
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 car parks
- 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 to enable Council to carry out negotiations	Section 7 (2) (a) 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

Item C2

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**

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.

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;

- 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.

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

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.

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 C2

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.

Item C2

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

Attachment 1

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.

Attachment 1**Item C2**