
Council

OPEN MINUTES

Minutes of a Meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 28 April 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 A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O’Leary
	Cr R Pascoe
	Cr L Tooman
	Cr P Yeung

In Attendance:	Chief Executive – Richard Briggs
	General Manager Strategy and Communication – Sean Hickey
	General Manager Community – Lance Vervoort
	General Manager City Growth – Kelvyn Eglington
	General Manager Corporate – David Bryant
	Director H3 and Events – Sean Murray
	Communications Manager – Lee Cowan
	Community Development and Leisure Manager – Deanne Mcmanus-Emery
	Manager Social Development – Andy Mannering
	Manager Swimming and Recreation – Mathew Bayliss
	Programme Manager Strategy – Julie Clausen
	Programme Manager Analysis and Research – Mark Brougham
	Senior Planner – Paul Ryan

Committee Advisors:	Mrs M Birch & Mrs B Brooke.
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1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman.

That the apologies be received and accepted from Councillors Green and Wilson.

2. Confirmation of Agenda

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

The Council to confirm the Agenda, noting:

- An additional Item would be included in the Public Excluded Agenda: Chief Executive Review;
- Updated documents had been circulated to Elected Members on the following:
 - Draft Founders Theatre Engagement Document;
 - Founders Theatre Engagement Document – Memo;
 - HCC's Draft 2 Submission to MFE's Consultation Document 'Next steps for Freshwater' - Versions with and without track changes;
 - Appendix 1 for HCC's Draft 2 Submission to the MFE's Consultation Document; and
 - Draft Variation of Trust Deed Vibrant Hamilton Trust.

3. Declarations of Interest

No members declared a Conflict of Interest.

4. Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes had been set aside for a public forum.

Margaret Hellyer – Volunteer, Citizens Advice Bureau – Spoke to Item 10 Community Occupancy Leases.

Action Point: *Voting Board - The Chief Executive was asked to report back on the potential options regarding updating the voting board technology.*

5. Council Minutes - Open - 31 March 2016

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 Meeting held on 31 March 2016.

6. Founders Theatre - Future Options Engagement Report

The General Manager Strategy and Communication and the Director H3 and Events ('the Director') introduced the Report, tabling an updated engagement document. In response to questions and comments the following was noted:

- **Telephone Survey** - The independent telephone survey that would be contacting a representative selection of residents across Waipa, Waikato District and the wider Waikato area had been increased from 400 to 600 participants.
- **New Build Estimate** - The basis for the \$50m was:
 - input received from architects and engineers
 - a comparison with other recent theatre builds
 - the build would be replacing "like for like" on the current location;
- **Refurbishment Estimate** - The Director was confident that the refurbishment costs would remain under the \$20m estimate;
- **Seismic Report** - The seismic review was underway and the report would be available at the end of June 2016; and
- **Impact on Ratepayers** - Additional information was required regarding the financial consequences and its impact on the ratepayer;

During the discussion, the Meeting adjourned (2.50pm to 3.00pm).

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

That:

- a) The report be received;
- b) The Founders Theatre Engagement Document is further improved with the assistance of some Councillors (Macpherson, Chesterman, O'Leary), and reported back to the Strategy and Policy Committee on 3 May 2016;
- c) The process for public engagement as set out in this report is approved;
- d) The engagement period being from the date of the final approval of the engagement document until 30 June 2016, subject to the minimum 4 week consultation period being followed; 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.

Amendment: (Crs King/Mallett)

That:

- a) The report be received; and
- b) Council wait for the seismic report to be received before any further decisions are made.

The Amendment was then Put.

Those for the Amendment:

Councillors King, Gallagher, Mallett and
Macpherson

Those against the Amendment:

Her Worship the Mayor Hardaker,
Councillors 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;
- b) The Founders Theatre Engagement Document is further improved with the assistance of some Councillors (Macpherson, Chesterman, O'Leary), and reported back to the Strategy and Policy Committee on 3 May 2016;
- c) The process for public engagement as set out in this report is approved;
- d) The engagement period being from the date of the final approval of the engagement document until 30 June 2016, subject to the minimum 4 week consultation period being followed; 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.

Those for the Motion:

Her Worship the Mayor Hardaker,
Councillors Gallagher, Forsyth, Pascoe,
Chesterman, Yeung, Tooman, O'Leary and
Macpherson.

Those against the Motion:

Councillors King and Mallett.

The Motion was declared carried.

As agreed during Item 2 – Confirmation of the Agenda, the additional agenda Item was taken next.

Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr Gallagher)

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
Extra Item - Chief Executive Review) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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

Extra Item to protect the privacy of natural persons Section 7 (2) (a)

The Meeting adjourned (3.30 to 3.45pm).

The Meeting moved into a Public Excluded Session (3.45pm to 4.20pm)

7. Indoor Recreation Centre Heads of Agreement

The General Manager Community and the Manager Swimming & Recreation introduced the report. It was explained that:

- **Heads of Agreement** - The Heads of Agreement was currently being considered by the Ministry of Education legal team;
- **Construction** - Arrow International had been awarded the construction contract;
- **Waikato District Council (WDC)** – WDC was interested in the project and some of their councillors would be visiting the site; possible contributions from WDC were still to be determined.
- **Trust** – A Trust would be established to manage the facility on behalf of the three parties involved; Council would be required to confirm the appointment of trustees.
- **Definitions** – Community and School use would be defined in the Agreement.

Resolved: (Her Worship the Mayor Hardaker/Cr Tooman)

That:

- a) The Report be received; and
- b) Staff are to report on the agreement with the MOE at the 26 May 2016 Council Meeting.

Councillor Chesterman withdrew from the Meeting (4.35pm) prior to the start of Item 8. He took no part in the discussion and did not vote on the matter.

8. 2016/2017 Remuneration - Elected Members

The General Manager Corporate introduced this Item. Her Worship the Mayor Hardaker tabled a document which provided comparative information on Elected Members' remuneration in the main cities in New Zealand.

Resolved: (Her Worship the Mayor Hardaker/ Cr Gallagher)

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 + 30% = \$91,573
 - 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
- e) Notes that this would leave approximately \$56,354 unallocated and can be used during the year to remunerate additional responsibilities.

Councillors King and Mallett dissenting.

Councillor Chesterman re-joined the meeting (4.50pm) at the start of Item 9.

9. S17A Local Government Act Service Delivery Review

The Chief Executive introduced this item. An update was provided on the reviews required under Section 17A of the Local Government Act 2002 (amended 2014).

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

That:

- a) The Report be received; and
- b) The Planning Guidance and Building Control reviews to be completed in 2016.

Councillor Mallett retired from the Meeting (4.50pm) at the start of the above Item. He was not present when the matter was voted on.

10. Community Occupancy Applications

The Community Development & Leisure Manager and the Manager Social Development introduced this Item.

The future options for the use for the Caro Street Building were discussed.

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

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.

- j) Chief Executive is to report back to the 26 May Council Meeting on the future options for the Caro Street Building.

11. Gambling Policies Review

The General Manager Strategy and Communication and the Programme Manager – Strategy introduced this Item.

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

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.

Amendment: (Crs King/Macpherson)

That:

- a) The Report be received;
- b) The Proposed TAB Board Venue Policy is adopted; and
- c) The proposed Class 4 Gambling Venue Policy (with the inclusion of Option A as detailed in Attachment 3 of the staff Report presented to the Strategy and Policy Committee on 5 November 2015) is adopted.

The Amendment was then Put.

Those for the Amendment:

Councillors King, Gallagher, Yeung and Macpherson.

Those against the Amendment:

Her Worship the Mayor Hardaker
Councillors Forsyth, Pascoe, Chesterman,
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;
- 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.

Those for the Motion:

Her Worship the Mayor Hardaker
Councillors Forsyth, Pascoe, Chesterman,
Tooman, and O'Leary.

Those against the Motion:

Councillor King, Gallagher, Yeung and
Mapherson.

The Motion was declared carried.

12. Consideration and Approval of HCC's Draft 2 Submission to the MFE's Consultation Document 'Next Steps for Freshwater'

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

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.

Councillor Forsyth retired during the above Item and was not present when the matter was voted on.

13. Recommendations to Council - Finance Committee Meeting 21 April 2016

Riverlea Theatre – Sale and Purchase

Resolved: (Crs Pascoe/Gallagher)

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].

Cr King Dissenting.

14. Council Controlled Organisations Subcommittee - Recommendation to Council: Hamilton Properties Ltd exemption from CCO reporting requirements

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

That:

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

15. Council Controlled Organisations Subcommittee - Recommendation to Council: Vibrant Hamilton Trust - Approval of Trust Deed

Resolved: (Crs Pascoe and Yeung)

That:

- a) The Report be received;
- b) Council approve the Variation of Deed 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 that 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. ; and

c) Paragraph 5.1 b be amended to reflect these amendments:

“5.1(b) At least ~~two (2)~~ four (4) but no more than ~~four (4)~~ six (6) other persons appointed by:”

Cr Macpherson left the Meeting (5.25pm) during the above Item. He was not present when the matter was voted on.

16. Resolution to Exclude the Public

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

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 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Provisional Local Alcohol Policy - Appeal)	

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	Section 7 (2) (a) (i)
	to enable Council to carry out negotiations	Section 7 (2) (i)

Councillor Macpherson re-joined the Meeting (5.30pm) at the conclusion of the above Item. He was not present when the matter was voted on.

Councillor King retired from the Meeting (5.30pm) after voting on the above Item.

The Meeting moved into a Public Excluded session (5.30pm to 6.10pm)

The Meeting was declared closed at 6.10pm.