

Council Kaunhera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Thursday 17 September 2020 at 9.34am.

PRESENT

Chairperson Mayor P Southgate

Heamana

Deputy Chairperson Deputy Mayor G Taylor

Heamana Tuarua

Members Cr M Bunting

Cr M Forsyth (Audio Visual Link)

Cr M Gallagher Cr R Hamilton

Cr D Macpherson (Audio Visual Link) Cr K Naidoo-Rauf (Audio Visual Link) Cr A O'Leary (Audio Visual Link)

Cr R Pascoe

Cr S Thomson (Audio Visual Link)

Cr M van Oosten Cr E Wilson

In Attendance: Richard Briggs - Chief Executive

Lance Vervoort - General Manager Community Jen Baird - General manager City Growth

Eeva-Liisa Wright - General Manager Infrastructure Operation Sean Murray – General Manger Venues, Tourism and Major Events Sean Hickey – General Manager Strategy and Communication

Blair Bowcott - Executive Director Special Projects Maria Barrie – Parks and Recreations Manager Andrew Parsons – Strategic Development Manager

Alice Morris – City Planning Heritage

Natalie Palmer – Unit Manager Communications and Marketing Karen Kwok – Recreation and Community Facilities Senior Advisor

Jennifer Parlane – Parks Planner

James Clarke - Director of the Mayor's Office Wendy O'Neill - Strategic Property Unit Manager

Maire Porter – City Waters Manager Raewyn Simpson – Senior Planner

Governance Staff: Becca Brooke – Governance Manager

Amy Viggers – Governance Team Leader Tyler Gaukrodger – Governance Advisor The meeting was opened with a karakia lead by Maangai Hill.

1. Apologies – Tono aroha

Resolved: (Cr Bunting/Deputy Mayor Taylor)

That the apologies for lateness from Cr Forsyth, early departure from Cr Macpherson and for partial attendance from Cr Pascoe are accepted.

2. Confirmation of Agenda – Whakatau raarangi take

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the agenda is confirmed noting the following:

- that the late item 21 (Making Plan Change 2 Te Awa Lakes Private Plan Change Operative) is accepted. This report was circulated late due to the environment court decision on this matter being received recently causing a subsequent delay to the staff report;
- b) that the late item 22 (K'aute Pasifika Trust Community Occupancy Lease) is accepted. This report was circulated late due to information informing the report from external parties being delayed;
- that the late item C10 (K'aute Pasifika Trust Community Occupancy Lease Public Excluded Information) is accepted. This report was circulated late due to information informing the report from external parties being delayed; and
- d) that the late item C11 (145-179 Ward Street, Sale and Development Proposed Covenant) is accepted. This report was circulated late due to a recent request that council consider a proposed covenant in relation to the property.

3. Declarations of Interest – Tauaakii whaipaanga

No members of the Council declared a Conflict of Interest.

4. Public Forum – AAtea koorero

Rachel Karalas (representing K'aute Pasifika Trust) spoke to item 22 (K'aute Pasifika Trust - Community Occupancy Lease) in support of the staff recommendation and outlined the reason for the report delay being external party hold ups.

Neil Curgenven and Pirihira Kaio spoke to Item 15 (The Future of the Founders Theatre Site) in support of consultation on the Future of the Founders Theatre Site.

MP David Bennett made a written submission to item 15 (The Future of the Founders Theatre Site) that is attached to the minutes as **appendix 1.**

Item 22 (K'aute Pasifika Trust - Community Occupancy Lease) was taken after item 4 (Public Forum) to accommodate external speakers.

22. K'aute Pasifika Trust - Community Occupancy Lease

The General Manager Community and the Parks and Recreations Manager introduced the item noting the review of the lease timeline. Along with staff representatives from K'aute Pasifika Trust responded to questions from Elected Members concerning the design of the development, delay in information, details of lease agreement, and funding of the development.

Resolved: (Cr Gallagher/Mayor Southgate)

- a) approves a new *community group lease*, under section 61(2A)(a) of the Reserves Act 1977, to **K'aute Pasifika Trust** for land (8,386m2) at Hinemoa Park, being part of Section 1 SO 57622, as shown in Attachment 6, subject to the following terms and conditions:
 - i. Term thirty (30) years, with a 3 year review clause;

- ii. Rent \$1,853.35 plus GST per annum, in accordance with the Community Occupancy Policy;
- iii. Special conditions relating to Pan Pasifika Hub facility development:
 - all relevant consents obtained;
 - full funding for each facility obtained before beginning construction;
 - final detailed design being to the satisfaction of staff and in alignment with the Hamilton West Town Belt Masterplan;
 - The lease shall be subject to a 3-year review, to review whether the 2 stage facility development programme has been achieved as per plans received by Council, noting Council may adjust the lease accordingly at Council's sole discretion as a result of the review.
- iv. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- b) approves the transfer of ownership of the former bowling clubhouse building and shed at Hinemoa Park to K'aute Pasifika Trust, as is and where is, without liability to Council once all stage 1 funding is in place; noting that the asset and any improvements would revert to Council upon termination of the lease;
- notes that K'aute Pasifika Trust is proposing to assign the lease and building ownership to a limited partnership joint venture and that the sub-leases will be limited partnership joint ventures that will come back to Council for approval, with the lease rental being reviewed accordingly;
- d) notes that K'aute Pasifika Trust's proposal includes sub-leasing the new education and learning centre building and part of the existing administration building at commercial lease rates for the purposes of servicing the bank debt which enables the Pan Pasifika Hub build. With this being approved only for the period of which it services the bank loan repayment; and
- e) notes that Orchestra Central currently have an alternate venue to operate from that may be a permanent option. K'aute Pasifika Trust are still open to their use of the Pan Pasifika Hub.

Cr Forsyth joined the meeting (9.51am) during the discussion of the above item. She was present when the matter was voted on.

Cr Pascoe left the meeting (10.14am) during the discussion of the above item. He was not present when the matter was voted on.

5. Confirmation of the Council Open Minutes of 6 August 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 6 August 2020 as a true and correct record.

6. Confirmation of the Council Open Minutes of 10 August 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Council Meeting held on 10 August 2020 as a true and correct record.

7. Confirmation of the Extraordinary Council Open Minutes of 9 September 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 9

September 2020 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 11 and 16 March 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirms the Open Notes of the Elected Member Briefings held on 11 and 16 March 2020 as a true and correct record.

9. Confirmation of the Elected Member Open Briefing Notes - 29 July 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Elected Member Briefing held on 29 July 2020 as a true and correct record.

10. Confirmation of the Elected Member Open Briefing Notes - 5 August 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Elected Member Briefing held on 5 August 2020 as a true and correct record.

11. Confirmation of the Elected Member Open Briefing Notes - 12 August 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Elected Member Briefing held on 12 August 2020 as a true and correct record.

12. Confirmation of the Elected Member Open Briefing Notes - 19 August 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Minutes of the Elected Member Briefing held on 19 August 2020 as a true and correct record.

13. Confirmation of the Elected Member Open Briefing Notes - 2 September 2020

Resolved: (Cr Wilson/Cr Bunting)

That the Council confirm the Open Notes of the Elected Member Briefing held on 2 September 2020 as a true and correct record.

Items 5 to 13 (Confirmation of Minutes and Briefing Notes) were taken and voted on jointly.

The meeting was adjourned 10.55am to 11.16am.

Cr Forsyth left the meeting during the above adjournment.

Item 15 (The Future of the Founders Theatre Site) was taken after item 13 (Confirmation of the Elected Member Open Briefing Notes - 2 September 2020) to accommodate members of the public.

15. The Future of the Founders Theatre Site

The General Manager Venues, Tourism and Major Events introduced the report, noting the changes to the staff recommendation. Staff responded to questions from Elected Members concerning the engagement process, the options, previous consultation, the Long Term Plan

timeline and process.

Motion: (Cr O'Leary/Deputy Mayor Taylor)

That the Council:

- a) receives the report;
- b) approves further community engagement on the future of the Founders Theatre site;
- c) approves the unbudgeted spend of up to \$15,000 for community engagement;
- d) approves the inclusion of three options in the community engagement:
 - Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only).
 Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option does not fully achieve the vision of the West Town Belt Masterplan.
 - Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the community as Council's preferred option.
 - Option Three: Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative proposal for Council's consideration. Only proposals that can guarantee non-Council funding (full capital costs and ongoing operating costs), with no requirement for or expectation of Council funding, will be considered and must be achievable within three financial years. If Council receives no viable alternative proposals by the end of the Founders Theatre engagement period, a decision will be made in accordance with either option 1 or 2 as outlined in this report.
- delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;
- f) notes staff will report back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and
- g) notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

Amendment: (Cr Gallagher/Cr Wilson)

- a) receives the report;
- b) approves further community engagement on the future of the Founders Theatre site;
- c) approves the unbudgeted spend of up to \$15,000 for community engagement;
- d) approves the inclusion of three options in the community engagement:
 - Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only). Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option

does not fully achieve the vision of the West Town Belt Masterplan.

- Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the community as Council's preferred option.
- Option Three: Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative funding proposal for Council's consideration.
- delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;
- f) delegates the Hearings and Engagement Committee to hear any verbal submissions on the matter prior to it being referred back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and
- notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

The Amendment was put.

Those for the Amendment: Mayor Southgate, Deputy Mayor Taylor,

Councillors Gallagher, Macpherson, Bunting, Hamilton, Naidoo-Rauf, van

Oosten, Thomson and Wilson.

Those against the Amendment: Councillors O'Leary and Forsyth.

The Amendment was declared CARRIED.

The Amendment as the Substantive Motion was the put and declared CARRIED.

Resolved: (Cr Gallagher/Cr Wilson)

- a) receives the report;
- b) approves further community engagement on the future of the Founders Theatre site;
- c) approves the unbudgeted spend of up to \$15,000 for community engagement;
- d) approves the inclusion of three options in the community engagement:
 - Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only).
 Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option does not fully achieve the vision of the West Town Belt Masterplan.
 - Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the

community as Council's preferred option.

- **Option Three:** Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative funding proposal for Council's consideration.
- delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;
- f) delegates the Hearings and Engagement Committee to hear any verbal submissions on the matter prior to it being referred back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and
- h) notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

Cr Forsyth re-joined the meeting (11.31am) during the discussion of the above item. She was present when the matter was voted on.

14. Chair's Report

The Chair's took the report as read and responded to questions from Elected members concerning the members of the panel RMA Commissions Panel Selection Group.

Resolved: (Cr van Oosten/Mayor Southgate)

That the Council:

- a) receives the report;
- b) defers the Rotokauri business case report to the 2021-2031 Long Term Plan sessions; and
- c) approves Councillors Wilson, van Oosten and Gallagher be appointed to the RMA Commissions Panel Selection Group.

Deputy Mayor Taylor Dissenting.

Cr Forsyth left the meeting (1.00pm) during the discussion of the above item. She was present when the matter was voted on.

The meeting was adjourned 1.05pm to 1.54pm.

Cr Pascoe re-joined the meeting during the above adjournment. Cr Naidoo-Rauf left the meeting during the above adjournment.

16. 2020/2021 Heritage Fund Allocation

The report was taken as read.

Resolved: (Cr Bunting/Mayor Southgate)

That the Council:

- a) receives the report; and
- b) approves the allocation of the 2020/21 Heritage Fund as set out in **Attachment 2** of the staff report.

Cr Naidoo-Rauf re-joined the meeting (2.56pm) at the conclusion of the above item. She was not present when the matter was voted on.

17. Three Water Reform - Stimulus Projects Funding Agreement and Delivery Plan

The Strategic Development Manager introduced the report and outlined the process followed to establish the proposed three stimulus projects. Staff responded to questions from Elected Members concerning collaborative approach to this matter.

Resolved: (Cr O'Leary/Cr Hamilton)

- a) approves the Three Waters Services Reform Funding Agreement (set out in **attachment 1**) be signed and lodged by the Chief Executive (CE);
- b) note that the Three Waters Services Reform Funding Agreement cannot be amended or modified by either party with the exception of Clause 9 "Special terms" and, doing so would void these documents;
- c) requests that the CE negotiate with the Department of Internal Affairs for Clause 9, "Special terms" to include and describe:
 - i. a programme approach to managing the "over and unders" of individual stimulus projects across the \$17.46m available; and
 - ii. a programme management office and associated reporting functions to be established to deliver the stimulus programme, with the cost being funded from a share of each project allocation (where applicable);
- d) notes the Waikato Mayoral Forum letter (attachment 2) which results in a total \$17.46m Three-Waters stimulus fund for HCC;
- e) approve the Three Waters stimulus projects, including contingency projects, as a programme of works (set out in **attachment 3**) for inclusion in HCC's Delivery Plan.
- f) note that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:
 - i. supports economic recovery through job creation; and
 - ii. maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance;
- g) requests the CE prepare and submit the Delivery Plan (in accordance with the template set out in attachment 5) by 30 September 2020 to Crown Infrastructure Partners and Department of Internal Affairs;
- h) delegates the Strategic Development Manager (Andrew Parsons) as The Recipients Representative in the Funding Agreement and, the HCC Lead Contact in the Delivery Plan;
- i) delegates the CE to change or amend the Three Waters stimulus projects (set out in attachment 3) should Crown Infrastructure Partners or the Department of Internal Affairs not approve all the projects submitted in the Delivery Plan; and
- j) requests the CE to consult with the Chair of Strategic Growth Committee, Chair of Infrastructure Operations Committee, Chair of Economic Development Committee, Chair of Environment Committee and the Chair of Finance Committee (or Deputy Chairs of each Committee as alternates) prior to exercising point c(i) above.

18. Future Proof Implementation Committee - Appointment of Alternate

The report was taken as read.

Resolved: (Cr Wilson/Cr Hamilton)

That the Council appoints Councillor Gallagher as an alternate member to the Future Proof Implementation Committee on behalf of Hamilton City Council.

19. Recommendation from Open Committee meetings

The report was taken as read.

Finance Strategy Monitoring Report

Resolved: (Cr Pascoe/Cr van Oosten)

That the Council:

- a) approves the capital movement from the 2019/20 Financial Year to future years as identified in the 11 August 2020 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 19 to 24 of this report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 25 to 32 of this report.

Matters of Cultural Significance Work Programme

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council approves the proposed work programme.

Disability Action Plan 2020/21

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Council removes the fees and charges related to prams, wheelchairs and mobility scooters at Council facilities.

Connections and charges for the Three Waters Policy review

Resolved: (Cr O'Leary/Cr Gallagher)

That the Council approves the revised Three Waters Connections Policy (previously Connections and Charging for Three Waters Policy).

Municipal Endowment Fund - Management and Policy Approval

Resolved: (Cr Hamilton/Cr Wilson)

That the Council approves the Draft Municipal Endowment Fund Policy (previously the Municipal and Domain Endowment Fund Policy).

21. Making Plan Change 2 - Te Awa Lakes Private Plan Change Operative

The General Manager City Growth introduced the report, noting that this was the final step in the plan change process.

Resolved: (Cr Hamilton/Mayor Southgate)

That the Council approves Plan Change 2 - Te Awa Lakes Private Plan Change to be made operative on 2 October 2020, in accordance with clauses 17 and 20 of the First Schedule of the Resource Management Act 1991 (RMA).

20. Resolution to Exclude the Public

Resolved: (Mayor Southgate/Cr Bunting)

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	Reasons for passing this	Ground(s) under section
to be considered	resolution in relation to each matter	48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes of 6 August 2020) 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 Closed Briefing Notes - 11 March 2020		
C3. Confirmation of the Elected Member Closed Briefing Notes - 29 July 2020		
C4. Confirmation of the Elected Member Closed Briefing Notes - 5 August 2020		
C5. Confirmation of the Elected Member Closed Briefing Notes - 19 August 2020		
C6. Confirmation of the Elected Member Closed Briefing Notes - 2 September 2020		
C7. Confirmation of the		

Elected Member Closed Briefing Notes - 4

September 2020

- C8. Rototuna Village Area Q
- C9. Recommendations from Public Excluded Committee meetings

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)
Item C8. Item C9.	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)

The meeting went into a public excluded session at 2.26pm.

The meeting was declared closed at 4.44pm.

Appendix 1



16 September 2020

Mayor Paula Southgate Hamilton City Council Private Bag 3010 Hamilton 3240

Dear Paula.

We note that Hamilton City Councillors will meet tomorrow, September 17 to discuss a report recommending further community consultation on options relating to the future of the Founders Theatre site.

This is a great opportunity to look at developing a world class facility that would benefit Hamilton for the next fifty years. The Western Town Belt is already home to an existing sporting precinct with facilities such as FMG Stadium and Seddon Park which both regularly hold international sporting events.

We suggest that the current Founders Theatre site be rezoned as a Major Sporting Zone. This would be in line with the current Major Facility Zone located at FMG Stadium and Seddon Park and well as the Sports and Recreation Open Space Zone where Hinemoa Park and Hamilton Squash and Tennis is located. This would be a modern concept of a sporting precinct akin to what exists in cities like Melbourne.

We would encourage Hamilton City Council to select Option 2 to remove Founders Theatre and allow the ability to re-develop the site and develop it into a world class sporting facility. This would create a long-term valuable asset for Hamilton that could hold regional and international events and bring significant economic benefit to our city.

Regards.

David Bennett

MEMBER OF PARLIAMENT

HAMILTON EAST ELECTORATE

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