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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 29 September 2016 at 9:00am.**

#### **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 P Yeung

In Attendance:	Richard Briggs - Chief Executive
	Lance Vervoort - General Manager Community
	David Bryant - General Manager Corporate
	Kelvyn Eglinton - General Manager City Growth
	Sean Hickey - General Manager Strategy and Communications
	Chris Allen - General Manager Infrastructure
	Sean Murray - Director H3 and Events
	Blair Bowcott - Executive Director Special Projects
	Luke O'Dwyer - Economic Growth and Planning Unit Manager
	Tracey Musty - Financial Controller
	Graham Pollard - Corporate Planning Programme Manager
	Alice Morris - City Planning Policy Team Leader
	Paula Rolfe- District Plan Review Project Manager
	Helen Paki - Business Manager Community
	Deborah Smith - Committee Advisor
	Malcolm Frethey - Business Analyst
	Jacob Quinn - Special Projects Manager
	Julie Clausen - Programme Manager - Strategy
	Lee Cowan - Communications Unit Manager

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Jeff Neems - Communications Advisor  
Nicola Walsh - Communications Advisor

Paul Connell - Chair of the Audit and Risk Committee  
Lachlan Muldowney – City Solicitor  
Andrew Ricketts - Associate Director, PricewaterhouseCoopers (PwC)  
Wayne Tainui – Partner, PwC

Democracy Advisors: Becca Brooke and Brendan Stringer

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Her Worship the Mayor Hardaker welcomed everyone to the Meeting and noted that this was the first time the new voting system technology was being used. She thanked the Chief Executive (CE) for implementing the new system.

### 1. Apologies

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

That the apologies from Cr Wilson be received and accepted.

### 2. Confirmation of Agenda

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

That the Agenda be confirmed, noting that Item 5 (2015/16 Annual Report) would be taken after 11.00am to accommodate an external presenter's availability.

Her Worship the Mayor Hardaker noted that she had been asked to add a Late Item (Worksafe Matter in Relation to the Zoo) to the Public Excluded Agenda. The matter would need to be dealt with in the Public Excluded session of the Meeting to protect the privacy of natural persons. The following Motion was put in relation to the matter.

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

That the Late Item - *Worksafe matter in relation to the Zoo* - be added to the 29 September 2016 Public Excluded Council Agenda.

**Those for the Motion:** Councillors King, Gallagher, Green,  
Pascoe, Chesterman, Yeung, Mallett,  
Tooman and Macpherson.

**Those against the Motion:** Her Worship the Mayor Hardaker,  
Councillors Forsyth and O'Leary.

### 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

**4. Public Forum**

No members of the public wished to speak.

Item 6 (End of Triennium Delegations) and Item 8 (Policy Review – Municipal and Domain Endowment Fund Policy) were taken ahead of Item 5 (2015/16 Annual Report) to accommodate the availability of an external presenter.

**5. End of Triennium Delegations**

The Chief Executive ('CE') introduced the report, providing a brief explanation on what the End of Triennium Delegations would cover. The CE noted that he would make a judgement call on whether an issue was politically significant and would be conservative in making any decisions.

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

That Council:

- a) receives the report;
- b) extends the Chief Executive's current delegations (detailed in the Delegations to Positions Policy) to include all of Council's responsibilities, duties, and powers currently retained by Council or delegated to Council's standing committees (except the District Licensing Committee), subject to the following conditions:
  - i. The extended delegations will have effect only for the period from the day after the declaration of the 2016 election results until the swearing in of the new Council;
  - ii. The extended delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the LGA;
  - iii. The Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the first meeting of the new Council;
  - iv. The Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
  - v. Where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, first consult with the Mayor-elect;
  - vi. The Chief Executive must report all matters relating to the exercise of an extended delegation to the incoming Council at the first meeting following the triennial general election; and
  - vii. Should any urgent matters arise during the interim election period which require significant political input, or at law must be made by Council, the first meeting following the triennial general election must be called by the Chief Executive as an 'emergency' meeting under clause 21 of Schedule 7 to the LGA.
- c) agrees that, as required under clause 30(7) of Schedule 7 to the LGA, the District Licensing Committee shall continue (and not be deemed to be discharged) on the coming into office of the members of the Council elected at the 2016 triennial general election of members.

## 6. Policy Review - Municipal and Domain Endowment Funds Policy

General Manager Growth introduced Andrew Ricketts (Associate Director PwC) and Wayne Tainui (Partner PwC). They took the report as read and responded to questions from Elected Members concerning:

- **Whether the CCO will subject to the Local Government Official Information Management Act (LGOIMA):**

It was confirmed that the proposed CCO will subject to official information requests under the Local Government Official Information and Meetings Act; the statutory exclusions under that Act would also apply.
- **Tax Requirements:**

PwC would clarify and revert to the Council on whether the CCO would be subject to development taxes.
- **Municipal and Domain Endowment Fund Policy and Constitution:**

Staff were asked to make changes to the draft constitution ('the Constitution') of Hamilton Properties Limited ('HPL') and draft Municipal and Domain Endowment Funds Policy ('the Policy'), as outlined in Appendix 1 of the Minutes.
- **Appointment and Remuneration of Directors and Reporting Requirements:**

The Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy's guidelines would be followed regarding the appointment and remuneration of HPL directors.
- **Set Up and Return on Assets:**

The property assets in question would remain in Council's ownership but would be managed by HPL. The return on investment to the Council was projected to be 5.5%, though it could be higher. The method of calculating the return on investment was discussed.
- **Contract between Council and HPL**

Staff noted that the following matters could be addressed in the proposed contract between the Council and HPL:

  - Restrictions on HPL Board members receiving remuneration for consultancy services;
  - HPL's reporting obligations to the Council;
  - Parameters of HPL's ability to borrow;
- **CCO Costs**

The estimated annual operational costs for HPL were expected to be \$600,000.

**Motion:** (Her Worship The Mayor Hardaker/Cr Forsyth)

That:

- a) the report be received;
- b) the cash assets and management of the Municipal and Domain Endowment Funds are transferred to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited, noting that the ownership of the current property assets remain with the Council;
- c) the Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution with the removal of clauses 17.1 and 6.2, and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited;
- d) the Council approves the timeline for activation and operation of Hamilton Properties Limited below;
- e) the Chief Executive is delegated the necessary authority to implement this decision;
- f) staff are to report to Council or appropriate delegated Committee/Subcommittee in March 2017 on implementation progress and this is to include a risk analysis; and

Date	Action	Owner
<b>STAGE 1 – APPROVAL STAGE</b>		
29 September 2016	Council approval of Policy, Constitution and Business Case	Council Meeting
<b>STAGE 2 – SET UP STAGE</b>		
September 2016	Commission report into Director remuneration Commence recruitment of Directors	GM City Growth
March 2017	Appointment of Directors and remuneration approved Approve Letter of Expectation Activate HPL and revocation of CCO exemption (s7(7))	Council (delegated to CCO Subcommittee or equivalent)
<b>STAGE 3 – TRANSITIONAL STAGE</b>		
<b>1 April 2017</b>	<b>HPL operational in transitional mode</b>	
April – June 2017	1 <sup>st</sup> Board Meeting Prepare: <ul style="list-style-type: none"> <li>• Contract HCC and HPL</li> <li>• Statement of Intent</li> <li>• HPL Strategy and Business Plan</li> </ul>	Board/Council (delegated to CCO Subcommittee or equivalent)
30 June 2017	Contract, Statement of Intent, HPL Strategy and business plan approved	Council (delegated to CCO Subcommittee or equivalent)

	Approve delegated authority to manage assets not transferred		
<b>STAGE 4 – OPERATIONAL STAGE</b>			
1 July 2017 (effective)	Transfer of Cash and Assets	Council (delegated to CCO Subcommittee or equivalent)	
<b>1 July 2017</b>	<b>HPL fully operational</b>		

- g) the Minutes record the matters of correction and operation raised by Elected Members.

**The Meeting adjourned from 10:45am to 11:00am during discussion on the above item.**

**Amendment:** (Crs Macpherson/Mallett)

That Council:

- a) receives the report; and
- b) refers this item to the incoming Council, no later than the end of March 2017.

**The Amendment was put.**

**Those for the Amendment:** Councillors Gallagher and Macpherson.

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors King, Green, Forsyth, Pascoe, Chesterman, Yeung, Mallett, Tooman and O'Leary.

**The Amendment was declared lost.**

A further amendment was then put:

**Further Amendment:** (CrS King/Green)

That:

- a) the report be received;
- b) the cash assets and management of the Municipal and Domain Endowment Funds are transferred to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited, noting that the ownership of the current property assets remain with the Council;
- c) the Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution with the removal of clauses 17.1 and 6.2, and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited;
- d) the Council approves the timeline for activation and operation of Hamilton Properties Limited below;
- e) the Chief Executive is delegated the necessary authority to implement this decision;
- f) Staff are to report to Council or appropriate delegated Committee/Subcommittee in March 2017 on implementation progress and is to include a risk analysis;

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- g) the Minutes record the matters of the correction and operation raised by Elected Members, and
- h) the Policy be reviewed so the Fund be only used for passive investments not developments nor using our privileged position for future re-zoning opportunities.

**Those for the Further Amendment:** Councillors King, Green, Mallett and Macpherson.

**Those against the Further Amendment:** Her Worship the Mayor Hardaker, Councillors Gallagher, Forsyth, Pascoe, Chesterman, Yeung, Tooman and O'Leary.

**The Further Amendment (Crs King/Green) was declared lost.**

**The Motion was then put.**

**Resolved:** (Her Worship The Mayor Hardaker/Cr Forsyth)

That:

- a) the report be received;
- b) the cash assets and management of the Municipal and Domain Endowment Funds are transferred to a Council Controlled Trading Organisation (CCTO), Hamilton Properties Limited, noting that the ownership of the current property assets remain with the Council;
- c) the Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution with the removal of clauses 17.1 and 6.2, and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited;
- d) the Council approves the timeline for activation and operation of Hamilton Properties Limited below;
- e) the Chief Executive is delegated the necessary authority to implement this decision;

- f) Staff are to report to Council or appropriate delegated Committee/Subcommittee in March 2017 on implementation progress and this is to include a risk analysis.

Date	Action	Owner
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- g) the Minutes record the matters of correction and operation raised by Elected Members. *(Appendix 1 of Minutes)*

**Those for the Motion:** Councillors Gallagher, Forsyth, Pascoe, Chesterman, Yeung, Hardaker, Tooman and O'Leary.

**Those against the Motion:** Councillors King, Green, Mallett and Macpherson.

## **7. 2015/16 Annual Report**

The CE introduced Paul Connell, Chair of the Audit and Risk Committee who spoke to the report noting that the work carried out by the Finance Team on the 2015/16 Annual Report had been commended as high quality by Audit New Zealand.

Mr Connell and the Financial Controller responded to questions from Elected Members concerning:

- **Audit NZ Feedback**  
Good feedback on the annual report had been received from Audit NZ. It was noted that there was continuous improvement on the clearance of outstanding recommendations and that there had been a marked improvement on the controls the Council had in place.
- **Revenue Clarification**  
Clarification was sought on why the revenue reported at the 20 September Finance Committee Meeting differed from what was reported in the 2015/16 Annual Plan. It was explained that the difference was due to revenue received from metered water for commercial properties.
- **Deferred Capital Expenditure**  
Clarification was sought as to why deferred capital expenditure had not been highlighted as a major contributor to reduced debt. Staff advised that this was an oversight and would ensure this was referenced in the introduction to the 2015/16 Annual Report.

The Chair of the Audit and Risk Committee noted that he was comfortable that robust systems and processes were in place and that the accuracy of the report and oversight into the finances were at a good level. Staff had proven to be competent in their roles and the Finance Committee had been led by Elected Members with expertise in the finance area.

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

That:

- a) the report be received;
- b) the 2015/16 Annual Report be approved by Council for the Mayor and Chief Executive to sign and present to Audit NZ, provided the introduction in the Annual Report include reference to the deferred capital expenditure and the contributing factors include the dollar amount;
- c) the Mayor and Chief Executive be authorised to sign the Audit NZ Letter of Representation on behalf of Council;
- d) the audit opinion be received; and
- e) the audited 2015/16 Annual Report and audited Summary Annual Report be adopted.

## 8. End of Triennium - Open Minutes to be Confirmed and Adopted

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

**1) Civil Defence and Emergency Management Subcommittee - Open Minutes – 28 June 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Civil Defence and Emergency Management Subcommittee Meeting held on 28 June 2016.

**2) Public Art Subcommittee - Open Minutes – 29 July 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Public Art Subcommittee Meeting held on 29 July 2016.

**3) Community Forum Subcommittee - Open Minutes – 2 August 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Community Forum Subcommittee Meeting held on 2 August 2016.

**4) Council - Open Minutes – 25 August 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Council Meeting held on 25 August 2016.

**5) Strategy and Policy Committee - Open Minutes – 30 August 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting held on 30 August 2016.

**6) Business and Investment Subcommittee - Open Minutes – 2 September 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Business and Investment subcommittee Meeting held on 2 September 2016.

**7) Audit and Risk Committee - Open Minutes – 13 September 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Audit and Risk Committee Meeting held on 13 September 2016.

**8) Finance Committee - Open Minutes – 20 September 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Finance Committee Meeting held on 20 September 2016.

**9) Extraordinary Council - Open Minutes – 20 September 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Extraordinary Council Meeting held on 20 September 2016

**10) Hearings Subcommittee - Open Minutes – 21 September 2016**

That the Council confirm and adopt as a true and correct record the Open Minutes of the Hearings Subcommittee Meeting held on 21 September 2016.

**9. Recommendations to Council - Strategy and Policy Committee Meeting - 30 August 2016**

The Chair of the Strategy and Policy Committee (Cr O'Leary) spoke to the report.

**Rangatahi Youth Action Plan Annual Update 2015/16**

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

That the following completed actions from the Rangatahi Youth Action Plan be removed:

- a) 3.1 – Implement recommendations from the Transport Centre research project relating to safety and security by June 2016.
- b) 4.2 – Monitor SMART Waikato's FutureForce® Action Network (FAN) Activate Pilot, connecting youth and businesses and provide mentoring in the workplace.
- c) 4.5 – Identify gaps in existing research on Hamilton's young people and prioritise five research projects.

**Amendment to Class 4 Gambling Venue Policy**

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

That the Amended Class 4 Gambling Venue Policy is adopted.

**Cr Mallett Dissenting.**

**Policy Review - Freeholding of Council Endowment Land**

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

That:

- a) the Freeholding of Council Endowment Land Policy be approved; and
- b) the current Freeholding of Council Domain and Municipal Endowment Leases Policy be deleted.

**Policy Review - Sale and Disposal of Council Land**

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

That:

- a) Council:
  - i. approves the Sale and Disposal of Council Land Policy; and
  - ii. deletes the current Property Sale and Disposal Policy.
- b) the Financial Delegation be amended to allow the Chief Executive to negotiate sale and purchase of land where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

**Cr Macpherson Dissenting.**

### **Policy Review - Growth Funding Policy**

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

That the amended Growth Funding Policy be adopted, subject to the changes agreed at the Meeting.

### **Hamilton East Neighborhood Plan Adoption Report**

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

That:

- a) the Hamilton East Neighborhood Plan be adopted; and
- b) all Council's strategies and plans include the date of adoption on the front page.

### **Hamilton Lake Domain - Draft Management Plan**

Elected Members stated that community engagement around this matter needed to be improved.

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

That:

- a) Council gives public notice of the draft Hamilton Lake Domain Management Plan (2016) under s41(6) of the Reserves Act 1977; and
- b) the public are invited to make written suggestions to Council on the draft Hamilton Lake Domain Management Plan (2016) during the statutory two month submission period.
- c) the appropriate Committee of the new Council, appoints members to a draft Hamilton Lake Domain Management Plan Hearings Panel, at their first meeting.
- d) staff report back to the appropriate Committee of the new Council with the final plan for adoption by April 2017.

### **Policy Review - Road, Reserve and Park Naming Policy**

Elected Members noted a number of changes to be made in relation to this policy as set out in Appendix 2 of these Minutes.

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

That the draft Naming of Roads, Open Spaces and Council Facilities Policy be adopted, subject to the changes requested by Elected Members at the Meeting. (*see Appendix 2*)

**The Meeting adjourned 12.30pm – 1.30pm.**

*Cr Green retired from the Meeting (12.30pm) during the adjournment.*

Following the adjournment, a motion was moved to temporarily suspend standing orders for the duration of Item 13 (Closing Speeches)

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

That Standing Orders be temporarily suspended during Item 13 (Closing Speeches).

### **13. Closing Speeches**

Her Worship the Mayor Hardaker welcomed those in attendance for the closing speeches.

A blessing was given by Kaumatua Tame Pokaia.

Valedictory speeches were heard from Cr Forsyth, Deputy Mayor Chesterman and Her Worship the Mayor Hardaker.

Further speeches were heard from Steven Perdia , Mayor Jan Barnes and MP Tim Macindoe.

The Chief Executive thanked each of the retiring Elected Members for their service to the City.

A Freedom of the City Award was presented to Deputy Mayor Gordon Chesterman.

**The Meeting adjourned 3.30pm – 4.30pm.**

*Crs Gallagher and Macpherson left the Meeting (3.30pm) during the adjournment. Cr Gallagher tendered his apologies for being late back to the Meeting.*

## 10. Hamilton City Proposed District Plan - Making the Plan Partly Operative

Economic Growth and Planning Unit Manager, supported by the City Solicitor, introduced the report and responded to questions.

It was explained that making the plan partly operative was an administrative formality and that the plan had already been signed off on. The process Elected Members could take if they wanted any changes to the plan to be made, was by way of a variation to the plan which had a statutory process to follow.

Making the plan partly operative would provide some certainty for developers in terms of not having to submit resource consents under both the Operative and the Proposed District Plan.

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

That:

- a) the report be received; and
- b) Council approves the Hamilton City Proposed District Plan (13 November 2012) being made partly operative on the 21 October 2016 pursuant to clause 17 and 20 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Proposed District Plan which relate to the Ruakura Variation, which becomes Plan Change 1, as identified within the Partly Operative District Plan Exclusions.

**Amendment:** (Crs King/Mallett)

That:

- a) the report be received;
- b) Council approves the Hamilton City Proposed District Plan (13 November 2012) being made partly operative on the 21 October 2016 pursuant to clause 17 and 20 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Proposed District Plan which relate to the Ruakura Variation, which becomes Plan Change 1, as identified within the Partly Operative District Plan Exclusions; and
- c) staff bring to Council a terms of reference for the review of the District Plan. The review is to focus on reducing red tape and costs to create more certainty as to outcomes and to empower staff to be able to make common sense decisions to make it easier to grow Hamilton. The terms of reference will establish a joint management and elected member working group.

**The Amendment was put.**

**Those for the Amendment:** Councillors King and Mallett.

**Those against the Amendment:** Her Worship the Mayor Hardaker,  
Councillors Gallagher, Forsyth, Pascoe,  
Chesterman, Yeung, Tooman and O'Leary.

**The Amendment was declared lost.**

**The Motion was then put.**

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

That:

- a) the report be received; and
- b) Council approves the Hamilton City Proposed District Plan (13 November 2012) being made partly operative on the 21 October 2016 pursuant to clause 17 and 20 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Proposed District Plan which relate to the Ruakura Variation, which becomes Plan Change 1, as identified within the Partly Operative District Plan Exclusions.

**Cr King Dissenting.**

*Cr Gallagher re-joined the Meeting (4.45pm) during the discussion of the above Item. He was present when the matter was voted on.*

*Cr Macpherson re-joined the Meeting (5.10pm) at the conclusion of the above Item. He was not present when the matter was voted on.*

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

That Standing Orders be reinstated for the remainder of the Meeting.

## **11. Founders Theatre - Future Options**

Director H3 and Events ('H3 Director') took the report as read and responded to questions from Elected Members concerning options for repurposing Founders Theatre as a community arts hub or an alternative use, and whether this needed to be considered as part of the Momentum proposal. The H3 Director noted that the cost of making the Theatre fit for purpose, regardless of any proposed use, would incur significant costs.

**The Meeting adjourned from 5:35pm to 5:40pm during discussion on the above Item.**

**Motion:** (Crs Mallett/Chesterman)

That:

- a) the report be received; and
- b) Council note that:
  - i. A final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known;
  - ii. Management's current advice is that if a new theatre is built at a new location, the Founders Theatre building should be demolished.

**Amendment:** (Crs Gallagher/Macpherson)

That:

- a) the report be received; and
- b) a final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known, including options for a community arts hub.

**The Amendment was put.**

**Those for the Amendment:** Her Worship the Mayor Hardaker,  
Councillors Gallagher, Forsyth, Pascoe,  
Chesterman, Yeung, O'Leary and  
Macpherson.

**Those against the Amendment:** Councillors King, Mallett and Tooman

**The Amendment was declared carried.**

**The Amendment as the Substantive Motion was then put.**

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

That:

- a) the report be received; and
- b) a final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known, including options for a community arts hub.

**12. Resolution to Exclude the Public**

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

**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. Victoria on the River - Delegations to Chief Executive	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. 2016 Heritage Fund Allocations	) Official Information and Meetings Act 1987	
C3. City Honours - Civic Awards - 2016	)	
C4. End of Triennium - Public Excluded Minutes to be Confirmed and Adopted		
C5. Worksafe Matter in relation to the Zoo		

And that Lachlan Muldowney and James Gurnick remain for Item C5 to provide advice to the Council.

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

Item C1.	to enable Council to carry out negotiations	Section 7 (2) (i)
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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)

**The Meeting went into a Public Excluded Session at 6.00pm.**

**The Meeting was declared closed at 7.00pm.**

REPORT -POLICY REVIEW – MUNICIPAL AND DOMAIN ENDOWMENT FUNDS POLICY

COUNCIL – 29 SEPTEMBER 2016

MATTERS OF CORRECTION AND OPERATION RAISED BY ELECTED MEMBERS

Change to Section	Action
<b>HPL CONSTITUTION</b>	
Notice of Meeting 9.3(b)(iii) and 9.3(d)(iii) references to “facsimile”	Staff to amend HPL Constitution to reflect current electronic communication practices
Notice of Meeting 9.3(d)(ii) references to “posting” – is three days sufficient time?	Staff to obtain legal advice on the three day period and amend HPL Constitution if necessary
Annual General Meetings – may not be held under some circumstances 6.2	Removal of clause 6.2 included in the resolution (c) <i>“the Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution with the removal of clauses 17.1 and 6.2, and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited”</i>
Alternate Director – Only HCC has the power to appoint Directors	Remove the definition “Alternate Director” in clause 17.1 included in the resolution (c) <i>“the Council approves the draft Municipal and Domain Endowment Funds Policy, the Constitution with the removal of clauses 17.1 and 6.2, and the PricewaterhouseCoopers Business Case for Hamilton Properties Limited”</i> NOTE – the resolution requires the removal of the entire definitions clause (17.1) however it is clear when reviewing the video of the meeting that only removal of the “Alternate Director” definition is required and NOT the entire Definitions clause.
<b>HPL – HCC CONTRACT</b>	
HPL Directors acting as paid consultants on specific projects for HPL or HCC – potential conflict of interest	Contract between HCC and HPL will specifically exclude HPL Directors from acting as paid consultants when involving HPL or HCC matters.
HPL reporting to Council – frequency and form	Contract between HCC and HPL will include specific reporting timetable detailing frequency and form in addition to the minimum required by the HPL Constitution

## Naming of Roads, Open Spaces and Council Facilities Policy – Commentary on changes Prior to Adoption

Changes to be made to the Policy further to Council Meeting, 29 September 2016. The changes are listed in the order as received by the elected members, not in the order of the clauses in the policy:

Section	Subsection / Clause #	Change	New	Rationale	Elected Member
<b>Definitions</b>	Applicant	Include Council in the definition of Applicant	An individual or entity which is making an application. This may include <b>Council</b> , a consent holder or the party developing the infrastructure including but not limited to a Developer.	Council is also an applicant.	YWTM
<b>Principles</b>	4	Include “city’s history”	Council has a role in ensuring that <b>the city’s history</b> , local identity and local culture is recognised and maintained.	The Policy also celebrates the city’s history.	YWTM
<b>Public and Private Roads</b>	9	Change “should” to “could”	Where there is a theme or grouping of names in an area, names submitted <b>could</b> have an appropriate association with other names in the area.	Should is too restrictive	YWTM, MG
<b>Public and Private Roads</b>	10	Change from “Must” to “Should”	Any proposed road names <b>should</b> also meet the following criteria:	Must is too restrictive	YWTM, MG
<b>Public and Private Roads</b>	10(f)	Delete sub clause	Deleted - <b>Not include punctuation, e.g. hyphens.</b>	Too restrictive and inconsistent with past decisions.	YWTM, MG

<b>Council Facilities</b>	25	Delete clause	Deleted - <b>Council facilities will be named for the primary function of the facility.</b>	Too restrictive in that it does not allow buildings to have creative names.	YWTM
<b>Council Facilities</b>	26 & 27	Change “General Manager Corporate” to “Chief Executive”	The Council Unit responsible for the Council facility will propose names for the Council facility to the <b>Chief Executive</b> .  The <b>Chief Executive</b> will consider the proposed names, prepare a report outlining the request and make a recommendation to Council.	Council will always have a Chief Executive but the title of GMs and responsibilities may change prior to the policy being reviewed. A Chief Executive has ultimate responsibility and can delegate to the appropriate GM irrespective of the SLT structure.	YWTM
<b>Naming rights and sponsorship</b>	29	Delete clause	Deleted - <b>Council will consider sponsorship opportunities for an open space or Council facility or parts within an open space or Council facility.</b>	This is implicit in the existing clause(s).	YWTM
<b>Purpose and Scope</b>	2	Delete clause	Deleted - <b>Council is responsible for naming (and renaming) roads, open spaces and Council facilities within its boundaries.</b>	This is an implicit purpose of the policy and does not need to be made explicit	YWTM

**Key**

YWTM: Your Worship the Mayor

MG: Councillor Martin Gallagher