

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 12 December 2019
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Forsyth
	Cr M Gallagher
	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr A O'Leary
	Cr R Pascoe
	Cr S Thomson
	Cr M van Oosten
	Cr E Wilson

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
Governance Manager

5 December 2019

Telephone: 07 838 6727
Becca.Brooke@hcc.govt.nz
www.hamilton.govt.nz

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.
 - e) Approval of the Triennial Agreement.
 - f) Approval of the local governance statement required under the Local Government Act 2002.

- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

Oversight of Policies and Bylaws:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	5
2	Confirmation of Agenda	5
3	Declarations of Interest	5
4	Public Forum	5
5	Confirmation of the Council Open Minutes - 28 November 2019	6
6	Confirmation of the Open Elected Member Briefing Notes - 4 December 2019	20
7	Rototuna Village Sports Park Name	23
8	TOTI application to Permanent Public Art Development Process	28
10	3 Waters Sub-Regional Study and Cambridge Wastewater Discharge Consent Submission <i>(late report, to be circulated under separate cover)</i>	
9	Resolution to Exclude the Public	32

1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Committee: Council
Author: Amy Viggers
Position: Committee Advisor
Date: 12 December 2019
Authoriser: Becca Brooke
Position: Governance Manager
Report Name: Confirmation of the Council Open Minutes - 28 November 2019

Report Status	<i>Open</i>
----------------------	-------------

Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 28 November as a true and correct record.

Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 28 November 2019

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 28 November 2019 at 9.30am.

PRESENT

Chairperson	Mayor P Southgate
Deputy Chairperson	Deputy Mayor G Taylor
Members	Cr M Bunting
	Cr M Forsyth
	Cr M Gallagher
	Cr R Hamilton
	Cr D Macpherson
	Cr K Naidoo-Rauf
	Cr A O'Leary
	Cr R Pascoe
	Cr S Thomson
	Cr M van Oosten
	Cr E Wilson

In Attendance:	Richard Briggs – Chief Executive
	Lance Vervoort - General Manager Community
	David Bryant – General Manager Corporate
	Jen Baird – General Manager City Growth
	Eeva-Liisa Wright - General Manager Infrastructure Operations
	Sean Hickey – General Manager Strategy and Communication
	Sean Murray – General Manager Venues, Tourism and Major Events
	Chris Allen – General Manager Development
	Lee-Ann Jordan – Visitor Destinations Manager
	Peter Sergal – Hamilton Gardens Manager
	Maria Barrie - Parks and Recreations Manager
	Beverly Peterson – Open Spaces and Facilities Manager
	Zeke Fisk – Team Leader Urban Landscapes
	Maire Porter – City Waters Manager
	Trent Fowles – Compliance Manager
	Luke O'Dwyer - City Planning Manager
	Sandra Murray – Consultant
	Paul Blewman – Acting City Safe Unit Manager
	Natalie Palmer – Unit Manager Communications and Marketing

Governance Staff:	Becca Brooke – Governance Manager
	Amy Viggers, Claire Guthrie and Rebecca Watson – Committee Advisors

The meeting was opened with a karakia from Kaumatua Tame Pokaia.

1. **Apologies**
Resolved: (Deputy Mayor Taylor / Cr Wilson)
 That the apologies for partial attendance from Cr Hamilton and Cr Bunting, due to Council business, are accepted.
2. **Confirmation of Agenda**
Resolved: (Deputy Mayor Taylor/Cr Bunting)
 That the agenda is confirmed.
3. **Declarations of Interest**
 Cr Thomson noted she had an interest in item 9 (Petition - Fenced Dog Exercise Area at Innes Common), due to signing the petition prior to her election and understanding all matters in relation to this issue. She advised that she was not conflicted and would take part in the discussion and vote on the item.
4. **Public Forum**

Roger Stratford spoke to item 12 (Application for Temporary Extension to Hamilton Alcohol Control Bylaw 2015 (HSBC NZ Sevens) and noted that he did not support a extension to the alcohol ban area.

Annemarie Robb and Jennie DeGroot (representing Save the Rhododendron Lawn group) spoke to item 8 (Draft Hamilton Gardens Management Plan) and their petition on the matter. They outlined their three concerns of the Draft Management Plan being: the loss of the Rhododendron Lawn, the high density themed gardens, and the lack of public consultation. They responded to questions from Elected Members concerning alternative options.

Caroline Allbon et al (representing Lake Crescent Residents Group) spoke to item 9 (Petition - Fenced Dog Exercise Area at Innes Common) and their petition on the matter. Ms Allbon outlined the groups concerns regarding the location of the proposed exercise area due the damage it could cause to the environment. They responded to questions from Elected Members concerning alternative location options and the environmental points raised during their presentation.
5. **Confirmation of the Inaugural Council meeting Minutes 24 October 2019**
Resolved: (Cr Wilson/Cr Pascoe)
 That the Council confirm the Open Minutes of the Inaugural Council Meeting held on 24 October 2019 as a true and correct record.
6. **Confirmation of the Extraordinary Council Open Minutes 15 November 2019**
Resolved: (Deputy Mayor Taylor/Cr Wilson)
 That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 15 November 2019 as a true and correct record.
7. **Confirmation of the Elected Member Briefing Notes - 15 November 2019**
Resolved: (Cr Bunting/Cr van Oosten)
 That the Council confirm the notes of the Elected Member Open Briefing held on 15 November 2019 as a true and correct record.

8. Draft Hamilton Gardens Management Plan

The Visitor Destinations Manager and Hamilton Gardens Manager introduced the report outlining the consultation process to date. They responded to questions from Elected Members concerning the legal advice that staff suggested be sought, alternative design options, the original timeline, the consultation process, potential funding implications due to the delayed decision and the process going forward.

Elected Members requested the following be addressed at an Elected Member Briefing:

- Connectivity considerations
- Consideration regarding alternative transport options
- Future proofing the Gardens for future visitors
- Garden design to address concerns raised by Public Forum speakers of high density themed Gardens
- Location and number of carparks
- Speed limits in the area
- Community use space
- Background concerning the consultation process (special consultation/deliberation)

Resolved: (Cr Bunting/Mayor Southgate)

That the Council:

- a) receives the report;
- b) defers further consideration of the draft Hamilton Gardens Management Plan to the new year;
- c) requests staff provide Elected Members with information and advice on legal considerations relating to decision-making and the consultation process on the draft Hamilton Gardens Management Plan to briefings in December 2019 and February 2020 as appropriate; and
- d) requests staff report to the Community Committee on this matter before March 2020.

Cr Pascoe Dissenting.

The meeting adjourned 10.44am to 11.02am during the discussion of the above item.

9. Petition - Fenced Dog Exercise Area at Innes Common

The Parks and Recreation Manager introduced the report outlining the process followed by staff to date. She responded to questions from Elected Members concerning the proposed location, points raised by speakers during the public forum, and the consultation process.

Elected Members requested the following be addressed at an Elected Member Briefing:

- Overview of the consultation process to date
- Purpose of a fenced dog exercise area
- Background of previous decisions made by Council concerning a dog exercise area at Innes Common
- Future proofing considerations such as parking
- Water quality concerns

Resolved: (Cr Wilson/Cr Naidoo-Rauf)

That the Council:

- a) receives the petition from the Lake Crescent Residents' Group;
- b) formally puts the implementation of the fenced dog exercise area at Innes Common on hold;

- c) requests that the matter relating to the location of the fenced dog exercise area be brought back to Council or appropriate committee in early 2020 for a decision; and
- d) requests that staff bring this matter to a briefing where site options for a fenced dog exercise area and a community engagement plan will be discussed, prior to the matter coming back to Council or the appropriate Committee for consideration.

Cr Bunting left the meeting (12.04pm) during the discussion of the above item. He was not present when the matter was voted on.

10. Waste Management and Minimisation Bylaw 2019 - Deliberation and Adoption Report

The Compliance Manager spoke to the report noting that there would be a future report which would set the controls for the Bylaw. Staff responded to questions from Elected Members concerning the consultation process.

Resolved: (Cr MacPherson/Cr O'Leary)

That the Council:

- a) receives the report; and
- b) adopts the proposed Waste Management and Minimisation Bylaw 2019 (Attachment 1).

The meeting adjourned 12.34pm to 1.29pm.

11. Making Plan Change 3 - Temple View Boundary Alteration Operative

The City Planning Manager took the report as read and responded to questions from Elected Members concerning the classification of the area.

Resolved: (Mayor Southgate/Cr Gallagher)

That the Council approves Plan Change 3 – Temple View Boundary Alteration to be made operative on 12 December 2019, in accordance with clauses 17 and 20 of the First Schedule of the Resource Management Act 1991(RMA).

12. Application for Temporary Extension to Hamilton Alcohol Control Bylaw 2015 (HSBC NZ Sevens)

The Acting City Safe Unit Manager spoke to the report and responded to questions from Elected Members concerning the scope of the extension and the success of the extension during the past events.

Resolved: (Cr Forsyth/Cr Pascoe)

That the Council approves the creation of the HSBC NZ Sevens Temporary Alcohol Ban Area (the Area), pursuant to clause 8 of the Hamilton Alcohol Control Bylaw 2015 (the Bylaw), to which clause 5.1 of the Bylaw will apply from 6am on Saturday 25 January to 10pm on Sunday 26 January 2020 (inclusive), as if the area were included in Schedule 1 of the Bylaw, and will encompass the areas shaded in blue on the map at Attachment 2 of the staff report.

13. 2020 Schedule of Meetings

Mayor Southgate introduced the report noting that the schedule of meetings for 2020 was subject to change. Along with staff, she responded to questions from Elected Members concerning Joint Committee appointments and details of the draft schedule of meetings. It was noted that due to the change in Waikato Regional Council's Governance structure there may be further changes to the appointments.

Staff Action: Staff undertook to increase the number of 10-Year Plan Briefings towards the end of 2020.

Staff Action: Staff undertook to review the process in which Elected Members are notified of the topics to be discussed at Elected Member Briefings.

Staff Action: Staff undertook to make all agenda planning documents available to all Elected and appointed Members.

Resolved: (Cr Wilson/Cr Hamilton)

That the Council:

- a) receives the report; and
- b) approves the proposed 2020 Schedule of Meetings (attachment 1 of this report).

15. Governance Structure Terms of Reference and Delegations for Council, and Committees of Council 2019-22 Triennium

Mayor Southgate introduced the report noting that the Draft Governance Structure Terms of Reference and Delegations for Council, and Committees of Council 2019-22 Triennium was based on a flatter structure. Along with staff, she responded to questions from Elected Members concerning Maangai Maaori appointments on Committees and appointments to external/joint Committees.

Staff Action: Staff undertook to review the process and budget for conferences and training in the new year as a part of the Elected Member Support Policy review.

Staff Action: Staff undertook to circulate the Maangai Maaori Kawenata and the Waikato Tainui and Hamilton City Council Co-Governance agreement to all Elected Members.

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council:

- a) approves the draft Governance Structure Terms of Reference and Delegations for Council, Committees of Council and Appointments for the 2019-22 Triennium (*attachment 1 of this report*);
- b) notes that the Delegations to Positions' Policy (*Council's delegations to the Chief Executive and other specified senior staff*) will be reviewed and updated to reflect the 2019-22 Governance Structure and will be presented to the February 2020 Council meeting for consideration;
- c) notes that some minor changes, such as reference and name changes will be made by staff to relevant Council policies to reflect the 2019-22 Governance Structure. Any significant or material changes required to policies will be reported back to Council in the new year;
- d) notes that the Maangai Maaori Kawenata is currently being reviewed and that any recommendations relating to this review will be presented to the February 2020 Council meeting for consideration;
- e) notes that some Appointments in the 2019-22 Governance Structure may change in the coming months to align with the arrangements and terms of reference still to be confirmed/discussed with joint organisations;
- f) notes that the membership of Waikato Local Authority Shared Services (WLASS) will transition to a new appointee to be recommended to the Council for consideration in the new year; and

- g) notes that the continuation of Hamilton Gardens Development Project Governance Group and its Terms of Reference will be reviewed to ensure alignment with the intent of 2019-2022 Governance Structure, with any recommendations to be reported back to Council for consideration.

Prior to moving into the Public Excluded session of the meeting item C2 (Update on Stadia Facilities) was moved into the open session of the meeting. The report is attached to these minutes as Appendix 1.

C2. Update on Stadia Facilities

The General Manager Venues Tourism and Major Events spoke to the report noting that it was the intention that the EFTPOS system will be introduced earlier than June 2020. He responded to questions from Elected members concerning the price increase to compensate for the cost of Montana Food and Events Limited to introduce EFTPOS at FMG Stadium Waikato and Hamilton City Council's contract with Montana Food and Events Limited.

Staff Action: *Staff undertook to continue to work with Montana Food and Events Limited concerning introduction of payment technology such as payWave.*

Resolved: (Deputy Mayor Taylor/Cr Hamilton)

That the Council:

- a) receives the report;
- b) note that an EFTPOS system will be introduced at FMG Stadium Waikato no later than June 2020;
- c) note that reporting on the impact of the introduction of an EFTPOS system at FMG Stadium Waikato will be closely monitored and if required, reported back to Council via H3's quarterly report to Council's Economic Development Committee; and
- d) requests the General Manager Venues, Tourism and Major Events discuss the cost increase in relation to the introduction of an EFTPOS system at FMG Stadium within the of the terms of the service agreement.

14. Resolution to Exclude the Public

Resolved: (Cr Wilson/Deputy Mayor Taylor)

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 Notes - 15 November 2019) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C3. Municipal Endowment Fund - Ward Street land, proposed Sale and Development)	
C4. Lift Renewals		

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)
	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information	Section 7 (2) (b) (ii)

The meeting went into a Public Excluded session at 3.04pm.

The meeting was declared closed at 4.22pm.

Council Report

Committee: Council **Date:** 28 November 2019

Author: Sean Murray **Authoriser:** Sean Murray

Position: General Manager Venues, Tourism and Major Events **Position:** General Manager Venues, Tourism and Major Events

Report Name: Update on Stadia Facilities

Report Status	<i>This report is taken as a publicly excluded item to enable Council to carry out commercial activities without disadvantage; AND to enable Council to carry out negotiations.</i>
----------------------	---

Purpose

1. To inform the Council on the matter of introducing EFTPOS facilities at FMG Stadium Waikato, requested by Council at its meeting on 26 September 2019.

Staff Recommendation

2. That the Council:
 - a) receives the report;
 - b) note that an EFTPOS system will be introduced at FMG Stadium Waikato no later than June 2020;
 - c) note that reporting on the impact of the introduction of an EFTPOS system at FMG Stadium Waikato will be closely monitored and if required, reported back to Council via H3's quarterly report to Council's Economic Development Committee; and
 - d) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.

Background

3. Montana Food and Events Limited (Montana) are contracted to provide retail food and beverage delivery in the public areas at the venue, which is operated by Council's H3 entity.
4. Council received a report on the matter of EFTPOS at FMG Stadium Waikato at its meeting on 26 September 2019 and this report is attached for background. As a result of this report and discussion by Council, the following was resolved:

That the Council:

- a) receives the report;
- b) notes that Montana do not intend to introduce EFTPOS facilities at the Stadium in the for-seeable future but that they are investigating alternative cashless technology adaptation that outpaces the older EFTPOS model;

Appendix 1

- c) *notes that management will continue to pursue this as an operational matter and work with Montana on their new proposal and the use of EFTPOS in the interim;*
 - d) *notes that the decision and information in relation to this matter remain publicly excluded for the reasons outlined in the report; and*
 - e) *requests an update on the cashless technology and its implementation date come back to the next Council meeting (November 2019).*
5. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report have a low level of significance.

Current Situation

6. In the intervening period, a report has been received from Montana along with further discussion with H3 management. Because of these discussions, Montana has withdrawn their report on the matter and agreed to introduce EFTPOS capability at FMG Stadium Waikato in 2020.

Montana Food and Events Feedback

7. Montana Management have agreed to introduce EFTPOS capability across FMG Stadium Waikato however they are doing so with some hesitation. While they are very hopeful the change to their payment system will pay dividends for them commercially and be beneficial to their customers, they have indicated several concerns. They have asked that as the venue operator Council (H3) are aware of the possible detrimental impacts:
- An increase in average service delivery time due to changed transaction functionality by an additional 45% (*currently 23 seconds vs 38 seconds for dual system delivery at Claudelands*). It is worth noting that as per international standard, retail outlets at FMG Stadium Waikato are geared to accommodate 60% of a capacity crowd which is always a challenge in any case for the 1-2 times per year that a full house event takes place.
 - Based on a five-year return on investment for the upgrade equipment required, they will increase prices slightly which may generate some negative feedback (*Montana see prices lifting to close to Eden Park pricing levels. Also for interest to accommodate a rugby match such as an All Blacks test up to 69 point of sale terminals will be required with supporting operating systems, licence and connection fees etc*).
 - FMG Stadium Waikato currently enjoys the highest average retail spend on a per person basis across New Zealand stadia; a position which may be put at risk (*anecdotal evidence from other stadia around the country suggests however that sales will actually increase as a result of the convenience of EFTPOS*).
8. Montana have asked that their concerns be recorded should their delivery standards as described above decrease. This matter will be monitored closely by both H3 and Montana and any process efficiency opportunities to hold or improve customer service KPIs will be pursued.

Financial Considerations

9. Staff confirm that there are no financial considerations for Council in relation to this matter.

Legal and Policy Considerations

10. Staff confirm that the recommendation complies with the Council's legal and policy requirements.
11. Management will continue to monitor Montana's performance under its service contract to ensure that they align with industry best practice standards.

Appendix 1

Wellbeing Considerations

12. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
13. The subject matter of this report has been evaluated in terms of the 4 wellbeings. The recommendations set out in this report are consistent with that purpose and there are no wellbeing considerations in relation to this report.

Risks

14. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy

Significance

15. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

16. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - PX Report - Update on Stadia Facilities 26 September 2019

ATTACHMENT

Attachment 1

Committee: Council **Date:** 26 September 2019
Author: Sean Murray **Authoriser:** Sean Murray
Position: General Manager Venues, Tourism and Major Events **Position:** General Manager Venues, Tourism and Major Events
Report Name: Update on Stadia Facilities

Report Status	<i>This report is taken as a publicly excluded item to enable Council to carry out commercial activities without disadvantage; AND to enable Council to carry out negotiations.</i>
----------------------	---

Purpose

1. To provide an update for the Council on EFTPOS options and facilities at FMG Stadium Waikato as requested by resolution from the Finance Committee meeting on 10 September 2019.
2. This report has been prepared because of some Elected Member's expressing concern that Montana Food and Events Limited (Montana) do not provide the option for payment by electronic means in the public concourse areas of the Brian Perry Stand for rugby matches.
3. This report provides a management view on the matter and direct feedback on the use of EFTPOS by Montana.

Staff Recommendation

That the Council;

- a) Receives the report;
- b) notes that Montana do not intend to introduce EFTPOS facilities at the Stadium in the foreseeable future but that they are investigating alternative cashless technology adaptation that outpaces the older EFTPOS model.
- c) notes that management will continue to pursue this as an operational matter and work with Montana on their new proposal and the use of EFTPOS in the interim.
- d) notes that the decision and information in relation to this matter remain publicly excluded for the reasons outlined in the report.

Background

4. This matter has been topical operational issue between H3 Management and Montana for the past 1-2 years and was also raised by Elected Members in early 2019. Ongoing delays in a resolution have been due to Montana conducting further detailed investigation and their consideration of alternative electronic transaction technologies.
5. The core issue relates to the provision of food and beverage sales by Montana at FMG Stadium Waikato through permanently sited outlets in the Brian Perry Stand concourse. Depending on the size of the event anything between one and four outlets are open. Some concession holders in other areas of the stadium accept cash transactions only.

Item 5

Attachment 1

6. The number of applicable events related to this matter can be between 10-12 per year and range anything between 600 and 24,000 (on one or maybe two occasions) patrons. This excludes the NZ Sevens event which operates under different payment model.
7. As with any stadium, the quality and speed of food and beverage service at intense points in time presents challenges. Food condition (safety) and speed of service is of paramount importance. The decision by Montana to not accept EFTPOS is simply to ensure speed of service and the high cost of units and associated equipment across all stadia outlets. Advance advice to attendees that "cash only" is accepted is well posted at point of ticket sales and at the venue itself. There is a "cash out" facility available on-site.
8. Previously H3 Management have received some criticism about the lack of EFTPOS facilities. Event organisers (H3 customers, predominantly rugby) have commented on the lack of EFTPOS in the past but there has been very little feedback on the matter over the past year or two.
9. That said, it is H3's preference that EFTPOS is available to our patrons to match the service levels of other major stadia around the country. Management have been encouraging Montana to do so. It is interesting to note that Montana use both cash and EFTPOS at the Claudelands Arena and the volume and flow of customers follows a very different pattern to that of the stadium.

Report from Montana Food and Events Report

10. A report has not been received in time for the circulation of this late report however we are aware that Montana are still firm of the view that they do not wish to use EFTPOS for transactions at FMG Stadium Waikato.
11. This is based on their concern over speed of service. For example, some recent analysis of two high profile events showed the following trend on the time it took to handle a food and beverage transaction:

Event	Venue	Payment methods	Time
NZ Darts Masters - 23-24 Aug 2019	Claudlands	EFTPOS and cash	38 seconds
All Blacks v Tonga - 7 Sept 2019	FMG Stadium	cash only	23 seconds

Management View

12. FMG Stadium is fully capable of accepting EFTPOS transactions and evidence through an independent assessment of like venues around New Zealand and Australia was very conclusive both in the use of EFTPOS as normal practice on the part of food and beverage providers and patron expectation.
13. Montana are aware of this position however we must respect the much bigger relationship between Montana and H3 (HCC) and will continue to work with them towards a mutually agreeable position.

Legal and Policy Considerations

14. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.
15. Management will continue to monitor Montana's performance under its service contract to ensure that they align with industry best practice standards.

Financial Considerations

16. Staff confirm that there are no financial considerations

Risks

17. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy

18. 18. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.
19. Given the low level of significance determined, the engagement level is low. No engagement is required.

Wellbeing Considerations

20. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
21. The subject matter of this report has been evaluated in terms of the 4 wellbeings. The recommendations set out in this report are consistent with that purpose and there are no wellbeing considerations in relation to this report.

Attachments

There are no attachments for this report.

Council Report

Committee: Council **Date:** 12 December 2019
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Manager
Report Name: Confirmation of the Open Elected Member Briefing Notes - 4 December 2019

Report Status	<i>Open</i>
----------------------	-------------

Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 4 December 2019 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Open Unconfirmed Notes - 4 December 2019

Elected Member Briefing Notes – 4 December 2019 – Open

Time and date:	9.30am, 4 December 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor Southgate, Deputy Mayor Taylor, Crs Bunting, Forsyth, Gallagher, Hamilton, Macpherson, Naidoo-Rauf, Pascoe, Thomson, van Oosten, Wilson
Apology for Full Session:	Cr O’Leary, Maangai Maaori Takiari-Brame, Hill, Te Ua, Thompson-Evans and Whetu
Apologies for lateness/early departure:	Deputy Mayor Taylor

Item 6

Attachment 1

Discussion

The briefing session covered the Metro Spatial Plan, 3 Waters and Mass Transit (2020) in an open session.

There were a number of key points arising from the discussion:

1. **Metro Spatial Plan (MSP), 3 Waters and Mass Transit** (Presentation was provided)

The Executive Director Special Projects, the City Planning Manager, the Strategic Transport Manager and the Strategic Manager spoke to this presentation to give an overview of the Metro Spatial Plan (MSP), a summary of work to date, and future planned actions.

The City Planning Manager introduced the framework of the MSP noting that it was looking for a better way to grow and achieve the most wellbeing and productivity for the region over next 30+ years through a spatial framework with priority development areas.

The Strategic Transport Manager provided a summary of the mass transport network work being undertaken by Hamilton City Council. This included identification of existing corridor opportunities and constraints (including rail), identification of key corridors and networks, and producing a programme business case and delivery programme. It was noted that current critical issue was to protect potential corridors that will be required in the future as well as understanding the network layers to be included such as parking, District Plan, and modes of transport.

The Strategic Manager, Infrastructure, explained the Sub Regional Waters Study which was a collaborative project which predated the MSP and included key partners such as Futureproof, Tangata Whenua, Watercare, Department of Internal Affairs, and Treasury.

The Executive Director, Special Projects outlined the timelines for the MSP (from mid 2020), the process for working with stakeholders and new funding tool was under development. He noted that NZTA have confirmed funding support for transport initiatives. He outlined issues around the implementation of the MSP and the need to work to benefit all the partners. In addition, he noted Hamilton City Council was working to develop a long-term partnership arrangement with Central Government and key partners in the region for matters such as future waste water plant and for transport development.

Elected Members asked questions in relation to the following:

- criteria for choice of corridors
- support from KiwiRail, access to their corridors for other modes of transport
- Cambridge waste water resource consent application submission to come to next council meeting along with approval for Phase 2 funding
- inclusion of the new group Waikato Connections, and WRC
- dates for MSP projects to be completed by and the impact on current projects
- importance of ongoing information/communications for residents and communities

Council Report

Item 7

Committee: Council

Date: 12 December 2019

Author: Natasha Ryan

Authoriser: Lance Vervoort

Position: Key Projects Programme
Manager

Position: General Manager Community
Manager

Report Name: Rototuna Village Sports Park Name

Report Status	<i>Open</i>
----------------------	-------------

Purpose

1. To seek the Council's approval for the naming of the Rototuna sports park.

Staff Recommendation

2. That the Council:
 - a) receives the report; and
 - b) approves Korikori Park as the name for the sports park located in the area described as Section 1 SO488972.

Executive Summary

3. The sports park adjacent to the Rototuna village has been developed and completed in November 2019. The park is now ready to open to the public.
4. Staff have followed the process to name the sports park as outlined in the Naming of Roads, Open Spaces and Council Facilities Policy (the Policy).
5. A recommendation for the name of the park was sought from Mana Whenua representatives Te Haa o te Whenua o Kirikiriroa (THAWK).
6. Staff confirm that the proposed name meets the Policy criteria and recommends the name suggested by THAWK for approval.
7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background

8. Throughout the Rototuna village study, staff have been engaging with THAWK on the Rototuna programme of works. One aspect has been the naming of various public assets, including the sports park.
9. The construction of the new sports park in Rototuna village is complete and is ready for public use. However, the park is yet to be formally named.

10. A concept drawing of the sports park from the Rototuna Sports Park Comprehensive Development Plan (Area P) is shown in **Attachment 1**. Please note that some aspects, including the basketball court and clubrooms, have not been built. These are part of the second phase of development and are subject to funding approval.
11. A number of larger scale parks in north Hamilton have Te Reo names – Hare Puke Park, Te Manatu Park, Mangaiti Park and Tauhara Park. There is also Discovery Park, Flagstaff Park and Featherstone Park.

Discussion

12. The process for naming Council parks is outlined in the Naming of Roads, Open Spaces and Council Facilities [Policy](#). The purpose of the Policy is to provide a process for naming roads, open spaces and Council facilities in Hamilton city.
13. THAWK have suggested Korikori Park as the proposed name for the sports park.
14. THAWK provided the following korero for the name: ‘korikori’ means ‘wriggle’. This refers to the wriggling of the tuna (eels) of this area, which was previously a lake, swamp and wetlands.
15. The recommended name meets the criteria outlined in the Policy. In particular, the proposed name meets the following criteria:
 - c. *The cultural significance of the area to Tangata Whenua.*
 - f. *Flora and Fauna significant or important to the history of an area.*
16. The intention is to name the currently unnamed road that adjoins the eastern boundary of the park with the same name as the proposed park name, subject to this name meeting the Policy criteria, and approval of the Planning Guidance Manager, under existing delegations.
17. The sports park is not being named under the Reserves Act 1977, as the land is not currently held or classified under the Act.

Options

18. Staff recommendation is to adopt the name suggested by THAWK.

Financial Considerations

19. There are no financial implications of the decision.

Legal and Policy Considerations

20. Staff confirm that the staff recommendation complies with the Council’s legal and policy requirements, specifically the Naming of Roads, Open Spaces and Council Facilities Policy.
21. A snip of the Land Survey Plan is included in **Attachment 2**.

Wellbeing Considerations

22. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future (‘the 4 wellbeings’).
23. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
24. The recommendations set out in this report are consistent with that purpose.

Social

25. The sports park will be an important facility for the Rototuna community and have significant impact for local residents. Providing an official name for the park will start to build a sense of identity and ownership of the space by local residents and the wider Hamilton public, and is an important step in building social wellbeing for the space.

Economic

26. The official naming of a sports park can improve economic wellbeing through its value to the community as a common asset. The official naming of the park increases identity and allows the space to be better integrated into the Rototuna area, which can have a positive impact on economic outcomes.

Environmental

27. Environmental wellbeing can be improved through park naming by providing an increased identity that raises awareness by the local community of the value of open space. Whilst many in the area and the wider Hamilton public already value open space and the value it provides in an urban environment, having an official name will place an identity on the space which can create long term environmental value on it for the community.

Cultural

28. The Rototuna Village project team are engaging with Ngati Wairere (the hapu most closely associated with the area) through THAWK and intend to continue to do so on a regular basis throughout the design development. At this stage Waikato Tainui have indicated that they are happy to keep their involvement in the project to one that provides support to THAWK.
29. The opportunity to name the sports park is an opportunity for mana whenua to reference their values.

Risks

30. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy

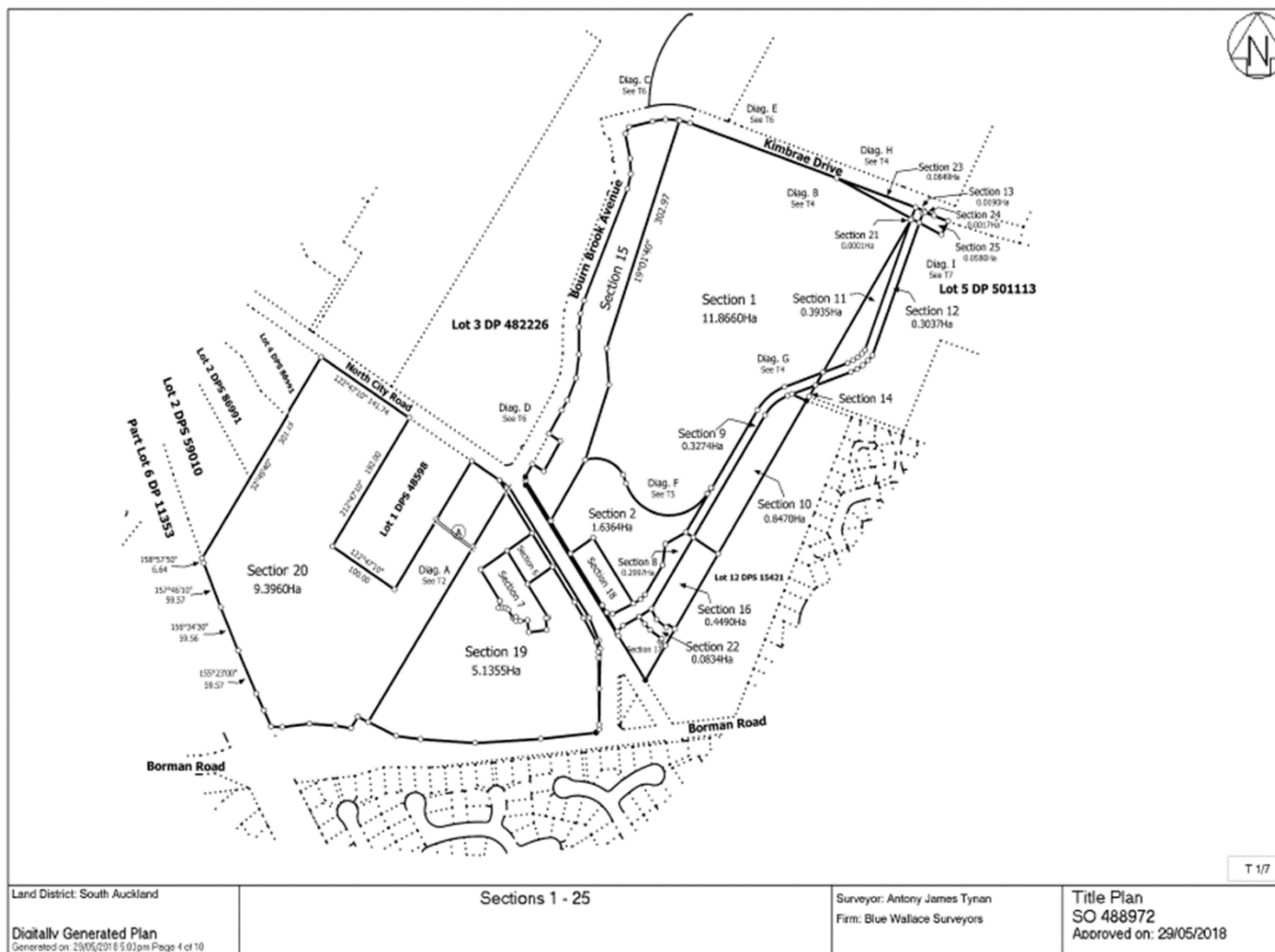
31. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.
32. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - Rototuna Sports Park - Concept Plan

Attachment 2 - Land Survey Plan





Council Report

Committee: Council **Date:** 12 December 2019
Author: Rebecca Whitehead **Authoriser:** Lance Vervoort
Position: Business and Planning Manager **Position:** General Manager Community Manager
Report Name: TOTI application to Permanent Public Art Development Process

Report Status	<i>Open</i>
----------------------	-------------

Purpose

1. To update the Council on the status of TOTI's application to the [Permanent Public Art Development Process](#) for a statue of Dame Hilda Ross near the corner of Ward Street and Worley Place.
2. To seek the Council's approval to revoke all active resolutions in relation to this application.

Staff Recommendation

3. That the Council:
 - a) receives the report;
 - b) revokes, in full, the resolutions of Council made at the 5 September 2013 Operations and Activity Performance Committee and 26 June 2017 Community and Services Committee in relation to TOTI's original proposal for the Public Art work near the corner of Worley Place and Ward Street which were as follows:

OPERATIONS & ACTIVITY PERFORMANCE- 5 September 2013

That:

- a. *endorse TOTI to proceed towards the detailed design (stage 3) for all three Dame Hilda Ross concepts;*
- b. *that Council endorses the Public Art Panel's recommendation to support a Dame Hilda Ross artwork on the corner of Ward Street and Worley Place; and*
- c. *that up to \$2000.00 from the Public Art Support Fund is allocated towards the Garden redesign on the corner of Ward Street and Worley Place.*

COMMUNITY & SERVICES - 27/06/2017

That the Community and Services Committee:

- a. *receives the report; and*
 - b. *approves TOTI's Dame Hilda Ross artwork concept at Stage 2 of the Public Art Development Process.*
- c) notes that it will consider further proposals from TOTI for a statue of Dame Hilda Ross in accordance with the requirements of the Council's Public Art Development Process;

- d) notes the matter regarding the renaming of the road will be brought back to the appropriate committee.

Executive Summary

4. The Theatre of the Impossible Charitable Trust (TOTI) have an approved application to Council's Permanent Public Art Development Plan for Stage 1 and Stage 2 for a statue that memorialises Dame Hilda Ross near the corner of Ward Street and Worley Place.
5. Since the submission of this application further investigation into options has been undertaken by TOTI and a new proposal for a statue of Dame Hilda Ross has been developed.
6. There are two options for Council to consider, keep the original application live with approval for a statue near the corner of Ward Street and Worley Place or, revoke this application and consider a new proposal for a different artwork at a new location.
7. Staff recommend that approval for the original resolutions is revoked and that Council consider the updated proposal from TOTI as a new application.
8. Should the recommendation to revoke the existing resolutions be approved, staff will be required to bring a report on the linked street naming matter back to the appropriate committee in the new year.
9. Staff consider the matters to have a low significance and that the recommendations comply with the Council's legal requirements.

Background

10. TOTI is a charitable trust that have a history of gifting public art works (including *The Line of Fire* and *War Horse*) to Hamilton city.
11. Since 2013 TOTI have been working on a project to commemorate Dame Hilda Ross in the form of a figurative work of public art.
12. At the September 2013 meeting the Operations and Performance Committee gave Stage 1 approval for an artwork commemorating Dame Hilda Ross on the corner of Worley Place and Ward Street. The resolution was as follows:

That:

- a. *endorse TOTI to proceed towards the detailed design (stage 3) for all three Dame Hilda Ross concepts;*
 - b. *that Council endorses the Public Art Panel's recommendation to support a Dame Hilda Ross artwork on the corner of Ward Street and Worley Place; and*
 - c. *that up to \$2000.00 from the Public Art Support Fund is allocated towards the Garden redesign on the corner of Ward Street and Worley Place*
13. At the June 2017 meeting the Community and Services Committee gave Stage 2 approval for a concept design for the site. The resolution was as follows:

That the Community and Services Committee:

- a. *receives the report; and*
 - b. *approves TOTI's Dame Hilda Ross artwork concept at Stage 2 of the Public Art Development Process.*

14. Linked to this application, at the 12 December 2017 meeting the Council gave approval for a name change for east section of Ward Street between (Victoria Street and Worley Place) to Dame Hilda Ross Place. The resolution was as follows:

That the Council:

- c. renames the east section of Ward Street between (Victoria Street and Worley Place) as Dame Hilda Ross Place; and*
 - d. appoints Councillors Southgate and O’Leary to liaise with TOTI on the upgrade, design and launch of Dame Hilda Ross Plaza and Dame Hilda Ross Place, and report back to Council as appropriate.*
15. In June 2019 TOTI reported that they were experiencing problems with the site and logistics and presented to Council a new proposal called “Two Marvellous Women” which depicted Iriaka Ratana and Dame Hilda Ross in two figurative bronze sculptures.
 16. Staff were directed by elected members to investigate sites in or around Garden Place, and to seek the views of Waikato Tainui regarding the proposal. Waikato Tainui opposed the application due to concerns about perceptions of cultural safety around the proposal and within the context of the Captain Hamilton controversy.
 17. Since this time TOTI have altered their proposal by removing the Iriaka Ratana figure from the concept and retaining only a single bronze figure of Dame Hilda Ross.

Discussion

18. Due to the change in scope of the application (both location and design) staff recommended to TOTI that a new application be made to the Permanent Public Art Development Process. This application is included as a separate item in this agenda.
19. If the statue does not proceed in the Ward/Worley location Council may in future wish to reconsider the decision to rename the east section of Ward Street between (Victoria Street and Worley Place) as Dame Hilda Ross Place.
20. If the recommendation is not approved, it is unlikely that TOTI would pursue the proposal and the separate report included in this agenda on the new TOTI proposal may become redundant.

Options

21. There are two options for Council to consider:

Option1: Status Quo

22. This option would see the Council keep the original application live with approval for a statue near the corner of Ward Street and Worley Place.

Option 2: Revoke Approval

23. This option would see the Council formally revoke approval for this application and consider a new proposal for a different artwork at a new location.

Financial Considerations

24. There are no costs to the Council through the approval of the staff recommendation.

Legal and Policy Considerations

25. Staff confirm that the staff recommendation complies with the Council’s legal and policy requirements.

Wellbeing Considerations

26. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
27. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
28. The recommendations set out in this report are consistent with that purpose.

Social

29. The Public Art Development Process enables good quality public art to be accessible to everyone in the community and contributes to a sense of place and belonging.

Economic

30. Good quality public art contributes to the interest and vitality of urban spaces. Public art helps economic activity by creating a vibrant and beautiful spaces to attract people into the CBD.

Environmental

31. There is no direct impact on the environmental wellbeing of Hamilton from this proposal.

Cultural

32. Dame Hilda Ross was a significant figure in the history of Hamilton and telling her story and celebrating her life contributes to a sense of identity and pride for Hamilton people.

Risks

33. Due to the impact on local business owners and the [Naming of Roads, Open Spaces and Facilities Policy](#), staff recommend further investigation and engagement with impacted parties prior to a Council decision on the road naming matter.
34. There are no other known risks associated with the decisions required for this matter.

Significance & Engagement Policy

35. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.
36. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

There are no attachments for this report.

Resolution to Exclude the Public

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 Public Excluded Council Minutes - 28 November 2019) 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 Public Excluded Elected Member Briefing Notes - 4 December 2019		
C3. TOTI application to Permanant Public Art Development Process		
C4. Rototuna Village - Pool Tender		
C5. Contract 13392 - Hosting and Managed Infrastructure and Application Services - Final Renewal Term		
C6. Verbal Update - CE Committee Matters		

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 protect the privacy of natural persons	Section 7 (2) (a)
	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)