownership, construction contributions, the operating model and annual maintenance contributions.
- The development of the agreement is in the final stages of being completed, with detail on the design specifications taking time to be worked through with the parties involved.

## Recommendation from Management

That the report be received.

## 7. Attachments

- There are no attachments for this report.

**9. Key Issues**

10. Background

- 11. Through the recent Annual Plan process, Council approved \$4m to be brought forward from 2021/22 to the 2015/16 financial year and increased by \$500,000 as a grant towards the construction of two of the four courts to be built at the new Rototuna High School.
- 12. Council also approved the bringing forward of an operational grant of \$120,000 per annum from 2022/23 to 2017/18.
- 13. The resolution made during the council meeting 24 February 2016, authorised the Chief Executive to enter into a mutually acceptable governance and operations agreement with the Rototuna High School Establishment Board of Trustees and the Ministry of Education.
- 14. At the date for this report a Heads of Agreement is being finalised with the Ministry of Education (MOE), and the Rototuna High School Establishment Board of Trustees. The development of the Agreement has been supported by Sport Waikato with the input and advice from Sport NZ and various regional sporting organisations in the Waikato. The agreement will specify the obligations of the three parties involved regarding ownership, construction contributions, how the facility will operate annual maintenance and operational funding contributions.
- 15. The document confirms the agreed floor plan, court configuration and the shared use of the facility. The confirmation of the design specifications has been the time consuming part of the agreement development as consultation with sporting groups was required prior to the final flooring specifications being agreed.
- 16. Following the approval of the three parties to the Heads of Agreement, a trust deed will be finalised that will enable a Trust to be established to manage the facility on behalf of the three parties and to raise funds in the future.
- 17. The signing of an agreement is in the final stages of being completed and a verbal update will be given at the meeting.

18. Strategic alignment

- Long Term Plan 2015 – 2025.

19. Consultation

- Consultation has occurred with the prominent sporting codes that will utilise the facility. This has included frequency of usage, design requirements and court fees.

**20. Risk**

- 21. If the Heads of Agreement is not agreed to by 29 April 2016, it could delay the construction of the facility and costs could be incurred.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
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**Committee:** Council **Date:** 28 April 2016  
**Report Name:** 2016/2017 Remuneration - **Author:** Jude Pani  
 Elected Members

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Remuneration set by Remuneration Authority</i>
<b>Financial status</b>	<i>There is budget provision in the Annual Plan</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

## 1. Purpose of the Report

- To inform Council of the base remuneration 2016/2017 for the Mayor and Councillors and seek Council approval for the proposed allocation of part of the pool to positions with additional responsibilities based on the current arrangements, and to recommend this allocation to the Remuneration Authority (the Authority) for approval.

## 3. Executive Summary

- The Authority has provided information about Hamilton City Council elected members' base remuneration for the period from 1 July 2016 to 30 June 2017. The Authority has set the Hamilton City Councillor base salary at \$70,441 and the Mayor salary at \$156,412. This represents a 1.5% increase.
- In addition, a pool has been established to cover Councillors' additional responsibilities. For 2016/2017 this pool is calculated at 2 times a Councillor's base salary, i.e. \$140,882. The Council is being asked to submit a proposal regarding the allocation of the pool for additional responsibilities for Councillors.
- Given that the Council elected in October 2016 will have the opportunity to review its Governance Structure, it is considered appropriate for the period from 1 July 2016 up until the October 2016 triennial elections, for the Council to allocate the additional remuneration pool to the positions with additional responsibilities based on the current arrangements.
- It should be noted when allocating the additional pool, the current arrangement allows for some unallocated funds.
- All these arrangements can be revisited following the October 2016 triennial elections and a new proposal submitted to the Authority for consideration.

## 9. Recommendations from Management

That Council;

- a) Receives the report;
- b) Notes that the Authority has set the annual base salary for Hamilton City Council elected members as follows: Mayor - \$156,412 and Councillor \$70,441.
- c) Notes that the Authority has set a pool of \$140,882 (i.e. 2 times a Councillor's base salary) to cover Councillors' additional responsibilities.
- d) Approves that the following remuneration for positions with additional responsibilities be submitted to the Remuneration Authority for their approval:
  - Deputy Mayor = base Councillor Salary of \$70,441 + 25% = \$88,051
  - Committee Chairs = base Councillor Salary of \$70,441 + 20% = \$84,529
  - Deputy Committee Chairs = base Councillor Salary of \$70,441 + 10% = \$77,485
  - Sub-committee Chairs = base Councillor Salary of \$70,441 + 10% = \$77,485; and
- e) Notes that this would leave approximately \$59,876 unallocated and can be used during the year to remunerate additional responsibilities.

## 10. Attachments

11. There are no attachments for this report.

## 12. Background

13. The Authority has issued information on base salaries for councils. Consistent with their approach prior to the 2013 Elections and in a change from past practice, salaries have been fixed for all elected members, based on a job sizing determination. The Authority report issued in 2012 entitled "Remuneration setting proposals for local authorities: 2013 and beyond" can be accessed from <http://remuneration.govt.nz/clients-remuneration/remuneration-for-local-government-elected-officials/>
14. In addition to the 2012 report, during 2015 the Authority commissioned HayGroup to review a sample group of councils (including Hamilton City Council) and established both the size and changing nature of local representation. In undertaking this work the Authority obtained information that gave it some confidence in the size of the job of elected members and the increasing demands on them.
15. It also received feedback on the ability of a council to recognise the additional responsibilities undertaken by some members and the Authority has taken this into consideration in its decision making.
16. The Authority is continuing to gather information around time commitment required to effectively fulfil council responsibilities and the additional time commitment and responsibilities that flow from the district plan hearing process. They will engage further with local government over the coming year and continue to review the remuneration framework.
17. The Authority has instructed councils to set aside a figure of 2 times a Councillor's base salary for additional remuneration of Councillors in respect of additional responsibilities, including the appointments of Deputy Mayor and Committee Chairs.
18. The additional responsibilities pool for Hamilton City Council is \$140,882 in total.

19. The Authority has set the annual base salary for Hamilton City Council elected members as follows:
- Mayor: \$156,412
  - Councillor: \$70,441
20. A proposal for allocation of the additional remuneration to the positions with additional responsibility should be considered and submitted to the Authority.
21. In considering allocation of the additional pool, the Authority previously stipulated:
- Maximum additional payment to a deputy mayor is 40% of base salary; and
  - Payments to committee chairs to be between 5 and 25% of base salary.

## 22. Discussion

23. Following the 2013 Elections, elected members provided input into the allocation of the additional pool and a consensus was reached. The Deputy Mayor collated the information from his colleagues and he and Councillor Gallagher met with the Democracy Manager to inform Council decision making at that time. As a result, percentage allocations of the additional pool were made. These percentage increases for the additional responsibilities have been applied to the new base salary effective from July 2016 and are presented for Council consideration:

Position	Base Councillor salary \$	Base salary % increase	Remuneration \$
Deputy Mayor	70,441	25%	88,051
Chairperson x 2*	70,441	20%	84,529
Deputy Chairperson x 2*	70,441	10%	77,485
Chairperson Subcommittee	70,441	10%	77,485

\*Strategy and Policy, and Finance Committees

24. The above allocates \$81,006 of the \$140,882 additional pool. The unallocated sum of approximately \$59,876 could be allocated at a later date to Councillors undertaking extra duties, e.g. membership of specialist panels or working parties. This could be addressed following the October 2016 triennial elections when roles for the new triennium are confirmed.
25. It should be noted that each Councillor will only be entitled to one payment for additional responsibilities. Consequently, if a Councillor is undertaking two roles, they will get paid the additional remuneration for the higher paying role only.
26. The Council needs to make a recommendation on the allocation of the additional remuneration pool to the Authority for their approval. The Authority has requested the following supporting information with the Council recommendations: Position description outlining the additional responsibilities, estimated additional hours, benefit to the ratepayer and the extent to which the duties can vary. It is proposed that information provided previously to the Authority in support of the current arrangements be reviewed, updated where appropriate and resubmitted.
27. The Authority has advised that Council is not required to distribute its entire pool. Any unspent funds cannot, however, be carried over to the next financial year, with the exception of funds for additional duties to support a District Plan process.
28. The Authority has further advised that any of the pool not fully spent cannot be reallocated to councillors to top-up their base salary.

**Signatory**

Authoriser	David Bryant, General Manager Corporate
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**Committee:** Council

**Date:** 28 April 2016

**Report Name:** S17A Local Government Act  
Service Delivery Review

**Author:** Graham Pollard

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Section 17A Local Government Act 2002</i>
<b>Financial status</b>	<i>There is currently no identified budget. However, two external service reviews can be funded from existing resources. Budget implications for reviews in 2016/17 are yet to be determined.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To provide the Council with information on the Service Review project being carried out under Section 17A of the Local Government Act, including the services requiring review, and the process for carrying out reviews.

## 3. Executive Summary

- Council is required by section 17A Local Government Act 2002 to review its services to improve their cost-effectiveness in delivering services to households and businesses. Reviews need to consider arrangements for governance, funding and service delivery and are triggered by proposed changes to levels of service or forthcoming contract renewals. However, they do not need to be undertaken if the estimated benefits of doing so are likely to be outweighed by the costs of review.
- Since s17A was enacted in August 2014, 15 services have been reviewed or are being reviewed. It is proposed to review seven more before August 2017 where there is potential for improved efficiency and cost-effectiveness. Some of these will be undertaken by external consultants and the remainder by staff.

## Recommendation from Management

That the report be received.

## 6. Attachments

- There are no attachments for this report.

## 8. Key Issues

### 9. Legal requirement to review services

10. Section 17A Local Government Act 2002 (amended 2014) requires Councils to review the cost-effectiveness of current arrangements for meeting the needs of communities for good quality local infrastructure, local public services and performance of regulatory functions.
11. A review must consider options for the governance, funding and delivery of services and functions. This includes consideration of options for Council-Controlled Organisations, outsourcing and regional – or sub-regional – collaboration. The first reviews under s17A must be completed by 7 August 2017 (three years from the enactment of s17A) and thereafter each service must be reviewed within 6 years of the last.

### 12. Identification of services for review

13. Service reviews are triggered by proposed changes to levels of service, contract termination or renewal or re-negotiation within the next two years, or by Council's own wish to examine services.
14. However, section 17A also states that Councils are not required to review a service – even where these triggers are met - where the potential outcomes of undertaking a review do not justify the level of staff and financial input to the review.
15. Of the 37 Council services that have been tested against these criteria, 15 have already been reviewed to the requirements of s17A, or are being reviewed. These are:
  - Water Supply
  - Wastewater
  - Stormwater
  - Transportation
  - Solid Waste / Refuse & Recycling
  - Risk & Emergency Management
  - Finance
  - Facilities
  - Information Services
  - Democracy Services
  - Communications
  - People & Culture
  - Health & Safety
  - Strategy & Research
  - Portfolio Management Office

16. There are seven other services that have been identified for review during the period up to August 2017. These are:

- Events Management
- City Parks
- Planning Guidance
- Aquatic Facilities
- Community Facilities
- Parks & Open Spaces
- Building Control

## 17. Approach

18. The larger, more complex services where there is the greatest potential for benefits arising from governance, business and/or collaborative opportunities are to be conducted by external consultants:

- Events Management due to its size, complexity and external third party interest – to be completed prior to August 2016;
- City Parks for its potential for alternative models for governance and service delivery and improving cost effectiveness arising from a review – to be completed prior to August 2016;
- Planning Guidance is a key service to support growth in Hamilton and one in which there is great customer interest. Although it was reviewed recently to improve internal efficiencies, the scope was insufficient to meet the requirements of s17A. Therefore a fresh review needs to consider additional aspects of governance, funding and service delivery.
- Aquatic Facilities functions are such that engaging external consultants to conduct this review is likely to be the most cost-effective means of achieving benefits while continuing to deliver Council's agreed levels of service to the community;

19. Reviews into three other prioritised services (Parks & Open Spaces, Community Facilities and Building Control) will be conducted internally, coordinated by a dedicated contracted resource. Some have already been partly reviewed in 2014 and 2015 requiring now only smaller reviews to complete the full scope necessary to satisfy the requirements of s17A. These reviews will be completed by August 2017.

20. Council is working with Local Authority Shared Services (LASS) and the Mayoral Forum in exploring opportunities for regional and sub-regional collaboration with service reviews.

## 21. Financial and Resourcing Implications

22. The first two priority external reviews are expected to cost approximately \$65,000 each and will be conducted almost exclusively by consultants with minimal internal support.

23. The remaining external reviews are also expected to be managed almost exclusively by consultants. It is estimated that each will cost approximately \$50,000.

24. The three internal reviews will be managed by a dedicated contract resource estimated to cost approximately \$100,000. These reviews are likely to include input from internal service teams.

25. An initial estimate of staff input from the services under review is 500 hours. This is to support both the internal and external reviews.

Summary of costs	2015/16	2016/17	2017/18
External review costs	\$130,000	\$100,000	
Staff time @ \$100 per hour incl. contracted resource	\$10,000	\$130,000	\$10,000
TOTAL	\$140,000k	\$230,000	\$10,000

**26. Risk**

- 27. Council needs to comply with Schedule 1AA(2)(d) Local Government Act 2002 and complete its first reviews under s17A LGA by 7 August 2017 (3 years after the enactment of s17A LGA).

**Signatory**

Authoriser	Sean Hickey, General Manager Strategy and Communications
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**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Community Occupancy  
Applications

**Author:** Deanne McManus-Emery

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Community Occupancy Policy</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. This report recommends Council grant new community group leases to the following 8 community groups:
  - Raukura Hauora o Tainui for space in Enderley Community Centre at Enderley Park;
  - Pukete Neighbourhood House Incorporated for space in Te Rapa Sportsdrome at Ashurst Park;
  - Shinjokai Karate-do Incorporated for space in Frankton Railway Institute Hall at Railway Park;
  - Age Concern Hamilton for space in the Celebrating Age Centre at 30 Victoria Street;
  - Hamilton Grey Power Incorporated for space in the Celebrating Age Centre at 30 Victoria Street;
  - Hamilton SeniorNet Incorporated for space in the Celebrating Age Centre at 30 Victoria Street;
  - Waikato Dance Performance Trust for Old St Peters Hall at 51 Victoria Street;
  - Citizens Advice Bureau Hamilton Incorporated for the Former Reid's Studio premises at 55 Victoria Street;
3. All the community groups in this report applying for leases are existing tenants within the respective community facility.

#### 4. Recommendations from Management

That:

- a) The report be received;
- b) Council approves the granting of a new community group lease to **Raukura Hauora O Tainui in Enderley Park Community Centre on Enderley Park**, being part of Lot 2 DPS 7131, as shown at Attachment 1, subject to the following terms and conditions;
  - (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$781.25 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- c) Council approves the granting of a new community group lease to **Pukete Neighbourhood House Incorporated in Te Rapa Sportsdrome on Ashurst Park**, being located at Lot 1 DPS 38343, as shown on Attachment 3, subject to the following terms and conditions;
  - (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$2,033.18 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- d) Council approves the granting of a new community group lease to **Shinjokai Karate-do Incorporated in Frankton Railway Institute Hall at Railway Park**, being located at Lot 1 DPS 37471, as shown on Attachment 5, subject to the following terms and conditions;
  - (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$1,172.50 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- e) Council approves the granting of a new community group lease to **Age Concern Hamilton for space in the Celebrating Age Centre**, located at Pt Allot 443 TN of Hamilton West, as shown on Attachment 7, subject to the following terms and conditions;
  - (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$918.56 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.

- f) Council approves the granting of a new community group lease to **Hamilton Grey Power Incorporated for space in the Celebrating Age Centre**, located at Pt Allot 443 TN of Hamilton West, as shown on Attachment 7, subject to the following terms and conditions;
- (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$135.52 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with Community Occupancy Policy and Community Occupancy Guidelines.
- g) Council approves the granting of a new community group lease to **Hamilton SeniorNet Incorporated for space in the Celebrating Age Centre**, located at Pt Allot 443 TN of Hamilton West, as shown on Attachment 7, subject to the following terms and conditions;
- (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$409.12 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- h) Council approves the granting of a new community group lease to **Waikato Dance Performance Trust in Old St Peters Hall**, being located at Allot 449 TN of Hamilton West and Allot TN 450 of Hamilton West, as shown on Attachment 12, subject to the following terms and conditions;
- (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$1,080.63 plus GST per annum (plus maintenance and utility charges) in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- i) That Council approves the granting of a new community group lease to **Citizens Advice Bureau Hamilton Incorporated for space in the Former Reid’s Studio Building** next to St Peter’s Hall on Victoria Street, as shown on Attachment 14, subject to the following terms and conditions;
- (i) Term – 2 years commencing 1 July 2016;
  - (ii) Rent – \$625.00 plus GST per annum in accordance with 5.6 of the Community Occupancy Policy;
  - (iii) All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.

## 5. Attachments

6. Attachment 1 - Leased Area Enderley Park Community Centre
7. Attachment 2 - Community Outcomes Plan 2016 - Enderley Park Community Centre - Raukura Hauora O Tainui
8. Attachment 3 - Leased Area Te Rapa Sportsdrome

9. Attachment 4 - Community Outcomes Plan 2016 - Te Rapa Sportsdrome - Pukete Neighbourhood House Incorporated
10. Attachment 5 - Leased Area Frankton Railway Institute Hall
11. Attachment 6 - Community Outcomes Plan 2016 - Frankton Railway Institute Hall - Shinjokai Karate-do
12. Attachment 7 - Leased Area Celebrating Age Centre
13. Attachment 8 - Leased Area Celebrating Age Centre Internal Details
14. Attachment 9 - Community Outcomes Plan 2016 - CAC - Age Concern Hamilton
15. Attachment 10 - Community Outcomes Plan 2016 - CAC - Hamilton Grey Power Incorporated
16. Attachment 11 - Community Outcomes Plan 2016 - CAC - Hamilton SeniorNet Incorporated
17. Attachment 12 - Leased Area Old St Peters Hall
18. Attachment 13 - Community Outcomes Plan 2016 - Old St Peters Hall - Waikato Dance Performance Trust (Drury Lane Dance)
19. Attachment 14 - Leased Area- Citizens Advice Bureau
20. Attachment 15 - Community Outcomes Plan 2016 - Former Reid Studio - Citizens Advice Bureau (CAB)

## **21. Key Issues**

### **22. Community Facilities Working Group**

23. Strategy and Policy Committee adopted the recommendations of the Community Facilities Working Group at the 8 December 2015 meeting.
24. Recommendations from the Community Facilities Working Group were to investigate devolving management and /or dispose of the asset where deemed appropriate to Council, taking into account each facilities particular circumstances and influencing factors.
25. Staff were mandated to progress discussions with interested parties and report to Council should a decision be required on the future use of any individual community facilities.
26. The recommended lease term of 2-years allows both Community Organisations and Council time to negotiate and report back on potential changes.

### **27. Eligibility**

28. All applications meet the eligibility criteria for community occupancy as set out in the [Community Occupancy Policy](#) (Policy).
29. All applications have been assessed against the assessment criteria for community occupancy as set out in the Community Occupancy Guidelines (Guidelines).
30. All rental rates have been calculated in accordance with section 5.6 of the Policy.
31. All terms are in accordance with section 5.5 of the Policy.
32. Public notification is not required.
33. Council has delegated authority to grant the leases.

**34. Raukura Hauora o Tainui**

35. Raukura Hauora o Tainui is a charitable trust (CC31335). They are currently one of New Zealand's largest tribal based health providers, with a diverse range of community services.
36. Raukura Hauora o Tainui has 60 FTE staff, and in the last 12 months had 20,000 members, and 9,000 users of their services.
37. Raukura Hauora o Tainui has been in existence since 1991 and became a Charitable Trust in 1994, and registered with the Charities Commission in June 2004.
38. Raukura Hauora o Tainui has occupied space within Enderley Park Community Centre since 2004. This tenancy was managed through a commercial lease agreement that has been rolled over annually since the implementation of the Community Occupancy Policy.
39. Raukura Hauora o Tainui has increased their footprint by 40.51 m<sup>2</sup> to 125.00 m<sup>2</sup> within the 2016 lease application.
40. Raukura Hauora o Tainui currently pays a rental rate of \$781.25 plus GST per annum (plus maintenance and utility costs) based on a building area of 125.00 m<sup>2</sup>.
41. Lot 2 DPS 7131 is reserve land classified as local purpose (community facilities). The lease is in conformity with the Operative Sports Park Management Plan 2009.
42. Raukura Hauora o Tainui has accepted a 2-year lease. Staff recommend the granting of a Community group lease to Raukura Hauora o Tainui for a Raukura Hauora o Tainui has expressed interest in looking at being a lead in an alternative management option for Enderley Park Community Centre as a result of the Community Facilities Working group recommendation to Council on 8 December 2015.

**43. Pukete Neighbourhood House Incorporated (Pukete Neighbourhood House)**

44. Pukete Neighbourhood House is an incorporated society (CC38111). They operate as a Community House for the Te Rapa, St Andrews, Flagstaff and Pukete neighbourhoods. Their service provision includes Before School and After School Care, Tai Chi, Mini Movement and informal opportunities to enhance social connectivity.
45. Pukete Neighbourhood House has 7 FTE staff (11 additional part time and 17 full time staff for Holiday Programmes), and in the last 12 months had 108,492 users of their services.
46. Pukete Neighbourhood House has been in existence since 1985 and became incorporated in 1987.
47. Pukete Neighbourhood House has occupied space within Te Rapa Sportsdrome since 2005. This tenancy has been managed through an annual hire agreement that has been rolled over annually since the implementation of the Community Occupancy Policy.
48. Pukete Neighbourhood House will pay a rental rate of \$2,033.18 plus GST per annum (plus maintenance and utility costs) based on a building area of 216.87m<sup>2</sup>.
49. Lot 1 DPS 38343 is reserve land classified for the purpose of recreation. The lease is in conformity with the Operative Sports Park Management Plan 2009.
50. Pukete Neighbourhood House has requested a 10-year lease; however staff recommend a 2-year term. Pukete Neighbourhood House has expressed interest in looking at being a lead in an alternative management option for Te Rapa Sportsdrome as a result of the Community Facilities Working group recommendation to Council on 8 December 2015.

**51. Shinjokai Karate-do Incorporated (Shinjokai Karate-do)**

52. Shinjokai Karate-do is a not-for-profit Incorporated Trust that provides martial arts activities and programmes for the community.
53. In the past 12 months Shinjokai Karate-do has had 50 members, 15 volunteers, and over 70 users.
54. Shinjokai Karate-do has occupied Frankton Hall since 2012; previous to this they occupied Fairfield Hall. The current Community Occupancy Lease is set to expire on 30 June 2016.
55. Shinjokai Karate-do currently pays a rental rate of \$1,172.50 plus GST per annum (plus maintenance and utility costs) is based on a footprint of 268m<sup>2</sup>.
56. Frankton Hall has a footprint of 324m<sup>2</sup>, however only 268m<sup>2</sup> is usable space owing to the upstairs of the building being unsuitable for occupation due to health and safety issues.
57. Lot 1 DPS 37471 is reserve land classified for the purpose of recreation. The lease is in conformity with the Operative Sports Park Management Plan 2009.
58. The Review of the location and use of the Frankton Railway Institute Hall has been identified in the Frankton Neighbourhood Vision Plan adopted by Strategy and Policy Committee at the 23 February 2016 meeting.
59. Shinjokai Karate-do has accepted a 2-year lease. Staff recommend the granting of a community group lease to Shinjokai Karate-do for a term of 2-years to allow for the work associated with the Frankton Neighbourhood Vision Plan.

**60. Age Concern Hamilton (Age Concern)**

61. Age Concern is a not-for-profit Incorporated Society and Registered Charity (CC21730) that provides services for older people to continue to live safely in their own homes; continue to live meaningful lives; keep their minds active and to combat social isolation.
62. Age Concern has six full time staff. Within the last 12 months, Age Concern has had 360 volunteers, 600 members and 8,950 users of their services.
63. Age Concern has occupied space within the Celebrating Age Centre, Victoria Street since 2004. The current Community Occupancy Lease is set to expire on 30 June 2016.
64. Age Concern currently pays a rental rate of \$918.56 plus GST per annum (plus maintenance and utility costs) based on a footprint of 97.98m<sup>2</sup>.
65. Celebrating Age Centre is not located on reserve land, so is not subject to the Act.
66. Age Concern applied for a 5-year lease; however staff recommend a 2-year term. Staff recommend the granting of a community group lease to Age Concern for a term of 2-years to allow for conversation around alternative management options at Celebrating Age Centre to be further explored.

**67. Hamilton Grey Power Incorporated (Grey Power)**

68. Grey Power is a not-for-profit Incorporated Society that advocates for the Over 50's.
69. Within the last 12 months, Grey Power has had 30 volunteers, and 1,579 members.
70. Grey Power has occupied space within the Celebrating Age Centre since 1999. The current Community Occupancy Lease is set to expire on 30 June 2016.
71. Grey Power currently pays a rental rate of \$135.52 plus GST per annum (plus maintenance and utility costs) based on a footprint of 14.46 m<sup>2</sup>.
72. Celebrating Age Centre is not located on reserve land, so is not subject to the Act.

73. Grey Power has accepted a 2-year lease. Staff recommend the granting of a community group lease to Grey Power for a term of 2-years to allow for conversation around alternative management options at Celebrating Age Centre to be further explored.

**74. Hamilton SeniorNet Incorporated (SeniorNet)**

75. Senior Net is a not-for-profit Incorporated Society and Charitable Trust (CC22768) that trains older adults in computer skills.

76. Within the last 12 months Senior Net has had 25 volunteers, 400 members and 804 users.

77. Senior Net has occupied space within the Celebrating Age Centre, Victoria Street since 1997. The current Community Occupancy Lease is set to expire on 30 June 2016.

78. Senior Net currently pays a rental rate of \$409.12 plus GST per annum (plus maintenance and utility costs) based on a footprint of 43.64m<sup>2</sup>.

79. Celebrating Age Centre is not located on reserve land, so is not subject to the Act.

80. Senior Net applied for a five year lease, however staff have recommended a 2-year term. Staff recommend the granting of a community group lease to SeniorNet for a term of 2-years to allow for conversation around alternative management options at Celebrating Age Centre to be further explored.

**81. Waikato Dance Performance Trust (Drury Lane Dance Studio)**

82. Waikato Dance Performance Trust (Drury Lane Dance Studio) is a not-for-profit Charitable Trust (CC42772) that provides dance activities and programmes for the community.

83. In the past 12 months, Drury Lane Dance Studio has had 50 volunteers and in excess of 400 families participating in their operations.

84. Drury Lane Dance Studio has occupied Old St Peters Hall for over 20 years. The current Community Occupancy Lease is set to expire on 30 June 2016.

85. Drury Lane Dance Studio currently pays a rental rate of \$1,080.63 plus GST per annum (plus maintenance and utility costs) based on a building area of 247m<sup>2</sup>.

86. Old St Peters Hall is not located on reserve land, so is not subject to the Act.

87. Drury Lane Dance Studio has accepted a 2-year lease. Staff recommend the granting of a community group lease to Waikato Dance Performance Trust for a term of 2-years to allow for conversation around alternative management options at Old St Peters Hall to be further explored.

**88. Citizens Advice Bureau Hamilton Incorporated (CAB)**

89. CAB are a not-for-profit Incorporated Society and Registered Charity (CC20225) established to provide free, impartial and confidential information, guidance and support. They aim to ensure that individuals do not suffer through ignorance of their rights and responsibilities or of services available to them.

90. CAB had 68 members who volunteer their services and assisted 13,000 individuals last year.

91. CAB currently holds two Community Occupancy Leases with Council, one as part of the Caro Street Building and 55 Victoria Street, the former Reid's Studio.

**92. 55 Victoria Street**

93. CAB have leased the former Reid's Studio adjacent to St Peter's Hall on 55 Victoria Street since 1992. The current Community Occupancy Lease is set to expire on 30 June 2016.

94. CAB currently pay a rental rate of \$625.00 plus GST per annum based on a building area of 132m2.

95. Staff recommend the granting of community group lease to CAB for the Victoria Street premises for a term of 2-years.

**96. Strategic alignment**

97. The community groups provide services that support Council’s vision and outcomes in the 10-Year Plan and City Strategies.

98. Staff have worked with the community groups to develop a community outcomes plan (Plans Attached) which identifies benefits to the community and targets to review performance. These will form part of the agreement and will be monitored in partnership with the community groups.

**99. Risk**

100. There is minimal risk to Council in granting new community group leases to the community groups in this report.

101. To comply with the Policy, Council consideration of staff recommendations, and a decision whether to approve or decline them, is required. Failure of Council to deal with staff recommendations would be an inconsistent approach and leaves Council exposed to litigation and reputational risk.

102. The failure of Council to implement the Policy would create further and significant uncertainty for the affected community groups.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
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### Community Outcomes Plan 2016

Hamilton City Council Priority	Community Contribution	Target	Achievements
<b>City Strategy Priority/10-Year Plan Outcome</b>			
<p><b>Hamilton Plan</b> The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</p>	<p><b>Raukura Hauora o Tainui will:</b></p> <ul style="list-style-type: none"> <li>- Provide a variety of whanau ora services that meet the needs of the community.</li> <li>- Deliver General Practitioner, nursing, mental health, addictions, dental, public health and specialist primary care services.</li> <li>- Provide educational programmes and advocacy service.</li> <li>- Work in partnership with other organisations and agencies.</li> </ul>	<p><b>Raukura Hauora o Tainui will achieve from Enderley Community Centre in 2016:</b></p> <ul style="list-style-type: none"> <li>- Immunisation – 90% of under 8-months fully vaccinated.</li> <li>- Dental – minimum of 90 under 18-year olds assessed and treated at in Dental.</li> <li>- Sore Throat checks – minimum of 150 checks.</li> <li>- Before schools checks – minimum 150.</li> <li>- Smoking – minimum of 50 pregnant women supported to quit smoking in pregnancy.</li> <li>- Parenting skills/courses – 2 courses delivered.</li> <li>- Alcohol and other drugs – 50 adults and rangatahi through alcohol and other drug programmes.</li> <li>- Mental health – minimum of 50 adults with mental health issues supported.</li> <li>- Marae based forums – minimum of 6 marae based forums facilitated.</li> <li>- Health education and promotion – Health education and exercise programmes provided for 25 families.</li> </ul>	
<p><b>10-Year Plan Outcome</b> Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</p>			
<p><b>Older Person Plan</b> PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE ACCESS- Older people can get around Hamilton and services easily. SAFETY - Older people are safe and secure in Hamilton. INCLUSION - Older people are a valued part of the Hamilton</p>			
<p><b>Rangatahi Youth Action Plan</b> TO MAXIMISE OPPORTUNITIES FOR HAMILTON'S YOUNG PEOPLE TO BE ACTIVELY INVOLVED IN THEIR CITY</p> <ol style="list-style-type: none"> <li>1. Are connected, engaged and empowered.</li> <li>2. Feel safe, valued and able to fully contribute to the community.</li> <li>3. Have increased educational and employment opportunities.</li> </ol>			



**Community Outcomes Plan 2016**

Hamilton City Council Priority	Community Contribution	Target	Achievements
<p><i>City Strategy Priority/10-Year Plan Outcome</i></p> <p><b>Hamilton Plan</b> The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</p> <p><b>10-Year Plan Outcome</b> Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</p> <p><b>Older Person Plan</b> PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE ACCESS- Older people can get around Hamilton and services easily. SAFETY - Older people are safe and secure in Hamilton. INCLUSION - Older people are a valued part of the Hamilton</p> <p><b>Rangatahi Youth Action Plan</b> TO MAXIMISE OPPORTUNITIES FOR HAMILTON'S YOUNG PEOPLE TO BE ACTIVELY INVOLVED IN THEIR CITY 1. Are connected, engaged and empowered. 2. Feel safe, valued and able to fully contribute to the community. 3. Have increased educational and employment opportunities.</p>	<p>Pukete Neighbourhood House will:</p> <ul style="list-style-type: none"> <li>↓ Provide a well-resourced community house in the North Hamilton area</li> <li>↓ Provide family support</li> <li>↓ Work in partnership with other organisations and agencies</li> </ul> <ul style="list-style-type: none"> <li>↓ Older people are encouraged to actively participate in group sessions</li> <li>↓ Provide intergenerational activities</li> </ul> <ul style="list-style-type: none"> <li>↓ Give children and young people the opportunity to learn skills that will enable them to grow and develop</li> <li>↓ Create local employment opportunities for local youth</li> </ul>	<p>Pukete Neighbourhood House will:</p> <ul style="list-style-type: none"> <li>↓ Develop and grow six community programmes that meet the needs of the community.</li> <li>↓ Deliver a minimum of 600 family support services</li> <li>↓ Maintain links with Neighbourhood Support, Neighbourly and local community</li> <li>↓ Actively manage 6 North Hamilton Network Meetings per year</li> <li>↓ Increase attendance at social networking events (from 360 to 420)</li> <li>↓ Provide 245 days annually of Before School and After School care, with attendance exceeding 100 children per day</li> <li>↓ Provide 9 weeks annually of OSCAR accredited Holiday programmes, with attendance exceeding 100 children per day.</li> <li>↓ Employ 24 local youth per annum</li> </ul>	

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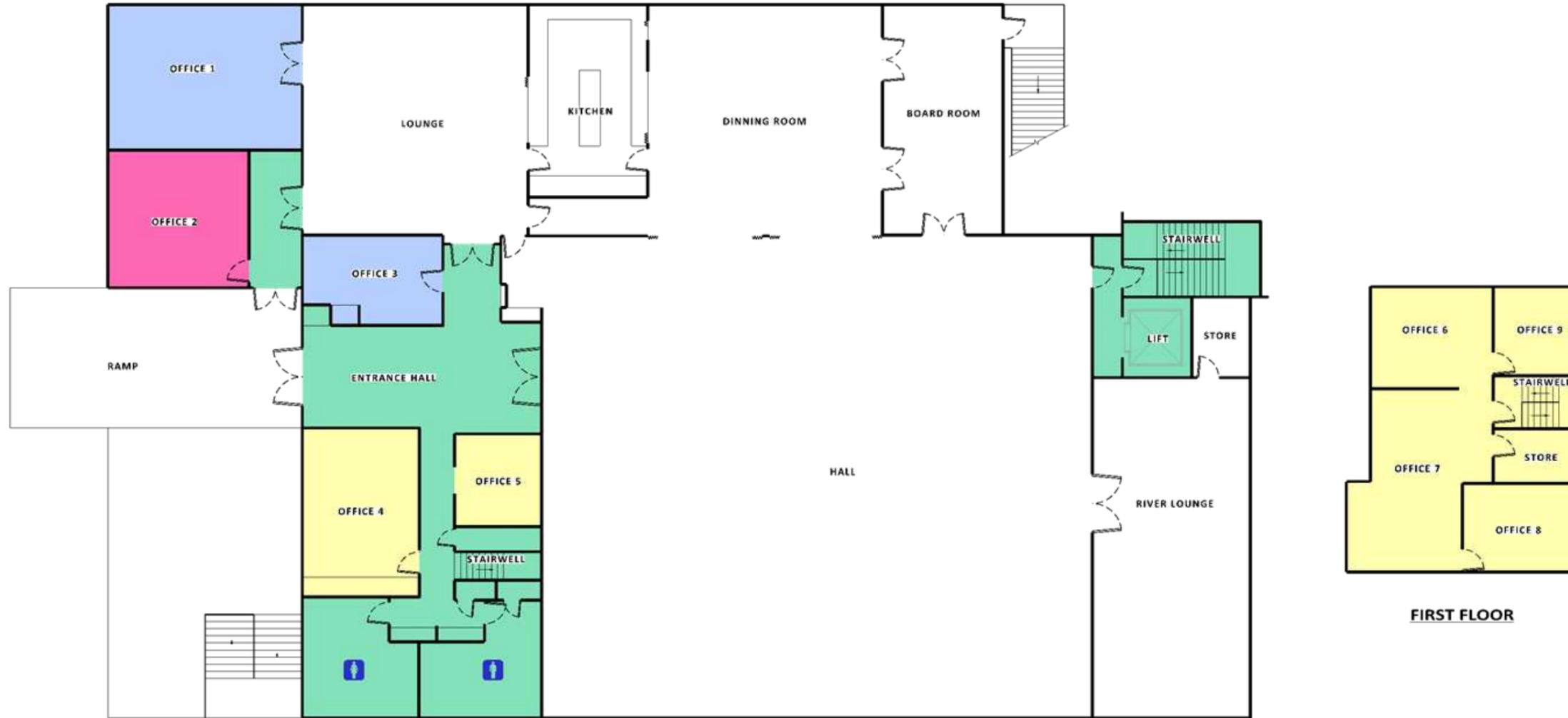


Community Outcomes Plan 2016			
Hamilton City Council Priority	Community Contribution	Target	Achievements
<b>City Strategy Priority/10-Year Plan Outcome</b>			
<p><b>Hamilton Plan</b> The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</p>	<p>Shinjokai Karate-do will:</p> <ul style="list-style-type: none"> <li>• Deliver martial arts and self defence programmes for children and adults</li> <li>• Deliver programmes that enhance the quality of leadership and volunteer activities</li> <li>• Support the delivery of programmes that support cultural diversity i.e. kapa haka</li> <li>• Deliver/support programmes that increase physical activity within the community at low cost</li> </ul>	<p>Shinjokai Karate-do will provide/support a minimum of six group based martial arts and activity based programmes per week during term time for children and adults within Hamilton.</p> <p>Shinjokai Karate-do will deliver a minimum of 220 group based martial arts and activity based sessions per annum.</p>	
<p><b>10-Year Plan Outcome</b> Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</p>			
<p><b>Older Person Plan</b> PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE ACCESS- Older people can get around Hamilton and services easily. SAFETY - Older people are safe and secure in Hamilton. INCLUSION - Older people are a valued part of the Hamilton</p>			
<p><b>Rangatahi Youth Action Plan</b> TO MAXIMISE OPPORTUNITIES FOR HAMILTON'S YOUNG PEOPLE TO BE ACTIVELY INVOLVED IN THEIR CITY 1. Are connected, engaged and empowered. 2. Feel safe, valued and able to fully contribute to the community. 3. Have increased educational and employment opportunities.</p>			





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GROUND FLOOR

FIRST FLOOR

- Communal Area
- Senior Net - 43.64m<sup>2</sup>
- Age Concern - 97.98m<sup>2</sup>
- Grey Power - 14.46m<sup>2</sup>





**Community Outcomes Plan 2016**

Hamilton City Council Priority	Community Contribution	Target	Achievements	
<b>City Strategy Priority/10-Year Plan Outcome</b>				
<p><b>Hamilton Plan</b>  <i>The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</i></p>	<p><i>Age Concern provides:</i></p> <ul style="list-style-type: none"> <li>• Services for older people to support them to live safely and well in their own homes and continue to have meaningful lives .</li> <li>• Community safety. Elder abuse &amp; neglect prevention service designed to give older people a sense of security, safety and freedom from abuse.</li> <li>• Inclusion. Visiting &amp; Shopping services to address social isolation and poor nutrition.</li> <li>• Inclusion. A range of education, lifelong learning programmes, social activities and physical exercise classes that older people can actively engage in within their community</li> <li>• Inclusion. Events to celebrate the International Day for Older People</li> </ul>	<ul style="list-style-type: none"> <li>• Provide advocacy, support &amp; referral services.</li> <li>• Undertake elder abuse prevention, awareness and training.</li> <li>• Provide home visits for companionship and community connections</li> <li>• Provide shopping services for older people with mobility issues.</li> <li>• Deliver health education and training</li> <li>• Provide weekly education/lifelong learning seminars.</li> <li>• Facilitate weekly Zumba Gold classes</li> <li>• Facilitate appropriate social events</li> <li>• Organise an event to celebrate the International Day for Older People on 1 October</li> </ul>		
<p><b>10-Year Plan Outcome</b>  <i>Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</i></p>				
<p><b>Older Person Plan</b>  <i>PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE</i>  <i>ACCESS- Older people can get around Hamilton and services easily.</i>  <i>SAFETY - Older people are safe and secure in Hamilton.</i>  <i>INCLUSION - Older people are a valued part of the Hamilton</i></p>				

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Community Outcomes Plan 2016			
Hamilton City Council Priority	Community Contribution	Target	Achievements
City Strategy Priority/10-Year Plan Outcome			
<p><b>Hamilton Plan</b>  <i>The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</i></p>	<p>Grey power will:</p> <ul style="list-style-type: none"> <li>• Advance, support and protect the welfare and wellbeing of aged persons, both directly or in conjunction with other organisations or bodies</li> <li>• Uphold the status of the aged as important members of society</li> <li>• Educate and inform organisations, institutions, other bodies, and the public for the purpose of bringing about a better understanding of the particular needs of the aged and the ability of the aged to contribute to the public good</li> <li>• Foster public participation in New Zealand's social policy through discussion, research and submissions.</li> </ul>	<p>Grey Power will:</p> <ul style="list-style-type: none"> <li>• Increase membership to 2000</li> <li>• Provide support information to clients on a daily basis</li> <li>• Provide a minimum of 30 educational seminars</li> <li>• Undertake a number of advocacy opportunities on behalf of older people</li> <li>• Access a variety of discounts for older people</li> <li>• Provide a number of social trips and/or events for older people</li> </ul>	
<p><b>10-Year Plan Outcome</b>  <i>Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</i></p>			
<p><b>Older Person Plan</b>  <b>PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE</b>  <b>ACCESS- Older people can get around Hamilton and services easily.</b>  <b>SAFETY - Older people are safe and secure in Hamilton.</b>  <b>INCLUSION - Older people are a valued part of the Hamilton</b></p>			

**Community Outcomes Plan 2016**

Hamilton City Council Priority	Community Contribution	Target	Achievements
City Strategy Priority/10-Year Plan Outcome			
<p><b>Hamilton Plan</b> The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</p>	<p>SeniorNet will:</p> <ul style="list-style-type: none"> <li>• Teach older adults in computer skills</li> <li>• Give them the opportunity to learn skill that will enable them to contribute their knowledge &amp; wisdom to Society.</li> <li>• Educate older adults to teach other adults in computer skills.</li> <li>• Offer a means for Seniors to communicate with family &amp; make new friends through online sites ie Facebook, Internet banking, Email etc</li> </ul>	<p>SeniorNet will provide a minimum of 700 students with classes, workshops &amp; group based information technology training courses for the older people within Hamilton throughout the year.</p>	
<p><b>10-Year Plan Outcome</b> Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</p>			
<p><b>Older Person Plan</b> PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE ACCESS- Older people can get around Hamilton and services easily. SAFETY - Older people are safe and secure in Hamilton. INCLUSION - Older people are a valued part of the Hamilton</p>			

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Community Outcomes Plan 2016

Hamilton City Council Priority	Community Contribution	Target	Achievements
<b>City Strategy Priority/10-Year Plan Outcome</b>			
<p><b>Hamilton Plan</b>  <i>The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</i></p>	<p>Waikato Dance Performance Trust (Drury Lane Dance &amp; Performance)                      To promote &amp; forward the interests of the trust in the Waikato Region and elsewhere.                      To Create opportunities for students through the medium of dance and related forms of expression.                      To bring together people of diverse cultures, generations and walks of life.                      To inspire students to develop to their full potential in stage performances and similar events.                      To aim for the highest standard of professionalism and integrity.                      To initiate, organise and produce top class events for the enjoyment and involvement of the local community.                      To provide sponsorship and educational opportunities for performers to travel and to gain further experience in their chosen field.</p>	<p>Drury Lane Dance &amp; Performance provide tuition in Jazz, Hip Hop, Ballet, Tap, Contemporary, Musical Theatre, Body Conditioning, Performance Groups &amp; Cabaret Entertainment for children, teens and adults. We run 51 classes per week for over 350 families. Students participate in classes, examinations, medal awards, Competitions and workshops. Plus donating to, entertaining and supporting Retirement Homes, Hospitals, Hospice, Relay for life and various charities                      HCC events (such as Christmas Parade) promotions, Special Childrens christmas party, Hamilton garden events plus public and city promotions including pre-match entertainment at the Waikato Stadium, Netball events at the Claudlands Event Centre &amp; Fieldays. We have over 50 performers entertaining the waikato public each year at community events.                      The studio also assists local organisations and events with advice, rehearsals, costumes, music and choreography.                      Snr tutor also mentor other teachers and choreographers in the Waikato.</p>	<p>Our achievements so far this year-                      We have 12 students training as student teachers. We have 5 new teachers taking classes of their own this year having achieved teacher standards. Over the first school holidays we have our first dance workshop for the year with professional dancer Lauren Mann (formerly a Drury Lane Student) with over 50 students. This is open to any dancer in the Waikato.                      We are in the process of organising another workshop for the 2<sup>nd</sup> school holiday break with visiting choreographers.                      We are currently in rehearsal for the next Impact Cabaret to be held at the Clarence St Theatre in Sept. (This company is completely local performers)</p>
<p><b>10-Year Plan Outcome</b>  <i>Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</i></p>			
<p><b>Older Person Plan</b>  <b>PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE</b>  <b>ACCESS-</b> Older people can get around Hamilton and services easily.  <b>SAFETY -</b> Older people are safe and secure in Hamilton.  <b>INCLUSION -</b> Older people are a valued part of the Hamilton</p>			
<p><b>Rangatahi Youth Action Plan</b>  <b>TO MAXIMISE OPPORTUNITIES FOR HAMILTON'S YOUNG PEOPLE TO BE ACTIVELY INVOLVED IN THEIR CITY</b>                      1. Are connected, engaged and empowered.                      2. Feel safe, valued and able to fully contribute to the community.                      3. Have increased educational and employment opportunities.</p>			

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**Community Outcomes Plan 2016**

Hamilton City Council Priority City Strategy Priority/10-Year Plan Outcome	Community Contribution	Target	Achievements
<p><b>Hamilton Plan</b> The Council has developed the Hamilton Plan to build a stronger economy and an attractive city for families.</p> <p><b>10-Year Plan Outcome</b> Community Services activities are about building a strong, resilient and connected community, which contributes to the achievement of all of our Hamilton Plan priorities.</p> <p><b>Older Person Plan</b> PLAN PURPOSE - HAMILTON IS A DESIRABLE PLACE TO LIVE FOR OLDER PEOPLE ACCESS- Older people can get around Hamilton and services easily. SAFETY - Older people are safe and secure in Hamilton. INCLUSION - Older people are a valued part of the Hamilton</p> <p><b>Rangatahi Youth Action Plan</b> TO MAXIMISE OPPORTUNITIES FOR HAMILTON'S YOUNG PEOPLE TO BE ACTIVELY INVOLVED IN THEIR CITY 1. Are connected, engaged and empowered. 2. Feel safe, valued and able to fully contribute to the community. 3. Have increased educational and employment opportunities.</p>	<p><b>HAMILTON PLAN / 10yr PLAN</b> An attractive city has the welfare of its community as a priority. CAB Hamilton can contribute to this through assisting those in need of information and advice. CAB Hamilton offers free confidential information to all sectors of the community, with the aim of improving the day-to-day well-being of individuals &amp; families especially those who may suffer through being unaware of their rights &amp; responsibilities or an inability to express those needs.</p> <p><b>OLDER PERSON PLAN</b> The plan aims to make Hamilton the most desirable place for older people to live. CAB Hamilton's aims &amp; services are appropriate to the older members of the community. CAB connects older people with services and information relevant to their need. This may range from contacts for Seniors activities to neighbourhood problems, legal advice, elder abuse etc. CAB is in</p>	<p>To remain in our present area and be part of the Ferrybank development providing a community service with inclusion of older people.</p>	<p>Provide information for 12,000+ in the community, to insure they are well informed. Barriers to older people without computers are addressed.</p>

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	<p>downtown Hamilton &amp; easily accessible. Most of our volunteers are older people who contribute to the community wellbeing.</p> <p><b>YOUTH ACTION PLAN</b> CAB Hamilton aims to meet the needs of young people. CAB provides opportunities for young people to become CAB volunteers. CAB Clinics at the Migrant Centre can help young immigrants &amp; refugees integrate into Hamilton society. CAB services providing advice and information meet the needs of many young people by connecting or referring them to appropriate services which may include education / training information, employment rights, flatting / tenancy information. Our CAB database is available and provides practical guidance &amp; legal information for all ages. Many clients are made aware of this resource.</p>		
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**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Gambling Policies Review

**Author:** Julie Clausen

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Gambling Policies</i>
<b>Financial status</b>	<i>The budget of \$18,000 was allocated within operating budgets for the review of the Gambling Policies, including legal input and staff. The cost to undertake the additional consultation is budgeted for at \$2,000 and will be met from existing staff budgets.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. To present the proposed TAB Board Venue Policy for adoption.
3. To present the proposed Class 4 Gambling Venue Policy (that includes Option B) for adoption
4. To present the Amended Draft Class 4 Gambling Venue Policy and Statement of Proposal for adoption and public consultation.
5. To respond to issues raised at the Strategy and Policy Committee meeting on 23 February 2016.

## Recommendations from Management

That:

- a) The report be received;
- b) The Proposed TAB Board Venue Policy is adopted;
- c) The Proposed Class 4 Gambling Venue Policy (with the inclusion of Option B) is adopted;
- d) The Amended Draft Class 4 Gambling Venue policy and Statement of Proposal are adopted for public consultation using the special consultative procedure;
- e) The consultation period is 16 May 2016 to 17 June 2016; and
- f) A date for hearing of the submissions to be allocated after 17 June 2016.

## 6. Attachments

7. Attachment 1 - Gambling Policies Review 2015 - Adoption Report to S&P Committee 23 February 2016

8. Attachment 2 - Proposed Class 4 Gambling Venue Policy (Option B)
9. Attachment 3 - Proposed TAB Board Venue Policy
10. Attachment 4 - Statement of Proposal - Amended Draft Class 4 Gambling Venue Policy
11. Attachment 5 - Amended Draft Class 4 Gambling Venue Policy

## 12. Key Issues

13. On 5 November 2015, following hearings and deliberations, the Strategy and Policy Committee resolved:
  - a) That the report be received;
  - b) Council supports Option B (limited relocation) for the Class 4 Gambling Venue Policy;
  - c) Based on submissions, no changes are made to the TAB Board Venues Policy as consulted on in the Statement of Proposal;
  - d) The note “this policy will be subject to the provisions of the Gambling Amendment Bill (No 3) if it passes into law” be added to each policy for clarity;
  - e) Subject to the above changes, a track-changed version of the proposed Class 4 Gambling Venue Policy and the TAB Board Venue Policy be brought back for adoption at the 8 December 2015 Strategy and Policy Committee;
  - f) Council consult the public, using a special consultative procedure, solely on:
    - i. The inclusion of an additional clause to Option B that any venue within the permitted area is able to relocate within the Gambling Permitted Area; and
    - ii. The removal of the word “existing” from section 4A of Option B relating to club mergers.
14. In response to this resolution, staff updated the draft TAB Board Venue Policy and Class 4 Gambling Venue Policy, and prepared a Statement of Proposal for public consultation on the changes to the Class 4 Gambling Venue Policy. These were presented to the Strategy & Policy Committee meeting on 23 February 2016 for adoption.
15. A copy of the 23 February 2016 report is Attachment 1 to this report. It sets out the background to the decision made at the 5 November 2015 meeting and provides the updated policies and Statement of Proposal recommended by staff for adoption.
16. Councillors were divided on the staff recommendation and following debate, the following procedural motion was made:
 

*That the item of business being discussed be referred to the March 2016 Council meeting.*
17. The Minutes record that this report would address the issues raised at the Committee meeting. Those issues relate to the Class 4 Gambling Venue Policy only and are:
  - The inclusion of a no re-location clause
  - A cap on the number of machines that can operate at a combined site on merger
18. The legal requirements for the two policies are s102 of the Gambling Act 2003 which requires the Council to have a Class 4 Gambling Venue Policy and s65E of the Racing Act 2003 which requires the Council to have a TAB Board Venue Policy. Both Acts require the policies to be reviewed every three years using the special consultative procedure. The review commenced in August 2015.

19. Since the review process began, the Gambling Amendment Bill (No 3) has been passed into law. The consequence of this is that minor changes have been made to the policy wording which are shown as tracked changes in the policies.
20. For ease of dealing with the two policies, this report addresses the policies separately.

## 21. Issues

### TAB Board venue Policy

22. Attached is the proposed TAB Board Venue Policy (Attachment 3).
23. Staff understand that there are no outstanding issues relating to this policy and staff recommend that this policy be adopted. Adoption by Council today will complete the review of this policy.

### Class 4 Gambling Venue Policy

24. Councillors can read the hearings and deliberations report dated 5 November 2015 [here](#). Staff recommend reading this report as it sets out Option A and Option B.
25. In response to the 5 November 2015 resolution, the proposed Class 4 Gambling Venue Policy is attached (Attachment 2) incorporating Option B and is recommended for adoption.
26. The further changes requested to the policy at the November meeting are:
  - Any venue within the permitted gambling area can be relocated within the permitted area and retain the same number of machines; and
  - Clubs within the permitted gambling area can merge and consolidate and relocate to a new location within the permitted area. They would not have to merge/consolidate at one of the existing venues. (Note that already in the policy is that the maximum number of machines permitted at the consolidated location has to be the lesser of 24 machines or the total number of machines from the merged clubs).
27. These further changes to the policy resolved by the Strategy and Policy Committee on 5 November 2015 were not part of the original Statement of Proposal consulted on last year (Option A or Option B) and therefore a period of consultation is required on only these two specific changes. These changes are tracked into the Amended Draft Class 4 Gambling Venue Policy and included in the Statement of Proposal, which are attached for adoption (Attachments 4 and 5).
28. A special consultative procedure is required and the consultation period will be from 16 May 2016 to 17 June 2016 and a date will be allocated for the Strategy and Policy Committee to hear submissions and deliberate

## 29. Issues raised at 23 February 2016 meeting

### Cap on number of machines

30. Under the Act, Council may impose a cap on the number of gambling machines that can be operated at a Class 4 Venue. However, this would only apply to *new* consents issued. Neither the existing policy, the proposed policy (Option B), nor the rejected policy (Option A), allow for any new consents to be issued. Therefore the number of machines that can be operated at venues with existing consents is effectively capped according to the number of machines allowed under the Operator's Licence (issued by Internal Affairs). This is mandated under the Act:

- For licences issued prior to 2001 (or at the discretion of the Minister), the cap is 18 machines
- For licences issued after 2001, the cap is 9 machines.

#### Sinking Lid

31. Under the Act, Council can allow clubs to relocate and retain their consent (with the same number of machines) or it can disallow clubs to relocate (sinking lid). If it allows clubs to relocate, it cannot impose a lower cap on the number of machines than is in the existing consent held by the club.
32. Neither the Proposed Class 4 Gambling Venue Policy (Option B) nor the Amended Draft Class 4 Gambling Venue Policy (incorporating the further changes outlined in the Statement of Proposal) represent a sinking lid approach to gambling machines. If Council wished to adopt this approach, it would adopt Option A from the Statement of Proposal attached to the 5 November 2015 report, that is:
33. No relocation allowed: Consents issued only where two or more private clubs merge and consolidate to a single existing venue.
34. Adopting Option A would not require public consultation because this option has already been consulted on last year.
35. Under the Act, when two clubs merge into one venue they may, at the discretion of the Minister, be granted an Operator's Licence for *the lesser of* 30 machines or the sum of the number of machines previously operated by each club. However the number of machines may not exceed the number allowed under Council's venue consent and only applies if Council permits clubs to merge in its policy.
36. Council's existing policy (and all versions of the proposed policy) allow merged clubs to operate *the lesser of* 24 machines or the sum of the number of machines previously operated by each club.

### **37. Options**

38. Based on the resolution made at the Strategy and Policy Committee meeting on 5 November 2015 staff recommend adopting the Proposed Class 4 Gambling Venue Policy (which incorporates Option B) and approving the Statement of Proposal and Amended Draft Class 4 Gambling Venue Policy for a period of public consultation. The effect of this is:
  - The Proposed Class 4 Gambling Venue Policy would be approved and would apply as the final policy; and
  - The further two changes are to be consulted on and that process will occur in the usual way.
39. If Council wishes to change the Proposed Class 4 Gambling Venue Policy from Option B to Option A, it can do so without the need for public consultation and can do that by resolution at this Council meeting. The effect of that is the Class 4 Gambling Venue Policy would be approved and would apply as the final policy.
40. Council can resolve at this Council meeting not to proceed with the Statement of Proposal and Amended Draft Class 4 Gambling Venue Policy. The effect of that would be the review of the Class 4 Gambling Venue Policy would be completed in full.
41. If Council wished to make other changes that were not consulted on last year, a new Statement of Proposal would need to be prepared and come back to Council for approval.

#### 42. Financial and Resourcing Implications

43. The cost for undertaking additional consultation on the amended Option B (Amended Draft Class 4 Gambling Venue) would be \$2,000 consisting of staff time. The cost will be covered within existing operating budgets.

#### 44. Risk

45. The policy review date of the current policies is August 2016. As Council has commenced a review of the policies prior to this date, the current policies will remain in force until the review process is completed.

#### Signatory

Authoriser	Sean Hickey, General Manager Strategy and Communications
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**Committee:** Strategy & Policy Committee **Date:** 23 February 2016

**Report Name:** Gambling Policies Review 2015 - Adoption Report **Author:** Julie Clausen

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Supports the Social Well Being Strategy</i>
<b>Financial status</b>	<i>There is budget allocated of \$20,000 within the operating budget for the review of the Gambling Policies.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

#### 1. Purpose of the Report

2. To present the proposed Class 4 Gambling Venue Policy and the proposed TAB Board Venue Policy for Council's consideration and adoption.
3. To present the amended draft Class 4 Gambling Venue Policy and Statement of Proposal for consideration and adoption prior to public consultation.

#### 4. Executive Summary

5. Public consultation on the proposed Class 4 Gambling Venue Policy and the proposed TAB Board Venue Policy commenced 2 September 2015 and closed on 2 October 2015. Seventy eight (78) submissions were received. Full submissions are available on [Council's website](#).
6. Five submitters were heard in support of their submission at the hearing held on [5 November 2015](#).
7. Following deliberations, Council resolved to amend the Class 4 Gambling Venue Policy to select Option B (limited relocation).
8. Council resolved to adopt both the Class 4 Gambling Venue Policy and TAB Board Venue Policy with the inclusion of a policy note regarding the Gambling Amendment Bill (No 3).
9. Also at the 5 November 2015 meeting, Council resolved:  
*That Council consult, using a Special Consultative Procedure, the public solely on:*
  - i. *the inclusion of an additional clause to Option B that any venue within the permitted area is able to relocate within the gambling permitted area.*
  - ii. *the removal of the word "existing" from section 4a of Option B relating to club mergers.*
10. An amended draft Class 4 Gambling Venue Policy and Statement of Proposal is attached for consideration and adoption prior to public consultation.
11. The consultation period will be from Thursday 3 March 2016 to Wednesday 6 April 2016.

**12. Recommendations from Management** (*Recommendation to Council*)

- a) That the report be received.
- b) That the proposed Class 4 Gambling Venue Policy be adopted.
- c) That the proposed TAB Board Venue Policy be adopted.
- d) That the proposed Class 4 Gambling Venue Policy and the proposed TAB Board Venue Policy, as adopted above, come into force on 2 March 2016.
- e) That Council adopt the draft Amended Class 4 Gambling Venue Policy and Statement of Proposal to allow public engagement.
- f) That the consultation period be from Thursday 3 March 2016 to Wednesday 6 April 2016.

**13. Attachments**

14. Attachment 1 - Proposed Class 4 Gambling Venue Policy
15. Attachment 2 - Proposed TAB Board Venue Policy
16. Attachment 3 - Amended draft Class 4 Gambling Venue Policy
17. Attachment 4 – Statement of Proposal - Amended Class 4 Gambling Venue Policy

**18. Adoption of the proposed Class 4 Gambling Venue Policy and the proposed TAB Board Venue Policy**

19. The Gambling Act 2003 and Racing Act 2003 required Council to have a Class 4 Venues Policy and a TAB Board Venue Policy and for the policies to be reviewed every three years using the Special Consultative Procedure.
20. Public consultation commenced 2 September 2015 and closed on 2 October 2015. Seventy eight (78) submissions were received. Full submissions are available on Council's website.
21. Five (5) submitters were heard in support of their submission at the hearing held on 5 November 2015.
22. Following deliberations, Council resolved to support Option B (limited relocation) for the Class 4 Gambling Venue Policy. No further changes are proposed to the two policies for adoption, except for the inclusion of a policy note regarding the Gambling Amendment Bill (No 3).
23. The Class 4 Gambling Venue Policy and the TAB Board Venue Policy will come into force on 2 March 2016.

**24. Amendment to Class 4 Gambling Venue Policy**

25. Council resolved on 5 November 2015 at the Strategy and Policy Committee meeting that there were two additional changes to the Class 4 Venues Policy that it wished to consider.
26. These issues were not part of the Statement of Proposal provided during the Special Consultative Procedure for the Class 4 Venues Policy and a TAB Board Venue Policy, and therefore are required to be addressed by a subsequent Special Consultative Process.

27. The changes are:
- i. Inclusion of a new clause s4(b) to allow any venue within the permitted area to be able to relocate within the gaming permitted area. The Class 4 Gambling Venue Policy (recommended for adoption 23 February 2016) does not allow any relocation, even within permitted areas. In consideration, this could be restrictive on operators as it does not allow them to relocate to alternative premises within the permitted area.
  - ii. The removal of the word "existing" from section 4a relating to club mergers. The Class 4 Gambling Venue Policy s4(a) requires that any private clubs who merge and consolidate their existing activities must use one of the existing venues. The removal of the word "existing" would allow merged clubs to relocate to an alternative venue.
28. There are no other changes to the Class 4 Gambling Venue Policy.
29. The amended Class 4 Gambling Venue Policy and Statement of Proposal are attached.
30. The consultation period will be advised by Public Notice and will run from Thursday 3 March 2016 to Wednesday 6 April 2016. The consultation will be available on Council's website "have your say" and at Council offices.
31. A letter will be sent to all submitters who made submissions to the draft Class 4 Gambling Venue Policy (recommended for adoption 23 February).
32. The hearings and deliberations on the amended draft Class 4 Gambling Venue Policy will be considered at the 3 May 2016 Strategy and Policy Committee.

### 33. Financial and Resourcing Implications

34. The cost of reviewing the gambling policies is budgeted for in existing budgets.
35. External costs for the review are estimated at \$6000.00, including legal input and consultant support. Conducting a second round of consultation to amend the Class 4 Gambling Venue Policy will incur additional costs to Council of approximately \$2000.00.
36. To date staff input is estimated at 120 hours, or approximately \$12,000.00.
37. There are no financing and resourcing implications for the proposed changes to the policies.

### 38. Risk

39. The changes proposed are able to be undertaken within the existing legislative framework and have followed a robust deliberation process by Council. For this reason, there is low legislative or financial risk.

### Signatory

Authoriser	Sean Hickey, General Manager Strategy and Communications
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First adopted:	8 March 2004
Revision dates/version:	<del>2 March 2016</del> 31 March 2016/ Revision 7
Next review date:	<del>December 2018</del> March 2019
Engagement required:	SCP
Document number:	D-1984721
Associated documents:	Gambling Act 2003
Sponsor/Group:	City Growth



## CLASS 4 GAMBLING VENUE POLICY

### Purpose

1. To control the growth of Class 4 gambling venues.
2. To minimise the harm caused by Class 4 gambling.

### Definitions

Adjacent Allotment	Allotments sharing one or more common boundaries a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:- i). the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or ii). a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or b) any parcel of land or building or part of a building that is shown or identified separately:- i). on a survey plan; or ii). on a licence within the meaning of Part I of the Companies Amendment Act 1964; or c) any unit on a unit plan; or d) any parcel of land not subject to the Land Transfer Act 1952.
Class 4 Gambling Venue	a building located on one or more contiguous allotments at which gambling machines are located, or for the purposes of application at which it is proposed that gambling machines be located
Gambling Machine	As defined in the Gambling Act 2003
Premises	A building in which a Class 4 gambling venue is located
Private Club	In this context meeting the criteria of operating as a club as defined in Section 65 (3), in the Gambling Act 2003
Society	A corporate society as defined in the Gambling Act 2003 (including reference to Section 33), which has an operator's licence for Class 4 gambling machines.

### Policy

3. To be considered for a venue consent under this policy, the primary activity of a venue must be either for:
  - a. the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on licence (but not being a bring-your-own licence) or club licence; or
  - b. the conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003 [subject to compliance with s 33\(3\) of the Gambling Act 2003](#).
4. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines except in the following circumstance(s):
  - a. Where two or more private clubs merge and consolidate the operation of their class 4 gambling activities at a single existing gambling venue that is located within a Gambling Permitted Area (Schedule 1); or
  - b. Where a society undertakes to permanently close an existing class 4 gambling venue located outside of a Gambling Permitted Area as part of an application for a new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
5. This relocation policy only applies:
  - a. Where the applicant surrenders the existing venue licence (with the Department of Internal Affairs) for the existing venue, and
  - b. The application meets all other provisions of this policy.

### Location restrictions

6. If the proposed gambling venue premises is located **within the Central City** (Map 4, Schedule 1):
  - a. the premises must not be adjacent to any other Class 4 gambling venue or casino; and
  - b. must not be adjacent to any school, or early childhood centre; and
  - c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).
7. If the proposed gambling venue premises is located **outside of the Central City** (Maps 1,2,3,5,6,7,8,9, Schedule 1):
  - a. the premises must not be within 50m (in a straight line) of the principal entrance of any other Class 4 gambling venue or casino; and
  - b. must not be adjacent to any school, or early childhood centre; and
  - c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).

### Number of machines

8. On the relocation of a Class 4 Gambling Venue, the maximum number of machines permitted to operate at the new Class 4 Gambling Venue at the time when the new Class 4 venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled (as prescribed in Section 97A of the Gambling Act 2003).
9. Two or more private clubs which merge may consolidate the number of gambling machines being operated at the merged private club venue to the lesser of:
  - a. 24 gambling machines or
  - b. the sum of the number of gambling machines previously operated by each

private club individually.

### Application and Fees

10. Applications for a Venue Consent must be made on the approved form.
11. Application fees and charges will be set annually through the Annual Plan (fees schedule) process

### Exemptions from Meeting Parts of the Policy

12. Where a legally established venue is required to apply for a venue consent at a new site because its existing site has been rendered physically incapable of being reused for the purpose of the venue (meaning a fire, earthquake or similar event), Council will consider the application under clause 6 and 7 of the venue policy for venue consent. The consent shall allow for up to the number of gambling machines the venue was licenced for immediately prior to the cessation of activity.

~~Policy Note – This policy is subject to provisions of the Gambling Amendment Bill (No 3) and any subsequent amendments to the Gambling Act 2003~~

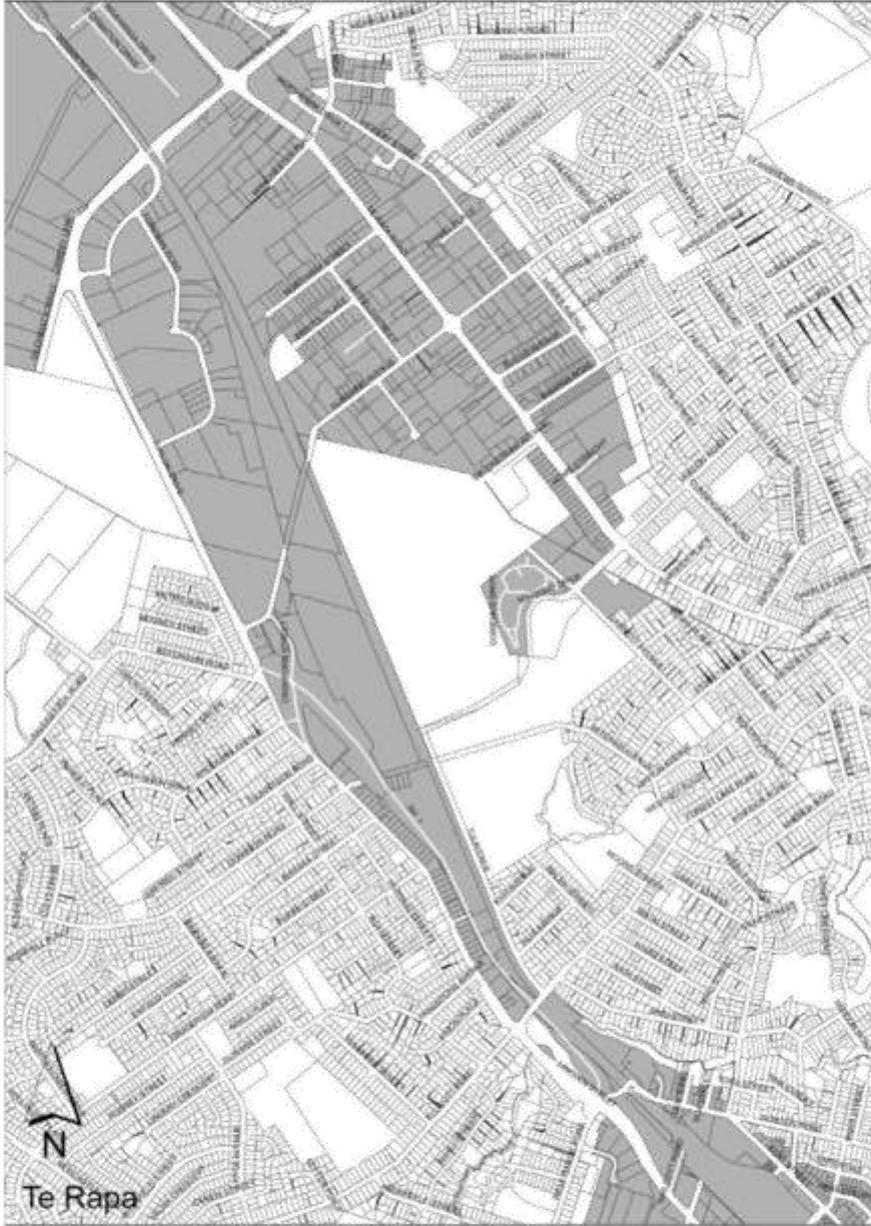
### SCHEDULE 1 – GAMBLING PERMITTED AREAS

The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

- Map 1 - Gambling Permitted Area Northern Te Rapa
- Map 2 - Gambling Permitted Area Southern Te Rapa
- Map 3 - Gambling Permitted area Frankton Industrial
- Map 4 - Gambling Permitted Area Central City
- Map 5 - Gambling Permitted Area Hamilton East
- Map 6 - Gambling Permitted Area Frankton Commercial
- Map 7 - Gambling Permitted Area Dinsdale
- Map 8 - Gambling Permitted Area Claudelands
- Map 9 - Gambling Permitted Area –Chartwell



MAP 2  
Gambling Permitted Area, Southern Te Rapa

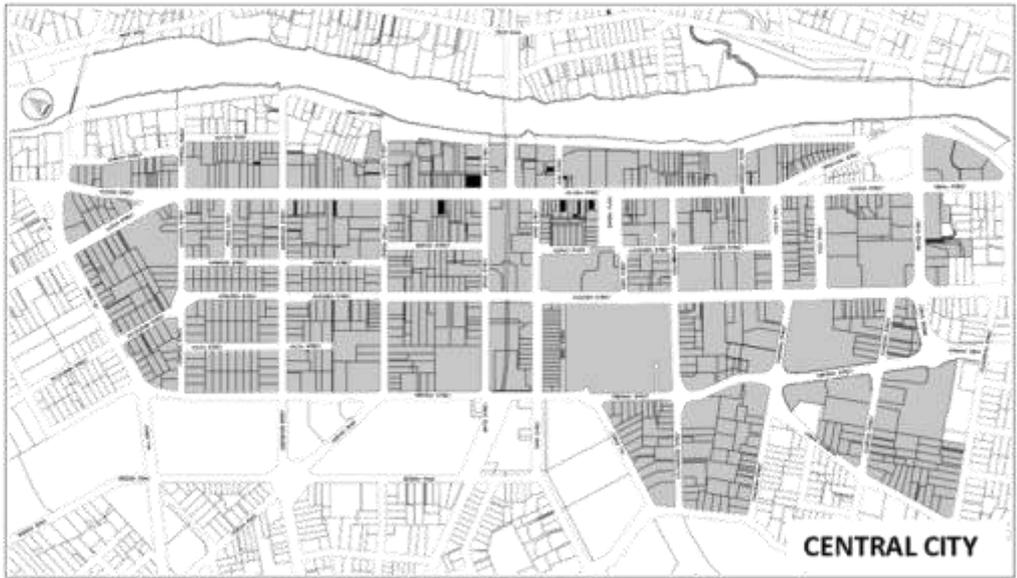


MAP 3  
Gambling Permitted Area, Frankton Industrial



MAP 4

Gambling Permitted Area, Central City



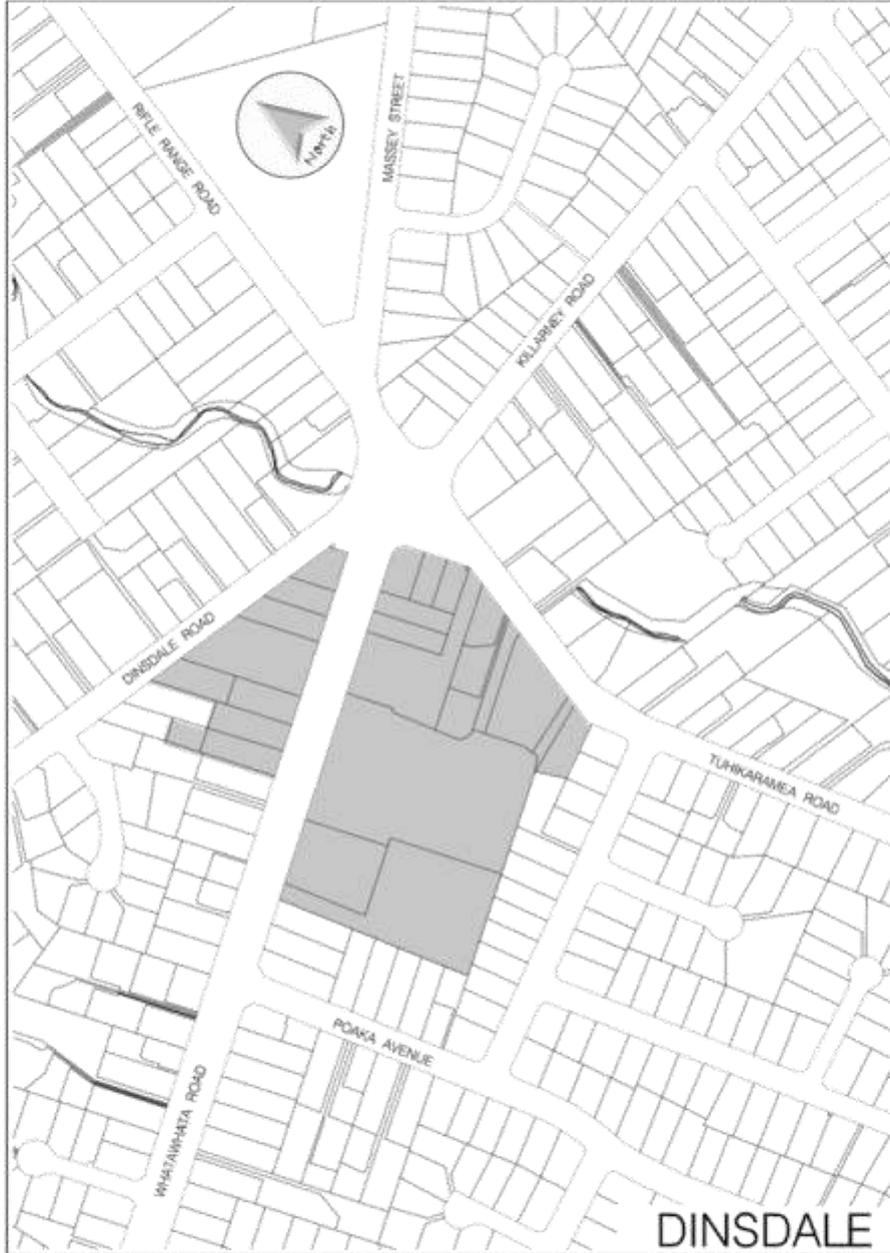
MAP 5  
Gambling Permitted Area, Hamilton East



MAP 6  
Gambling Permitted Area, Frankton Commercial



**MAP 7**  
Gambling Permitted Area, Dinsdale



MAP 8  
Gambling Permitted Area, Claudelands





First adopted:	8 March 2004
Revision dates/version:	2-March-2016 31 March 2016 / Revision 7
Next review date:	December 2018 March 2019
Engagement required:	SCP
Document number:	D-1984771
Associated documents:	Racing Act 2003
Sponsor/Group:	City Growth



## TAB BOARD VENUE POLICY

### Purpose

1. To control the growth of gambling in Hamilton City within the scope of the Racing Act 2003, while allowing those who wish to participate in sports or racing gambling to do so.
2. To minimise the harm caused by gambling, including problem gambling in Hamilton City
3. To reflect the views of local communities in respect of the provision of gambling in Hamilton City

### Definitions

Board venues	Premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003 (the Act).
Premises	Building in which a TAB Board venue is located.

### Policy

4. From the date this Policy comes into force, no further Board venues may be established in Hamilton City.
5. Existing Board venues (as outlined in Schedule 1) are not permitted to relocate from one premises to another.
6. Signage on Board venue sites may include corporate colours, logos, and signage but not include details of individual gambling promotions.
7. Board venues may also host Class 4 gaming machines subject to Council's Class 4 Gambling Venue Policy and to compliance with s 33(3) of the Gambling Act 2003.

~~Policy Note – Clause 7 is subject to provisions of the Gambling Amendment Bill (No 3) and any subsequent amendments to the Gambling Act 2003~~

### SCHEDULE 1 - TAB BOARD VENUES (EXISTING AT THE TIME OF POLICY ADOPTION)

- Te Rapa TAB (618 Te Rapa Rd) and
- Frankton TAB (20 King St).

# STATEMENT OF PROPOSAL

## Amended Class 4 Gambling Venue Policy

Hamilton City Council (the Council) is seeking feedback on proposed amendments to the Class 4 Gambling Venue Policy. This Policy regulates the location and number of venues which have gambling machines (Class 4 venues) within Hamilton City.

### WHY ARE WE DOING THIS?

The Gambling Act 2003 and Racing Act 2003 required Council to have a Class 4 Venues Policy and a TAB Board Venue Policy. These policies have to be reviewed every three years.

Council has recently completed this review resulting in revised policies being adopted on 2 March 2016.

During this review, Council decided to consider in the Class 4 Venues Policy the option of allowing existing venues within the permitted gambling areas to move to another venue within the permitted gambling area. This is not currently allowed under the revised policy. As this was not outlined on the Statement of Proposal sent to the public during the last review, Council must re-consult with the public if it wishes to make this change.

There are no other suggested changes to the Class 4 Venue Policy.

### WHAT'S BEING PROPOSED

The two changes proposed to be considered by Council are:

1. The Class 4 Gambling Venue Policy does not allow any relocation, even within permitted areas. In consideration, this could be restrictive on operators as it does not allow them to relocate to alternative premises (for example to relocate to a premise which may be more fit for use than their current premise).  
Policy Amendment – addition of section 4(b).
2. The Class 4 Gambling Venue Policy requires any private clubs that merge and consolidate their existing activities to only be able to use one of their existing venues. This would restrict private clubs who merge from locating to a more suitable premise within the permitted area. The removal of the word "existing" would address this issue.  
Policy Amendment to section 4(a)

### TELL US YOUR THOUGHTS ON THE POLICY

We encourage you to tell us your views. For a copy of the draft Policy and a feedback form, visit the Hamilton City Council website [hamilton.govt.nz/consultation](http://hamilton.govt.nz/consultation).

### How to give feedback

There are a number of ways you can give your feedback:

1. Fill out a feedback form online.
2. Fill out the feedback form and send to Hamilton City Council, Strategy Unit, Private Bag 3010, Hamilton 3240.

Feedback forms and the proposed policy are also available from all Hamilton City Council libraries, and from the Ground Floor reception of Council's Municipal Building in Garden Place. For any queries please ring 07 838 6699.

The period for giving us written feedback is open from **13 April 2016 and closes 4pm on 13 May 2016**.

**FEEDBACK FORM**  
**PROPOSED CLASS 4 GAMBLING VENUE POLICY**

**SECTION 1** Please print your details clearly

Name: Mr / Mrs / Miss / Ms \_\_\_\_\_

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Email: \_\_\_\_\_

Are you responding as a resident/business/other stakeholder interest? (please circle)

*Please note all submissions are treated as public documents and will be uploaded on to the Council's website with the names and contact details of submitters included.*

**SECTION 2** Please print clearly

1. Do you agree with allowing operators (including clubs) that currently operate within the permitted area to be able to relocate to alternative venue within the permitted area?

Yes

No

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Feedback can be:**

- submitted online : [www.hamilton.govt.nz/consultation](http://www.hamilton.govt.nz/consultation)
- posted: Freepost 172189, Strategy Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- delivered to the main reception, ground floor of Council Building, Garden Place

**Important Reminder:** All written feedback must reach Council by 4pm on 13 May 2016. Feedback after this date may not be included in the feedback summary to Councillors.

Thank you for your feedback.

First adopted:	8 March 2004
Revision dates/version:	<a href="#">July 2016</a> <del>2-March-2016</del> / <del>Revision 7</del> <a href="#">Revision 8</a>
Next review date:	<del>December 2018</del> <a href="#">July 2019</a>
Engagement required:	SCP
Document number:	<a href="#">D-1984721D-2050478</a>
Associated documents:	Gambling Act 2003
Sponsor/Group:	City Growth



## CLASS 4 GAMBLING VENUE POLICY

### Purpose

1. To control the growth of Class 4 gambling venues.
2. To minimise the harm caused by Class 4 gambling.

### Definitions

Adjacent	Allotments sharing one or more common boundaries
Allotment	<p>a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not:-</p> <ol style="list-style-type: none"> <li>i). the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</li> <li>ii). a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</li> </ol> <p>b) any parcel of land or building or part of a building that is shown or identified separately:-</p> <ol style="list-style-type: none"> <li>i). on a survey plan; or</li> <li>ii). on a licence within the meaning of Part I of the Companies Amendment Act 1964; or</li> </ol> <p>c) any unit on a unit plan; or</p> <p>d) any parcel of land not subject to the Land Transfer Act 1952.</p>
Class 4 Gambling Venue	a building located on one or more contiguous allotments at which gambling machines are located, or for the purposes of application at which it is proposed that gambling machines be located
Gambling Machine	As defined in the Gambling Act 2003
Premises	A building in which a Class 4 gambling venue is located
Private Club	In this context meeting the criteria of operating as a club as defined in Section 65 (3), in the Gambling Act 2003
Society	A corporate society as defined in the Gambling Act 2003 (including reference to Section 33), which has an operator's licence for Class 4 gambling machines.

### Policy

3. To be considered for a venue consent under this policy, the primary activity of a venue must be either for:
  - a. the sale of alcohol or, the sale of alcohol and food where the venue is subject to an on licence (but not being a bring-your-own licence) or club licence; or
  - b. the conducting of race and sports betting in standalone, alcohol free New Zealand Racing Board venues under the Racing Act, 2003 [subject to compliance with s 33\(3\) of the Gambling Act 2003.](#)
4. Council will not grant consent for the establishment of any new Class 4 gambling venues or machines except in the following circumstance(s):
  - a. Where two or more private clubs merge and consolidate the operation of their class 4 gambling activities at a single [existing](#)-gambling venue that is located within a Gambling Permitted Area (Schedule 1); or
  - b. [Where a society undertakes to permanently close an existing Class 4 gambling venue located inside of a Gambling Permitted Area as part of an application for new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area \(outlined in Schedule 1\).](#)
  - b.c. Where a society undertakes to permanently close an existing Class 4 gambling venue located **outside** of a Gambling Permitted Area as part of an application for a new Venue Consent and the proposed new Class 4 gambling venue is located within a Gambling Permitted Area (outlined in Schedule 1).
5. This relocation policy only applies:
  - a. Where the applicant surrenders the existing venue licence (with the Department of Internal Affairs) for the existing venue, and
  - b. The application meets all other provisions of this policy.

### Location restrictions

6. If the proposed gambling venue premises is located **within the Central City** (Map 4, Schedule 1):
  - a. the premises must not be adjacent to any other Class 4 gambling venue or casino; and
  - b. must not be adjacent to any school, or early childhood centre; and
  - c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).
7. If the proposed gambling venue premises is located **outside of the Central City** (Maps 1,2,3,5,6,7,8,9, Schedule 1):
  - a. the premises must not be within 50m (in a straight line) of the principal entrance of any other Class 4 gambling venue or casino; and
  - b. must not be adjacent to any school, or early childhood centre; and
  - c. must not be closer than 100 metres (in a straight line) to any residentially or special character zoned land or community facilities zoned land as outlined in the Hamilton City Proposed District Plan (or resulting Operative District Plan).

### Number of machines

8. On the relocation of a Class 4 gambling venue, the maximum number of machines permitted to operate at the new Class 4 gambling venue at the time when the new Class 4 [gambling](#) venue licence takes effect is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled (as prescribed in Section 97A of the Gambling Act 2003).

9. Two or more private clubs which merge may consolidate the number of gambling machines being operated at the merged private club venue to the lesser of:
  - a. 24 gambling machines or
  - b. the sum of the number of gambling machines previously operated by each private club individually.

#### Application and Fees

10. Applications for a Venue Consent must be made on the approved form.
11. Application fees and charges will be set annually through the Annual Plan (fees schedule) process

#### Exemptions from Meeting Parts of the Policy

12. Where a legally established venue is required to apply for a venue consent at a new site because its existing site has been rendered physically incapable of being reused for the purpose of the venue (meaning a fire, earthquake or similar event), Council will consider the application under clause 6 and 7 of the venue policy for venue consent. The consent shall allow for up to the number of gambling machines the venue was licenced for immediately prior to the cessation of activity.

~~Policy Note—This policy is subject to provisions of the Gambling Amendment Bill (No 3) and any subsequent amendments to the Gambling Act 2003.~~

#### SCHEDULE 1 – GAMBLING PERMITTED AREAS

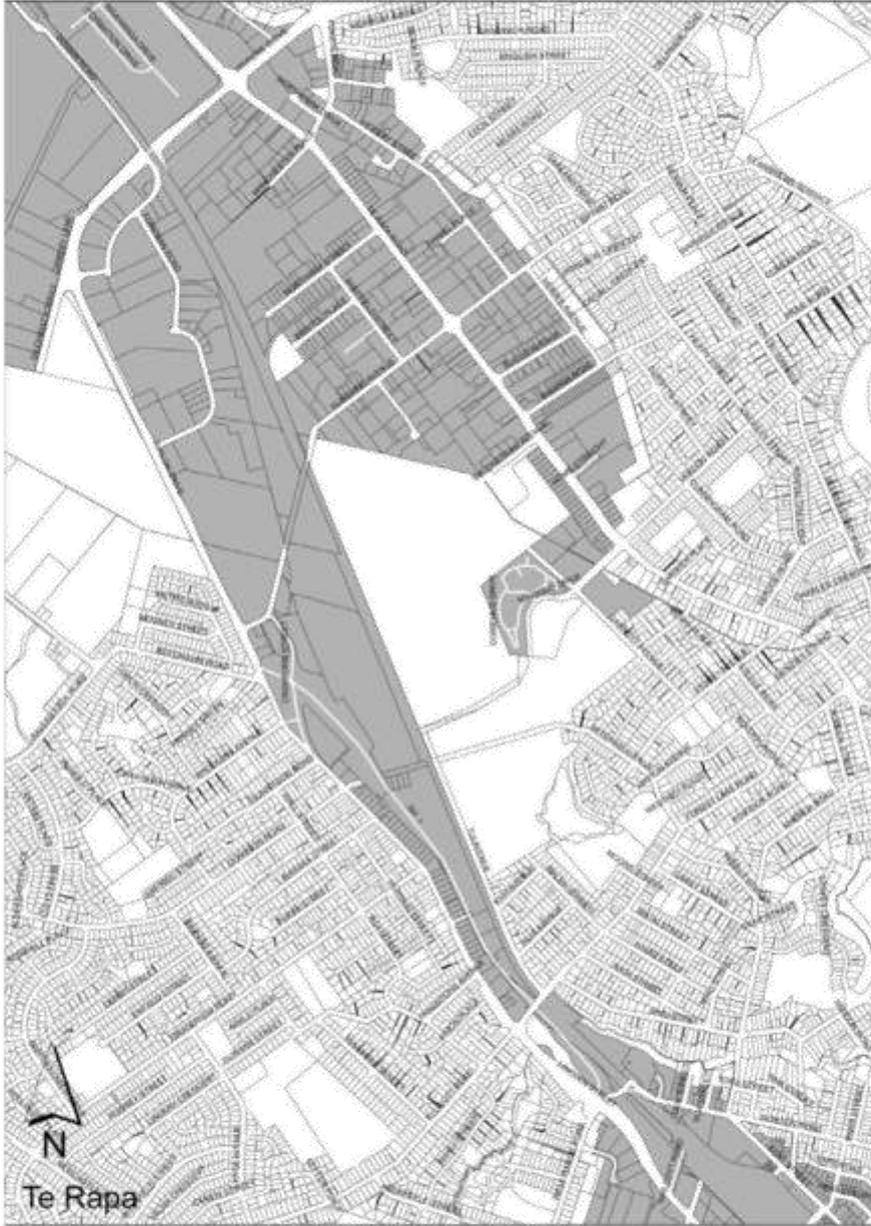
The Gambling Permitted Area is indicated by the grey shaded areas of the following maps:

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- Map 7 - Gambling Permitted Area Dinsdale
- Map 8 - Gambling Permitted Area Claudelands
- Map 9 - Gambling Permitted Area –Chartwell

MAP 1  
Gambling Permitted Area, Northern Te Rapa



MAP 2  
Gambling Permitted Area, Southern Te Rapa

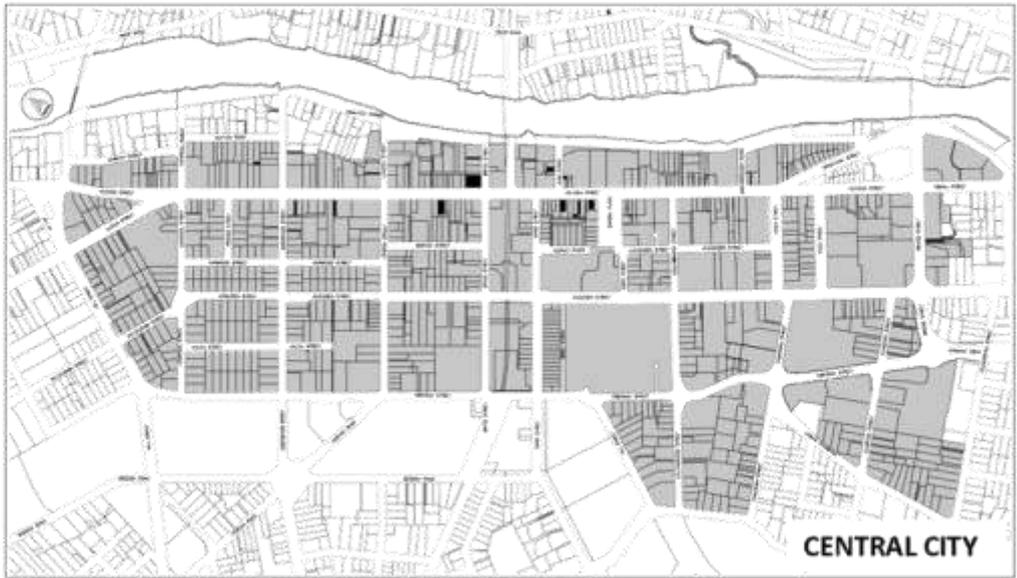


MAP 3  
Gambling Permitted Area, Frankton Industrial



MAP 4

Gambling Permitted Area, Central City



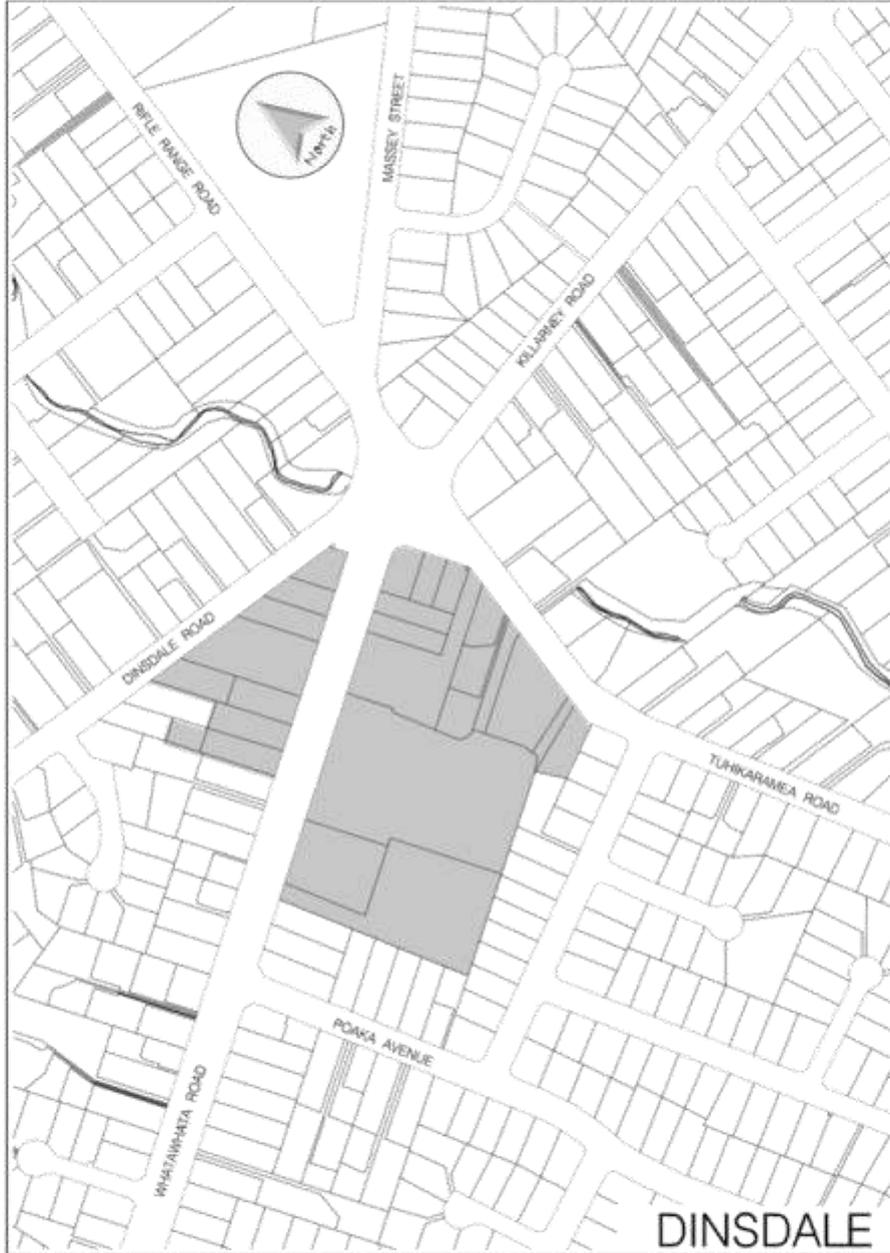
MAP 5  
Gambling Permitted Area, Hamilton East



MAP 6  
Gambling Permitted Area, Frankton Commercial



**MAP 7**  
Gambling Permitted Area, Dinsdale



MAP 8  
Gambling Permitted Area, Claudelands



**MAP 9**  
Gambling Permitted Area, Chartwell



**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Consideration and Approval of HCC's Draft 2 Submission to the MFE's Consultation Document 'Next Steps for Freshwater'

**Author:** Mark Brougham

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>HCC's process for developing submissions to external organisations.</i>
<b>Financial status</b>	<i>There is no budget allocated.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

## 1. Purpose of the Report

- For Council to consider and approve HCC's **Draft 2** submission to the Ministry for the Environment's (MFE's) consultation document 'Next Steps for Freshwater'.

## 3. Executive Summary

- The MFE's consultation document and a summary of its key issues developed by staff were circulated to Elected Members for consideration on 8 April 2016.
- Elected Members then discussed these issues at the 19 April Council briefing, with their feedback and direction forming the basis of **Draft 1**.
- Draft 1** was considered at the 21 April 2016 Finance Committee meeting, where a number of revisions were requested.
- These revisions have been incorporated into **Draft 2** (attached).
- The MFE has given HCC an extension to the original 22 April 2016 submission closing date through to 29 April 2016.

## Recommendations from Management

That:

- a) The report be received;
- b) Hamilton City Council's **Draft 2** submission (#462) to the MFE's consultation document 'Next Steps for Freshwater' be considered and approved;
- c) The approved submission #462 be sent to the MFE by 29 April 2016 to meet the new submission closing date;
- d) Subsequent to Council's approval, the submission be uploaded to HCC's website; and
- e) The local Members of Parliament be advised of and encouraged to support Council's approved submission.

## 9. Attachments

10. Attachment 1 - HCCs Draft 2 Submission to MFEs Consultation Document Next Steps for Freshwater (28 April 2016) (*Under Separate Cover*)

## Signatory

Authoriser	Sean Hickey, General Manager Strategy and Communications
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**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Recommendations to Council -  
Finance Committee Meeting  
21 April 2016

**Author:** Jude Pani

<b>Status</b>	<i>Open</i>
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Councillor Pascoe, the Chair of the Finance Committee, will present the recommendations of the Committee Meeting held on 21 April 2016. The 21 April 2016 Finance Committee Agenda is available via the following link:

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

## Riverlea Theatre – Sale and Purchase

That Council:

- a. accepts the Riverlea Theatre and Arts Centre’s request and resolves to vary the Agreement for Sale and Purchase of the land described in the schedule, and sell the land for \$350,000 (plus GST if any), with a purchase settlement on or before 1 September 2016; and
- b. authorises the Chief Executive Officer to execute any instruments required to give effect to the resolution.

### SCHEDULE

All that land contained in Certificate of Title SA1031/22 South Auckland Registry legally described as Lot 15 DPS 988 comprising 1.0459 hectares more or less and physically located at 83 Riverlea Road, Hamilton [Riverlea Theatre].

## 1. Attachments

2. There are no attachments for this report.

**Committee:** Council

**Date:** 28 April 2016

**Report Name:** Council Controlled Organisations Subcommittee - Recommendation to Council: Hamilton Properties Ltd exemption from CCO reporting requirements

**Author:** Tracey Musty

<b>Status</b>	<i>Open</i>
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Councilor Mallett, the Chair of the Council Controlled Organisations (CCO) Subcommittee, will present a recommendation of the Subcommittee Meeting held on 6 April 2016.

The 6 April 2016 Council Controlled Organisations Subcommittee Agenda is available via the following link: <http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

## 1. Hamilton Properties Ltd – exemption from Council Controlled Organisations reporting requirements

- Hamilton Properties Ltd (HPL) is a non-trading company 100% owned by Council for tax losses that may be able to be accessed should Council have taxable income. There are currently no foreseeable opportunities to access these losses.
- HPL has one director Richard Briggs.
- HPL has had no transactions since it stopped trading on 30 September 1998. It last prepared an annual report in June 2009.
- HPL has exemptions for filing tax returns, but must file annually to the Companies Office an annual return and declaration of non-activity and is currently exempt from CCO requirements of the local government act until 10 May 2016.

## 2. Recommendations from Management

That:

- a) The report be received; and
- b) Council approves that Hamilton Properties Ltd continue to be exempt from CCO annual reporting requirements while it is a non-trading company until the period ending 10 May 2019.

## 3. Attachments

4. There are no attachments for this report.

**Committee:** Council **Date:** 28 April 2016

**Report Name:** Council Controlled Organisations Subcommittee - Recommendation to Council: Vibrant Hamilton Trust - Approval of Trust Deed **Author:** Sean Murray

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>N/A</i>
<b>Financial status</b>	<i>There is no budget allocated</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

Councilor Mallett, the Chair of the Council Controlled Organisations (CCO) Subcommittee, will present a recommendation of the Subcommittee Meeting held on 6 April 2016.

The 6 April 2016 Council Controlled Organisations Subcommittee Agenda is available via the following link: <http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

## 1. Recommendations from Management

That:

- a) The report be received; and
- b) Council approves the Variation of Deed of Trust for Vibrant Hamilton Trust, inclusive of the following amendments recommended by the Council Controlled Organisations Subcommittee:
  - 5.1 *The Trust Board will consist of at least ~~three (3)~~ five (5) but no more than ~~five (5)~~ seven (7) Trustees who will comprise the following...*
  - 5.4 *In the event of the Trust Board having less than ~~three (3)~~ five (5) Trustees at any time:*
    - a. *Hamilton City Council (or its delegate) will appoint such persons as Trustees as are required to fulfill the minimum number in accordance with clause 5.1;*
    - b. *If Hamilton City Council does not take such appointment action in clause 5.4(a) within ~~ten working days~~ 60 days of the number of Trustees falling below ~~three (3)~~ five (5)...; and*
    - c. *Trustees must notify the Chief Executive (or their delegate) if the number of Trustees falls below five (5) within five (5) working days.*

## 2. Attachments

3. Attachment 1 - Variation of Deed of Trust for Vibrant Hamilton Trust - Draft for Approval
4. Attachment 2 - Vibrant Hamilton Trust - Deed of Trust (2010) with 2016 Variations

## 5. Key Issues

6. At its April 2015 meeting the CCO Subcommittee resolved that Vibrant Hamilton Trust were to review their Deed of Trust to ensure it met the current purpose and objectives of the Trust and to allow the Trust to function in an efficient and cost effective manner.
7. The Chairman of the Trust subsequently reported back to the Subcommittee on 6 April 2016. Following discussion with the Chair, the Subcommittee accepted the draft Variation of Deed of Trust with changes to that draft as stipulated below under paragraph 9.
8. The draft Variation of Deed of Trust proposed by the Chair of the Vibrant Hamilton Trust is attached and incorporates changes to it (tracked) as requested by the CCO Subcommittee.
9. CCO Subcommittee Resolution – Recommendation to Council

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

*That a consolidated Trust Deed be presented to Council, inclusive of amendments to the proposed Variation of the Trust Deed as follows:*

*“5.1 The Trust Board will consist of at least ~~three (3)~~ five (5) but no more than ~~five (5)~~ seven (7) Trustees who will comprise the following...”*

*“5.4 In the event of the Trust Board having less than ~~three (3)~~ five (5) Trustees at any time:*

- a. Hamilton City Council (or its delegate) will appoint such persons as Trustees as are required to fulfill the minimum number in accordance with clause 5.1;*
- b. If Hamilton City Council does not take such appointment action in clause 5.4(a) within ~~ten working days~~ 60 days of the number of Trustees falling below ~~three (3)~~ five (5)...”; and*
- c. Trustees must notify the Chief Executive (or their delegate) if the number of Trustees falls below five (5) within five (5) working days.*

10. The report recommends the approval of draft Variation to the Deed of Trust (attached) by Ordinary Council.

## Signatory

Authoriser	Sean Murray, Executive Director H3 and Events
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Variation of Deed of Trust for Vibrant Hamilton Trust

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Dated:

DRAFT

NJ-443177-1-2-V3.DWG

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**McCaw Lewis**  
LAWYERS

### Variation of Deed of Trust for Vibrant Hamilton Trust

Date:

Parties:

1. The trustees of the Trust Board of the Vibrant Hamilton Trust ("Trustees")

Background:

A. The Vibrant Hamilton Trust is:

- (i) An incorporated charitable trust pursuant to the Charitable Trusts Act 1957;
- (ii) A registered charity pursuant to the Charities Act 2005; and
- (iii) A council-controlled organisation pursuant to the Local Government Act 2002.

B. The Trustees are the current trustees of the Vibrant Hamilton Trust pursuant to a Deed of Trust dated 24 August 2010 (the Trust Deed).

C. Clause 13.3 of the Trust Deed was varied by a Variation of Deed of Trust dated on or around 2012 (the First Variation).

D. The Trustees are entitled to vary the Trust Deed in accordance with clause 16 of the Trust Deed, which provides the following:

16.1 *After discussion with the Hamilton City Council (although the recommendations of the Hamilton City Council will not be binding on the Trust Board), the Trust Board shall have power to amend, revoke, or vary any provisions of this Deed PROVIDED THAT no such amendment, revocation or variation shall be made:*

(a) *If it results in a change to the objects of the Trust unless such change:*

- (i) *Is to ensure that the objects of the Trust are or remain Charitable Purposes; or*
- (ii) *Relates to the criteria to be applied to the Projects.*

(b) *If the effect will be to deprive the Trust Fund of its character as a charitable Trust whether pursuant to the Charitable Trusts Act 1957 or the Charities Act 2005 or any other statute or regulation pursuant to law.*

E. The Trustees want to create greater flexibility in the Trust Deed in respect of appointment rights and the grants process.

F. The Trustees now wish to amend the Trust Deed pursuant to clause 16 as set out below.

Matters Agreed:

1. The Trust Deed is amended by deleting clause 5.1 and substituting the following clause 5.1:

"5.1 The Trust Board will consist of at least ~~three (3)~~ five (5) but no more than ~~five (5)~~ seven (7) Trustees who will comprise the following:

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- (a) The Mayor from time to time of Hamilton City Council, or such other person as is nominated by the Mayor.
  - (b) At least two (2) but no more than four (4) other persons appointed by:
    - (i) Hamilton City Council; or
    - (ii) Such person or persons as are delegated the power of appointment by Hamilton City Council from time to time. By way of example but not limitation, Hamilton City Council might delegate its power of appointment to a Hamilton City Council subcommittee, or the Trustees, or another person or persons as Hamilton City Council sees fit, and for the avoidance of doubt, any delegation:
      - (A) Is revocable by Hamilton City Council at any time; and
      - (B) Does not limit Hamilton City Council's power to remove a trustee under clause 5.3(b) or otherwise.
2. The Trust Deed is amended by deleting clause 5.3 and substituting the following clause 5.3:
- "5.3 The Trustees will continue to hold office until:
- (a) In the case of the Trustee who holds office pursuant to clause 5.1(a), upon such person no longer holding the office of Mayor (in which case he/she will be replaced by the person who succeeds him/her in office or his/her nominee).
  - (b) In the case of the Trustees holding office pursuant to clause 5.1(b), Hamilton City Council decides to remove any such Trustee by giving written notice of such removal to the Trust Board.
  - (c) It is recorded that Hamilton City Council may review the appointment of the Trustees following each triennial general election of that local authority, and at such time:
    - (i) Hamilton City Council or its delegate may remove any or all of the sitting Trustees and appoint new trustees; or
    - (ii) Hamilton City Council or its delegate may confirm the re-appointment of the sitting Trustees; provided that
    - (iii) If Hamilton City Council or its delegate does not act under either clause 5.3(c)(i) or (ii), then the sitting Trustees will continue in office (until removal, resignation, or other ineligibility to be a Trustee).
  - (d) Every Trustee will cease to be eligible to hold office as a Trustee by virtue of any of the following applying to that Trustee:
    - (i) **Resignation:** A Trustee may resign by notice in writing to the Trust Board;
    - (ii) **Bankrupt:** A Trustee is bankrupt and has not obtained a final order of discharge, has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled or to any order under the Insolvency Act 2006;
    - (iii) **Conviction:** A person who has been convicted of any offence punishable by a term of imprisonment of two (2) or more years unless that person has

obtained a pardon or has served the sentence or otherwise suffered the sentence imposed upon that person;

- (iv) **Imprisonment:** A person who has been sentenced to imprisonment for any offence unless that person has obtained a pardon or has served the sentence;
- (v) **Prohibition Order:** A person to whom an order made under Section 385 of the Companies Act 1993 applies;
- (vi) **Mentally Disordered:** A person who is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
- (vii) **Property Order:** A person who is subject to a property order under Section 30 or Section 31 of the Protection of Personal and Property Rights Act 1988; and
- (viii) **Absence:** A person who is absent from three consecutive meetings without the prior leave of the Chairperson of the Trust Board."

Should any of the above occur, the affected Trustee will automatically be removed from his or her office.

3. The Trust Deed is amended by deleting clause 5.4 and substituting the following clause 5.4:

"5.4 In the event of the Trust Board having less than ~~three (3)~~ five (5) Trustees at any time:

- (a) Hamilton City Council (or its delegate) will appoint such persons as Trustees as are required to fulfil the minimum number in accordance with clause 5.1; and
- (b) If Hamilton City Council does not take such appointment action in clause 5.4(a) within ~~ten working days 60 days~~ of the number of Trustees falling below ~~three (3)~~ five (5), this right of appointment will revert to those persons who remain Trustees as if Hamilton City Council had delegated this right of appointment to them in accordance with clause 5.1(b), provided that if there are no remaining Trustees, the right of appointment will revert back to the Hamilton City Council."
- (b)(c) Trustees must notify the Chief Executive (or their delegate) if the number of Trustees falls below five (5) within five (5) working days.

4. The Trust Deed is amended by deleting clause 13.3 (as was amended by the First Variation) and substituting the following clause 13.3:

"13.3 Without fettering the Trust Board's discretion, the following general criteria will be applied to all distributions:

- (a) Distributions by the Trust Board must be for Projects;
- (b) Subject to clause 13.3(c), all Projects must be recommended to the Trust Board by the Hamilton City Council (or such Hamilton City Council subcommittee(s) or other person(s) who has or have been delegated this power by Hamilton City Council;
- (c) Notwithstanding clause 13.3(b) above, the Trust Board may request that Hamilton City Council (or such Hamilton City Council subcommittee(s) or other person(s) who has or have been delegated by Hamilton City Council) consider and recommend a particular Project to the Trust Board for its approval;

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- (d) Projects must also have two or more (in the sole and absolute discretion of the Trust Board) of the following characteristics to ensure the meeting of the Objects of the Trust:
  - (i) Support Hamilton City's strategies and community outcomes;
  - (ii) Be sustainable and well-planned for the well-being of people and the environment, now and in the future;
  - (iii) Have a strong project management component;
  - (iv) Encourage community involvement, either directly or through increased awareness;
  - (v) Are designed to be ongoing and become self-supporting; and
  - (vi) Not conflict with the interests of Hamilton City Council as a consent authority."

5. The Trustees expressly record that in accordance with clause 16.1 of the Trust Deed:
  - (a) They have discussed the amendments described above with Hamilton City Council; and
  - (b) The criteria to be applied to Projects remain unchanged.
6. The Trust Deed is amended from the date this Deed is signed by all parties.
7. In all other respects the terms of the Trust Deed remain unchanged.

Signed by the Vibrant Hamilton Trust by affixing its common seal pursuant to a resolution of its board in the presence of two of the trustees:

\_\_\_\_\_  
Signature of Trustee

\_\_\_\_\_  
Signature of Trustee

\_\_\_\_\_  
Name of Trustee

\_\_\_\_\_  
Name of Trustee

**VIBRANT HAMILTON TRUST**

THIS DEED OF TRUST is made on the 24<sup>th</sup> day of August 2010

**BETWEEN:** THE WAIKATO FOUNDATION TRUST a charitable Trust incorporated under the Charitable Trusts Act 1957 ("the Settlor")

**AND:** ROBERT MALCOLM SIMCOCK of Hamilton, Mayor, JOHN ROGER GOWER of Hamilton, Councillor, ROGER EAMONN HENNEBRY of Hamilton, Councillor, GLENDA MAY SAUNDERS of Hamilton, Councillor and KAY LORRAINE HALLBERG GREGORY of Hamilton, Councillor as trustees of VIBRANT HAMILTON TRUST ("the Trust")

**BACKGROUND:**

- A. The Settlor is a charitable Trust incorporated under the Charitable Trusts Act 1957 which holds a fund for Projects of a regional or community nature submitted by the constituent territorial authorities namely the Hamilton City Council, the Waikato District Council and the Waipa District Council which satisfy the objects of the Waikato Foundation Trust.
- B. The Waikato Foundation Trust proposes now to distribute its capital fund to projects or trusts to fund projects of a community nature which will result in long term benefits to as many people as possible within the geographical area of the three constituent territorial authorities namely the Hamilton City Council, the Waikato District Council and the Waipa District Council.
- C. It is recorded that local authorities are tasked under the Local Government Act 2002 with the principle of taking a sustainable development approach and must take into account the social, economic and cultural wellbeing of people and communities and the need to maintain and advance the quality of the environment.
- D. This trust deed is executed to provide a legal entity which upon incorporation under the Charitable Trusts Act 1957 may receive funds from the Waikato Foundation Trust and to be empowered to make distributions of income and capital for the charitable purposes authorised by this deed.

**1. DEFINITIONS**

1.1 In this deed unless the context otherwise requires:

- (a) "**Annual Report**" means the Annual Report adopted by the Trust Board pursuant to clause 14.
- (b) "**Area**" means the geographical area within the boundaries of the district from time to time of the Hamilton City Council.
- (c) "**Auditor General**" has the meaning assigned to it in Section 4 of the Public Audit Act 2005.



- (d) **"Charitable Purpose"** has the meaning assigned to it in Section 5 of the Charities Act 2005
- (e) **"Financial Year"** means a year ending on 30 June.
- (f) **"Project"** means a purpose or object approved by the Trust Board for distribution from the Trust Fund pursuant to clause 13 of this deed.
- (g) **"Trust"** means the Trust established by this deed.
- (h) **"Trust Board"** means the trustees of this trust and also (where not inconsistent within the context) the Trust Board following incorporation under Part II of the Charitable Trusts Act 1957 and the said Trust Board shall be known as **VIBRANT HAMILTON TRUST BOARD**.
- (i) **"Trust Fund"** means the sum of **ONE DOLLAR (\$1.00)** acquired from the Settlor together with all the real and personal property acquired by the Trust Board and any income arising therefrom.

## 1.2 INTERPRETATION

- (a) Headings to clauses have been inserted for convenience and are not an aid to construction.
- (b) The Schedule to this deed forms part of the deed.
- (c) Words and phrases defined in the Act must be given the same meaning in this deed unless the context otherwise requires.
- (d) Where not inconsistent with the context the singular includes the plural and vice versa.

## 2. NAME OF TRUST

- 2.1 The Trust shall be known as **VIBRANT HAMILTON TRUST**.

## 3. DECLARATION OF TRUST AND OBJECTS

- 3.1 The Trust Board acknowledges and declares that it holds the Trust Fund for such purposes as the Trustees shall in their discretion consider are charitable under the law of New Zealand and in particular:
- That promote the social, economic, environmental and cultural wellbeing of the City of Hamilton and its communities, and/or;
  - That relieve poverty through sustainable policies and practices; and/or
  - That advance education in the City of Hamilton, particularly to promote and advance economic standards for the benefit of the public generally; and/or

Handwritten signatures of the trustees, including names like 'MB', 'Lynn', 'Ch', 'Kell', and 'D'.

- That deliver on the strategic aspirations of Hamilton City as identified by the community from time to time and endorsed by the Hamilton City Council.

**PROVIDED THAT** such activities are undertaken with a focus on benefits to the community rather than pecuniary benefit of individuals.

**AND PROVIDED FURTHER** that the purposes, objects and activities are charitable in accordance with the law of New Zealand as the trustees determine from time to time.

- 3.2 In disbursing the funds of the Trust for the objects of the Trust whether by way of grant or otherwise, the Trust Board shall not pay out of the Trust Fund in any Financial Year more than the total of:
- (a) the net income of the Trust Fund for that year after its expenses have been met, plus
  - (b) one tenth of the capital amount (as at the end of the previous Financial Year) held in the Trust Fund.

**4.1 INCORPORATION**

- 4.1 The Trust Board will as soon as possible after the execution of this deed apply for incorporation as a board under Part II of the Charitable Trusts Act 1957. Upon incorporation the Trust Board shall adopt a seal which shall be affixed in the presence of two Trustees.

**5. MEMBERSHIP OF THE TRUST BOARD**

**5.1** The Trust Board shall consist of five (5) members who shall comprise the following:

**1. Note**  
  
**Variation 1:**  
**Refer note 1 of**  
**attachment 1**

- (a) The Mayor from time to time of the Hamilton City Council or a person nominated by the Mayor.
- (b) Four (4) other persons appointed by the Hamilton City Council who by virtue of their community position, skills, qualifications or background are likely to enhance the operation and decision making of the Trust. The Hamilton City Council shall appoint the initial four trustees without public advertising for nominations but thereafter two trustees shall be appointed as set out in clause 5.3 (b) (ii).

5.2 The initial Trustees shall be the following:

- ROBERT MALCOLM SIMCOCK** of Hamilton, Mayor
- JOHN ROGER GOWER** of Hamilton, Councillor
- ROGER EAMONN HENNEBRY** of Hamilton, Councillor
- GLENDA MAY SAUNDERS** of Hamilton, Councillor, and
- KAY LORRAINE HALLBERG GREGORY** of Hamilton, Councillor

who shall be the first members of the Trust Board.

5.3  
2. Note  
Variation 2:  
Refer note 2 of  
attachment 1

The Trustees shall continue to hold office until:

(a) In the case of each Trustee who holds office by virtue of his/her position as Mayor (or nominee) pursuant to clause 5.1(a), upon such person no longer holding the office of Mayor (in which case he/she will be replaced by the person who succeeds him/her in office or his/her nominee); and

(b) In the case of the Trustees holding office under clause 5.1 (b):

(i) such Trustees shall be appointed from time to time by the Hamilton City Council;

(ii) the Hamilton City Council shall appoint the four Trustees within six (6) months of each election of members of the Hamilton City Council.

Two of such trustees shall be appointed by the Hamilton City Council after the positions are advertised and nominations from the public are sought and such two trustees shall be appointed from the pool of nominations unless there are insufficient nominations or the Hamilton City Council shall consider the nominations to be unsuitable in which case the Hamilton City Council shall appoint such trustees as it considers appropriate. This provision shall not apply to the appointment of the initial four trustees.

(iii) the Hamilton City Council may from time to time appoint or remove any or all of the Trustees by giving written notice of such appointment or removal to the Trust Board.

(c) It is recorded that the Hamilton City Council shall review the appointment of the Trustees following each triennial general election of that local authority and at such time the Hamilton City Council may appoint new trustees (which may include the re-appointment of some or all trustees then in office). Any trustees not re-appointed shall be removed from office.

(d) In the case of every Trustee where such Trustee ceases to be eligible to hold office as a Trustee by virtue of any of the following:

(i) **Resignation:** A Trustee may resign by notice in writing to the Trust Board;

(ii) **Bankrupt:** a bankrupt who has not obtained a final order of discharge, has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled or to any order under the Insolvency Act 2006;

(iii) **Conviction:** A person who has been convicted of any offence punishable by a term of imprisonment of 2 or more years unless that person has obtained a pardon or has served the sentence or otherwise suffered the sentence imposed upon that person;

(iv) **Imprisonment:** a person who has been sentenced to imprisonment for any offence unless that person has obtained a pardon or has served the sentence;

- (v) **Prohibition Order:** a person to whom an order made under Section 385 of the Companies Act 1993 applies;
- (vi) **Mentally Disordered:** a person who is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
- (vii) **Property Order:** A person who is subject to a property order under Section 30 or Section 31 of the Protection of Personal and Property Rights Act 1988;
- (viii) **Absence:** A person who is absent from three consecutive meetings without the prior leave of the Trust Board.

**3. Note** 5.4

**Variation 3:**  
Refer note 3 of  
attachment 1

In the event of a vacancy, the Hamilton City Council shall as soon as practicable fill that vacancy and if it does not then the continuing Trustees may appoint a Trustee or Trustees to replace such vacancy but the Hamilton City Council may remove and replace such Trustees as appointed.

**6. PROCEEDINGS OF THE TRUST BOARD**

- 6.1 The Trust Board shall at its first meeting appoint a Trustee selected from those Trustees who hold office to be the chairperson of the Trust Board and determine the period for which the chairperson is to hold office. The Trust Board shall elect one of their number to be the chairperson.
- 6.2 The chairperson of the Trust Board shall be the chairperson of all meetings of the Trust Board at which he/she is present and at any meeting at which he/she is absent the members of the Trust Board shall elect one of their number to be the chairperson.
- 6.3 The Trust Board shall meet at such times and in such manner as it decides from time to time, and all meetings shall be open to the public provided that the Trust Board may resolve to exclude the public from any meeting or part of any meeting.
- 6.4 The Trust Board shall hold an annual general meeting, the first of which must be held not later than 2 months after the end of the first Financial Year. Thereafter each subsequent annual general meeting must be held no later than 2 months after the end of each Financial Year.
- 6.5 A quorum of the Trust Board shall consist of not less than a majority in number of the Trustees.
- 6.6 Questions arising for decision by the Trust Board shall be decided by a majority of votes of the members present at the meeting and in the case of equality of voting the person chairing the meeting shall have a second or casting vote.
- 6.7 The Trust Board shall keep minutes of all its proceedings in relation to Trust affairs and the production of any minutes so recorded purporting to be signed by the chairperson or his/her deputy shall be prima facie evidence of the matters referred to in that minute having been authorised by the Trust Board.
- 6.8 The acts and decisions of the Trust Board shall not be deemed to be invalid by reason of the Act that the number of members of the Trust Board is less than the number required by this deed.

- 6.9 The Trust Board shall have the control and management of the Trust Fund and power to appoint, employ and remunerate officers, managers and employees.
- 6.10 The Trust Board shall have power from time to time to make amend and rescind rules and regulations for the conduct, management and administration of the affairs of the Trust in order to give effect to the objects of the Trust and in exercising this power may delegate any of its powers to a committee or committees consisting of such member or members of the Trust Board as it thinks fit and any committee so formed shall in the exercise of the powers so delegated confirm to any regulations that may be imposed on it by the Trust Board.
- 6.11 It being possible that the Trust Board may from time to time include persons whose profession, employment, or business is or includes Acting as a Trustee or the investing of money on behalf of others, it is declared that the care, diligence and skill to be exercised by the Trust Board in exercising any power of investment shall not be that required of such persons by section 13C of the Trustee Act 1956 but shall at all times be the care, diligence and skill that a prudent person in business would exercise in managing the affairs of others.
- 6.12 No member of the Trust Board shall be under any personal liability (except in the event of wilful negligence or fraud) in connection with the affairs of the Trust or in connection with the Trust Fund or in connection with any of the business transactions of the Trust.
- 6.13 (a) A Trustee who in any way, whether directly or indirectly has a material interest in any contract or arrangement entered into or a Project or distribution made or to be made by or on behalf of the Trust Board, must disclose the nature of that interest at a meeting of the Trust Board and that disclosure must be recorded in the minutes of the meeting.
- (b) A Trustee required to disclose a material interest may be counted in a quorum present at a meeting but must not vote in respect of the matter in which such Trustee is interested (and if such Trustee does not vote it must not be counted) provided that such Trustee may be expressly permitted to vote by a unanimous vote of the other Trustees present, given after the disclosure of the interest.
- (c) If any question arises at any meeting as to the materiality of a Trustee's interest or as to the entitlement of any Trustee to vote and such question is not resolved by the Trustee involuntarily agreeing to abstain from voting, the question must be referred to the chairperson of the meeting and his or her ruling in relation to any such Trustee shall be final and conclusive. For the sake of clarity it is recorded that a Trustee who holds office by virtue of being a Mayor (or nominee) or a member of Hamilton City Council does not have a material interest by virtue of a recommendation for a Project or other distribution being made by, or for the benefit of, the local authority in respect of which he/she is the elected Mayor (or nominee) or member.
- 7. GENERAL UNRESTRICTED POWERS OF THE TRUST BOARD**
- 7.1 The intention is that the Trust Board has and may in its discretion, exercise the fullest possible powers in relation to the Trust Board and that it may, (subject to clause 16) do everything it thinks desirable notwithstanding that it is something

which it would not normally have power to do in the absence of an express power or an order of the Court.

- 7.2 Subject to clause 16 the Trust Board has the same powers in relation to the Trust Fund as it would if it were the absolute owner beneficially entitled to it PROVIDED HOWEVER that the Trust Board shall not be authorised to do or suffer any Act which would cause the Trust created by this deed to cease (in accordance with the terms of the Charities Act 2005 or any Act enacted in substitution for it) to be a Trust for Charitable Purposes.
- 7.3 The Trust Board also has power in accordance with section 24 of the Charitable Trust Act 1957, to wind up the Trust by distributing the whole of the Trust Fund for the benefit of any one or more of the Objects of the Trust.

## 8. LIQUIDATION

- 8.1 The Trust may be put into liquidation if a resolution appointing a liquidator shall have been passed (with the consent of the Hamilton City Council) by a majority of the Trustees present and entitled to vote at a meeting of the Trustees convened for the purpose of considering such a resolution.
- 8.2 The resolution to put the Trust into liquidation must be confirmed at a further meeting of the Trustees of which notice is to be given. The meeting of the Trustees must be held no sooner than the 28th day and no later than the 42nd day after the date on which the first resolution was passed and must be passed by a majority of Trustees present and entitled to vote.
- 8.3 All surplus assets after the payment of costs, claims, debts and liabilities shall not be paid or distributed amongst the Trustees or the settlor, but shall be paid or distributed to such other approved charity in New Zealand having similar objects to the Trust OR for Charitable Purposes recognised under New Zealand Law.

## 9. SPECIFIC POWERS OF THE TRUST BOARD

- 9.1 Without prejudice to the generality of the general powers already given to the Trust Board and without limiting in any way those general powers it is declared that included in those general powers are the following specific powers:
- (a) To sell all or any part of the property comprising the Trust Fund either by public auction or private contract and in such manner and subject to such terms and conditions as the Trust Board thinks fit with power to allow the whole or any part of the purchase money to remain on mortgage of the property sold.
- (b) To merge the Trust Fund upon such terms and conditions which the Trust Board thinks fit with any other Trust which has objects which are for Charitable Purposes in New Zealand and which in the opinion of the Trust Board is likely to provide a more effective means of achieving the objects of the Trust in the Area and to make such merger effective the Trust Board also has the power to increase the number of Trustees by the provision of further categories of Trustees which in the opinion of the Trust Board will best promote the functions of the Trust and objects of the Trust or the objects of any substituted trust arising from the merger.

- (c) To make a gift or gifts for the purpose of furthering the objects of the Trust or to assist other charitable organisations for Charitable Purposes within New Zealand (subject to the provisions of clause 3.2).
- (d) To let or lease or bail to any person or corporation (except a member of the Trust Board) any real or personal property forming part of the Trust Fund at such rent and for such period and subject to such terms and conditions as the Trust Board thinks fit, including an optional or compulsory purchase clause, and also to accept surrenders of leases tenancies and bailments.
- (e) To take on lease, purchase, or otherwise acquire any real and personal property and any interest in such property from any person or corporation (except a member of the Trust Board) for such period, at such rent, and subject to such terms and conditions as the Trust Board thinks fit including an optional or compulsory purchase clause, and also to surrender leases tenancies and bailments.
- (f) To commence any business, or any interest in a business, or acquire from any person or corporation (except a member of the Trust Board any business, and to carry on such business either alone or in partnership with others (except a member of the Trust Board).
- (g) To carry on and manage any such business in such manner as the Trust Board thinks fit.
- (h) To promote or form or concur in any steps or proceedings which may be taken to promote or form a company for the purpose of purchasing or acquiring any undertaking, business, or assets which or an interest in which forms part of the Trust Fund, or which the Trust Board thinks it advantageous to acquire, or the undertaking business or assets of any company which the Trust Board holds shares.
- (i) To sell any undertaking, business or assets forming party of the Trust Fund to any company or a trustee for any company proposed to be formed.
- (j) To carry out and complete any scheme or arrangement for the amalgamation of any company in which the Trust Board has an interest (whether by way of shareholding or otherwise) with any other company on such terms as to price, method of payment and other terms as the Trust Board thinks fit.
- (k) To employ in any business or withdraw from any business the whole or any part of the capital of the Trust Fund at any time to advance to or employ in any business, with or without taking security, any additional capital and any income of the Trust Fund which the Trust Board considers advisable for the more effectual carrying on of the business.
- (l) To arrange for and agree to the introduction at any time of any other person or persons (except a member of the Trust Board) or company as a partner or partners in any business, and as to the division of profits, and to enter into a partnership agreement on such terms and conditions as the Trust Board thinks fit.
- (m) To ascertain and agree to the value of the interest of the Trust Fund in any partnership business, and on withdrawing from any such business to procure the immediate payment of the value of the interest of the Trust Fund in it, or to allow the whole or any part to remain in the business, for so long and on such

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terms as the Trust Fund thinks fit, as a loan with or without security, repayable by instalments or otherwise, and bearing such interest at such rate as the Trust Board thinks fit, or alternatively not bearing interest.

- (n) To consent to and join in the partition of any assets an interest in which forms part of the Trust Fund and/or to take a transfer of, or a transfer of an undivided share or interest in, any such interest, and to settle and agree upon a value of those assets, and to receive or pay or agree to pay such money as the Trust Board thinks proper by way of equality on the division of those assets, and any such partition, valuation, and payment shall be final and binding on all persons.
- (o) To maintain, manage, improve, and develop any real or personal property which or an interest in which forms part of the Trust Fund in such manner as the Trust Fund thinks fit and for that purpose to pay and apply such of the capital and income of the Trust Fund as the Trust Board thinks fit.
- (p) In respect of any company in which the Trust Board holds or is entitled to or proposes to hold shares:
  - (i) to Act by medium of a nominee or nominees as director or directors of the company, either alone or in conjunction with others and to pay a reasonable remuneration to the nominee or nominees for services rendered;
  - (ii) to provide out of the Trust Fund further capital for the company either by way of loan (with or without security) deposit on current account or otherwise, or by guarantees (with or without security) or by taking shares in the company, or in such other manner as the Trust Board thinks fit;
  - (iii) to concur on such terms as the Trust Board thinks fit in the winding up or reconstruction or amalgamation of the company or in the modification of the regulations under which it operates, and to concur in the modification of or to surrender any of the rights attached to all or any of the shares in the company, and exercise in such manner as the Trust Board thinks fit any powers which by the regulations of the company are vested in the Trust Board or any member of the board as directors or members of the company;
  - (iv) on the winding up or reconstructions or amalgamation or any company to accept shares or other interests in or securities of the company as the consideration, or part of the consideration, and generally to Act in relation to the company in such manner as the Trust Board thinks best calculated to benefit the Trust Fund;
- (q) To borrow or lend money with our without security at such rate of interest and for such period and upon such other terms and conditions as the Trust Board thinks fit.
- (r) To enter into any guarantees either alone or with any other person or persons the giving of which the Trust Board considers to be in the interests of the Trust Fund and to authorise any company in which the Trust Board holds shares to enter into any such guarantee or enter into any other arrangement which the Trust Board deems to be in the interest of the Trust Fund.

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- (s) To renew, vary, or re-arrange any mortgages, charges or debts payable out of the Trust Fund.
- (t) To allow any property coming into the hands of the Trust Fund to remain in its existing form for so long as the Trust Board thinks fit.
- (u) To open accounts either on its own behalf or jointly with others at any bank and to overdraw any such account with or without giving security and in addition to the powers conferred by Section 81 of the Trustee Act 1956 to make arrangements with any bank for any two or more of the members of the Trust Board or any one member together with another person named in writing by the Trust Board to operate on any account from time to time subsisting at any bank.
- (v) To employ and discharge such employees and professional person or persons (including any member of the Trust Board) as the Trust Board thinks fit and to pay such fees salaries, wages, or other remuneration as the Trust Board thinks fit;
- (w) At its discretion instead of acting personally to employ and pay any person, firm, or company to do any act relating to the Trust Fund including the receipt and payment of money, without being liable for any loss incurred.
- (x) To use the Trust Fund or any income to meet the expenses of the Trust properly incurred by the Trust Board in the exercise of its powers and duties.
- (y) To amend the provisions of this deed to ensure that the income received by the Trust Board is exempt from tax under the Income Tax Act 2004 or any Act passed in amendment or substitution of it.

## 10. POWERS OF INVESTMENT OF TRUST BOARD

- 10.1 The Trust Board may invest or reinvest such part or parts of the Trust Fund not immediately required for the purposes of the Trust (whether income or capital) as it shall from time to time think fit in such investments or securities, whether in New Zealand or elsewhere, as the Trust Board shall from time to time consider beneficial to the Trust Fund and as are investments authorised by law for the investment of trust funds.

## 11. DUTIES OF TRUST BOARD

- 11.1 The duties of the Trust Board will include, but without limitation, the following:
- (a) To consider and if thought appropriate to approve from time to time Projects which are submitted to the Trust Board by the Hamilton City Council and which satisfy the objects of the Trust **PROVIDED THAT** the Trust Board shall not expend in any year more than the sum permitted under clause 3.2.
  - (b) To make public the activities of the Trust and Projects in such manner and by such means as the Trust Board determines.
  - (c) To actively promote the work of the Trust Board in the Area with a view to encouraging additional funding by way of grants, donations and the like to

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increase the capital of the Trust Fund to enable the Trust to continue to meet the objects of the Trust on a long term basis.

- (d) To better inform people within the Area as to the activities and objects of the Trust so as to assist in attracting grants, donations and the like and to also ensure that the community within the Area through such information obtains a sense of community achievement and betterment through the operation of the Trust.
- (e) To develop appropriate mechanisms to ensure that the Trust Fund is disbursed in accordance with the objects of the Trust and in particular to inform the Hamilton City Council of the expectations of the Trust Board in terms of the content and form of presentation of Projects to be submitted by the Hamilton City Council.
- (f) To be guided by the following principles in relation to the business of the Trust and the allocation of the Trust Fund.
  - (i) Act in accordance with the primary purpose of the Trust which is established by the objects of the Trust
  - (ii) be sensitive to the needs of all sections of the community within the Area without prejudice;
  - (iii) allocate resources effectively, efficiently and equitably;
  - (iv) operate in a manner which is comprehensive and open to the public and which includes adequately informing the public within the Area about the activities of the Trust;
  - (v) evaluate by reference to objectives the extent to which the objects of the Trust are being met by the Projects.

## 12. REMUNERATION AND REIMBURSEMENTS OF TRUST BOARD MEMBERS

- 12.1 (a) The Trustees shall be entitled to such reasonable remuneration as may be fixed from time to time by the Trust Board but not exceeding a level determined in accordance with the principles of the Fees and Travelling Allowances Act 1951 and the Local Government Act 2002.
- 12.1 (b) Save as provided in clause 12.2 no other Trustee shall be entitled to be remunerated for services.
- 12.2 The Trustees may be reimbursed out of the Trust Fund for such expenditure as may be reasonably incurred in carrying out their functions in respect of the Trust provided that such expenditure has been first approved by the Trust Board.
- 12.3 Notwithstanding anything to the contrary no Trustee or any associated person (as defined in Section 2 of the Goods and Services Tax Act 1985) shall receive, or be entitled to receive, as a result of the operation of the powers vested in the Trust Board any private pecuniary profit, remuneration or benefits (as defined in clause 10.3) greater than would prevail in an arms length negotiation.

### 13. APPLICATION OF TRUST FUND

13.1 Subject to the provisions of this deed and recognising that it is desired that the Trust be long term and enduring to the community within the Area the Trust Board may pay or apply the income arising from, and/or the capital of, the Trust Fund for any of the objects of the Trust and in such manner as the Trust Board shall in its absolute discretion determine **AND IT IS HEREBY DECLARED** that the Trust Board may carry forward unexpended income in any accounting period to a future accounting period or accounting periods to meet fluctuations of income in future years and other contingencies.

13.2 If in order to carry out the objects of the Trust the Trust Board resolves to pay any amount available for distribution to any person (for the purposes of a Project and not for personal private profit), the Trust Board may impose such conditions as it thinks fit to ensure that the amount so paid is used for the Project.

13.3 Without fettering the Trust Board's discretion, the following general criteria shall be applied to all distributions:

#### 4. Note

Variation 4:  
Refer note 4 of  
attachment 1

- (a) Distributions by the Trust Board must be for Projects.
- (b) All Projects resulting in distributions must have been recommended to the Trust Board by a strategic steering group within the community that is recognised for that purpose by Hamilton City Council and otherwise be presented in a form which complies with the directions of the Trust Board from time to time (for clarification it being stated that the Trust Board regards its role as being primarily one of an approving body, with the Hamilton City Council being responsible for the identification of the needs of the community in the Area and the creation of Projects which will satisfy such needs through their annual plan process).
- (c) Projects must also have two or more (in the sole and absolute discretion of the Trust Board) of the following characteristics to ensure the meeting of the Objects of the Trust.
  - (i) Support Hamilton's City Strategies and Community Outcomes;
  - (ii) Are sustainable and well planned for the well-being of people and the environment, now and in the future;
  - (iii) Have a strong project management component;
  - (iv) Encourage community involvement, either directly or through increased awareness;
  - (v) Are designed to be ongoing and become self supporting;
  - (vi) Not conflict with the interests of Council as a consent authority.

### 14. FINANCIAL STATEMENTS AND ANNUAL REPORT

14.1 The Trust Board shall ensure that full and correct accounts of all the financial transactions of the Trust and its assets, liabilities and funds are kept in accordance with generally accepted accounting principles.

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- 14.2 The Trust Board shall, after the end of each Financial Year, have prepared financial statements including a balance sheet and income and expenditure account and notes thereto, giving a true and fair view of the financial affairs of the Trust for the Financial Year.
- 14.3 The financial statements shall show separately by way of a note, the distributions made for the objects of the Trust during the Financial Year. The name of each recipient, the purpose of the Project, the amount given to or for each Project, the evaluation mechanisms to measure the success of the Project and any future commitments to the Project shall be shown in the note.
- 14.4 The financial statements shall be audited by an auditor appointed for the purpose, being either the Audit Office or a person qualified for appointment as auditor of a company under the Companies Act 1993 and not being a Trustee, employee or agent of the Trust.
- 14.5 The auditor shall certify whether the financial statements are properly drawn up and give a true and fair view of the financial affairs of the Trust for the Financial Year.
- 14.6 The Trust Board shall prepare and publish an Annual Report consisting of the audited financial statements and a report from the Chairperson about the Trust's activities (including a commentary on the performance of the Trust, the success or otherwise of the Projects supported by the Trust and any changes made to the trust deed).
- 14.7 The Trust Board shall use reasonable endeavours to effectively promote and communicate within the Area the availability of the Annual Report in at least two newspapers circulating the Area. The Trust Board shall make copies of the Annual Report available for public inspection without charge at the offices of the Trust Board during its ordinary business hours.

#### 15. INSPECTION OF TRUST DEED

- 15.1 A copy of this deed shall at all times be made available for public inspection during ordinary business hours at the office of the Trust Board and at such other places in the Area as the Trust Board from time to time determines.

#### 16. VARIATION OF TRUST DEED

- 16.1 After discussion with the Hamilton City Council (although the recommendations of the Hamilton City Council will not be binding on the Trust Board), The Trust Board shall have power to amend, revoke or vary any provisions of this deed **PROVIDED THAT** no such amendment, revocation or variation shall be made:
- (a) If it results in a change to the objects of the Trust unless such change:
- (i) Is to ensure that the objects of the Trust are or remain Charitable Purposes; or
  - (ii) Relates to the criteria to be applied to the Projects.
- (b) If the effect will be to deprive the Trust Fund of its character as a charitable Trust whether pursuant to the Charitable Trusts Act 1957 or the Charities Act 2005 or any other statute or regulation pursuant to law.

EXECUTION

EXECUTED by  
THE WAIKATO FOUNDATION TRUST  
as Settlor in the presence of:

[Handwritten Signature]

ag Dick

.....  
Anthony Dick  
Hamilton City Council

SIGNED by  
ROBERT MALCOLM SIMCOCK  
as trustee in the presence of:

[Handwritten Signature]

Witness Signature:

[Handwritten Signature]

Witness name:

Sharyn Amanda Goodwin

Occupation:

Executive Assistant

Address :

176c Collie Rd, R08, Hamilton

SIGNED by  
JOHN ROGER GOWER  
as Trustee in the presence of:

[Handwritten Signature]

Witness Signature:

[Handwritten Signature]

Witness name:

FOTINA THOMPSON

Occupation:

ADMINISTRATOR

Address:

CF-HAMILTON CITY COUNCIL

ag [Handwritten] [Handwritten] [Handwritten]

SIGNED by  
ROGER EAMONN HENNEBRY  
in the presence of:

R E Hennebury

Witness Signature: AD Collins

Witness name: Suzanne Dawn Collins

Occupation: Committee Advisor

Address: 63 Farrington Ave, Rotoluna, Hamilton

SIGNED by  
GLENDA MAY SAUNDERS  
in the presence of:

Glenda M Saunders

Witness Signature: Fotina Thompson

Witness name: FOTINA THOMPSON

Occupation: ADMINISTRATOR

Address: CF- HAMILTON CITY COUNCIL

SIGNED by  
KAY LORRAINE HALLBERG GREGORY  
in the presence of:

Kay Hallberg Gregory

Witness Signature: AD Collins

Witness name: Suzanne Dawn Collins

Occupation: Committee Advisor

Address: 63 Farrington Ave, Rotoluna, Hamilton

ag AD AD  
KAY

**Resolution to Exclude the Public**

**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 - 31 March 2016	) Good reason to withhold information exists under	Section 48(1)(a)
C2. Provisional Local Alcohol Policy - Appeal	) Section 7 Local Government Official Information and Meetings Act 1987 )	

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	on the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter to enable Council to carry out negotiations	Section 7 (2) (a) (i) Section 7 (2) (i)