
Council

OPEN MINUTES

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

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:

- a) The report be received;
- b) 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
- c) 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 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 - 25 February 2016) Good reason to withhold information exists under	Section 48(1)(a)
C2. Appointment of Hearing Panel for Ruakura Variation) Section 7 Local Government 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) 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.