
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 25 June 2015 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	Chief Executive, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Customer Relationships, General Manager Events and Economic Development, General Manager Performance and Chief Financial Officer,. City Safe Unit Manager, Parks & Open Spaces Manager, Community Development & Leisure Manager, Team Leader Planning and Assets and Communications Unit Manager
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Committee Advisors	Mrs J Pani, Mrs M Birch and Mr B Stringer
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Opening Prayers

The Opening Prayers were led by Sylvie Rabinovitch and Todd Nachowitz from the Jewish Community.

1. Apologies

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

That apologies for an absence for part of the Meeting from Councillor Gallagher (attending a funeral) and for early departure from Councillor Forsyth (attending an Urban Cycleway funding announcement) be accepted.

Personal Explanation

Her Worship the Mayor advised that under Standing Orders 3.6.9, she had indicated to Councillor Macpherson that he could make a personal explanation.

Councillor Macpherson stated that owing to previous personal arrangements that had been in place for several months and the late decision of the Council (Council resolved at 4.30pm on 4 June 2015 to reconvene at 9.00am on 5 June 2015) he was unable to attend the 5 June reconvened Council Meeting. He expressed disappointment at the comments regarding his unavailability and also that the apology was not accepted by two of his colleagues at the reconvened session.

Councillor Gallagher left the meeting at 1.35pm.

2. Confirmation of Agenda

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

That the Council confirm the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

Item 5 was taken prior to the Public Forum.

5. Council Minutes - Open - 28 May 2015

On page 10, the point under Item 9 – Frankton Railyards – to read “Council does not have any further financial liability”.

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 28 May 2015, as amended .

4. Public Forum

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

Jason Wade representing the Clarence Street Theatre Trust spoke to Item 9 – Clarence Street Theatre – Approval of Gifting to Community Trust. Mr Wade spoke in support of the staff recommendation.

6. Classification, naming and reclassification of reserves

The Group Manager Community introduced this Report for the Council, under the Reserves Act 1977, to classify and name new reserves and reclassify part of Enderley Park. The GM responded to questions with the following noted:

- While working through the review of the Community Occupancy Policy similar issues to Enderley Park had come to light and were being worked through with the community. Enderley Park was a classification matter under the Reserves Act 1977; some issues in other locations related to what the District Plan allowed, whether they needed a resource consent and the extent of existing use rights.
- Staff had an ongoing relationship with the occupiers to assist with alignment with the various legislation.
- Reserve Naming Policy was generic and pragmatic and usually matched street names.
- Staff were to investigate signage and storyboard panels being installed at the same time to minimise costs.
- Staff were to report back to the September 2015 Council meeting with any objections received.

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

That:

- a) The report be received;
- b) Council hereby classifies and names the reserves described in Schedule One, as recreation reserves, subject to the Reserves Act 1977;

Schedule One

Reserve Name	Area (ha)	Legal Description	Computer Freehold Register	Attachment Reference
Hare Puke Park	8.4307	Lot 505 DP 458063	595035	Map 1
Junction Reserve	0.0519	Lot 39 DP 462567	618024	Map 2
Hillary Park	0.9699	Lot 724 DP 453111	591000	Map 3
Mangaiti Park	7.5880	Lot 701 DP 461506	612101	Map 4
Sandford Park	1.1518	Lot 102 DP 466423	622853	Map 5
Te Awa O Katapaki Esplanade	0.4685	Lot 500 DP 473527	647767	Map 6
Te Awa O Katapaki Esplanade	0.0464	Lot 501 DP 473527	647768	Map 6
Te Awa O Katapaki Esplanade	0.2000	Lot 702 DP 468283	630555	Map 6

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- c) Council hereby classifies and names the reserve described in Schedule Two, as local purpose (esplanade) reserve, subject to the Reserves Act 1977;

Schedule Two

Reserve Name	Area (ha)	Legal Description	Computer Freehold Register	Attachment Reference
Sylvester Esplanade	0.1198	Lot 30 DP 466328	622561	Map 7

- d) Council agrees to notify the proposed change of classification of part of Enderley Park, part Lot 2 DPS 7131, from recreation reserve to local purpose (community) reserve; and
- e) Staff report back to Council Meeting on 30 September 2015 on any objections received and make a recommendation about the change of classification of part of Enderley Park.

7. Request to increase membership of Hamilton District Licensing Committee

The General Manager City Environments spoke to this Report for the Council to approve commencement of a recruitment process to identify two additional members for the Hamilton District Licensing Committee (DLC). The GM, in response to questions, commented that the number of hearings was relatively high and that the Sale and Supply of Alcohol Act 2012 was being followed closely by the DLC. The cost of hearings was covered by licence fees and was operating within budgets.

Resolved: (Crs Wilson/Mallett)

That:

- a) The report be received;
- b) Staff commence a recruitment process, based on the recruitment process used to identify the initial committee members, to identify two additional members for the Hamilton District Licensing Committee;
- c) An Internal Selection Panel comprising of the General Manager City Environments, the City Safe Unit Manager and the DLC Commissioner be approved; and
- d) The Internal Selection Panel recommendations be presented to Council for approval and appointment.

8. 2016 Local Authority Elections - Online Voting Trial

The General Manager Customer Relationships presented this Report for the Council to consider registering an interest with Local Government New Zealand for participation in the online voting trial in 2016 local authority elections.

Councillor Forsyth retired from the meeting at 2.10pm prior to voting on this Item.

Resolved: (Crs Mallett/Macpherson)

That:

- a) The report be received; and
- b) The Council registers an interest with LGNZ, for Hamilton City Council to participate in online voting trial for the 2016 Local Authority Elections, conditional upon:
 - (i) Council approving the costs; and
 - (ii) The technical aspects of the election process relating to councils participating in the online voting trial being resolved to the satisfaction of the Electoral Officer.
- c) Council notes that it will receive a report for decision on whether to participate in an online trial when full costs are known and all the requirements for the trial are resolved.

9. Clarence Street Theatre - Approval of Gifting to Community Trust

The General Manager Events and Economic Development introduced this Report. The GM responded to questions with the following noted:

- The Deed of Gift needed to include a reference to the schedule for earthquake works.
- Staff were still to clarify with the Clarence Street Theatre Trust (“the Trust”) matters relating to earthquake strengthening. It was noted that the Trust had been provided with the report from the structural engineers and the estimated cost.
- A correction was required to paragraph 2.7: Donee to read Donor.

Resolved: (Crs O’Leary/Chesterman)

That:

- a) The report be received;
- b) Council approves the Deed with the inclusion of a schedule for the earthquake works, to gift Clarence Street Theatre (buildings and fixtures only) to the Clarence Street Theatre Trust;
- c) Council approves a once only operational start-up grant of \$75,000 to be paid in the 2015/16 financial year; and
- d) Council approves a payment of up to \$150,000, or that limited to the amount specified in 2.8 of the Deed, for the purpose of earthquake strengthening works on the building if required, on the terms in the agreement; and
- e) Council annotates the certificate of title to record its interests as contained in the Deed.

10. Property Update – Beggs Wiseman Building

The Strategic Property Unit Manager presented this report for the Council to approve the sale of the Beggs Wisemen Building, with the following noted:

- Being presented was a recommendation from the Business and Investment Subcommittee.
- Government Valuation was not available. However, a market valuation could be tabled in the public excluded session.
- Marketing of the property through a public sale process was a transparent process which could include an auction.
- The intention was to go to a tender process with consideration of both price and intended use, giving Council flexibility at the end of the process over both aspects.
- Council purchased the property in 1994 for \$1.226M.
- Intention was to market the property in one month’s time for one month and report to Council on the outcome of that process in September 2015.

Motion: (Crs Pascoe/O'Leary)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:
 - i. Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy, and;
 - ii. Development and use, including timeframes, of the purchaser's intentions for the redevelopment of the building and the ability of their redevelopment to enhance the Central Business District and street-scape.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

SCHEDULE

An estate in fee simple comprising all that land contained in Certificate of Title SA13A/1086 South Auckland Land Registry legally described as Lot 1 Deposited Plan South Auckland 15240 comprising 276 square metres more or less and physically located at 445 Victoria Street (on the corner of Victoria and Ward Streets), Hamilton.

Amendment: (Crs Mallett/Wilson)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:

Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

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The Amendment (Crs Mallett/Wilson) was Put.

Those for the Amendment:	Councillors Mallett, King, Green and Wilson
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Macpherson, Yeung, Chesterman, O'Leary, Pascoe and Tooman

The Amendment was declared lost.

The Motion (Crs Pascoe/O'Leary) was then Put.

Resolved: (Crs Pascoe/O'Leary)

That:

- a) the Report be received;
- b) Council sells the Beggs Wiseman building physically located on the corner of Victoria and Ward Streets, Hamilton, and legally described in the Schedule;
- c) Council markets the property for sale through a public sale process and purchase offers are assessed against criteria that includes:
 - i. Price considering the current market value as assessed by a Council-appointed registered valuer in accordance with Council policy, and;
 - ii. Development and use, including timeframes, of the purchaser's intentions for the redevelopment of the building and the ability of their redevelopment to enhance the Central Business District and street-scape.
- d) Staff present the purchase offers to Council and seek further direction in respect of any matters or issues arising that materially affect the sale process;
- e) Council authorises the Chief Executive Officer to (1) prepare an Agreement for Sale and Purchase and (2) any other instruments that are required to give effect to this resolution.

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An estate in fee simple comprising all that land contained in Certificate of Title SA13A/1086 South Auckland Land Registry legally described as Lot 1 Deposited Plan South Auckland 15240 comprising 276 square metres more or less and physically located at 445 Victoria Street (on the corner of Victoria and Ward Streets), Hamilton.

11. Resolution to Exclude the Public

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

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.

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 - 28 May 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Proposed District Plan - Appeals to the Te Rapa North Industrial Zone) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Proposed District Plan Appeals - Recommended settlement position for an appeal relating to industrial land at Te Rapa)	
C4. Chief Executive Review		

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) Section 7 (2) (g)
Item C3.	to maintain legal professional privilege 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) Section 7 (2) (g)
Item C4.	to maintain legal professional privilege to protect the privacy of natural persons	Section 7 (2) (a)

That the City Solicitor remain in the Public Excluded Meeting for Items C2 and C3 to provide legal advice to the Council.

The Meeting moved into Public Excluded Session from 3.00 until 4.30pm.

Councillor Gallagher returned to the Meeting at 3.14pm, during the Public Excluded session.

The Meeting was declared closed at 4.30pm.