
Community and Natural Environment Committee

Te Komiti Haapori me te oranga o te Taiao

OPEN MINUTES

Minutes of a meeting of the Community and Natural Environment Committee held in Council Chamber and Audio-Visual Link , Municipal Building, Garden Place, Hamilton on Thursday 26 October 2023 at 9.30am.

PRESENT

Chairperson	Cr Kesh Naidoo-Rauf
<i>Heamana</i>	
Deputy Chairperson	Cr Anna Casey-Cox
<i>Heamana Tuarua</i>	
Members:	Mayor Paula Southgate Deputy Mayor Angela O’Leary Cr Maxine van Oosten Cr Moko Tauariki Cr Ewan Wilson Cr Mark Donovan Cr Louise Hutt Cr Andrew Bydder (via audio-visual) Cr Geoff Taylor Cr Sarah Thomson (via audio-visual) Cr Emma Pike Maangai Olly Te Ua

In Attendance:	Helen Paki - General Manager Customer and Community Sean Murray General Manager Venues, Tourism and Events Aimee Haycock - Parks Planner Maria Barrie - Unit Director - Parks & Recreation Declan Callery - Project Delivery Team Leader Karen Kwok - Senior Advisor Community & Recreation Facilities Carmen Fookes - Policy Advisor Sandra Larsen - Social Development Team Leader Narelle Waite - Strategy and Policy Advisor Anita McKegg - City Investment Director Philippa Clear - Community & Social Development Manager
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Governance Staff:	Amy Viggers – Governance Lead Nicholas Hawtin and Arnold Andrews – Governance Advisors Corey Bruntlett – Governance and Elected Member Support
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The meeting was opened by Gayl de Boer and Kathy Taufalele of the Bahá’í Community (Interfaith) with a prayer.

1. Apologies – *Tono aroha*

Resolved: (Cr Donovan/Cr Naidoo-Rauf)

That the apologies for early departure from Cr Mayor Southgate, Cr Donovan, Cr Bydder and for absence from Cr Huaki were accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr van Oosten/Cr Naidoo-Rauf)

That the agenda is confirmed.

Mayor Southgate and Deputy Mayor O’Leary joined the meeting at (9:36am) during the above item. They were present for the vote.

3. Declarations of Interest – *Tauaakii whaipanga*

No members of the Committee declared a Conflict of Interest.

4. Public Forum – *Aatea koorero*

Ro Toa spoke to item 6 (Chair’s Report) concerning community houses.

David Bennett spoke to Item 13 (External Funding Policy Review) concerning long term lease for Marist football club.

Jamie Strange spoke to Item 13 (External Funding Policy Review) concerning long term lease for Marist football club.

Kay Kristensen (Problem Gambling Foundation) spoke to Item 13 (External Funding Policy Review) she spoke in favour of retaining the current policy.

Wayne Bates (Melville United AFC) spoke to Item 13 (External Funding Policy Review) concerning football clubs within the community and the impact of external funding to these clubs.

Dr Nicole Coupe (Kirikiriroa Family Services Trust) spoke to Item 8 (Community Occupancy Report) concerning the impact of community spaces.

Dr Rose Black (National Public Health Service Waikato) spoke to Item 13 (External Funding Policy Review) concerning external funding and spoke in favour of option 1 and the ethics of accepting gambling funds.

Blair Currie spoke to Item 8 (Community Occupancy Report) concerning community infrastructure improvement project. Talked about the benefit of the modern turf and its quality and standards. Proposed an extension of 25 years from 15 years that are recommended.

Cr Wilson joined the meeting (9.39am) during the discussion of the above item.

5. Confirmation of the Open Community and Natural Environment Committee Minutes - 10 August 2023

Resolved: (Cr Naidoo-Rauf/Cr Pike)

That the Community and Natural Environment Committee confirm the Open Minutes of the Community Committee Meeting held on 10 August 2023 as a true and correct record.

6. Chair's Report

The Chair took the report as read.

Resolved: (Cr Wilson/Cr Naidoo-Rauf)

That the Community and Natural Environment Committee receives the report.

7. Ashurst Park Reclassification - Deliberations Report

John Miller spoke to his petition and the requirement of petitions to be valid for Council meetings. Spoke to the Ashurst reclassification and the delay of decision making.

The Parks Planner introduced the report and highlighted the options within the report. Staff responded to questions from Members concerning project development and management, risk to Council through delay in decision making, inaccurate information on website, concern around negative/positive descriptions within report, community consultation opportunities, historic quantum of park and playground, soil composition of site options, updated costs for all options, tree maintenance and reuse of existing buildings.

Staff Action: *That a meeting with the community will be organised by Staff to discuss Ashurst Park before the December Council Meeting.*

Motion: (Cr Naidoo-Rauf /Deputy Mayor O'Leary)

That the Community and Natural Environment Committee:

- a) receives the report; and
- b) requests staff further investigate **Option 2** and that the costing, accessibility features, green spaces assessment and comparison to **Option 1** be incorporated into the final report concerning the approval of the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve, to be presented to the Council meeting of 14 December 2023.

Amendment: (Cr Taylor/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) **declines** the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve; and .
- c) requests the proposal to redevelop the Pukatea Neighbourhood House be considered as part of the 2024-34 Long Term Plan process next year where it can be considered alongside the council's other spending priorities.

The Amendment was put.

Those for the Amendment:

Councillors Bydder, Taylor, Wilson and Donovan

Those against the Amendment:

Cr Naidoo-Rauf, Councillors Casey-Cox, Pike, O'Leary, Hutt, Southgate, Thomson, van Oosten, Tauariki and Te Ua

The Amendment was declared LOST.

Resolved: (Cr Naidoo-Rauf /Deputy Mayor O’Leary)

That the Community and Natural Environment Committee:

- a) receives the report; and
- b) requests staff further investigate **Option 2** and that the costing, accessibility features, green spaces assessment and comparison to **Option 1** be incorporated into the final report concerning the approval of the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve, to be presented to the Council meeting of 14 December 2023.

The meeting was adjourned from 10:51am to 11:10am during the discussion of the above item.

8. Community Occupancy Applications - Kirikiriroa Family Services Trust and Hamilton Marist Rugby Football Club Incorporated

The Recreation and Community Facilities Senior Advisor and Parks and Operational Planning and Capital Projects Manager took the report as read. Staff responded to questions from Members concerning the lease being increased from 15 to 25 years, financial implications to Council, purpose of the 5 year review, artificial turf, environmental impact assessment and definition of access/costing within lease agreement and capital expenditure for turf.

Resolved: (Mayor Southgate/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) approves a new *community group lease*, under section 54(1)(b) of the Reserves Act 1977, to **Hamilton Marist Rugby Football Club Incorporated** for land area of 905m² (clubhouse and cricket nets footprint) at Marist Park, being Part Lot 4 DPS 91207, Section 7 SO 462723 and Section 8 SO 462723 (as shown in **Attachment 1**) subject to the following terms and conditions:
 - i. Term – Twenty five (25) years
 - ii. Rent - \$599.69 plus GST per annum, based on 87.5% subsidy in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- c) approves in-principal, the inclusion of land area (approximately 10,000m²) required to enable an artificial turf and floodlights to be developed at Marist Park within the community occupancy agreement to **Hamilton Marist Rugby Football Club Incorporated**, being part Section 7 SO 462723 and Section 8 SO 462723 (as shown in **Attachment 4**) subject to the following terms and conditions:
 - i. Full funding, including how Hamilton Marist will fund future operating expenditure, prior to construction;
 - ii. notes that resource consent has been granted;
 - iii. notes that club is to work with Parks and Recreation staff to finalise exact location and landscaping design;
 - iv. notes that club is to work with Parks and Recreation staff around governance structure (management and operation of artificial turf);

- v. notes that an environmental information including how effects will be managed be circulated to Members;
- vii. a total occupancy agreement term of no more than Twenty five (25) years;
- viii. any agreement shall be subject to a 5-year review, to review the ownership, management and operational model of the artificial turf and floodlights in alignment with any future artificial turf developments in Hamilton City;
- d) delegates the approval of the artificial turf and floodlights component of the community occupancy agreement, including facility development conditions to the General Manager - Customer and Community;
- e) approves a new *community group lease* to **Kirikiroa Family Services Trust** for land (704m²) at 77 Norton Road, being Part Lot 101 Deeds 100 (as shown in **Attachment 2**) subject to the following terms and conditions:
 - i. Term – Fifteen (15) years;
 - ii. Rent - \$1,946.50 plus GST plus GST per annum, based on reduced subsidy (50%) in accordance with the Community Occupancy Policy;
 - iii. Notes that group are responsible for any consents required for activities;
 - iv. All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.

The meeting was adjourned from 12:18pm to 12:25pm during the discussion of the above item.

The meeting was adjourned from 12:45pm until 1:26pm.

Cr Bydder retired from the meeting during the above adjournment.

9. Class 4 Gambling and TAB Venues Policies - Deliberations and Approval

The Policy and Bylaw Advisor took the report as read. She responded to Members concerning alternative funding, impact of shutting venues on online gambling, relocation policy

Motion: (Cr Donovan/Cr Taylor)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy **Option 2**: a change to a Cap approach (capped at the number of locations at the time the Policy is adopted);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A **Option 2**: a change to a Cap approach (capped at the number of locations at the time the Policy is adopted); and
 - B. **Option C**: a change to the Relocation and Merger Provisions in the Policy to allow Movement and Mergers into Gambling Permitted Areas; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

Amendment: (Cr Hutt/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy with **Option 1**: the continuation of the sinking-lid approach (status quo);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A. **Option 1**: the continuation of the sinking-lid approach (status quo); and
 - B. **Option A**: the continuation of the current Relocation and Merger provisions in the Policy; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

The Amendment was put.

Those for the Amendment:

Councillors Casey-Cox, Pike, O'Leary,
Hutt, Southgate, Thomson, van Oosten,
Tauariki and Te Ua

Those against the Amendment:

Councillors Taylor, Naidoo-Rauf, Wilson
and Donovan

The Amendment was declared CARRIED.

The Amendment as the substantive Motion was then put and declared CARRIED.

Resolved: (Cr Hutt/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy with **Option 1**: the continuation of the sinking-lid approach (status quo);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A. **Option 1**: the continuation of the sinking-lid approach (status quo); and
 - B. **Option A**: the continuation of the current Relocation and Merger provisions in the Policy; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

Cr Wilson and Taylor Dissenting

10. Community Assistance Policy Review

The Social Development Team Leader took the report as read. She responded to questions from Members concerning the working group.

Resolved: (Cr Naidoo-Rauf/Mayor Southgate)

That the Community and Natural Environment Committee recommends that the Council:

- a) adopts the draft Community Grants Policy;
- b) delegate authority to:
 - i. The Community Grant Allocation Sub-committee to make the final grant allocation decisions for Community Partnership Agreement Grants and Community Services Grants;
 - ii. staff to make the final grant allocation decisions for Community Initiatives Grants;
- c) notes that the approval of this report will replace the cooperative Community Assistance Policy with the Community Grants Policy; and
- d) notes that all Elected Members will be invited to future Community Grants Allocation Sub-committee meetings and that staff will report to the Community and Natural Environment Committee on the outcome of all Community Grant allocations.

11. Determination Report - Animal Nuisance Bylaw 2013 Dog Control Bylaw 2015

The Strategy and Policy Advisor took the report as read.

Resolved: (Cr Tauariki/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) determines that an Animal Nuisance Bylaw is the most appropriate mechanism for addressing issues relating to protection and maintenance of public health and safety, and regulating the keeping of animals;
- c) determines that a Dog Control Bylaw is the most appropriate mechanism for addressing issues of public safety relating to dog control, and for giving effect to the Dog Control Policy; and
- d) notes that staff will begin the review of the bylaws including the preparation of draft statements of proposal.

12. Cultural and Recreational Facilities Bylaw - Approval to consult

The Strategy and Policy Advisor took the report as read. Staff responded to questions from Members concerning the key differences between the bylaw and current legislation, any effects on staff the removal of the bylaw would have and the reasoning behind the creation of the bylaw.

Resolved: (Deputy Mayor O’Leary/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) determines that a Cultural and Recreational Facilities Bylaw is no longer the most appropriate mechanism for minimising offensive behaviour at Council’s cultural and recreational facilities;
- c) approves the draft consultation document (**Attachment 1**) for public consultation from 8 November to 30 November 2023; and
- d) notes that feedback from the public consultation will be presented to a future Community and Natural Environments Committee.

13. External Funding Policy Review

The City Investment Director introduced the report and highlighted the consultation outcomes and class 4 gambling. Staff responded to questions from Members concerning impacts of the Long Term Plan, funding quantum, consultation and selection processes and grassroots funding.

Motion: (Cr Naidoo-Rauf/Cr Donovan)

That the Committee and Natural Environment Committee;

- a) receives the report;
- b) recommends that the Council approves Option 2 of the staff report the revised External Funding Policy.
- c) notes that the staff will review the policy in three years or when council balances its books (whichever occurs earlier); and
- d) notes that any applications to gaming funds are to be considered through an ‘equity and community benefit’ lens.

Amendment: (Cr Casey-Cox/Cr Hutt)

That the Committee and Natural Environment Committee;

- a) receives the report;
- b) recommends that the Council approves **Option 1** of the staff report the continuation of the existing External Funding Policy (Status Quo) no funding from Gambling Trust.

The Amendment was put.

Those for the Amendment:

Councillors Casey-Cox, Thomson, Hutt,
van Oosten and Te Ua

Those against the Amendment:

Councillors Pike, O’Leary, Southgate,
Taylor, Naidoo-Rauf, Thomson, Donovan
and Tauariki

The Amendment was declared LOST

Resolved: (Cr Naidoo-Rauf/Cr Donovan)

That the Committee and Natural Environment Committee;

- e) receives the report;
- f) recommends that the Council approves Option 2 of the staff report the revised External Funding Policy.
- g) notes that the staff will review the policy in three years or when council balances its books (whichever occurs earlier); and
- h) notes that any applications to gaming funds are to be considered through an 'equity and community benefit' lens.

Cr Casey-Cox, Te Ua and Hutt Dissenting

Cr Wilson left the meeting at (2:40pm) during the above item, he was not present for the vote.

14. Status Update on the Age Friendly Plan, Welcoming Plan and Disability Policy Action Plan

The Community and Social Development Manager introduced the report and highlighted the need for strengthening relations with groups that have become distanced from the program. Staff responded to questions from Members concerning age friendly plan update and the disability policy status.

Resolved: (Cr Naidoo-Rauf/Cr Hutt)

That the Community and Natural Environment Committee receives the report.

15. Resolution to Exclude the Public

Resolved: (Cr Naidoo-Rauf/Cr Casey-Cox)

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Public Excluded Community and Natural Environment Committee Minutes - 10 August 2023) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Civil Defence Emergency Management - Extension of Service Level Contract		
C3. Community Group Lease - Waikato Society of Arts Incorporated		

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 maintain legal professional privilege	Section 7 (2) (g)
	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting went into closed session at 3:10pm

The meeting was declared closed at 4:30pm

Minute Note 8/10/2024:

On 8/10/2024 the following resolutions were determined to be released to the public via these minutes and the quarterly update.

Civil Defence Emergency Management – Extension of Service Level Contract

Resolved:

That the Community and Natural Environments Committee:

- a) receives the report;
- b) notes that the Service Level agreement with Waikato Regional Council for delivery of CDEM services on behalf of Hamilton City Council has expired;
- c) notes that the annual cost of the service level agreement can be funded from the existing CDEM budget;
- d) approves a two year extension to the service level agreement with Waikato Regional Council to deliver Hamilton City Council's Civil Defence Emergency Management activity;
- e) delegate the Chief Executive be delegated to finalise the terms and execute the contract with Waikato Regional Council;
- f) notes staff will report six monthly to the Community and Natural Environments Committee on the performance and delivery of the workplan; and
- g) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.