
Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in the Council Chamber and via Audio-Visual Link, Municipal Building, Garden Place, Hamilton on Thursday 15 June 2023 at 9.31am.

PRESENT

Chairperson Mayor Paula Southgate (Via Audio-visual link)
Heamana

Deputy Chairperson Deputy Mayor Angela O’Leary
Heamana Tuarua

Members:

- Cr Ryan Hamilton
- Cr Maxine van Oosten (Via Audio-visual link)
- Cr Moko Tauariki
- Cr Ewan Wilson
- Cr Mark Donovan
- Cr Louise Hutt (Via Audio-visual link)
- Cr Andrew Bydder
- Cr Geoff Taylor
- Cr Sarah Thomson
- Cr Emma Pike
- Cr Melaina Huaki
- Cr Anna Casey-Cox
- Cr Kesh Naidoo-Rauf

In Attendance:

- Lance Vervoort – Chief Executive
- David Bryant - General Manager People and Organisation Performance
- Blair Bowcott - General Manager Growth
- Sean Murray – General Manager Venues, Tourism and Major Events
- Chris Allen – General Manager Development
- Helen Paki – General Manager Community
- Murray Heke – General Manager Customer, Technology and Transformation
- Julie Clausen – Acting General Manager Strategy and Communications
- Maria Barrier – Unit Director, Parks & Recreation
- Anna Hildyard – Legal Services Lead

Governance Staff:

- Amy Viggers – Governance Lead
- Nicholas Hawtin and Arnold Andrews – Governance Advisors

Tame Pokaia opened the meeting with a karakia.

1. Apologies – *Tono aroha*

Resolved: (Deputy Mayor O’Leary/Cr Hamilton)
That the apologies for lateness from Cr Huaki and Cr Donovan are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

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

That the agenda is confirmed noting the debate time for Item 10 (TOTI Founders Theatre Site Proposal) be increased from 2 minutes to 3 minutes.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea korero*

Jujhar Singh Randhawa (Indian Cultural Society Waikato Inc) spoke to Item 10 (TOTI Founders Theatre Site Proposal) noting the Indian cultural society Waikato Inc were interested in access to Founders Theatre as a potential venue. They responded to questions from Elected Members regarding renting the venue.

Gus Sharp (Waikato Regional Theatre) spoke to Item 10 (TOTI Founders Theatre Site Proposal) in relation to the development of the new Theatre. They responded to questions from Elected Members regarding the requirements for space of the theatre community in Hamilton, impacts of removing Founders Theatre, and timeframe for completing the Theatre.

Shona Hammond Boys (NZ Children’s Art House Foundation) spoke to Item 10 (TOTI Founders Theatre Site Proposal) in support of the redevelopment of the site for a multi-purpose community hub with room for an art centre for children. They responded to questions from Elected Members regarding their opinion of a new build that could incorporate community space for children’s art.

Peter Wilson spoke to Item 11 (Submission to the Climate Change Commission on the 2023 Draft Advice to Inform the Strategic Direction of the Governments Second Emissions Reduction Plan) and his concerns with the submission.

Written submissions received prior to the meeting were circulated to Elected Members and are attached as **appendix 1**.

Cr Donovan joined the meeting (9:36am) during the above item.

5. Confirmation of the Council Open Minutes - 4 May 2023

Resolved: (Cr Wilson/Cr Donovan)

That the Council confirm the Open Minutes of the Council Meeting held on 4 May 2023 as a true and correct record.

6. Confirmation of the Elected Member Open Briefing Notes - 3 May 2023

Resolved: (Cr Wilson/Cr Donovan)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 3 May 2023 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 17 May 2023

Resolved: (Cr Wilson/Cr Donovan)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 17 May 2023 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 31 May 2023

Resolved: (Cr Wilson/Cr Donovan)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 31 May 2023 as a true and correct record.

9. Chair's Report 15 June 2023

The Deputy Mayor took the Chair's Report as read.

Resolved: (Cr Wilson/Cr Thomson)

That the Council receives the report.

10. TOTI Founders Theatre Site Proposal

Margaret Evans and Robyn Ratcliff spoke on behalf of TOTI and their proposal for the development of Founders Theatre. They responded to questions from Members regarding financial feasibility, the condition assessment of the building, the impact of failing to meet deadlines, securing long-term operational costs, timeframe for completion, new purpose built facility, underwriting, project management, maintenance costs, potential future grants, and risks to Council.

The Unit Director, Parks & Recreation and Development Engineering Unit Manager took the staff report as read. Staff responded to questions from Members concerning the Conditional Assessment Report, community spaces in Hamilton, timeframes of the TOTI proposal, the reason for the closure of Founders Theatre in 2016, the Strategic Property Group Report, a community hub, financial feasibility and funding, leasing options, the user needs analysis, underwriting pledges and risks to Council and accessibility to community services.

Motion: (Cr Taylor/Cr Hamilton)

That the Council:

- a) receives the report;
- b) thanks TOTI for their proposal and supporting information and their passion for community initiatives;
- c) declines the TOTI proposal for the repurposing of Founders Theatre site on the basis that the Proposal presented did not meet the Community Committee Resolution of 18 April 2023; and
- d) notes that the existing resolution of 12 May 2022 to demolish the Founders Theatre building will be implemented.

Amendment: (Cr Bydder/Cr Wilson)

That the Council:

- a) receives the report;
- b) thanks TOTI for their proposal and supporting information and their passion for community initiatives;
- c) approves in principle the TOTI proposal for the repurposing of Founders Theatre site and appoints two councillor representatives to work with TOTI to finalise a draft agreement that addresses the below matters:
 - i. the redevelopment will not include a permanent stage, theatre style seating;

- ii. the auditorium will not be used for theatre events that could be hosted at any existing theatre;
 - iii. all regulatory, Reserves Act requirements and the construction must be completed, in full, within 2 years of the completed agreement;
 - iv. in the case that the redevelopment is not completed within the agreed timeframe, the building will be demolished;
 - v. a credible underwriter be obtained by TOTI to address all financial risks;
 - vi. that HCC retains the parking revenue generated from the site;
- d) requests staff report back to the Council at the September 2023 Council meeting with the draft agreement for approval and a recommendation that addresses the existing resolution of 12 May 2022 regarding the demolish the Founders Theatre building; and
- e) requests that TOTI explore further partnerships opportunities such as in kind donations to community centres as ongoing philanthropy.

The Amendment was Put.

Those for the Amendment: Councillors Bydder, Pike, Casey-Cox, Huaki and Tauariki.

Those against the Amendment: Mayor Southgate, Deputy Mayor O'Leary, Councillors Hutt, Taylor, Hamilton, Naidoo-Rauf, van Oosten, Thomson, Donovan and Wilson.

The Amendment was declared LOST.

The Motion was then put and declared CARRIED.

Resolved: (Cr Taylor/Cr Hamilton)

That the Council:

- a) receives the report;
- b) thanks TOTI for their proposal and supporting information and their passion for community initiatives;
- c) declines the TOTI proposal for the repurposing of Founders Theatre site on the basis that the Proposal presented did not meet the Community Committee Resolution of 18 April 2023; and
- d) notes that the existing resolution of 12 May 2022 to demolish the Founders Theatre building will be implemented.

Deputy Mayor O'Leary, Councillors Bydder, Huaki and Wilson Dissenting.

The meeting was adjourned from 11:01am to 11:20am during the discussion of the above.

The meeting was adjourned from 12:09pm to 12:22pm during the discussion of the above.

The meeting was adjourned from 1:00pm to 1:46pm.

Mayor Southgate retired from the meeting (1:00pm) during the above adjournment.

11. Submission to the Climate Change Commission on the 2023 Draft Advice to Inform the Strategic Direction of the Government's Second Emissions Reduction Plan

The Acting General Manager Strategy and the Communications, Sustainability and Climate Change Manager took the report as read. Staff responded to questions from Members concerning the economic strategy for climate change.

Resolved: (Cr Thomson/Cr Wilson)

That the Council:

- a) approves the submission 2023 Draft Advice to Inform the Strategic Direction of the Governments Second Emissions Reduction Plan (Attachment 1).
- b) notes that the submission will be lodged by the closing date of 20 June 2023.
- c) notes that the draft submission on the 2023 Draft Advice to Inform the Strategic Direction of the Government's Second Emissions Reduction Plan (Draft 1) was circulated to all Elected Members for feedback on 23 May 2023.

Councillors Taylor, Bydder and Hamilton Dissenting.

12. Delegations to Positions Policy update

The Legal Services Lead introduced the report and highlighted the proposed amendments to the financial delegations were based on previous Elected Member feedback

Resolved: (Cr Wilson /Cr Taylor)

That the Council:

- a) receives the report; and
- b) approves the proposed changes to the *Delegations to Positions Policy* (**Attachment 1** – clean copy; **Attachment 2** – tracked changes).

13. Recommendations from Open Committee Meetings

Resolved: (Cr Wilson /Cr Donovan)

Policy Review – Sale and Disposal of Council Land Policy 2023

That the Council approves the Sale and Disposal of Council Land Policy.

Policy Review - Business Improvement District (BID) Policy

That the Council approves the amended Business Improvement District Policy effective from 1 July 2023.

Trade Waste and Wastewater Bylaw - Deliberations Report

That the Council:

- a) adopts the revised Trade Waste and Wastewater Bylaw (2023), effective from 1 July 2023;
- b) notes that:
 - i. as part of this review, Council determined on 8 June 2021 that a Trade Waste and Wastewater Bylaw is the most appropriate mechanism for addressing issues relating to Trade Waste and Wastewater management in Hamilton;
 - ii. the Hamilton Trade Waste and Wastewater Bylaw 2016 has been reviewed and consulted on as per the requirements of the Local Government Act 2002;
 - iii. the revised Trade Waste and Wastewater Bylaw 2023 is the most appropriate form of the Bylaw, having regard to the issues identified in the review and consultation feedback; and
 - iv. the revised Hamilton Trade Waste and Wastewater Bylaw 2023 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

14. Resolution to Exclude the Public

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

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. Confirmation of the Elected Member Briefing Closed Notes - 3 May 2023) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes - 31 May 2023)	
C3. Alteration to the Resolution of the Economic Development Committee		
C4. Recommendations from Public Excluded Committee Meetings		
C6. Confirmation of the Council (Recommendation from the CE Review Committee) Public Excluded Minutes 9 March 2023		
C7. Recommendation from the CE Review Committee meeting 23 May 2023		

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)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

Item C2.	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (h) Section 7 (2) (i) Section 7 (2) (j)
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C7.	to protect the privacy of natural persons	Section 7 (2) (a)

The meeting moved into a public excluded session at 1:58pm.

The meeting was declared closed at 2.23pm.

Appendix 1

To HCC Council meeting 15th June.

I write this letter, asking that it is circulated to all the councillors for the above meeting.
I will not be able to attend the meeting as I will be overseas.

I write as Chairman of the Waikato Guild of Woodcraft.
For 5 years our club has been in discussion with HCC for new premises as our present premises do not fit our current members requirements, or our long-term member objectives. We have been searching for a building suitable to be altered to better cater for members needs now and in the future.

Another club wishes to merge with us, but our facilities are not able to meet the increased needs of a bigger club either.

We have also accounted for in our planning, the growth of Hamilton's population, and people are expected to live longer requiring the social services that our club provides.

Social well-being for our members is core to the operation of our club as well as woodcraft skills. In fact we assess it as the following:

- 60 % is the sociability of members meeting together.
- 30 % is doing the wood crafts together in a good workshop, which we do not have.
- 10 % is improving the wood craft skills of members.

The above has not accounted for what the club and its members do for the greater community by repairs, projects, supporting the Cancer Chemotherapy support and other community projects.

I note that in the report from HCC staff there is NO mention of **"Health & Well-Being"** for the community, a core principle that HCC needs to operate by.
I also note the HCC staff report gives no alternative options which is deplorable for a professional report.

We have considered a huge range of options and not only is the Founders the only option available after looking for 5 years, but it is also the best option for our club going forward.

- Completed in a 2 -year time frame.
- Least capital cost for any club as all the cost is being donated by benefactors.
- The lowest operating costs for our club.
- Being involved in a HUB means being part of a vibrant artistic and community facility.

It has the additional benefit of being:

- NO capital cost to the HCC or the community.
- NO operating cost to the HCC or the community.
- Being completed in the quickest time frame.
- Creating a big benefit to visitors to Hamilton.
- Helping meet the social needs of Hamilton as pointed out in the PG report.
- Fits with West Belt plans.
- Helping cater for the increasing population of Hamilton and its "Social Well Being".

Grant Taylor
Chairman of Waikato Guild of Woodcraft.

Hello Mayor Paula Southgate,

Work commitments prevent me from speaking in public forum in person. Would it be okay for the comments below be circulated as if public forum.

My two comments are to item 10 Founders Theatre Site Proposal (p.25).

Comment One: in the 2016 'Founders Theatre Future Options Consultation' - '**There is strong preference that Founders is not be demolished, but remain and be repurposed to support the community**'. (p7)

<https://creativewaikato.co.nz/site/uploads/founders-focus-groups-may-2016-final-report.pdf>

Comment two: 'The River in the Heart of the City, THOUSANDS of visitors come to Rochester and do business ... on Main Street, and never know that there is a river near them, so completely is it blanketed by the buildings which have been built over it along the Main Street frontage, this loss of the river is most unfortunate' (1911 Rochester NY state p.22). **I ask you not to make the same mistake as Rochester, and hide the river** by building between the main street and shading the park space looking over the river, by increasing the size of Age Concern building 30 Victoria street.

From - A City Plan for Rochester; A Report Prepared for Rochester Civic Improvement Committee; by Arnold W. Brunner, Frederick Law Olmsted and Bion J. Arnold. 1911. <https://archive.org/details/cu31924024420683/page/n7/mode/2up>

Kind regards,

Peter H Bos



Charities Commission registration number CC49053

PO Box 79, Hamilton Mail Centre, Hamilton 3240

Fao HelenSchlegel – Hamilton City Council
To the Councillors – Hamilton City Council

By Email 14th June 2023

Dear Councillors,
TOTI Proposal for the future of Founder's Theatre

I write on behalf of the Committee of the Hamilton Woodturners Club, a registered Charity based in Dinsdale. Currently with about 45 members, we cater for people interested in pursuing Woodturning as a creative hobby, with particular emphasis on teaching woodturning to Beginners. We also provide Retirees with mental stimulation and companionship with like-minded people whilst actively pursuing a rewarding hobby.

We were given the opportunity to take part in the study by the Property Group last year to establish the Schedule of Requirements for Community facilities in Hamilton.

The Property Group report identified "a significant need for Community Facility Space for CBD Users" in Hamilton, assessed at circa 5,800m² – a huge deficit. As a club we have been in temporary accommodation for 10 years seeking a permanent place, so we are very aware of this shortage and the impact on the viability of our club.

We were disappointed to read that the Council is being recommended to reject the TOTI proposal at the Council meeting on 15th June.

We have studied the TOTI proposal and consider it provides the city with a viable and practical solution to the community facility area deficit at minimal risk and cost to the Council. At a stroke some 40 plus Community Groups will receive quality accommodation. The Council appear to have no alternative proposal to deal with this deficit in such a time frame. As an aside, on a personal note, I have spent my professional career in Construction and would question many of the assumptions used in the cost estimates included in the Property Group report.

Rather than being viewed as a liability to the City the Theatre can quickly become a significant cultural asset reflecting the depth of Hamilton community both within the city and as a showcase to Visitors. This is an opportunity that should be viewed as a pragmatic solution – period.

On behalf of our members we urge the Council to accept the TOTI proposal and allow the provision of significant Community space in the centre of Hamilton.

Yours sincerely

Stephen Hawley

President - Hamilton Woodturners Club



June 2023

THE ART ANSWER

Supporting Aotearoa's Creative Youth through
After School Art Clubs

Club Rules:
Love Art
Be Kind

Youth Today Ask:

Why do I always feel alone and out of place?

Why do I always feel afraid in a crazy race?

Only when I sleep I can see wonderful dreams, hopes that are worth living for.
-from musical "Catch a New Song"

We have to keep our children's dream eyes open.

Creativity is morally neutral. It can just as easily be channelled to destroy as to create.

It is our job to provide the safe, sacred places of childhood for youth to access and develop the precious, positive and magical abilities they were born with.

Young people need to be among other like-minded children as sporty kids have plenty of funding and space. But what about the muso's, the artists, designers, song writers, poets, architects, engineers. Where do they meet and practice their art?

The International Child Art Foundation (ICAF) determines that the years from aged 8-12 are when a young person determines his place in the world. This is where he becomes aware of:

- Beingship; Who I am
- Friendship; Who I am to another
- Citizenship; Who I am in the community
- Leadership; How can I help others
- Partnership; How can we all work together globally



One of the many murals in Oponohi created by youth at the Oponohi Children's Art House. Murals are important projects with lifelong benefits to the participants.



Picture painted by Nine-year-old Tarryn Hunt, one of a series.

After School Art Clubs

Art clubs in NZ started over 30 years ago by Shona Hammond Boys QSM and the NZ Children's Art House Foundation. The clubs are set up by a community often in a purpose built Community Arts Centre with a dedicated area for youth. Sometimes a group of people lease a building and fully fund the youth by fundraising. A teacher or self employed artist might operate out of their own property or a leased premises and usually charge children \$150 each per term. Sponsorship is sourced for talented youth if required.

- Around 10-12 children each afternoon
- Must be a stand-alone premises
- Must not be shared with adults
- A co-ordinator with art experience
- May offer school holiday programmes
- Organize community murals
- Ideally accept all children free
- Reference library
- Recycle materials
- Dress-up and theatrical materials
- Musical instruments
- Play relaxing music
- Hold exhibitions and awards events
- Several children on the governing committee, it's their club.



Sonja Hart in her Foxton Beach Children's Art House.

After School Art Clubs Aotearoa

Shona Hammond Boys
artaroha@outlook.com
Phone 027 699 8843

NZ Children's Art House Foundation
www.arthouse.org.nz
Shonahammondboys.com

Carolyn Longden
Phone 0274 114 842
Carolyn@theartofcolour.co.nz

June 2023

THE ART ANSWER

Issue #10

Youth Crisis

Why the Arts are Essential to Young People

Children's accomplishments are rarely celebrated. We don't know where our talented, gifted artists are. They're underground, it is hidden, out of sight. They do not do ~~their~~ art at school.

Children don't fit any criteria when applying for grants, they are told to wait in the wings of a dull art.

Children are in a dance of us. From them we must expect the unexpected and grant them the right to discover, explore and invent the new, fresh, the innovative.

This failure to be recognized and have the space and comradeship with others often becomes unbearable.

The tensions between permanence and change, long term and short term, rich and poor, weigh on young people further straightjacketed by our lack of sensitivity.

Youth live in a climate of rapid, permanent change and struggle with unjust social systems which order them to become computer and physically fit and closes their eyes on their dreams.

Child art is not adult art, it's about developing character, personality and breeding entrepreneurs.

We need all of the creative bright sparks we can get in our country NOW. We used to be a "number 8 wire" culture. Who is coaching the next generation? Where is their space?



Keisha Castle-Hughes at the Royal Easter show with the Foundations mascot "Arty" made from the sails of the Rainbow Warrior and her NZCAHF award for 'Emerging Artist of the Year'.



Artwork by Andy Perkin (17) on canvas

Co-Ordinators Wanted**With commitment to Children, Arts & Community**

The heart of the art club depends on the co-ordinator's love of the community, love of the children and love of the arts.

A co-ordinator works voluntarily and conspicuously in the community supporting all art endeavours. A facilitator of opportunity and innovation, Manage's murals, school holiday programmes, concerts and performances and administration of the club.

The co-ordinator is funded by the income generated from the children's fees, fundraising, events, sponsorships and grants.

The children plus with the co-ordinator to ensure they raise enough money to pay for their co-ordinator, materials and overheads. They are not businesses so corporate rents should not apply.

Permanent Venues Needed

Small towns throughout New Zealand have established and developed many Children's Art Houses in whatever space they could find.

Some art clubs have moved many times within their own town to garages, homes, old shops, townhalls as Councils lack policies to provide support.

The first art club on the North Shore was a space discovered by a special educationalist who enlisted the Mayor George Cair to raise the necessary funds to provide a permanent, stand-alone venue in 1992.

North Shore had 98 playing fields, 82 bush reserves and two adult art centres. What for children? Council policies are needed because rats, rats and roads come before children.

Art Clubs are as essential as any library, church or museum.

The answer is to form local government policy that recognizes the child's right to creativity and their right to space in the community. These art houses have been role modelled to the world through the International Child Art Foundation. 126 countries honoured this initiative.

It is time New Zealand proudly owned it.

