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# Council

## OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 7 July 2016 at 9.30am.**

### PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	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 Sean Hickey – General Manager Strategy & Communications Sean Murray - Executive Director H3 & Events Julie Clausen – Programme Manager- Strategy
Committee Advisors	Mrs MM Birch and Mr B Stringer

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### 1. Apologies

**Resolved:** (Her Worship the Mayor Hardaker/Cr Yeung)

That the apologies from:

- a) Councillor Forsyth; and
- b) Councillor Gallagher (for lateness),

be received and accepted.

## 2. Confirmation of Agenda

The Chair outlined that the purpose of the Meeting was to hear from submitters following the consultation on the future of Founders Theatre; as outlined in the Hearing Schedule distributed to Elected Members.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Wilson)  
The Council to confirm the Agenda.

## 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

## 4. Public Forum

No Public Forum was required.

## 5. Founders Theatre Hearings Report

The Chair noted that:

- the speaking order of submitters may change to reflect their attendance; and
- a copy of the Founders Theatre consultation document had been circulated to Members to provide context to the submissions presented.

The General Manager Strategy & Communications introduced the report and highlighted the following:

- Staff had updated the submissions analysis (page 71 of the *Founders Submissions Report*), a copy of which was tabled, to correct some errors.
- Copies of the submissions were available online on the Council website.

Councillor Gallagher arrived during the introduction to Item 5 (9:35am).

The following people spoke to, and responded to questions on, their submissions:

- **Sarah Nathan, representing Creative Waikato (Submission 2076)**

An overview of the consultation process undertaken by Creative Waikato was provided; Miss Nathan noted there was no single solution that worked for all stakeholders. Key findings were:

- i. Build New Option

- Creative Waikato's recommendation, based on the focus groups feedback, was to build a new, future-proofed theatre. It would need to be a multi-purpose venue; to cater for both classical and performing arts. Links to the inner city, hospitality and parking would be important.
- A venue sitting about 1200 people would be appropriate for a city of Hamilton's size. It was acknowledged that that the annual secondary school kapa haka

competition would require a larger venue.

- Questions on how a new theatre would be funded were not covered in the focus group sessions. Miss Nathan believed it would be worth exploring funding opportunities from neighbouring authorities.

ii. General theatre and classical musical needs

A new theatre should address the different requirements of classical and amplified music. Issues in relation to Founders Theatre, such as acoustic quality, performers' facilities and fire exits, were noted; a similar build to Founders would not be suitable. Various options were discussed.

iii. Interim solutions

A number of suggestions were canvassed including lending equipment from Founders Theatre to other venues and offering more affordable rates for use of Claudelands.

iv. Future use of Founders Theatre

There was support for continued 'grassroots community' use of Founders Theatre, even if a new theatre was built.

- **Sally Rosenberg, representing Hamilton Civic Choir**

The Civic Choir's preference was for a new build; the acoustics in Founders was not suitable for choir performances and the Gallagher Concert Chamber at Waikato University was too small. Miss Rosenberg believed a new venue would provide a creative centre for Hamilton and acknowledged that it could be a long journey to achieve this.

- **Leonard Gardner, Chair of Momentum Waikato**

Mr Gardner spoke in relation to Momentum Waikato's desire to build an iconic theatre in Hamilton; the costs of which would be contributed to by community donors in addition to a \$30 million capped amount from the Council.

Process

Momentum Waikato would lead the process of connecting and aligning such donors and overseeing the process away from a political environment. This would include:

- the establishment of an appointments panel, which would include a Council representative; and
- such panel appointing a panel of experts to assess, amongst other things, the best location and requirements for the new theatre.

It was envisaged that the project could be completed within a 3 to 5 year timeframe.

**The Meeting adjourned from 10:35am to 10:50am**

Councillor Wilson returned to the Meeting during the presentation of the next submitter (10:53am).

- **Paul Burrows, representing the Stroke Foundation**

A new build was supported, though a fully accessible, refurbished Founders Theatre would be acceptable.

- **Susan Trodden, representing Orchestras Central**

Ms Trodden expressed support for the Momentum Waikato proposal, and believed a new building needed to be the home for more than a single creative organisation or group.

- **Hannah McWhannell, Haylee Oettli, Jody Reece and Tara Carmichael, representing Hillcrest High School**

The pupils spoke in support of a new build theatre to address the issues with the current Founders Theatre. It would be preferable to have the new venue located centrally. The students acknowledged that while a refurbished Founders Theatre would be cheaper, a new build would be of greater benefit in the long term.

They believed Founders could still be used for community events such as prizegivings.

- **Ron Braithwaite**, spoke in support of a new build to reflect Hamilton's growth, with a proscenium arch to be included. The structure and location of the Founders Theatre were not suitable for the typical audience; parking was a particular concern.

- **Professor Alister Jones, David Craig and Dame Malvina Major, representing the University of Waikato**

The University's proposal for a new theatre to be constructed adjacent to the Gallagher Performance Arts Centre was presented. The benefits of location, facilities, parking and public transport links were outlined. Other key points highlighted were:

- i. The University would contribute \$5 million, together with the initial land required. The proposed venue would seat 1500 people.
- ii. It was expected that this new venue would be able to cater for community-based groups. The commercial model for such use would need to be considered.
- iii. The University was not looking to expand the current concert chamber located on campus; it was an appropriate size for its intended use.
- iv. It would need to be decided whether the completed theatre became a University facility or a 'city asset' as part of funding discussions.

- **Jason Wade, representing Clarence Street Theatre**

Mr Wade expressed the need for a premium events performance facility to be located in the city to ensure its greatest use. He noted that:

- i. The Claudelands Events Centre was not an appropriate venue for musical theatre.
- ii. A new build would need to host 1000 to 1200 people; there were smaller venues already established in Hamilton. There was sufficient public carparks for a central city-located theatre.
- iii. Clarence Street Theatre's request for the interim use of equipment at Founders Theatre had been declined, which was disappointing.

- **Geoff Kreegher**, stated his concerns with the estimated costs for a refurbished Founders Theatre or new build, believing both would involve additional expenses not covered in the consultation document. Mr Kreegher suggested the Council should either gift Founders Theatre to the arts sector, crowd-fund its refurbishment or demolish it.

- **Roger Loveless**, spoke in support of the heritage of Founders Theatre. Mr Loveless acknowledged it was not perfect, but was accessible and he would prefer that it would be refurbished if safe and financially viable.

**The Meeting adjourned from 12:15pm to 1:00pm**

Councillor Wilson retired from the Meeting at 12:15pm.

Councillor Gallagher returned to the Meeting after the adjournment at 1:03pm.

- **Sam Edwards** supported the building of a new performance arts theatre to operate alongside a refurbished Founders Theatre and Claudelands Events Centre.
- **John Barwick** had reconsidered his written submission and supported a new build theatre, which would incorporate all required facilities. The site of Founders Theatre could be used for alternative purposes.
- **Robert Davidson** supported the building of a new pentagonal theatre, which would include a mini opera house and be able to serve multicultural events.
- **Tui Allen** supported the construction of a theatre over the Waikato River, with pedestrian access to and from the central city.
- **David Whyte** believed that Founders Theatre should be demolished and, if required, revisit the need for a purpose-built theatre in 5 to 10 years' time. Auckland was close enough for locals to attend big events. Mr Whyte acknowledged there was a risk of losing talented young people should there be an absence of a principal theatrical venue.
- **John Cameron** supported a new build in the location of the existing Founders Theatre, the cost of which should be borne by the ratepayers. In response to concerns on parking, Mr Cameron believed that concert goers should look to alternative transport options other than using their car to attend events at the theatre.
- **Philip Curnow** stated that the consultation document provided options without adequate supporting data. Mr Curnow noted he had not read the previous engineering reports that had been presented to Council. He supported an independent process to progress any theatre development, as proposed by Momentum Waikato.
- **Stephen Bennett** spoke in support of making the principal theatre venue fully accessible to blind people, including as performers.
- **Roger Stratford** expressed concerns with Founders Theatre from an audience perspective to support his submission that a new theatre is built. If appropriately located, it could also serve as an alternative civil defence centre. Mr Stratford did not believe Council would be required to fund all costs associated with the new build.
- **Judy McDonald** circulated a summary of her verbal submission to Elected Members present, supporting the return of Founders Theatre to green belt use. A new theatre should be built at the north end of Victoria Street.
- **Antanas Procuta** identified his architectural credentials and claimed that the best option was to refurbish Founders Theatre and consider building a new world-class facility later. If a new build was selected, locating it in the central city would make sense.

- **Kevin Dornauf** believed Founders Theatre had been neglected, and remained viable if refurbished. A larger venue could be investigated later. There should be a proper maintenance budget for all community facilities, including theatres. Mr Dornauf supported the use of existing targeted rates for that purpose.
- **David Mannering** circulated a drawing to identify a possible design for a new theatre built on the Founders Theatre site. Mr Mannering agreed that the balance of funding required, in addition to the Council contribution of \$30 million, could be obtained through regional ratepayers and philanthropic sources.
- **Paul Knox** suggested that the public had not been provided with all material information, which was required to make an informed decision.

Councillor Mallett retired from the Meeting at 2:30pm

**The Meeting adjourned from 2:30pm to 3:30pm.**

- **Gay Fraundorfer** spoke in support of building two theatres – a smaller venue for choirs and orchestras, and a larger building for ballet and musicals – within the same complex.

Councillor King returned to the Meeting after the adjournment during the next speaker's presentation (3:35pm).

- **Cecile McShane** spoke in support of a refurbished Founders Theatre, acknowledging that there were issues with the current building.
- **Bruce Cresswell** supported a new theatre being built in the Entertainment sector of the city, such sector identified in the Central City Transformation Plan; Victoria on the River could be a possible site. Mr Cresswell advocated the use of technology in the new theatre.
- **Matt Stark** supported building a new theatre in the central city with the focus being on the value it would bring to the city, rather than the construction costs. Mr Stark agreed with Momentum Waikato's proposal to remove the process from the Council in order to give confidence to private sector investors.

The Director H3 & Events ('the H3 Director') then responded to questions that had been raised by submitters in the Meeting:

- **Founders Theatre Piano**  
There were two pianos, both of which were stored securely. They would be used at alternative venues when possible until they were relocated to a new base.
- **Founders Theatre Equipment**  
Some older equipment had been provided to the Meteor and Clarence Street Theatres following the closure of Founders Theatre. Other technical equipment from Founders was still being used by the Council across other venues, including Claudelands Events Centre, or was rented by the Council.

*Action: Staff would re-assess the availability of any equipment located at Founders Theatre for use at other theatre venues during the closure of Founders.*

- **Hotere Mural**

There was discussion on finding an alternative venue for the Ralph Hotere mural located at Founders Theatre for public viewing.

**Resolved:** (Her Worship the Mayors Hardaker/Gallagher)

That the Director H3 & Events and Museum Director work together to see if they can relocate the Ralph Hotere mural, at the Founders Theatre, to a place with public access.

*Action: The H3 Director would report back to the Council as to suitable storage options, should an alternative venue for the mural not be found.*

- **Seismic Reports – Founders Theatre**

The primary areas of concern were the stagehouse and roof, which impacts the front-of-house strength requirements though these were less of a concern. The staff report to be presented to Council at its Meeting on 28 July 2016 would address these issues.

- **Other Matters**

- i. The phrase 'like for like' was never used in the consultation document or process by the Council when describing a rebuild of Founders Theatre.
- ii. Community access to the Claudelands Events Centre was being assessed on a case-by-case basis.
- iii. Staff were always available at Claudelands to assist visitors with any access requirements. Additional retractable steps would be installed at this site in the future.
- iv. Staff had received positive feedback from the New Zealand Symphony Orchestra ('NZSO') in relation to its recent performance at Claudelands, though it was appreciated the venue was not up to the standard required for such orchestral work.

Council Members then continued to hear from, and ask questions of, submitters:

- **Katherine O'Regan** expressed disappointment that there was no reference to the history of Founders Theatre in the consultation undertaken. Miss O'Regan was supportive of:

- i. a new theatre, provided the original purpose of Founders was retained; and
- ii. neighbouring authorities being approached to provide funding for a new build.

- **Margaret Evans and Mavora Hamilton, representing the TOTI Charitable Trust ('the TOTI Trust')**

The TOTI Trust representatives believed that people wanted Founders Theatre to be refurbished and a new theatre constructed on the riverbank. The following points were discussed:

- i. The final decision on this matter should be made by the new Council after the October elections to allow for a wider discussion.
- ii. The TOTI Trust did not support the proposal from the University of Waikato; a city event centre was required.
- iii. There was a future life for the existing Founders Theatre. It was suggested that a community-based group undertake a review on its continued use, such review to be undertaken on a pro bono basis.
- iv. The Council needs to review the costs to hire Claudelands or Founders in an assessment as to whether they satisfy their respective purposes.

- v. Any decision on Founders Theatre needed to align with the Council plans.
- vi. More detail on Momentum Waikato's proposal was required; concern was mentioned as to philanthropic capture of the project. Alternative funding models were discussed. Strong Council support was required in any event.

The Chairperson advised the Council members present as to the process when the Meeting would reconvene on 8 July 2016.

**The Meeting adjourned at 4:35pm**

**The Council Meeting reconvened in the Council Chamber, Municipal Building, Garden Place, Hamilton on Friday 8 July 2016 at 10:00am.**

**PRESENT**

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr K Green Cr A King Cr G Mallett Cr A O’Leary Cr R Pascoe Cr L Tooman Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Sean Murray - Executive Director H3 & Events Julie Clausen – Programme Manager- Strategy
Committee Advisors	Mrs MM Birch and Mr B Stringer

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**Apologies**

**Resolved:** (Her Worship the Mayor Hardaker/Cr Yeung)

That the apologies from Councillors Forsyth, Gallagher, Wilson and Macpherson be received and accepted.

**Item 5 continued – Founders Theatre Hearings Report**

Council Members continued to hear from, and ask questions of, submitters:

- **Noel Gregory** supported the refurbishment of Founders Theatre, believing its location and size was appropriate; contributory funding should be sought from other authorities in the region. Mr Gregory believed a review was required as to why the theatre had not been adequately maintained over the years.
- **Adrian Pickering** queried why an option to refurbish Founders Theatre and build a new theatre was not provided as part of consultation. The following points were made:
  - i. Founders remained a suitable venue for community-based events; Mr Pickering disputed claims that the theatre was structurally unsound. He referred to the engineering report undertaken by Mr Gordon Hughes in 2007, which he believed could be reviewed and revised to confirm that the theatre still met minimum earthquake strengthening requirements.
  - ii. No single theatre would be acceptable for all requirements, particularly in relation to acoustics.

In response to questions, the H3 Director:

- i. signalled that while the 2007 report noted in Mr Pickering’s submission could be reviewed, the recent report undertaken by Dunning Thornton Consultants was more detailed and applied the updated Building Code requirements.
- ii. noted that the flying equipment in the theatre would need to be replaced regardless

- of the seismic report findings; and
- iii. with the current seismic strength rating, Founders could continue to operate for the next five years, though there would still need to be a plan to upgrade the building.

The Chief Executive confirmed there was no reason to doubt the Dunning Thornton report findings and, he believed, that there would be no value in reviewing that report.

- **Skye Sloper** stated that the costs to refurbish Founders Theatre could end up being the same as a new build given the seismic strength issues. The focus should be on the vision of what a new theatre would offer Hamilton, rather than the cost. Miss Sloper suggested that funding could come from different sources, not just the ratepayer.
- **Sarah Thomson** argued that Hamilton required a theatre to call its own and supported the new build option for a 'state of the art' facility. Miss Thomson believed refurbishment costs always exceed initial estimates and there was more value in creating something new than working with an older model. The creative arts were a critical component of any growing city. Grassroot community organisations could utilise other venues across the city should the new venue not be appropriate.
- **Peter Wallis, Chief Executive of Chamber Music New Zealand**, spoke to his visual presentation shown to Elected Members present in support for a new venue. He highlighted the following points:
  - i. Founders Theatre had inadequate acoustics, as concluded by an independent survey.
  - ii. There was merit to connect the new theatre to the central business district. Mr Wallis believed Founders was not located close enough to the hospitality venues; the proposal from the University of Waikato encountered similar difficulties.
  - iii. There was currently no good symphonic venue in Waikato-Bay of Plenty; the first venue to offer a suitable standard will benefit from increased bookings. An example of the new symphony hall in Birmingham, United Kingdom, was noted.
  - iv. Ratepayers contributed to activities and structures that they may not use; it was equitable for them to pay an amount towards a new venue.
  - v. Utilising Founders Theatre for community-based groups was appropriate provided a new theatre was also available.

Following the conclusion of the submissions, the following motion was presented:

**Motion:** (Crs King/Mallett)

That:

- a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and
- b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:
  - i. with the fly tower; and
  - ii. with no fly tower.

In response to questions on the Motion (Crs King/Mallett), the H3 Director stated that:

- If Council wanted Founders Theatre to remain open in some form in the future, a further assessment would need to be completed as to what work would need to be completed to achieve this;
- Staff would check whether Founders could be re-opened without the fly tower. Further modifications to Founders (for example, replacement of the fire curtain) may trigger other Building Code compliance issues, which would incur substantial costs;
- A second assessment report would take at least a further two months to complete at an estimated \$48,000 cost. Staff could not guarantee the availability of Dunning Thornton prior to the 28 July 2016 Council meeting.

The H3 Director also clarified the difference between undertaking a peer review of Dunning Thornton's report as compared to commissioning a separate assessment report.

**The Motion was then put.**

**Motion:** (Crs King/Mallett)

That:

- a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and
- b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:
  - i. with the fly tower; and
  - ii. with no fly tower.

**Those for the Motion:** Councillor King

**Those against the Motion:** Her Worship the Mayor Hardaker,  
Councillors Green, Pascoe, Chesterman,  
Yeung, Mallett, Tooman and O'Leary

**The Motion was declared lost.**

**Resolved:** (Her Worship the Mayors Hardaker/Chesterman)

That the report be received.

Councillor O'Leary retired from the Meeting at 12:00pm.

The Chairperson summarised those matters which staff were requested to include in their report to Council on 28 July 2016:

- Status of Founders Theatre and extent it could be re-opened, and associated costs;
- Submitters' selection on 'refurbishment' and 'rebuild' options to be clarified, and the submission numbers for each option corrected to reflect the hearings; and
- Previous external reports that have been presented to Council on Founders Theatre to be attached.

**The Meeting was declared closed at 12:02pm**