

Notice of Meeting:

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

Date: Thursday 7 February 2019
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Lee-Ann Jordan
Governance Manager

31 January 2019

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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 taskforces and their terms of reference.

Oversight of Policies:

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

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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 three 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 6439.

Council Report

Committee: Council **Date:** 07 February 2019
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Council Open Minutes - 13 December 2018

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 13 December 2018 as a true and correct record.

Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 13 December 2018

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 13 December 2018 at 9.30am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:

- Richard Briggs – Chief Executive
- Lance Vervoort – General Manager Community
- David Bryant – General Manager Corporate
- Chris Allen – General Manager Development
- Eeva-Liisa Wright – General Manager Infrastructure Operations
- Jen Braid – General Manager City Growth
- Sean Hickey - General Manager Strategy and Communication
- Sean Murray – General Manager Venues, Tourism and Major Events
- Blair Bowcott – Executive Director Special Projects
- Paul Mens – Director Business Transformation
- Helen Paki – Business Planning Manager Community
- Tracey Musty – Financial Controller
- Natasha Ryan – Key Projects Programme Manager
- Paul Bowman – Team Leader Economic Growth and Urban Policy
- Keith Hornby – Strategic Policy Analyst
- Cory Lang – Building Control Manager
- Natalie Palmer – Unit Manager Communications and Marketing
- Nigel Ward - Communications Team Leader
- Rebecca Whitehead – Libraries Director
- Jason Harrison – Special Projects Manager
- Julie Clausen – Strategic Programme Manager
- Luke O'Dwyer – City Planning Unit Manager
- Andre Chatfield – Risk and Insurance Manager

Governance Staff: Lee-Ann Jordan – Governance Manager
Becca Brooke – Governance Team Leader
Amy Viggers – Committee Advisor

Tame Pokaia carried out a blessing to open the Council Meeting.

1. Apologies

Resolved: (Mayor King/Cr Mallett)
That the apology for absence from Cr Casson be accepted.

2. Confirmation of Agenda

The Chief Executive responded to questions from Elected Members concerning item C5 (Update of Hamilton i-SITE review).

Resolved: (Mayor King/Deputy Mayor Gallagher)
That the agenda is confirmed noting the following:

- a) the debate will be 2 minutes with a 1 minute extension if required;
- b) item 25 (Policy Review - TAB Board Venue Policy) has been circulated to Elected Members under separate cover and will be taken after item 16 (Insurance Renewal for 2018/19);
- c) items 22 & 23 (Recommendations from the Community Services and Environment (CSE) Committee) are placeholders to accommodate potential recommendations in relation to these matters from the CSE Committee meeting taking place on 11 December 2018. Recommendations from this meeting will be circulated under separate cover;
- d) item 16 (Insurance Renewal for 2018/19) is to be taken at 2.00pm to accommodate external presenters;
- e) item 10 (Chair's Report) to be taken after item 8 (Garden Place Update); and
- f) item C5 (Update of Hamilton i-SITE Review) is removed from the agenda to address a request from Elected Members.

3. Declarations of Interest

No members of the Council declared a conflict of interest.

4. Public Forum

No members of the public wished to speak.

5. Confirmation of the Extraordinary Council Open Minutes - 15 November 2018

Resolved: (Mayor King/Cr Bunting)

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 15 November 2018 as a true and correct record.

6. Confirmation of the Elected Member Briefing Open Notes - 13 November 2018

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Member Briefing held on 13 November 2018 as a true and correct record.

7. Confirmation of the Elected Member Briefing Open Notes - 29 November 2018

Resolved: (Deputy Mayor Gallagher/Cr Southgate)

That the Council confirm the Open Notes of the Elected Member Briefing held on 29 November 2018 as a true and correct record.

8. Garden Place Update

Vanessa Williams (Hamilton Central Business Association) introduced Mike Neale (Hamilton Central Business Association), Brian Squair (Chow: Hill), Dave Moule and (Boffa Miskell). Ms Williams explained that the group wished to bring a proposal to Council in the new year in relation to a redesign of Garden Place. The group responded to questions from Elected Members regarding the potential design process Hamilton Central Business Association would follow, the expected timeline and opportunities for expression of interest from other parties.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council receives the report.

10. Chair's Report

The Chair took the report as read.

The General Manager Strategy and Communications provided Elected Members with an overview of the Annual Plan Process.

The Chair explained that a kō was a tool Maaori historically used for digging and that the purpose of his recommendation was for a city kō to be commissioned to be used at sod turnings. He responded to questions from Elected Members concerning the background to the motion, the design and cost of this tool.

Staff Action: Staff undertook to notify Elected Members when the letter concerning cross-boundary matters was sent to Waikato District Council and to organise a meeting to discuss matters with key Elected Members from both councils.

Resolved: (Cr Macpherson/Cr Southgate)

That the Council receives the Annual Plan 2019 section of the report.

Mayor King and Cr Mallett Dissenting.

Resolved: (Mayor King/Cr Hamilton)

That the Council requests the Chief Executive investigate the creation of a city kō and report back to a future Council meeting.

Cr Mallett Dissenting.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council defers the Waikato District Council Discussions report until a meeting between both councils has occurred and notes that future updates on the matter will be provided through the Chair's Report.

The meeting adjourned 11.36am to 11.41am.

9. River Plan Update

The General Manager Community introduced the report, noting that staff were requesting direction from Elected Members regarding the River Plan. Staff responded to questions from Elected Members concerning the scope of a River Plan Taskforce, River Plan projects and funding.

Resolved: (Deputy Mayor Gallagher/Cr Taylor)

That the Council:

- a) receives the report;
- b) approves the establishment of a River Plan Taskforce comprising of at least 3 Elected Members and Maangai Te Pora Thompson-Evans (as Waikato-Tainui representative);
- c) notes that the River Plan Taskforce Terms of Reference will be brought to the 7 February 2019 Council meeting for approval; and
- d) notes that the required report back on better activation of the rear of the Museum and connectivity to key funded aspects of the River Plan will be addressed during the forthcoming Annual Plan process.

Cr Mallett Dissenting.

Resolved: (Deputy Mayor Gallagher/Mayor King)

That the Council approves Cr Taylor (Chair), Deputy Mayor Gallagher, Cr Hamilton and Cr Pascoe be appointed to the River Plan Taskforce.

The meeting adjourned 12.00pm to 2.10pm during the discussion of the above item.

Following the above adjournment, Item 16 – Insurance Renewal for 2018/19 Report was taken prior to commencing with the debate and vote of Item 9 – River Plan update.

16. Insurance Renewal for 2018/19

The General Manager Corporate introduced Matthew Wilson from Aon insurance. Mr Wilson outlined the reasons why insurance costs had gone up globally. He and staff responded to questions from Elected Members on this issue.

Resolved: (Mayor King/Cr Southgate)

That the Council approves the additional costs above the 2018/19 insurance budget amounting to \$387,659.

11. Te Rapa North - Deferred Industrial Land Update

The Senior Strategic Policy Analyst introduced the report noting that there would be a further report on the matter in the New Year. He responded to questions from Elected Members concerning the scope of the review of available industrial land.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- b) notes the indicative timeframe involved in undertaking a plan change would be 6 to 12 months.

Cr Southgate left the meeting 3.19pm during the discussion of the above item. She was not present when the matter was voted on.

12. Mandatory Change to the Hamilton District Plan - inclusion of NPS-UDC minimum development capacity targets

The report was taken as read.

Resolved: (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) approves an amendment to the Hamilton City District Plan to incorporate the minimum targets for sufficient, feasible development capacity for housing as an objective in the District Plan, as set out in Attachment 1 of this report; and
- b) notes that public notice of this change to the Hamilton District Plan is issued within 5 working days of implementation.

13. Amendment to the Hamilton Special Housing Areas Policy

The report was taken as read.

Resolved: (Mayor King/Cr Pascoe)

That the Council approves an amendment to the Hamilton Special Housing Areas Policy to include the following affordability criteria (also see Attachment 1 of the staff report):

*At least 10% of dwellings must be sold at or below 90% of the Hamilton average house value**

* where 'average house value' means the average Hamilton City residential house value for the most recently released June figure published by Quotable Value (www.qv.co.nz).

Other affordability requirements are that the 10% of dwellings must be built on their own exclusive fee simple titled sections and be sold on the open market to a first home buyer. The affordability requirements will be included in the Council's own Private Developer Agreements with SHA applicants.

Cr Southgate re-joined the meeting (3.22pm) during the discussion of the above item. She was present when the matter was voted on.

14. Development Contributions Policy - minor amendments

The report was taken as read.

Resolved: (Cr Mallett/Cr Pascoe)

That the Council

- a) receives the report
- b) approves the following minor amendments to Council's Development Contributions Policy 2018/19:
 - i. Policy definition 6.5 "bedroom" be amended to clarify that only one of a living room or dining room (but not both) is excluded when calculating a development contribution
 - ii. Policy definition 6.38 "wet industries" be corrected to state "15,000 litres"

iii. 22. Schedule 2 – Growth-Related Capital Expenditure (Table 3, note 1), insert “.. *or specified in the 2017-18 Annual Plan*”.

iv. Schedule 8, add new map “Map 7, CBD catchment”.

15. Change to Contract 17047 - Building Control Professional Services

The Building Control Manager introduced the report and responded to questions from Elected Members concerning the need to use professional services and the issues with recruitment.

Resolved: (Cr Tooman/Cr Pascoe)

That the Council:

- a) receives the report; and
- b) approves an increase to the Approved Contract Sum for Contract 17047 to \$400,000 (previously approved as \$250,000).

25. Policy Review - TAB Board Venue Policy

The report was taken as read.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves that the TAB Board Venue Policy remain unamended and that the next ‘review by’ date be December 2021.

17. Review of Standing Orders

The Governance Manager took the report as read and responded to questions from Elected Members concerning the review process, feedback methods, and the timing for adoption of the standing orders.

Resolved: (Mayor King/Cr Taylor)

That the Council:

- a) receives the report.
- b) notes that a working draft of an updated version of Council’s Standing Orders will be discussed with Elected Members and their feedback sought between now and late January 2019; and
- c) notes that a final draft will be brought to the 7 February 2019 Council meeting for approval.

18. Online Voting Trial Update

The Governance Manager provided a verbal update on the Online Voting Trial. She noted the Chief Executives of participating Councils had decided to withdraw from the trial for 2019 primarily due to the cost to be borne by a small number of councils. The intent was for Online voting to be considered for the 2022 local elections.

Staff responded to questions from Elected Members concerning future opportunities for online voting, Central Government’s position, and how members of the public were to be notified of Hamilton’s position.

Action: Staff undertook to develop a media advisory on Hamilton's position in relation to online voting.

Resolved: (Cr Mallett/Cr O'Leary)

That the Council receives the report.

19. Recommendation from the Finance Committee - Financial Strategy Monitoring Report - Te Awa Cycleway Remediation Project

The report was taken as read.

Resolved: (Cr Mallett/Cr Pascoe)

That the Council:

- a) approves the additional Te Awa Cycleway Remediation Project at a total cost of \$1.75M, subject to recovering NZ Transport Agency subsidy of at least 51%;
- b) approves the rephasing and deferral of \$26.2M capital projects from 2018/19 to 2019/20 as listed in the December 2018 Capital portfolio Monitoring Report (Item 8 Finance agenda – [Finance Committee Meeting Open Agenda 4 December 2018](#)); and
- c) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 31 to 35 of this report with an amendment for reprioritising renewals necessary for the Seddon Park lights, headframes, towers and foundations (as described in paragraph 121 of the December 2018 Capital Portfolio Monitoring Report).

20. Recommendation from the Finance Committee - Investment and Liability Management Policy

The report was taken as read.

Resolved: (Cr Mallett/Cr Pascoe)

That the Council:

- a) receives the report;
- b) approves the revised Investment and Liability Management Policy as set out in attachment two of this report (Item 11, attachment 2 Finance agenda – [Finance Committee Meeting Open Agenda 4 December 2018](#)); and
- c) confirms the next review date for the policy of 30 June 2021.

21. Recommendation from the Growth and Infrastructure Committee - Passenger Rail Business Case

The report was taken as read.

Resolved: (Cr Macpherson/Cr Taylor)

That the Council:

- a) receives the report;
- b) endorses the Single Stage Business Case for the Hamilton to Auckland Start-up Passenger Rail Service for submission to the New Zealand Transport Agency for decision;

- c) notes that funding is allocated in the 2018-28 10-Year Plan to develop the Rail Station and Park and Ride at Rotokauri subject to;
 - i. the New Zealand Transport Agency approving the Single Stage Business Case and confirming the release of funding for the start-up passenger rail service at their meeting on 14 December 2018; and
 - ii. the New Zealand Transport Agency providing an enhanced Financial Assistance Rate of 75.5% for the public transport infrastructure and 100% for the Transitional Rail activities; and
- d) requests staff report back prior to June 2019 on the appropriate political and technical governance structure to support the implementation of the start-up service, including their terms of reference and delegations.

Cr Mallett and Tooman Dissenting.

22. Recommendation from the Community, Services and Environment Committee - Hamilton Gardens Development Trust Proposal

The report was taken as read.

Resolved: (Cr Southgate/Cr Hamilton)

That the Council:

- a) approves the establishment of a Project Governance Group (PGG) made up of five appointed members and the General Manager Community;
- b) appoints the Mayor and Cr Southgate as Chair of the Community Services and Environment Committee to join the appointment recommendation panel with two of the Hamilton Gardens Development Trust members to select five people with the right skills for the PGG to be presented to the Council for approval;
- c) notes that any proposed co-opted member of the PGG be approved by Council; and
- d) requests a report back on the Hamilton Gardens development programme, following the outcome of the Provincial Growth Fund.

23. Recommendation from the Community, Services and Environment Committee - Community Development Strategic Business Plan 2019-2022

The report was taken as read.

Resolved: (Cr Southgate/Cr Hamilton)

That the Council:

- a) approves the draft Community and Social Development Strategic Plan 2019 – 2022;
- b) notes that progress on the goals of the Strategic Plan are reported annually to the Community, Services and Environment Committee; and
- c) notes that progress on the outcomes are reported every six months to the Community, Services and Environment Committee.

Cr Mallett Dissenting.

25. Resolution to Exclude the Public

Resolved: (Cr Macpherson/Cr Tooman)

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 Extraordinary Council Public Excluded Minutes - 15 November 2018) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes - 13 November 2018		
C3. Confirmation of the Elected Member Briefing Closed Notes - 29 November 2018		
C4. Wet Industry Captial Contributions		

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

The meeting went into a Public Excluded session at 4.05pm.

The meeting was declared closed at 5.09pm.

Attachment 1

Item 5

Council Report

Item 6

Committee: Council **Date:** 07 February 2019
Author: Amy Viggers **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Elected Member Briefing Notes - 13 December 2018

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing Meeting held on 13 December 2018 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Notes (Unconfirmed) - 13 December 2018

Elected Member Briefing Notes –13 December 2018 – Open

Attachment 1

Time and date:	5.10pm 13 December 2018
Venue:	Council Chamber, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, Taylor, Henry, Southgate, Bunting, Mallett, Hamilton, Tooman, and Macpherson.
Apology for Full Session:	Cr Casson and O’Leary.
Apologies for lateness/early departure:	Cr Southgate.

Discussion

The briefing session covered in an open session.

- Future Proof

1. Future Proof

(Presentation was provided)

The Executive Director Special Projects explained that the purpose of the briefing was to seek feedback from Elected Members on future growth management partnership opportunities. The Mayor and Cr Macpherson, as Council’s representatives on Future Proof, outlined their concerns with the current structure of Future Proof.

Elected Members asked questions and provided feedback on the potential purpose, scope and membership of a future growth management partnership group.

Staff Action: *Staff undertook to organise another Elected Member Briefing on the topic of future growth management partnerships early in the New Year.*

Item 6

Council Report

Item 7

Committee: Council

Date: 07 February 2019

Author: Amy Viggers

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Chair's Report

Report Status	<i>Open</i>
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Recommendation

That the Council:

- a) receives the report;
- b) appoints Cr Hamilton to the Waikato Regional Council Middle Waikato Sub-committee; and
- c) defers the Standing Orders report to the 14 March 2018 Council Meeting.

Attachments

Attachment 1 - Chair's Report

Attachment 2 - 17 January 2019 - Letter to the Gambling Commission

Attachment 3 - 24 January 2019 - Letter to the Gambling Commission



Chair's Report

Happy New Year/Rugby Sevens

Welcome back to what is going to be a busy year. I want to congratulate HCC staff, volunteers and Hamilton Kirikiriroa for supporting the 7's with a sellout crowd on Sunday, a great way to celebrate the weekend. I look forward to seeing the event returning for future years.

SKYCITY Casino Application

I have attached letters sent to the Gambling Commission voicing my concern about the lack of a transparent process and the lack of public input into the submission process.

Waikato Regional Council Middle Waikato Sub-committee

Cr Southgate has indicated that she no longer wishes to be the council representative on this committee. I have spoken to Cr Hamilton as Deputy Chair of the Community Services and Environment committee and he has indicated that he would be willing to represent the Council on this committee.

Councilors Commentary

Several councilors have indicated they intend to stand again, with three also announcing their candidacy for Mayor. It is excellent that people are stating their intentions early to give the public a fair opportunity to understand candidates position on issues. However, some recent public commentary has seen councilors attack each other on a personal level which is inappropriate. This type of behavior is unprofessional and does not give the public confidence in the institution of Council.

There is no issue, to vocalize to the public the view or voting record of another elected member in a bid to hold them to account on an issue, yet anything that attacks a councilor personally will be frowned upon by Hamiltonians. I remind everyone that we have a job to do as elected members, to represent the views of the community and vote as we see fit on issues.

Ultimately the Hamilton Kirikiriroa voter will judge our performance and voting record accordingly at election time. Until then, I expect councilors to act with decorum and rise above cheap political point scoring and focus on running the city.

Standing Orders

At the 13 December 2018 Council meeting it was agreed to defer the final draft of Standing Orders to the Council meeting on 14 March 2019 to allow more time for staff to meet with Elected Members and receive their feedback on the initial draft prior to it coming forward for approval. Unfortunately, the motion was not updated at the time so the resolution from that meeting incorrectly refers to the report coming to 7 February 2019 meeting. Council is therefore asked to approval the deferral of the report on the review of Standing Orders to the March Council meeting. Two sessions with Elected Members to hear their feedback have been organised for Friday 15 February 2019 and Tuesday 19 February 2019.

Recommendation

That the Council:

- a) receives the report;
- b) appoints Cr Hamilton to the Waikato Regional Council Middle Waikato Sub-committee; and
- c) defers the Standing Orders report to the 14 March 2018 Council Meeting.

Andrew King
Mayor - Hamilton City Council
Love Hamilton

Item 7

Attachment 1



OFFICE OF THE MAYOR
HAMILTON

Thursday 17 January 2019

Blair Cairncross
Executive Director
Gambling Commission
PO Box 137295
Parnell
Auckland 1052

Dear Mr Cairncross,

RE: SKYCITY Hamilton Casino application to amend licence conditions for a new game mix

I write to you to express my concern about the process to add 60 additional gaming machines to the SKYCITY Hamilton casino.

The matter is of high local interest and yet there are no opportunities for the public to submit on the application. The situation is further aggravated by the decision being made behind closed doors.

Given the Gambling Commission has not made a previous determination on what constitutes a proportionate change in the gambling mix there is no precedent to follow. This would make this a landmark decision on proportionality, which needs to incorporate public consultation and feedback.

Should the application continue without allowing public consultation, this in my opinion would act contrary to the principles of natural justice. Many members of the public, social services groups and local iwi who will be affected by the decision will be aggrieved with the decision-making process having not had the opportunity to present their case.

I would request that this application be open for public consultation, so the commission can understand what the community perceives as a proportionate increase/reduction in gambling activities.

Having a local public hearing, the Gambling Commission can be seen to run a transparent process and come to an informed decision on the application. Having an open hearings process will allow the voice of the community to be heard, and the principles of natural justice adhered to.

Yours sincerely,

Andrew King
Mayor of Hamilton

Cc

Rt. Hon Jacinda Ardern, Prime Minister, Minister for Child Poverty Reduction
Hon. Tracey Martin, Minister of Internal affairs



Paula Snowden, CEO- Problem Gambling Foundation
Lieutenant Colonel Lynette Hutson, National Director Salvation Army
Sally Webb, Chair- Waikato District Health Board
Hon. Nanaia Mahutu-Hauraki-Waikato MP
Tim Macindoe, Hamilton West MP
David Bennett, Hamilton East MP
Jamie Strange, Labour List MP
Rukumoana Schaafhausen, Chair- Waikato Tainui

Item 7

Attachment 2



OFFICE OF THE MAYOR
HAMILTON

Thursday 24 January 2019

Blair Cairncross
Executive Director
Gambling Commission
PO Box 137295
Parnell
Auckland 1052

Dear Mr Cairncross,

RE: SKYCITY Hamilton Casino application to amend licence conditions for a new game mix

I write with a further request for an extension to the submission date which is currently 19th of February.

The application was received immediately before the close of Christmas break and after the last council meeting of 2018. Staff only began reviewing the application in the second week of January, which was the same week elected members were informed of the application.

Given this type of casino licence variation has not been heard before by the commission, it would be in the interest of the commission, to grant a 60-day extension to the date to allow ourselves and other submitters to undertake some research on the subject matter, so the submissions provided contain relevant evidence and are factually correct.

This request is made separately to my previous correspondence on the 17th of January requesting the process to be opened up to full hearings

Yours sincerely,

Andrew King
Mayor of Hamilton

Council Report

Item 8

Committee: Council
Author: Alice Morris
Position: City Planning Heritage, Urban Design and Spatial Team Leader

Date: 07 February 2019
Authoriser: Jen Baird
Position: General Manager City Growth

Report Name: Proposed Plan Change 3 - Temple View Boundary Alteration

Report Status	<i>Open</i>
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Purpose

1. To inform the Council of the feedback from the Iwi Authority on the draft section 32 documentation for the proposed plan change for Temple View, as tabled at the 15 November 2018 Council meeting.
2. To seek the Council's approval to:
 - publicly notify Proposed Plan Change 3 – Temple View Boundary Alteration, in accordance with the schedule one process of the Resource Management Act 1991; and
 - appoint two independent hearing commissioners to hear, determine and make decisions on all submissions and matters relating to Plan Change.

Staff Recommendation

3. That the Council:
 - a) approves public notification of Plan Change 3 – Temple View Boundary Alteration (Attachment 1) pursuant to clause 5 of the First Schedule of the Resource Management Act 1991;
 - b) requests staff convene a hearings panel to hear, determine and make decisions on all submissions and matters relating to the Temple View Boundary Alteration plan change once notified. The Hearings Panel will comprise two independent commissioners who are accredited and hold qualifications and skills in strategic land use planning. The panel will have expertise in tikanga Maaori and one will be appointed as chair, and
 - c) delegates authority to the Chief Executive to select and appoint two suitably qualified independent commissioners as per part b) above.

Executive Summary

4. Staff provided a detailed background on Proposed Plan Change 3 – Temple View Boundary Alteration ("Plan Change 3") at the [15 November 2018 Council meeting](#) (see Item 14). In summary, Plan Change 3 will:
 - rezone the 14 hectares that was brought into Hamilton in 2014

Item 8

- remove reference to Comprehensive Development Plans in the Temple View Zone
 - delineate the commercial/community node
 - ensure the extent of the existing Significant Natural Area ('SNA') is correctly shown
 - make minor amendments to planning provisions for plan administration purposes.
5. At that meeting, the Council resolved to release the draft section 32 documentation on Plan Change 3 to Waikato Tainui (as Iwi Authority) for them to review in accordance with section 32(4A) of the Resource Management Act.
 6. Feedback from Waikato Tainui was received on 14 January 2019 (Attachment 2). Two matters were raised on the management of peatlands in relation to the Waikato River catchment and the reduction of greenhouse gas emissions. Those matters have been acknowledged in the final section 32 report.
 7. There have been no changes to the draft section 32 report that was presented to Council in November 2018, other than including the feedback from Waikato Tainui, and providing an executive summary and a concluding section.
 8. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.
 9. \$50,000 has been budgeted in this financial year (2018/19) for notification and the hearing of submissions on Plan Change 3 – Temple View Boundary.

Discussion

10. The feedback from Waikato Tainui raised two matters:
 - the management of peatlands in relation to the Waikato River catchment
 - the sequestration of carbon dioxide through improving land use.
11. Staff consider these matters are already addressed via Chapter 2 – Strategic Framework, Volume 1 of the Operative District Plan. Specifically, Policy 2.2.1b addresses the land use development having to be designed and located to minimise energy use and carbon dioxide production. In addition, all major development proposals are required to undertake catchment management planning (Rule 1.2.2.6 Integrated Catchment Management Plans (ICMP), Volume 2, District Plan).
12. Staff consider that the District Plan's existing framework ensures the management of peatlands within the Temple View area will be fully addressed at the time of either land use or subdivision of the area. Staff do not consider any new planning provisions are needed specifically for the area.

Options

13. Staff have assessed that there are two reasonable and viable options for the Council to consider.
 - Option 1 – Notify the plan change in February 2019
 - Option 2 – Determine a notification date through the prioritisation programme for all other proposed plan changes.
14. Staff recommend Option 1. Plan Change 3 is a discreet piece of work that has been prepared over the past 2 years and its notification later this month (February 2019) will then completion of this plan change and enable additional development, with no capital infrastructure costs, that continues the Council's anticipated land use pattern of this part of Hamilton.

- Option 2 is not recommended as Plan Change 3 does not conflict with REEP or the plan change prioritisation programme.

Financial Considerations

- The work undertaken to date in preparing the plan change has occurred within the budgets for the 2016/17 and 2017/18 financial years.
- \$50,000 has been budgeted in this financial year (2018/19) for notification and the hearing of submissions.
- All costs relating to Plan Change 3, required by Section 81 of the Resource Management Act, fall to the Council.

Legal and Policy Considerations

- Staff consider the matter low significance. Staff confirm that the proposed plan change and associated documentation comply with the Council's legal and policy requirements.

Cultural Considerations

- Full consultation has been undertaken as per the consultation requirements set out by the Resource Management Act. There are no matters of national importance or that would offend the Treaty of Waitangi.

Sustainability Considerations

- Notification of Plan Change 3 will not impact adversely on the quality of the environment or the foreseeable needs of future generations living in Hamilton. The proposition set out in Plan Change 3 to sustainably urbanise the area aligns with the Council's Sustainability Principles.

Risks

- Not notifying the plan change would challenge Council's legal obligations under the Resource Management Act.

Significance & Engagement Policy

Significance

- Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

Engagement

- Community views and preferences are already known to the Council through the previous engagement undertaken with the Temple View community, iwi and key stakeholders. This consultation has been undertaken in accordance with Schedule 1 of the RMA.

Attachments

Attachment 1 - Plan Change 3 - Temple View Boundary Alteration (*Under Separate Cover*)

Attachment 2 - Feedback from Waikato-Tainui

c/- Lorraine Dixon
Waikato Tainui Te Whakaitenga o Waikato Inc
P.O Box 481
Hamilton 3204

11 January 2019

Alice Morris
Team Leader City Planning Heritage, Urban Design and Spatial
Hamilton City Council
Private Bag 3010. Hamilton 3240

Teena koe Alice,

Re: Proposed Plan Change 2: Temple View

Thank you for allowing Waikato-Tainui to provide any updates from the previous support letter dated 18 January 2017. We acknowledge Hamilton City Council Proposed Plan Change 2: Temple View Initial Assessment against the Waikato-Tainui Environmental Plan – Tai Tumu Tai Pari Tai Ao (Waikato Tainui Plan) has been attempted.

Waikato-Tainui would like to attention the following:

Waikato River, in its entirety includes the Temple View Plan change area. This place was once a swamp area and is one of the remaining remnants of peat lands in the Waikato. This area was drained and degraded for agricultural development, thus releasing carbon emissions from drained peatlands for well over a century. It is well documented that Carbon Dioxide emissions are continuously released from continuously drained peatlands and will continue for as long as the peatland remains drained and the peat keeps oxidising. This can continue for decades and even centuries.

In order to fulfill section 32 of the RMA (1991) A precautionary approach whereby a balance to avoid emissions from land use change and consequent land use is required; the improvement of management practices to reduce carbon dioxide emissions from land development and the sequestration of carbon dioxide through improving land use and management needs to be taken into account for the proposed Plan Change 2: Temple View. This will contribute towards achieving the Paris Agreement, whereby New Zealand has a post-2020 commitment to reducing greenhouse gas emissions under this agreement.

Waikato- Tainui will support the Plan Change with the following conditions:

- a) A precautionary approach to the consent terms should be given.
- b) A specific “soft approach” land enhancement management plan to mitigate disturbance effects of land development on peat land (including its surrounding environment), and to include (at the very least), the reduction of oxidation, soil subsidence, nutrient losses in ground and surface waters and green house gas emissions on the degradation within peat land areas.

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4 te ara o Bryce, Pouaka Taapeta 648, Kirikiriroa 3204, Aotearoa

Naaku i roto i ngaa mihi, naa



Lorraine Dixon
Environmental Project Advisor,
Oranga - Waikato-Tainui



NGAA URI O MAAHANGA
C/O – nuomtb@gmail.com



14 January 2019

Email: Alice.Morris@hcc.govt.nz

Hamilton City Council

C/- Alice Morris

Private Bag 3010

Hamilton

BY EMAIL ONLY

Tēnā koe e Alice,

Re: Temple View – Plan Change 3

1. Ngaati Maahanga via our representative and Trustee on Ngaa Uri o Maahanga Trust (Board), Paratai Tai Rakena advise that we have been consulted regarding the Draft Proposal for Plan Change 3.
2. At this stage, Ngaati Maahanga wish to advise that we support the Draft Proposal for Plan Change 3 that was presented to our representative, Paratai Tai Rakena.
3. Ngaati Maahanga request that the Project Manager for the Temple View Project, continue to regularly update and consult with Paratai.
4. Should any kōiwi/taonga be found, please consult our Accidental Discovery Protocol as provided to the Temple View Project Manager.

Nāku iti noa, nā

Rik Te Awarutu Samuels

Chairman

Ngaa Uri o Maahanga Trust

Council Report

Item 9

Committee: Council
Author: Debra Stan-Barton
Position: Project Manager

Date: 07 February 2019
Authoriser: Jen Baird
Position: General Manager City Growth

Report Name: Regulatory Efficiency and Effectiveness Programme (REEP) Proposed Plan Change

Report Status	<i>Open</i>
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Purpose

1. To seek the Council's approval to prepare a change to the District Plan to –
 - incorporate the recommendations from the Regulatory Efficiency and Effectiveness Programme (REEP) that can be made in a simple plan change;
 - correct a mapping error in relation to the National Grid Yard and National Grid Corridor; and
 - rezone Lot 2 DP 425316 to reflect the site's purpose as a reserve (Waiwhakareke Natural Heritage Park).

Staff Recommendation

2. That the Council:
 - a) receives the report; and
 - b) approves preparation of a change to the District Plan to:
 - i. incorporate the recommendations from the Regulatory Efficiency and Effectiveness Programme (REEP) that can be made in a simple plan change (refer Attachment 1);
 - ii. correct a mapping error in relation to the National Grid Yard and National Grid Corridor; and
 - iii. rezone Lot 2 DP 425316 from Special Natural Zone, Rotokauri – Lake Waiwhakareke Landscape Character Area to Destination Open Space.

Executive Summary

3. The objective of the Regulatory Efficiency and Effectiveness Programme REEP is to ensure that Council's regulatory functions are delivered in an effective, efficient and customer-focused manner. Stage 1 focused on the efficiency and effectiveness of the District Plan provisions.
4. The REEP Terms of Reference, approved by the Council on [1 June 2017](#), state that the Council will determine whether to initiate a plan change to address any recommended changes to provisions in the District Plan.

5. Based on the evidence collected, the REEP project team has made a suite of recommendations, some of which are suitable for a simple plan change.
6. This report seeks the Council's approval to start preparing this simple plan change.
7. The proposed changes will reduce or simplify requirements while still delivering on District Plan objectives. They do not change the direction of the District Plan.
8. Staff also seek the Council's approval to correct a mapping error and a zoning issue at the same time.
9. The costs of this plan change will be covered in the City Planning Unit budget.
10. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.

Background

11. Stage 1 of the REEP focused on the provisions of the District Plan. Part A of Stage 1 looked at:
 - assessing the rules and methods framework of the District Plan in terms of their efficiency and effectiveness in meeting the Plan's objectives and policies
 - identifying any objectives and policies that do not serve a resource management purpose or Council function under the RMA, and
 - recommending changes to provisions when evidence demonstrates that they add cost and delay to the development process without delivering actual resource management or urban planning benefits.
12. The REEP project team has spent the last 18 months collecting data, undertaking stakeholder engagement through questionnaires and interviews, and holding internal workshops to build an evidence base. This was followed by in-depth analysis and developing recommendations. The detailed recommendations reports were provided to Councillors and presented at a workshop in November 2018. Drop-in sessions were held after the briefing to discuss the recommendations in detail.
13. The project team has broken the recommendations into three categories:
 - a) minor changes that can be made without a plan change under Clause 20A of the RMA
 - b) those suitable for a simple plan change (the subject of this report), and
 - c) those that require more technical work before proceeding to a plan change.
14. Work on the minor changes that can be made without a plan change (para 12a) is complete. These included editorial corrections and some reorganisation of provisions for clarity and ease of use. They were reviewed by the Council's barrister to ensure they did not require a plan change because they did not involve any content changes. These are now live.
15. Two of the REEP recommendations requiring more technical work (para 12c) are:
 - Reduce the amount of land required on individual sites for dwellings in the general residential zone
 - Enable apartments as restricted discretionary activities where the site adjoins sport, recreation and neighbourhood open space zones, the main stem of the Waikato River or Lake Rotoroa.

16. Infrastructure modelling is currently being undertaken to assess the feasibility of these recommendations. Should the modelling be completed in time and the results clearly indicate that the recommendations are feasible, they may be included for consideration by Council when staff seek approval to notify the simple plan change.
17. Other recommendations that require more technical work will be considered as part of the ongoing City Planning Unit work programme.
18. Staff recommend that, for reasons of efficiency and effectiveness, two other small changes to the District Plan are undertaken at the same time as the simple plan change (para 12b):
 - Reposition the National Grid Corridor and National Grid Yard in the District Plan Maps. This will correct an error that arose when updated data was received from Transpower in relation to the national grid at the same time the Proposed District Plan was notified. Due to the timing, the maps continued to use the old data. It is important to note that the location of the transmission lines will not change – only the maps.
 - Rezone Lot 2 DP 425316. This site is currently zoned as Special Natural Zone, Rotokauri – Lake Waiwhakareke Landscape Character Area in the District Plan. As such, residential development through resource consent applications is enabled. However, in July 2016, the site was gazetted as a reserve. The new purpose of the site does not align with the District Plan zoning and needs to be changed.
19. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Discussion

20. The changes recommended for the simple plan change (para 12b) are straightforward in nature. They aim to reduce or simplify requirements while still delivering on the District Plan objectives.
21. The benefits of adopting the changes include potentially reducing the need for approximately 80-100 resource consent applications each year. (This figure was calculated based on activities starting as "permitted", ie not requiring a resource consent, over the three-year research period from 10 July 2014 to 30 June 2017). Other benefits include cost and time savings for applicants, and Council planning staff being freed up to deal with more complex planning matters.
22. If the staff recommendation to prepare a simple plan change is not approved, the opportunity to make improvements to the District Plan – and therefore the benefits it would bring – would be delayed.
23. The risks of not correcting the National Grid Yard and National Grid Corridor on the District Plan maps are that:
 - inappropriate development could occur in areas of electrical hazard
 - the ability to maintain and operate the electricity transmission network could be compromised
 - the Council does not meet its responsibilities under the RMA.
24. The risk of not rezoning Lot 2 DP 425316 is that the Local Purpose Reserve will not be able to be used for its intended purpose without resource consent.
25. The recommendations support the Hamilton City District Plan, which assists the Council in carrying out its functions in order to achieve the sustainable management purpose of the RMA.

Financial Considerations

26. A provisional sum of \$50,000 has been identified in the 2018-2028 10-Year Plan within the City Planning operating budget for this plan change. The actual cost to complete the proposed plan change will depend on the number of submissions and the amount of time it will take to analyse the submissions, hold hearings, etc. It does not cover any appeals to the Environment Court.

Legal and Policy Considerations

27. Section 73 of the Resource Management Act (RMA) provides for changing district plans in the manner set out in Schedule 1 of the Act. This requires preparation of the plan change and necessary evaluation reports (s32) along with consultation. A decision will then be required by the Council to proceed with notification.

Cultural Considerations

28. The RMA requires the Council to recognise and provide for the relationship of Maaori and their culture and traditions with their ancestral land, waters, sites, waahi tapu and other taonga (section 6(e)). Once work starts on the plan change, staff will follow the process as set out in Schedule 1 of the RMA and the Waikato Tainui and Hamilton City Council Joint Management Agreement 2012. The Council must consult with tangata whenua who may be affected including by providing a draft of the plan change and having particular regard to the advice received from the iwi authority (Waikato-Tainui). The Section 32 report must summarise all advice reviewed from iwi authorities and the response to that advice. The RMA also requires local authorities to take into account any relevant planning documents recognised by an iwi authority, which in this case is the Waikato-Tainui Environmental Management Plan.

Sustainability Considerations

29. The proposed plan change follows the process set out in the RMA; the purpose of the RMA is to promote the sustainable management of natural and physical resources.

Risks

30. The risks of not approving the proposed simple plan change are covered in paras 19-23.

Significance & Engagement Policy

31. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.

Engagement

32. Consultation is required under the plan change process under the RMA. This will ensure an appropriate level of engagement is undertaken.

Attachments

Attachment 1 - REEP recommendations suitable for a simple plan change

REEP recommendations suitable for a simple plan change

DP chapter	High level recommendations
General Residential Zone	<ul style="list-style-type: none"> • Enable up to three residential units per site as a permitted activity • Reduce/simplify/provide more flexibility in development standards while maintaining good level of amenity • Amend definition of Residential Unit (clarify kitchen and bedroom sink provision)
Business Zones	<ul style="list-style-type: none"> • Enable gymnasiums in Business 1 and 6 Zones • Reduce/simplify development standards
Industrial Zones	<ul style="list-style-type: none"> • Make all new buildings and alterations/additions to existing buildings permitted • Delete Comprehensive Development Consent rules • Reduce/simplify development standards
Central City Zone	<ul style="list-style-type: none"> • Make alterations/additions to existing buildings permitted • Delete building intensity and bonusing rules • Clarify maximum height rules (No height limit in Overlay 1) • Reduce/simplify development standards
Community Facilities Zone	<ul style="list-style-type: none"> • Make all new and relocated buildings permitted • Make existing lawfully established schools permitted • Provide for establishment of new schools as restricted discretionary activities • Replace interface rule
Signs	<ul style="list-style-type: none"> • Provide for electronic signs in Ruakura • Simplify temporary signage rules • Add note: Electoral Act only applies to parliamentary election signs
Transportation	<ul style="list-style-type: none"> • Simplify Integrated Transport Assessment triggers and contents • Introduce new requirements for vehicle access width and public road triggers
Natural Hazards	<ul style="list-style-type: none"> • Make swimming pools discretionary in riverbank and gully hazard areas
Earthworks	<ul style="list-style-type: none"> • Amend existing policy to state “minimize adverse effects” on existing landforms, natural features, significant vegetation etc. • Introduce standards for land and building instability and damage to network utilities • Simplify other standards
Landscaping and screening	<ul style="list-style-type: none"> • Reorganise provisions into individual rules for clarity

D-2867931

	<ul style="list-style-type: none">• Simplify provisions and delete some requirements
Information Requirements	<ul style="list-style-type: none">• Clarify mandatory information requirements and remove unnecessary requirements
Subdivision	<ul style="list-style-type: none">• Changes to ensure consistency with land use and transport provisions• Clearer signals about form of ownership arising from subdivision
Noise and Vibration	<ul style="list-style-type: none">• Fix some inconsistencies and clarify provisions

D-2867931

Council Report

Item 10

Committee: Council **Date:** 07 February 2019
Author: Jamie Sirl **Authoriser:** Lance Vervoort
Position: Planner **Position:** General Manager Community
Report Name: Parks, Domains and Reserves Bylaw review

Report Status	<i>Open</i>
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Purpose

1. To seek approval from the Council that a bylaw is the most appropriate mechanism of addressing the issues associated with the management and protection of parks within Hamilton.
2. To seek the Council's approval for the proposed consultation on the Parks, Domains and Reserves Bylaw.

Staff Recommendation

Recommendation 1

3. That the Council determines that a bylaw is the most appropriate mechanism of addressing the issues associated with the management and protection of parks within Hamilton.

Recommendation 2

4. That the Council approves the consultation process outlined including the attached Statement of Proposal which sets out the proposed amendments to the Hamilton City Parks, Domains and Reserves Bylaw 2012.

Executive Summary

5. The Council has an existing Hamilton City Parks, Domains and Reserves Bylaw 2012 (**the Bylaw**) which the Council is required to review to meet legislative requirements.
6. The purpose of the Bylaw is to protect Council's parks and reserves from damage, misuse, or loss and to allow for their effective management.
7. The existing Bylaw was reviewed in 2012. The most significant change as a part of the 2012 review was the inclusion of freedom camping provisions in response to the Freedom Camping Act 2011.
8. Although the Bylaw has been working well in guiding appropriate use of Hamilton's parks, the legislative review of the Bylaw provides an opportunity to ensure the Bylaw is legally robust.

9. The Council has two options to consider:
 - **OPTION 1** - Determine that a bylaw is the most appropriate mechanism of addressing the issues associated with the management and protection of parks with Hamilton
OR
 - **OPTION 2** – Determine that a bylaw is **not** the most appropriate mechanism of addressing the issues associated with the management and protection of parks with Hamilton
10. Both options require consultation with the public as required by legislation.
11. Both options in this report comply with the Council’s legal requirements.
12. Staff recommend option 1 – Determine that the Bylaw is still the most appropriate mechanism.
13. The current Bylaw requires minor changes as well as changes around freedom camping provisions. These changes have been made (Attachment 1 and 2) and have been reviewed by Tomkins Wake who confirmed that the revised Bylaw is lawful.
14. The revised Bylaw is consistent in terms of rights and responsibilities for users of Parks in Hamilton City.

Background and Discussion

Determination

15. The LGA, under s145, empowers the Council to make a bylaw for one or more of the following purposes:
 - protecting the public from nuisance or;
 - protecting, promoting, and maintaining public health and safety or;
 - minimising the potential for offensive behaviour in public places.
16. Section 160 of the LGA states that the Council must review a bylaw by making the following determinations under s155 of the LGA:
 - determine if a bylaw is the most appropriate mechanism to deal with the problem and;
 - determine the most appropriate form for the bylaw and;
 - consider if the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.
17. Under s11(2)(a) the Freedom Camping Act similarly provides for the Council to make freedom camping provisions in a bylaw if it is satisfied that such is necessary for the purposes of:
 - protecting an area or;
 - protecting the health and safety of people who may visit an area or;
 - protecting access to the area.
18. Staff have assessed that there are two options for the Council to consider. Both options necessitate the Council consulting with the public as required by legislation. The effect of each option is outlined below:

Option 1: Amend the Bylaw (Recommended Option)

19. This option entails determining that a bylaw is still the most appropriate mechanism of addressing the issues associated with managing parks and reserves within Hamilton.
20. Although enforcement officers do give verbal warnings, a bylaw is required to establish legally enforceable rules to deter the misuse and damage of Hamilton City parks. Without a bylaw, the Council’s options to prosecute for severe infringements would therefore be limited.

21. The Bylaw is reasonable, practical, certain and provides clear direction to the public around expectations in Hamilton City's parks.
22. The Bill of Rights Act sets out rights that are subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (s5, the Bill of Rights Act). The revised Bylaw is considered consistent and is a reasonable response to enable freedom camping on Hamilton's parks.
23. The Freedom Camping Act, under s11(1), allows the Council to determine in its bylaw areas where freedom camping is restricted and the restrictions that apply to those areas, and to define areas where freedom camping is prohibited. In either, a restriction or prohibition must be set out clearly in the Bylaw.
24. The assessment of individual parks to accommodate freedom camping undertaken as part of the 2012 review remains appropriate for those existing parks. Newly acquired parks have been assessed against the FCA criteria.
25. The removal of the '*intended restricted*' category is because there is no such category in the Freedom Camping Act. The removal of clause 7.5 of the Bylaw follows legal advice.
26. These changes do not reduce the current number of freedom camping sites on Hamilton's parks.

Option 2: Revoke the Bylaw

27. As well as amending the Bylaw, the Council has the option to revoke the Bylaw completely.
28. This would mean that the Council would no longer have an effective tool for protecting Council's parks and reserves from damage, misuse, or loss and to allow for their effective management. Therefore, this option is not recommended.

Financial Considerations

29. The total cost to review the Bylaw up to and including this report is approximately \$22,000. This includes approximately legal costs of \$12,000 and staff time of \$10,000 which was budgeted through the 10-year plan.
30. Depending on the submissions received, Staff anticipate additional costs of \$5,000-\$10,000 to complete the consultation and deliberation process. The total cost to review the Bylaw including adoption of the revised Bylaw or revocation would be approximately \$28,000-\$32,000.

Legal and Policy Considerations

31. Staff confirm that the staff recommendations comply with the Council's legal and policy requirements.

Cultural Considerations

32. Council's Amorangi Maaori and Waikato-Tainui have been informed of the Council's review of the Bylaw, with an invite to Waikato-Tainui to meet and discuss any feedback. The public consultation period provides an opportunity for further cultural considerations to be captured by staff.

Sustainability Considerations

33. The Bylaw contributes to both the environmental and social sustainability of Hamilton by ensuring the appropriate use of parks and protecting them from damage.

Risks

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

Significance & Engagement Policy**Significance**

35. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.

Engagement

36. Section [156](#) of the LGA sets out that the Council is required the use the SCP if:
- the bylaw concerns a matter identified under the Council's Significance and Engagement Policy as being of significant interest to the public; or
 - there will be a significant impact on the public due to the changes to or revocation of the bylaw.
37. Section 13 of the Freedom Camping Act requires the Council use the SCP in relation to the review of the freedom camping parts of the Bylaw. Further, whether the Council wishes to adopt the revised Bylaw or no longer have a Bylaw the Council is still required to consult using the SCP under s156. Council therefore must approve that consultation take place.
38. The SCP requires a Statement of Proposal (Attachment 3) made available for the public. The consultation will entail a public consultation period of one month between 18 February and 18 March 2019 on the attached Statement of Proposal and revised Bylaw. Submitters will be provided an opportunity to present their views in a spoken form at the Regulatory and Hearings Committee in May 2019.

Attachments

Attachment 1 - Proposed Parks Domains and Reserves Bylaw 2018 - Clean

Attachment 2 - Proposed Parks Domains and Reserves Bylaw - Changes shown

Attachment 3 - Proposed Parks Domain and Reserves Bylaw 2018 - Statement of Proposal

**Hamilton City Council
BYLAWS**

Approved By: Council	Date Adopted:
Date in Force:	Review Date:

Proposed Hamilton City Parks, Domains and Reserves Bylaw 2018

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts. The freedom camping provisions of this bylaw are made under the Freedom Camping Act 2011.

This bylaw repeals the Hamilton City Parks, Domains and Reserves Bylaws 2012.

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Hamilton City Council BYLAWS

1. PURPOSE

1.1. The purpose of this Bylaw is to protect the Council's parks, domains and reserves from damage, misuse, or loss and to allow for their effective management.

2. APPLICATION

2.1. This Bylaw applies to land administered by the Council to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.

3. DEFINITIONS

3.1. The following definitions apply to this bylaw, except where inconsistent with the context:

Aircraft	Means aeroplanes, helicopters, hot air balloons, gliders, and hovercraft.
Alcohol	Means a substance that: <ul style="list-style-type: none"> a) is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; OR b) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or c) whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
Animal	Means any mammal, bird, reptile, amphibian, fish (including shellfish) crustacean or related organism, but does not include a human being.
Enforcement Officer	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Entrance and Exit	Means an entrance or exit of any park (where gates are provided) and includes the approaches, thoroughfares, or walks.
Controlled Drugs	Has the same meaning as found in the Misuse of Drugs Act 1975 and subsequent amendments or succeeding legislation.
Fireworks	Has the same meaning as in s2 of the Hazardous Substances and New Organisms Act 1996. Fireworks exclude sparklers; sparklers having the same meaning as in s3 of the Hazardous Substances (Fireworks) Regulations 2001.
Freedom Camp	Means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following: <ul style="list-style-type: none"> a) a tent or other temporary structure: b) a caravan: c) a car, campervan, housetruck, or other motor vehicle. <p>Freedom camping does not include the following activities:</p> <ul style="list-style-type: none"> a) temporary and short-term parking of a motor vehicle: b) recreational activities commonly known as day-trip excursions: c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

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Firearm	Means any gun, rifle, or airgun and includes any kind of weapon or device from which any shot, bullet, arrow, spear, other missile or noxious, narcotic or poisonous substance can be discharged in the air or water, and also includes any part of a firearm that is dismantled or otherwise inoperative.
Green Waste	Means compostable plant material e.g. garden waste.
Hawking	Means offering goods for sale whilst carrying them from point to point.
Management Plan	Means any management plan prepared and approved in respect of any reserve under section 41 of the Reserves Act 1977 or any statute passed in substitution therefore.
Mobility Device	Means a vehicle that: <ul style="list-style-type: none"> a) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and b) is powered by a motor that has a maximum power output not exceeding 1500W.
Motor Vehicle	Means a vehicle drawn or propelled by mechanical power; and <ul style="list-style-type: none"> a) includes a trailer; but b) does not include— <ul style="list-style-type: none"> i. a vehicle running on rails; or ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or v. a pedestrian-controlled machine; or vi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; or vii. a mobility device
Owner	Means for the purposes of this Bylaw every person who owns a dog, stock or other animal and includes the person having the charge of the dog, stock, or other animal, or the management thereof; and “owned” has a corresponding meaning.
Park	Means <ul style="list-style-type: none"> (a) reserve including any land and/or contiguous water body vested in or administered by the council under the provisions of the Reserves Act 1977 set apart for public recreation or enjoyment as defined by the Act; or (b) any park, domain or recreational area under the control or ownership of the council.
Parking	Means the standing of a vehicle in any place for a period in excess of 5 minutes and “park” may have a corresponding meaning.
Seddon Park	Means that part of Section 1 Survey Office Plan 57555 bounded by Seddon Road, Bryce Street, Tristram Street and Norton Road that is enclosed by fences.
Stock	Means horses, cattle, deer, asses, mules, sheep, pigs or goats of any description.

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The Council	Means the Hamilton City Council and includes any officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person.
Vehicle	Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes (but may not be limited to) a skateboard, bicycles, in-line skates, and roller skates but does not include: <ul style="list-style-type: none"> a) A perambulator or pushchair; b) A shopping or sporting trundler not propelled by mechanical power; c) A wheelbarrow or hand-trolley; d) A pedestrian-controlled lawnmower; e) A pedestrian-controlled agricultural machine not propelled by mechanical power; f) An article of furniture; g) A Wheel-chair in use by a person with a physical disability and not propelled by mechanical power; h) A mobility device.
Wandering or Straying	Means for the purposes of this Bylaw stock being on or near a Park moving outside of a usual course and without being under proper guidance and control.
Waikato Stadium	Means that part of Section 1 Survey Office Plan 57621 and Section 72 Hamilton West Town Belt that is enclosed by perimeter security fencing.
Wildlife	Means all animals that are living in a wild state; but does not include noxious animals of any species as defined from time to time in the Sixth Schedule of the Wildlife Act 1953 or succeeding legislation.

4. GENERAL

4.1. Taking of proceedings

Nothing in this Bylaw shall be deemed to limit or prevent the taking of proceedings under any Act in respect of any offence committed within any Park.

4.2. Actions by the Council

No act by the Council when engaged in the performance of its duties on any Park shall constitute an offence against any part of this Bylaw.

4.3. The Council may prosecute

The Council may commence and continue any prosecution against any person for any breach of any part of this Bylaw.

4.4. Offenders required to give names

Any person who in the reasonable opinion of the Council commits a breach of any of the provisions of this bylaw shall if so requested by an Enforcement Officer supply their full and correct name and address.

4.5. Ordering off and prohibition

Enforcement Officers are entitled to use the powers of the Trespass Act 1980 in respect of any person who they reasonably believe to have breached this Bylaw.

4.6. Right to seize and impound

An Enforcement Officer may seize and impound any property used in committing a breach of this Bylaw pursuant to s 164 Local Government Act 2002 and shall not be liable for any claim arising therefrom.

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5. ENTRANCES, EXITS AND CLOSURES ON PARKS

5.1. Entrances and exits only to be used

No person shall enter or leave any Park except through proper openings, gateways, entrances, or exits provided for that purpose, unless given permission to do otherwise by the Council.

5.2. Obstruction of entrances, exits, etc

No person shall wilfully obstruct any entrance or exit and no person shall enter any Park while a Park is open for the admission of the public, unless given permission to do otherwise by the Council.

5.3. Closure of Parks

5.3.1. Subject to the provisions of this Bylaw, every Park shall be open to the public at all times, except during such hours as the Council determines that any particular Park or Parks shall be closed to the public for a prescribed period or periods.

5.3.2. If the Council has prescribed a period or periods of closure, no person shall be in or upon, or remain in or upon, or enter such park except with the permission of the Council.

5.3.3. If the Council believes at any time that any Park, or part thereof, is being used or is likely to be used for any purpose which may result or is likely to result in riotous conduct or in civil disorder, it may, by notices erected or displayed on the entrances to the Park or by notice in at least one local newspaper, declare the Park to be closed for such period as the Council permits.

5.3.4. No person shall enter or remain in any such Park or part thereof during such period of closing without the permission of the Council.

5.4. Waikato Stadium and Seddon Park

5.4.1. Notwithstanding the general principle that the public shall have freedom of entry and access to any Park, the Council declares that is necessary to control access to Waikato Stadium and Seddon Park for the protection and general wellbeing of those Parks and for the protection and control of the public using those Parks.

5.4.2. No person shall enter within the fenced areas of Waikato Stadium at any time except in accordance with the following exemptions:

- a) The public may enter Waikato Stadium for the purpose of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave Waikato Stadium except through the openings, gateways, entrance or exits provide for that purpose
 - ii. no person shall enter into or upon the grassed playing area of Waikato Stadium (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including referees and other officials) organised by or authorised by the Council may enter Waikato Stadium including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Waikato Stadium may have access to Waikato Stadium.
- d) Workmen, employees, agents and consultants authorised by the Council may enter upon Waikato Stadium for legitimate business purposes.

5.4.3. No person shall enter within the fenced areas of Seddon Park at any time except in accordance with the following exemptions:

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- a) The public may enter Seddon Park for the purposes of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave the fenced area of Seddon Park except through the openings, gateways, entrance or exits provided for that purpose;
 - ii. no person shall enter into or upon the grassed playing area of Seddon Park (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including umpires and other officials) organised by or authorised by the Council may enter Seddon Park including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Seddon Park may have access to Seddon Park.
- d) Workmen, employees, agents and consultants authorised by the Council may enter upon Seddon Park for legitimate business purposes.

5.5. Fixing of charges for use of Parks

- 5.5.1. The Council may close all or any portion of a Park for a particular event, sport, or other recreation activity, as it thinks fit, and where charges may lawfully be made, fix charges for the right to use such portions as are open to the public.
- 5.5.2. The Council may adopt policies and procedures governing the use of such portions by any individual or group for sport, recreation or other activity, on any day or days but not more than six days consecutively and may similarly fix charges therefore.
- 5.5.3. Every specified sport, recreation or other activity area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of the specified activity unless they shall have first paid the charge fixed for that purpose.
- 5.5.4. Every person who has entered a Park or part thereof before the start of an activity for which a charge has been set, must, before the activity starts, either pay the proper charge for admission or leave such Park or part thereof.

5.6. Gates, bollards and chains

No person shall leave any gate, bollard, fence or chain on a Park in a different position from that in which it was found.

6. PEOPLE ON PARKS

6.1. Behaviour on Parks

- 6.1.1. No person shall wilfully obstruct, disturb, or interfere with any other person in the use or enjoyment of any Park;
- 6.1.2. No person shall in any Park use foul, abusive, indecent or obscene language, or be intoxicated by liquor or controlled drugs or be riotous;
- 6.1.3. No person shall interfere with, annoy or injure any animal in any cage, enclosure, erection or building in any Park, unless it is with the permission of the Council for a legitimate Park management purpose.

6.2. Noise disturbance and annoyance

No person shall use, play, or operate, or attempt to use or play or operate, any instrument, public address system or amplified sound system in any Park without the permission of the Council.

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6.3. Protection of soil and flora

No person shall take, deposit, remove or disturb any soil, uproot or injure any plant, or take any cutting or interfere with or otherwise remove any flowers, ferns, or greenery within any Park without the permission of the Council, except as provided for by the customary activities provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6.4. Protection of nurseries and gardens

No person shall in any Park enter any of the enclosures or places set apart for the cultivation of plants, or in any other way cause damage:

- a) on any portion of the Park on which the same is forbidden by notice; or
- b) on any plantation, flowerbed, or border.

6.5. Planting

No person shall plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance injurious to plant life or wildlife to any Park without the permission of the Council.

6.6. Damage to notices, etc

No person shall in any Park interfere with or damage any inscription, or label attached to or connected with any article, tree, shrub or other plant, or any notice board, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw.

6.7. Damage to structures, fittings, etc.

No person shall remove, interfere with or damage any post, bollard, barrier, railing, seat (fixed or movable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence or hedge, or any fitting or implement of any kind within any Park.

6.8. Damage to buildings and appurtenants

No person shall deface or damage, by writing or otherwise or in any other manner, the walls or any other part of any building in any Park.

6.9. Advertising on Parks

6.9.1. No person shall, within the limits of any Park, expose or otherwise display, or attempt to expose or otherwise display any advertisement, graffiti or other decoration, except with the permission of the Council.

6.9.2. Section 6.9 of this bylaw shall not apply to any name plate or plaque fixed to the wall or door of any building or other structure legitimately erected within any Park or to any sign erected with the permission of Council within any Park.

6.10. Notices and bills

No person shall post any placard, bill, poster, or notice board within any Park or interfere with any placard, bill, poster or notice board lawfully erected in the Park, or distribute any handbill or notice within or at any entrance to the Park except with the permission of the Council.

6.11. Litter

No person shall deposit any litter on any part of a Park except in a receptacle approved or provided by the Council.

6.12. Dumping of green waste

No person shall dump, deposit, discharge or leave any green waste, including garden waste, within any Park unless permitted to do so by the Council.

6.13. Pollution

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No person shall deposit, discharge or leave any deleterious, offensive or dangerous matter, or cause pollution within the limits of any Park or any stream, lake, dam, pond, or fountain within the Park.

6.14. Use of water

- 6.14.1. No person shall within any Park permit or cause wastage of water or permit any water tap to flow for a longer period than is reasonably required to obtain water for drinking, washing or other lawful purposes within the Park;
- 6.14.2. No person shall in any manner pollute or otherwise render unfit for its intended use any water supply within any Park.

6.15. Bathing

No person shall bathe or wade within any Park in any water where the Council has prohibited such bathing or wading.

6.16. Fires within the limits of any Park:

- 6.16.1. No person shall light any fire, except in a place specially provided by the Council for that purpose, without the permission of the Council;
- 6.16.2. No person shall set fire to any vegetation (alive or dead) that is or was growing in any Park;
- 6.16.3. No person shall light a fire in any position where it is likely to present a fire hazard;
- 6.16.4. No person shall light any fire or continue burning the same in a Park after sunset without the permission of the Council;
- 6.16.5. Once a fire is lit, the person lighting the fire, or such other person as is detailed by him, shall remain in attendance of the fire until it is completely extinguished;
- 6.16.6. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- 6.16.7. Any manufactured, or similar, solid fuel or gas portable barbecue may be used provided sub clauses 6.16.2, 6.16.3, 6.16.4, 6.16.5, and 6.16.6 are complied with.

Nothing in this bylaw shall exempt an offender from liability under any other Act with respect to the lighting of fires.

Note: Any permitted or approved fire is required to comply with the Council's bylaws.

6.17. Weapons and projectiles

- 6.17.1. Without the permission of the Council, no person shall within the limits of any Park take use, or carry any firearm, axe or similar weapon or other instrument of dangerous character, or any airgun or bow and arrow.

6.18. Fireworks

- 6.18.1. No person may let off any fireworks in a Park without the permission by the Council to undertake a professional pyrotechnic display in that Park.

6.19. Unauthorised assemblies

No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd in any Park without the permission of the Council.

6.20. Erection of tents, stalls, etc

- 6.20.1. No person shall put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park without permission from the Council, and then

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only at such place, for such time or term, and of such dimensions and subject to any other conditions as may be specified by the Council.

- 6.20.2. Any fee charged by the Council in respect of the permission to put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park shall be payable in advance.

6.21. Use of Parks for commercial purposes

No person shall use a Park for commercial purposes without permission from the Council.

6.22. Use of Parks for organised sport

- 6.22.1. No person shall play any organised sport or recreation on any Park except upon parts of the Park set aside for that purpose or as the Council shall direct.
- 6.22.2. No person shall engage in or practise sport or recreation activities on any playing ground or part thereof on any Park after being requested by the Council to leave that area, or when the Council has given notification that the ground is closed to play.
- 6.22.3. No person (not being a competitor or official taking part in the sport or recreation activity) shall enter in or remain on any portion of the Park marked out as a playing area for any sport or other recreation activity while that activity is in progress.
- 6.22.4. The Council may prevent any sport or other recreation activity being played on any Park if in its opinion that sport or activity is liable to damage the Park or anything therein.
- 6.22.5. No person shall engage in any sport or other recreation activity on any Park or any specified portion of any Park if he or she is expressly forbidden to do so by the Council.
- 6.22.6. No person shall play or practise golf, with or without a ball, except on any Park or part of a Park that the Council has set aside for that purpose.

7. FREEDOM CAMPING

7.1. Prohibited areas

Freedom camping is prohibited in a prohibited area unless otherwise stated in the bylaw.

- 7.1.1. A person must not freedom camp in any Park area identified in Schedule A.

7.2. Restricted areas

A person may freedom camp in a restricted area identified in Schedule B provided they:

- 7.2.1. Camp in a self-contained vehicle displaying a NZS5465:2001 Self Containment Warrant;
- 7.2.2. Use the facilities provided;
- 7.2.3. Leave the site in the condition in which they found it;
- 7.2.4. Do not prevent others from undertaking legitimate activities in the location;
- 7.2.5. Do not stay in the location for more than three consecutive nights; and
- 7.2.6. Comply with all of the particular restrictions which apply to freedom camping at that location set out in Schedule B.

7.3. Penalties and fines

Anyone contravening any part of clauses 7.1, and 7.2 commits an infringement offence and is liable for a fine of up to \$200, or on summary conviction a fine of up to \$10,000, as set out under Section 23, Part 3, of the Freedom Camping Act 2011.

8. ANIMALS AND VEHICLES ON PARKS

8.1. Stock on Parks

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- 8.1.1.** No person shall, without permission of the Council, turn in, bring or allow any stock, or any similar animal, to be ridden, wander, graze or be within any Park.
- 8.1.2.** Any stock, or any similar animal found at large in breach of this bylaw may be impounded by the Council.
- 8.2. No destruction of animal life on Parks without permission**
- 8.2.1.** No person shall by any means whatsoever destroy, shoot, snare, net, fish for, injure, interfere with or take any animal, wildlife, bird's nest, or bird's egg, or attempt to do so, in or from any Park without a licence or the written consent of an authorised officer of the Auckland/Waikato Fish and Game Council and/or the Council.
- 8.2.2.** Provided that in the case of any animal protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.
- 8.3. Use of vehicles on Parks**
- 8.3.1.** No person shall, within the limits of any Park, take, drive or use any motorised vehicle except with the permission of the Council. This excludes Council's Park service vehicles and any emergency vehicle in fulfilment of its statutory duties.
- 8.3.2.** No person shall use any vehicle recklessly or in a manner which may damage a Park or intimidate or be dangerous, injurious or cause a nuisance to persons in the Park
- 8.3.3.** No person shall use any vehicle including a bicycle, skateboard, roller skates or roller blades or similar devices, in the following areas;
- a) The section of the Hamilton Lake Domain Walkway East of Hamilton Yacht Club to the car Park at the end of the access road South from the Ruakiwi Entrance to the Park.
 - b) Hamilton Gardens except the shared use pathway paralleling Cobham Drive and its continuation
 - c) Waiwhakareke Natural Heritage Park except any shared use path that may be constructed around the boundary of the Park.
- 8.4. Vehicle speeds within Parks**
No person shall drive or ride any vehicle in any Park at a speed in excess of 20 kilometres per hour, except where indicated by the Council.
- 8.5. Parking of vehicles on Parks**
The Council by resolution and subject to the placing and maintenance of the appropriate signs or markings may limit, restrict or prohibit the parking or stopping of vehicles or boats on any part of any Park.
- 8.6. Removal of illegally Parked vehicles**
- 8.6.1.** If any vehicle or boat is parked or stopped and left unattended in breach of clause 8.6 of this bylaw, and the owner thereof or the person entitled to possession cannot be found after reasonable enquiry in the vicinity, the Council may have the vehicle or boat removed to an appropriate premises.
- 8.6.2.** Where any vehicle or boat has been removed pursuant to this bylaw, the owner or driver of that vehicle or boat may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat.

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8.7. Abandoned vehicles on Parks

- 8.7.1.** If the Council has reason to believe that any vehicle or boat has been abandoned in a Park may remove it or cause it to be removed to any place authorised for that purpose by the Council.
- 8.7.2.** Where any vehicle or boat has been removed pursuant to this Bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed, to pay Council’s costs in seizing, impounding, transporting and storing the vehicle or boat.

8.8. No unauthorised mechanical plant or equipment on Parks

Except in an emergency, or where the Council considers it necessary for the proper and beneficial management, administration and control of the Park, no person shall within any Park, use or attempt to use any portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment.

8.9. Aircraft

Except in cases of emergency, or where permission has been obtained from the Council, no person shall:

- 8.9.1.** Make use of any part of any Park for the purpose of landing or alighting thereon or the flying there from of aircraft of any kind; or
- 8.9.2.** Land in any Park by parachute; or
- 8.9.3.** Use or operate, or attempt to use or operate, a hang-glider on any Park; or
- 8.9.4.** Make use of any part of any Park for the purpose of setting down, picking up, or recovery from within any Park, of any person, livestock, carcass or other article of any description.

This bylaw does not absolve persons from compliance with any requirements that the Director of the Civil Aviation Authority - Air Transport Division may stipulate.

9. PENALTIES

This bylaw is made under the authority given to the Council under Sections 145 and 146(b)(vi) of the Local Government Act 2002. Any person convicted of an offence against a bylaw made under Part 8 of the Local Government Act 2002 is liable to a fine not exceeding \$20,000 or such other amount as shall from time to time be prescribed by statute.

Clauses 7.1 and 7.2 are made under the authority given to the Council under section 11 of the Freedom Camping Act 2011, with the penalties and fines for breaches of these two clauses set out in clause 7.3.

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor:

Councillor:

Chief Executive:

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Schedule A: Prohibited Areas

Areas where Freedom Camping is prohibited

A J Seeley Gully Reserve	Days' Park	Grove Park
Aberfoyle Park	Deanwell Park	Hamilton East Cemetery
Ashurst Park	Derby Park	Hamilton Gardens
Aspiring Crescent Reserve	Derek Heather Park	Hamilton Lake Domain
Bankwood Park	Dillicar Park	Hamilton Parade
Beale Cottage	Discovery Park	Hamilton Park Cemetery
Beerescourt Park	Dixon's Corner	Hamilton West Cemetery
Beetham Park	Dominion Park	Hammond Park
Berkley Tennis Courts	Donny Park	Hare Puke Park
Bishops Lane Reserve	Eden Park Reserve	Hayes Paddock
Bleakley Park	Edgecumbe Park	Heath Park
Bolmuir Park	Edinburgh Park	Hillary Park
Boyes Park	Elliott Park	Hillcrest Bowling Club
Braithwaite Park	Enderley Park	Hillcrest Stadium
Bremworth Park	Enfield Park	Hinemoa Park
Bristol Park	Ex Glenview Club	Hukanui Oaks
Bryant Road Plantation	Ex Waikato District Council	Humarie Park
Brymer Glen Reserve	Exeter Park	Innes Common
Brymer Park	Fairfield Esplanade	Innswood Place Reserve
Caernarvon Park	Fairfield Park	Jansen Park
Capper Crescent Reserve (placeholder)	Farnborough Drive Reserve	Jesmond Park
Caro Park	Farringdon Avenue Reserve	Jubilee Park
Carrs Park	Featherstone Park	Junction Reserve
Casey's Garden	Ferrybank	Kahikatea Park
Chadwick Place Reserve	Fitzroy Park	Karaka Park
Chamberlain Place Reserve	Flagstaff Park	King Street Corner
Chartwell Park	Flynn Park	Kirikiroa Reserve
Chedworth Park	Frankton Plantation	Kitchener Street Reserve
Chelmsford Park	Fraser Tech Park	Lake Rotokauri Park
Chequers Avenue Reserve	Galloway Park	Lincoln Street Amenity Reserve
Claudlands Park	Galway Reserve	Lincoln Street Reserve
Clyde Park	Glenview Park	Lugton Park
Cobham Drive Reserve	Gower Park	Lulu Avenue Reserve
Cranmer Close Reserve	Graham Island	Maeroa Road Reserve
Crawshaw Park	Graham Park	Mahoe Park
Crosher Place Reserve	Greensboro Park	Mangaiti Park
Cullimore Park	Greenwood Street Amenity Reserve	Mangakotukutuku Esplanade
Dawson Park	Grosvenor Park	Mangaonua Esplanade

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Marist Park	Pountney Park	Taitua Arboretum
Massey Street Plantation Reserve	Pukete Farm Park	Tauhara Park
Matakanohi Reserve	Pukete Park	Tawa Park
Melville Park	Pygmalion Park	Te Anau Park
Memorial Park	Queenwood Esplanade	Te Awa O Katapaki Esplanade
Milne Park	Railway Park	Te Hikuwai Reserve
Minogue Park	Rakautahi Park	Te Huia Drive Reserve
Minogue Park	Ranfurly Park	Te Kootii Park
Miropiko Reserve	Raymond Park	Te Manatu Park
Mooney Park	Resthills Park	Te Tiwha O Parei-iri-whare Park
Moonlight Drive Reserve	Rhode Street Park	Te Toetoe Reserve
Morrow Avenue Walkway	Roose Commerce Park	Templeview Reserve
Morrow's Orchard	Rotokauri Road sports park (placeholder name)	Tennille Street Reserve (placeholder name)
Munro's Walkway	Rototuna Park	Tennyson Road Reserve
Nawton Domain	Rototuna North City Road sports park (placeholder name)	Till's Lookout
Nawton Tennis Courts	Sandford Park	Totara Park
New Memorial Park	Sandhurst Place Reserve	Union Park
Norris Ward Park	Seddon Park	Vardon Park
Northern City Entrance Way	Smyth's Plantation	Vickery Park
Northolt Park	Snell Drive Walkway	Wade Lane Reserve
O'Connell Walk	Sonning Esplanade	Waikato Stadium
Old Farm Road Reserve	St Andrews Golf Course	Waikato Stadium (Fred Jones Park)
Olwyn Green	St Andrews Park	Waitawhiriwhiri Esplanade
Onukutara Park	St Peters Park	Waiwhakareke Natural Heritage Park
Palmerston Street Reserve	Steele Park	Waiwherowhero Park
Parana Park	Storey Avenue - Jamieson Free Kindy	Wake Park
Patricia Avenue Plantation	Swarbrick Park	Whatukoruru Reserve
Peacockes Road Esplanade	Swarbrick Landing	Willoughby Park
Pembroke Park	Sylvester Esplanade	Wiltshire Drive Reserve
Pine Beach	Symmington Estate	Yendell Park

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Schedule B: Restricted Areas

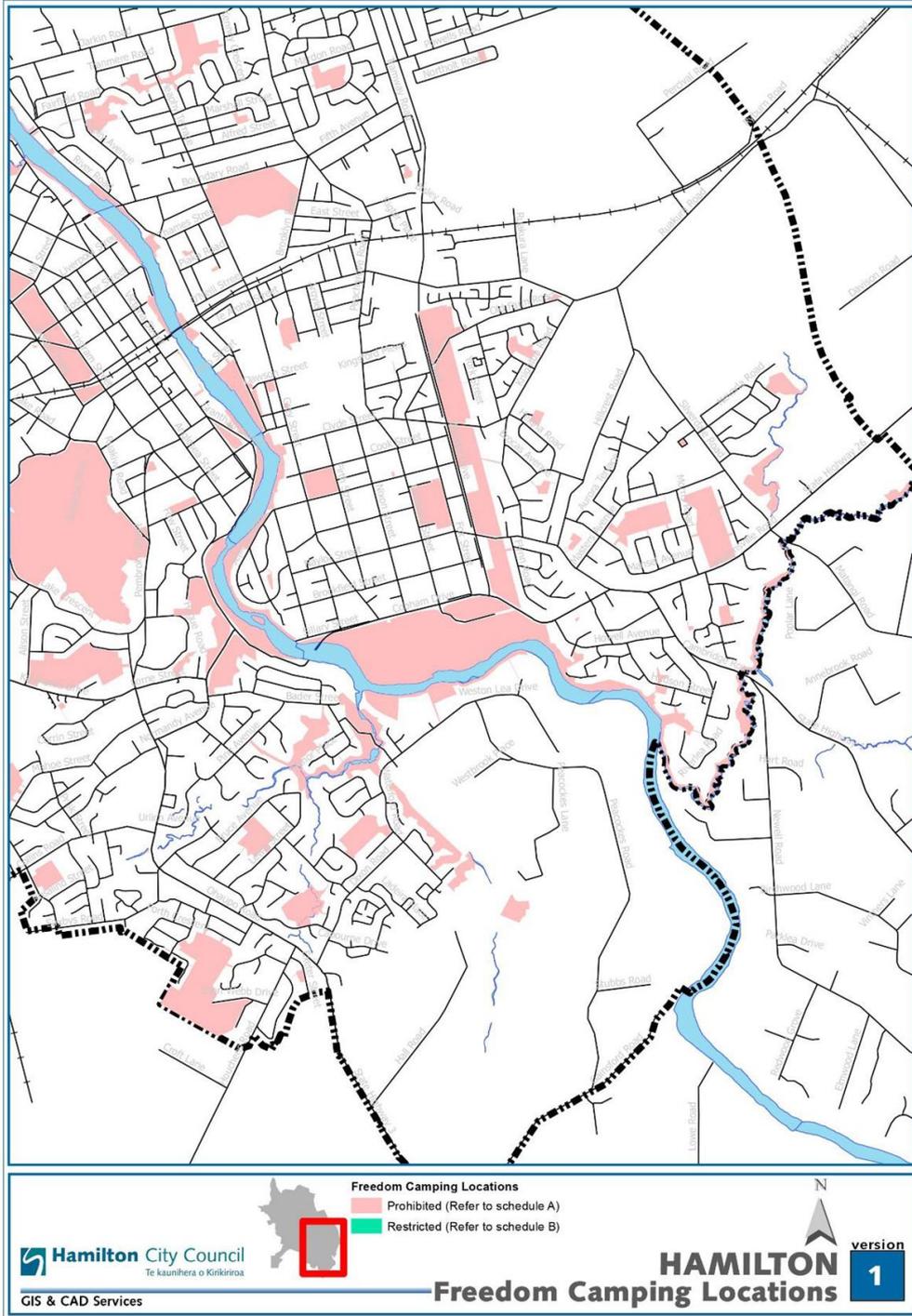
Parks where Restricted Freedom Camping is permitted in self-contained vehicle displaying a NZS5465:2001 Self-Containment Warrant when abiding by the following restrictions.

Car Park attached to:	Restrictions
Porritt Stadium	<ol style="list-style-type: none"> 1. <i>a maximum of six motor caravans be permitted to park there at any one time</i> 2. <i>individual motor caravans cannot be parked there for more than 3 nights in any one month</i> <ul style="list-style-type: none"> • <i>the car Park is available for overnight parking only between 5pm and 9am each day.</i>

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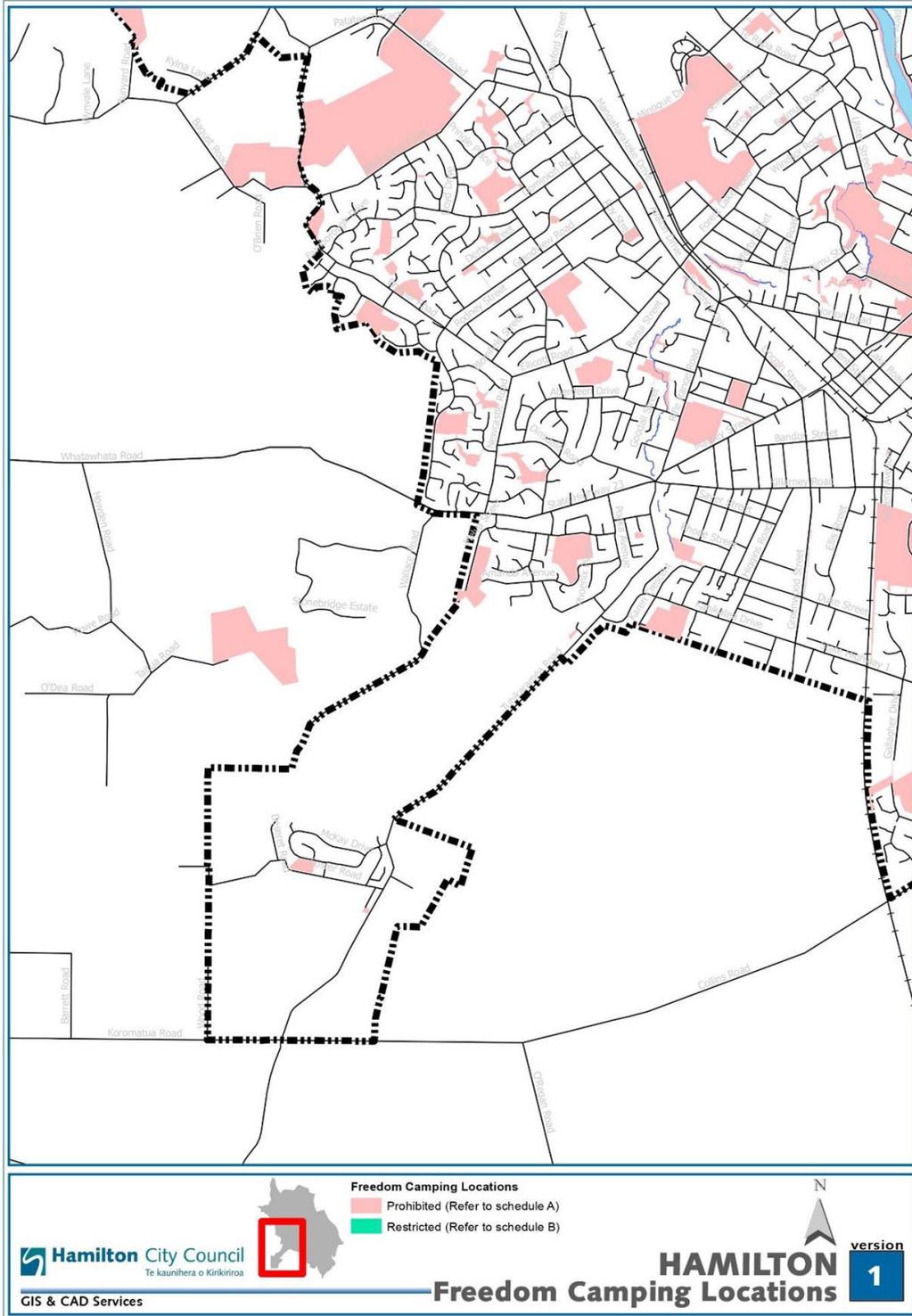
Schedule C: Freedom Camping Locations

Parks in south east Hamilton where freedom camping is prohibited or restricted.



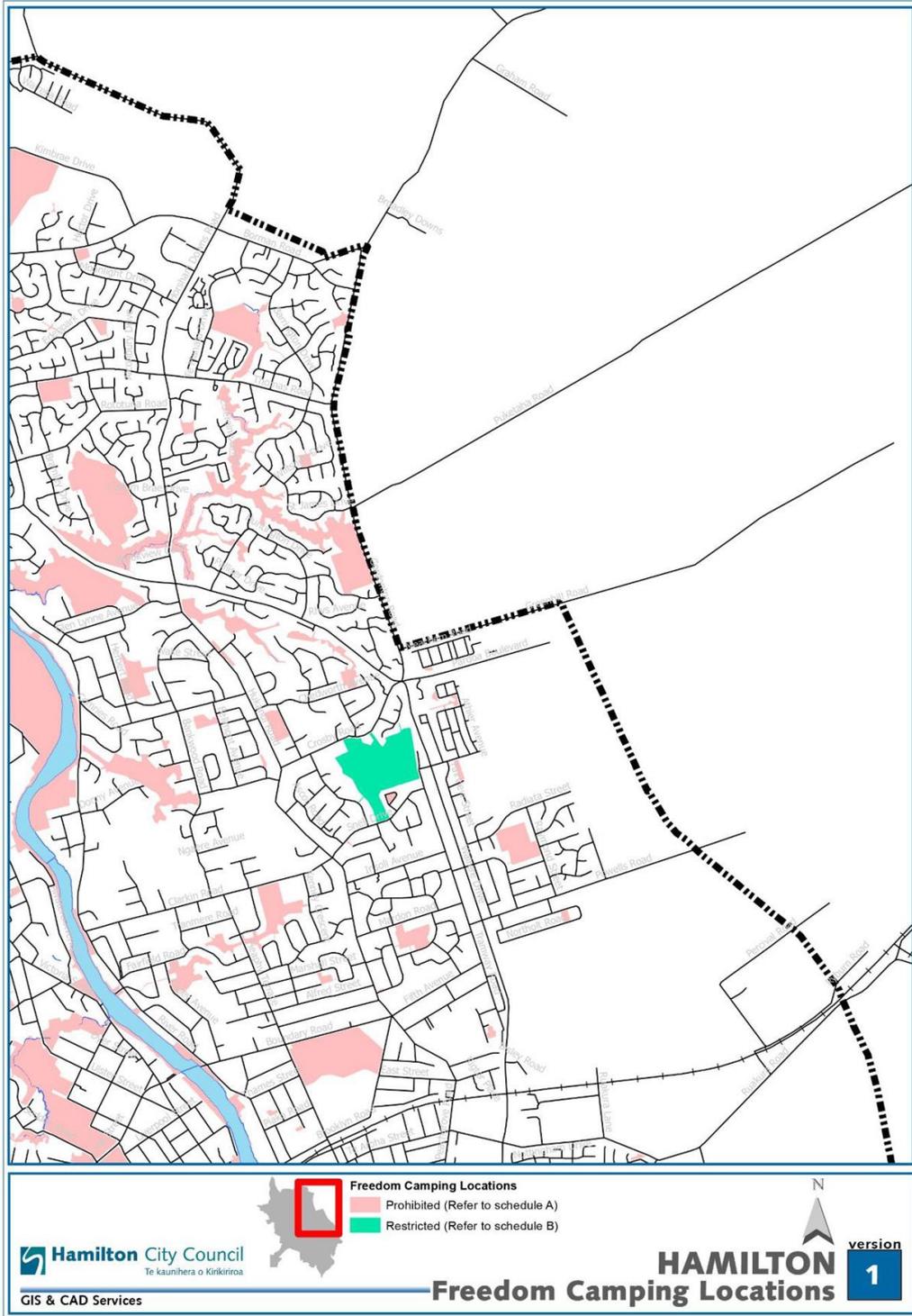
Hamilton City Council BYLAWS

Parks in south west Hamilton where freedom camping is prohibited or restricted.



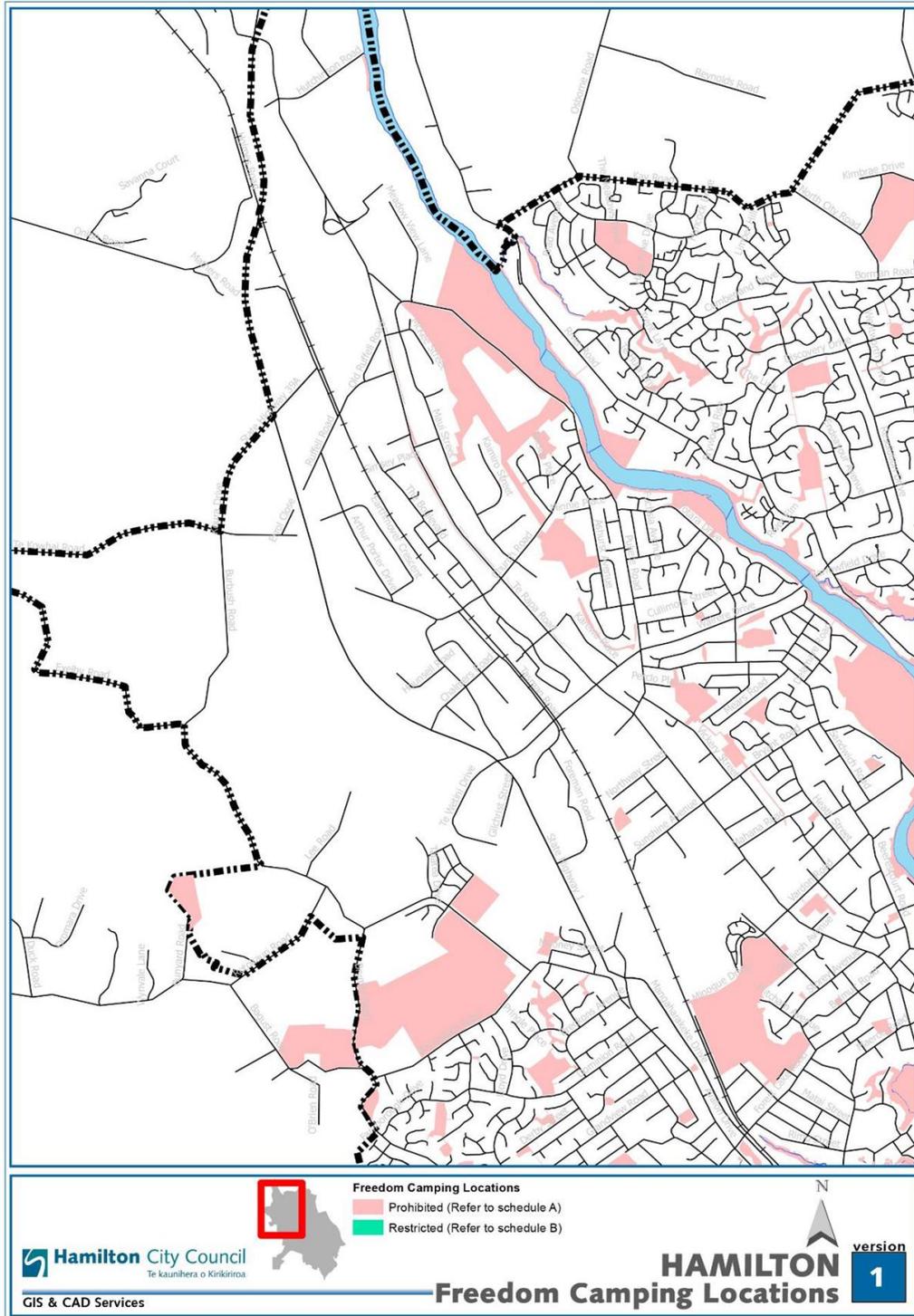
Hamilton City Council BYLAWS

Parks in north east Hamilton where freedom camping is prohibited or restricted.



Hamilton City Council BYLAWS

Parks in north west Hamilton where freedom camping is prohibited or restricted.



**Hamilton City Council
BYLAWS**



Approved By:	Date Adopted:
Date In Force:	Review Date:

Proposed Hamilton City Parks, Domains and Reserves Bylaw 2018

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1. SHORT TITLE

~~This bylaw may be cited as the Hamilton City Parks, Domains and Reserves Bylaws 2012 and applies to land administered by the Council or Hamilton Domain Board to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.~~

1. PURPOSE

The purpose of this bylaw is to protect Council's parks, domains and reserve from damage, misuse, or loss and to allow for their effective management.

2. APPLICATION

This Bylaw applies to land administered by the Council to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.

3. DEFINITIONS

In this bylaw except where inconsistent with the context:

Aircraft	Means aeroplanes, helicopters, hot air balloons, gliders, and hovercraft.
Alcohol	Means a substance that: <ol style="list-style-type: none"> is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; OR is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
Animal	Means any mammal, bird, reptile, amphibian, fish (including shellfish) crustacean or related organism, but does not include a human being.
Authorised Officer	Means a police officer or any person authorised by Hamilton City Council, directly or indirectly under its delegated authority, to act on its behalf and with its authority a person appointed by a local authority to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, this bylaw.
Board	Means the Hamilton City Council, being the Hamilton Domain Board appointed by Order in Council in 1950.
City	Means the city of Hamilton.
Controlled Drugs	Has the same meaning as found in the Misuse of Drugs Act 1975 and subsequent amendments or succeeding legislation.
Council	Means the Hamilton City Council.
Domain	Means any land and / or contiguous water body, other than the Waikato River, which is now or may be in the future set aside for public recreation and is now or may be in the future under the control of the Board.
Freedom Camp	Means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or

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harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

- a) a tent or other temporary structure;
- b) a caravan;
- c) a car, campervan, housetruck, or other motor vehicle.

Freedom camping does not include the following activities:

- a) temporary and short-term parking of a motor vehicle;
- b) recreational activities commonly known as day-trip excursions;
- c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Firearm	Means any gun, rifle, or airgun and includes any kind of weapon or device from which any shot, bullet, arrow, spear, other missile or noxious, narcotic or poisonous substance can be discharged in the air or water, and also includes any part of a firearm that is dismantled or otherwise inoperative.
Green Waste	Means compostable plant material e.g. garden waste.
Hawking	Means offering goods for sale whilst carrying them from point to point.
Liquor	Means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honey mead, stout, cider, and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume.
Management Plan	Means any management plan prepared and approved in respect of any reserve under section 41 of the Reserves Act 1977 or any statute passed in substitution therefore.
Mobility Device	Means a vehicle that: <ul style="list-style-type: none">d) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; ande) is powered by a motor that has a maximum power output not exceeding 1500W.
Motor Vehicle	Means a vehicle drawn or propelled by mechanical power; and <ul style="list-style-type: none">a) includes a trailer; butb) does not include—<ul style="list-style-type: none">i. a vehicle running on rails; orii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; oriii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; oriv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; orv. a pedestrian-controlled machine; orvi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; orvii. a mobility device
Owner	In relation to any dog, stock or other animal, means every person who owns a dog, stock or other animal and includes the person having the charge of the dog, stock, or other animal, or the management thereof; and "owned" has a corresponding meaning.

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Park	<p>Means any domain or reserve as defined in this bylaw.</p> <p>Means</p> <p>(a) reserve including any land and/or contiguous water body vested in or administered by the council under the provisions of the Reserves Act 1977 set apart for public recreation or enjoyment as defined by the Act; or</p> <p>(b) any park, domain or recreational area under the control or ownership of the council.</p>
Parking	Means the standing of a vehicle in any place for a period in excess of 5 minutes and "park" may have a corresponding meaning.
Reserve	Means any land and / or contiguous water body set apart for public recreation and enjoyment as defined by the Reserves Act 1977 and is now or may be in the future under the control of the Council and includes the two reserves known as Waikato Stadium and Seddon Park.
Seddon Park	Means that part of Section 1 Survey Office Plan 57555 bounded by Seddon Road, Bryce Street, Tristram Street and Norton Road that is enclosed by fences.
Stock	Includes Means horses, cattle, deer, asses, mules, sheep, pigs or goats of any description.
The Council	Means the Hamilton City Council and includes any officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person.
Vehicle	<p>Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes, a hovercraft, a skateboard, bicycles, in-line skates, and roller skates but does not include:</p> <ul style="list-style-type: none"> a) A perambulator or pushchair; b) A shopping or sporting trundler not propelled by mechanical power; c) A wheelbarrow or hand-trolley; d) A pedestrian-controlled lawnmower; e) A pedestrian-controlled agricultural machine not propelled by mechanical power; f) An article of furniture; g) A Wheel-chair in use by a person with a physical disability and not propelled by mechanical power; h) A mobility device.
Wandering or Straying	<p>In relation to stock, includes being on or near a reserve without being under proper guidance and control.</p> <p>Means for the purposes of this Bylaw stock being on or near a Park moving outside of a usual course and without being under proper guidance and control.</p>
Waikato Stadium	Means that part of Section 1 Survey Office Plan 57621 and Section 72 Hamilton West Town Belt that is enclosed by perimeter security fencing.
Wildlife	Means all animals that are living in a wild state; but does not include noxious animals of any species as defined from time to time in the Sixth Schedule of the Wildlife Act 1953 or succeeding legislation.

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4. GENERAL

4.1. Taking of proceedings

Nothing in ~~these bylaws~~ **this Bylaw** shall be deemed to limit or prevent the taking of proceedings under any Act in respect of any offence committed within any park.

4.2. Actions by ~~parks officers and other duly authorised persons~~ **the Council**

No act by ~~any duly authorised officer of~~ the Council when engaged in the performance of ~~his or her~~ its duties on any Park shall constitute an offence against any part of ~~these bylaws~~ **this Bylaw**.

4.3. Council ~~and other authorised people~~ **may prosecute**

~~Any person authorised by the Council or any person employed in the Police Force may commence and continue any prosecution against any person for any breach of any part of these bylaws.~~

Any person who in the reasonable opinion of the Council commits a breach of any of the provisions of this bylaw shall if so requested by an Enforcement Officer supply their full and correct name and address.

4.4. Offenders required to give names

Any person who in the **reasonable** opinion of ~~any duly authorised officer of~~ the Council commits a breach of any of the provisions of ~~these bylaws~~ **this Bylaw** shall if so requested by ~~the officer~~ **an Enforcement Officer** supply their full and correct name and address.

4.5. Ordering off and prohibition

~~Every person committing any breach of the provisions of these bylaws shall, upon request by any duly authorised officer, immediately leave the park and may be prohibited from entering the park for such period as the duly authorised officer deems fit, but shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such a request shall be guilty of a further offence.~~

Enforcement Officers are entitled to use the powers of the Trespass Act 1980 in respect of any person who they reasonably believe to have breached this Bylaw.

4.6. Right to seize and impound

~~Any police officer or other authorised officer may seize and impound any property used in committing a breach of this Bylaw and shall not be liable for any claim arising therefrom.~~

An Enforcement Officer may seize and impound any property used in committing a breach of this Bylaw pursuant to s 164 Local Government Act 2002 and shall not be liable for any claim arising therefrom.

5. ENTRANCES, EXITS AND CLOSURES ON PARKS

5.1. Entrances and exits only to be used

No person shall enter or leave any Park except through proper openings, gateways, entrances, or exits provided for that purpose, unless given permission to do otherwise by ~~an authorised officer~~ **the Council**.

5.2. Obstruction of entrances, exits, etc

~~No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any park, and (where gates are provided), no person shall enter any park save while the same is open for the admission of the public, unless given permission to do otherwise by an authorised officer.~~

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No person shall wilfully obstruct any entrance or exit and no person shall enter any Park while a Park is open for the admission of the public, unless given permission to do otherwise by the Council.

5.3. Closure of Parks

- 5.3.1. Subject to the provisions of ~~these bylaws~~ **this Bylaw**, every park shall be open to the public at all times, except during such hours as the Council ~~or authorised officer~~ determines that any particular park or parks shall be closed to the public for a prescribed period or periods.
- 5.3.2. If the Council ~~or authorised officer~~ has prescribed a period or periods of closure, no person shall be in or upon, or remain in or upon, or enter such park except with the prior permission of ~~an authorised officer of the~~ Council.
- 5.3.3. If ~~an authorised officer of the~~ Council believes at any time that any Park, or part thereof, is being used or is likely to be used for any purpose which may result or is likely to result in riotous conduct or in civil disorder, ~~he or she~~ it may, by notices erected or displayed on the entrances to the Park or by notice in at least one local newspaper, declare the Park to be closed for such period as the Council ~~or authorised officer of Council~~ **considers advisable permits**.
- 5.3.4. No person shall enter or remain in any such park or part thereof during such period of closing without the prior permission of an authorised officer of Council.

5.4. Waikato Stadium and Seddon Park

- 5.4.1. Notwithstanding the general principle that the public shall have freedom of entry and access to any Park, the Council declares that is necessary to control access to Waikato Stadium and Seddon Park for the protection and general wellbeing of those Parks and for the protection and control of the public using those Parks.
- 5.4.2. No person shall enter within the fenced areas of Waikato Stadium at any time except in accordance with the following exemptions:
- a) The public may enter Waikato Stadium for the purpose of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave Waikato Stadium except through the openings, gateways, entrance or exits provide for that purpose
 - ii. no person shall enter into or upon the grassed playing area of Waikato Stadium (unless otherwise authorised by this bylaw)
 - b) Persons playing any sport (including referees and other officials) organised by or authorised by the Council may enter Waikato Stadium including the grassed playing areas but only for the purposes of playing sport.
 - c) Persons whom the authorised officer has expressly or implicitly authorised to have access to Waikato Stadium may have access to Waikato Stadium.
 - d) Workmen, employees, agents and consultants authorised by ~~an authorised officer~~ **the Council** may enter upon Waikato Stadium for legitimate business purposes.
- 5.4.3. No person shall enter within the fenced areas of Seddon Park at any time except in accordance with the following exemptions:
- a) The public may enter Seddon Park for the purposes of attending any sporting activity or function arranged by or authorised by an authorised officer but in such case:

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- i. no person shall enter or leave the fenced area of Seddon Park except through the openings, gateways, entrance or exits provided for that purpose;
- ii. no person shall enter into or upon the grassed playing area of Seddon Park (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including umpires and other officials) organised by or authorised by an authorised officer may enter Seddon Park including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom an authorised officer has expressly or implicitly authorised to have access to Seddon Park may have access to Seddon Park.
- d) Workmen, employees, agents and consultants authorised by ~~an authorised officer~~ **the Council** may enter upon Seddon Park for legitimate business purposes.

5.5. Fixing of charges for use of Parks

- 5.5.1. ~~The~~ Council may close all or any portion of a park for a particular sport, or other recreation activity, as it thinks fit, and where charges may lawfully be made, fix charges for the right to use such portions as are open to the public.
- 5.5.2. ~~The~~ Council may adopt policies and procedures governing the use of such portions by any individual or group for sport, recreation or other activity, on any day or days but not more than six days consecutively, and may similarly fix charges therefore.
- 5.5.3. Every specified sport, recreation or other activity area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of the specified activity unless they shall have first paid the charge fixed for that purpose.
- 5.5.4. Every person who has entered a Park or part thereof before the start of an activity for which a charge has been set, must, before the activity starts, either pay the proper charge for admission or leave such Park or part thereof.

5.6. Gates, bollards and chains

No person shall leave any gate, bollard, fence or chain on a park in a different position from that in which he or she found it.

6. PEOPLE ON PARKS

6.1. Behaviour on Parks

- 6.1.1. No person shall wilfully obstruct, disturb, or interfere with any other person in the use or enjoyment of any Park;
- 6.1.2. No person shall in any Park use foul, abusive, indecent or obscene language, or be intoxicated by liquor or controlled drugs or be ~~noisy or riotous, or in any way misbehave;~~
- 6.1.3. ~~No person shall in any park do or practise anything insulting, offensive or annoying to any person within hearing or sight of the park.~~
- 6.1.4. No person shall interfere with, annoy or injure any animal in any cage, enclosure, erection or building in any Park, unless it is with the permission of ~~an authorised officer of the~~ Council for a legitimate park management purpose.

6.2. Noise disturbance and annoyance

No person shall use, play, or operate, or attempt to use or play or operate, any instrument, ~~vehicle, model aeroplane or similar,~~ public address system or amplified sound system in any

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park without the permission of ~~the Council, an authorised officer of Council, or in so doing, cause any sound or noise that disturbs or annoys or is likely to disturb or annoy other occupiers or users of the park.~~

6.3. Protection of soil and flora

No person shall take, deposit, remove or disturb any soil, uproot or injure any plant, or take any cutting or interfere with or otherwise remove any flowers, ferns, or greenery within any Park without the permission ~~of an authorised officer of~~ the Council, except as provided for by the customary activities provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6.4. Protection of nurseries and gardens

No person shall in any Park enter any of the enclosures or places set apart for the cultivation of plants, or in any other way cause damage:

- a) on any portion of the park on which the same is forbidden by notice; or
- b) on any plantation, flowerbed, or border.

6.5. Planting

No person shall plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance injurious to plant life or wildlife to any Park without the ~~prior~~ permission of ~~an authorised officer of~~ the Council.

6.6. Damage to notices, etc

No person shall in any Park interfere with or damage any inscription, or label attached to or connected with any article, tree, shrub or other plant, or any notice board, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw.

6.7. Damage to structures, fittings, etc.

No person shall remove, interfere with or damage any post, bollard, barrier, railing, seat (fixed or movable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence or hedge, or any fitting or implement of any kind within any Park.

6.8. Damage to buildings and appurtenants

No person shall deface or damage, by writing or otherwise or in any other manner, the walls or any other part of any building in any Park, ~~or act or use the same otherwise than in a cleanly and decent manner.~~

6.9. Advertising on Parks

6.9.1. No person shall, within the limits of any Park, expose or otherwise display, or attempt to expose or otherwise display any advertisement, graffiti or other decoration, except with the ~~prior authority of an authorised officer of~~ permission of the Council.

6.9.2. Section 6.9 of this bylaw shall not apply to any name plate or plaque fixed to the wall or door of any building or other structure legitimately erected within any park or to any sign erected with the permission of Council within any park.

6.10. Notices and bills

No person shall post any placard, bill, poster, or notice board within any park or interfere with any placard, bill, poster or notice board lawfully erected in the park, or distribute any handbill or notice within or at any entrance to the park except with the ~~prior~~ permission ~~in~~ ~~writing~~ of the Council.

6.11. Litter

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No person shall deposit any litter on any part of a park except in a receptacle approved or provided by ~~an authorised officer of~~ the Council.

6.12. Dumping of green waste

No person shall dump, deposit, discharge or leave any green waste, including garden waste, within any park, reserve or domain unless permitted to do so by ~~an authorised officer of~~ the Council.

6.13. Pollution

No person shall deposit, discharge or leave any deleterious, offensive or dangerous matter, or cause pollution within the limits of any park or any stream, lake, dam, pond, or fountain within the Park.

6.14. Use of water

- 6.14.1. No person shall within any Park permit or cause wastage of water or permit any water tap to flow for a longer period than is reasonably required to obtain water for drinking, washing or other lawful purposes within the Park;
- 6.14.2. No person shall in any manner pollute or otherwise render unfit for its intended use any water supply within any Park.

6.15. Bathing

No person shall bathe or wade within any Park in any water where ~~the~~ Council has prohibited such bathing or wading.

6.16. Fires within the limits of any park:

- 6.16.1. No person shall light any fire, except in a place specially provided by the Council ~~or Board~~ for that purpose, without the ~~express~~ permission of the Council ~~or Board, or authorised officer of the Council;~~
- 6.16.2. No person shall set fire to any vegetation (alive or dead) that is or was growing in any Park;
- 6.16.3. No person shall light a fire in any position where it is likely to present a fire hazard;
- 6.16.4. No person shall light any fire or continue burning the same in a Park after sunset without the ~~consent of an authorised officer~~ permission of ~~the~~ Council;
- 6.16.5. Once a fire is lit, the person lighting the fire, or such other person as is detailed by him, shall remain in attendance of the fire until it is completely extinguished;
- 6.16.6. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- 6.16.7. Any manufactured, or similar, solid fuel or gas portable barbecue may be used provided sub clauses 6.16.2, 6.16.3, 6.16.4, 6.16.5, and 6.16.6 are complied with.

Nothing in this bylaw shall exempt an offender from liability under any other Act with respect to the lighting of fires.

Note: Any permitted or approved fire is required to comply with the Council's bylaws.

6.17. Weapons and projectiles

- 6.17.1. Without the ~~prior~~ permission of ~~an authorised officer of~~ the Council, no person shall within the limits of any Park:
 - a) Take, use, or carry any firearm, axe or similar weapon or other instrument of dangerous character, or any airgun or bow and arrow, ~~or let off any fireworks; or~~
 - ~~b) — Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.~~

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Any police officer, or other authorised officer may seize and retain any weapon or instrument used in committing a breach of this bylaw, and shall not be liable for any claim arising therefrom.

6.18. Fireworks

6.18.1. No person may let off any fireworks in a Park without the permission by the Council to undertake a professional pyrotechnic display in that Park.

6.19. Unauthorised assemblies

No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd in any Park without the ~~prior permission of an authorised officer of the~~ Council.

6.20. Erection of tents, stalls, etc

6.20.1. No person shall put up or erect any stall, tent, booth, amusement device, or structure of any kind within any park without written authorisation from the Council, and then only at such place, for such time or term, and of such dimensions and subject to any other conditions as may be specified in the authorisation.

6.20.2. Any fee charged by the Council or Board in respect of the authorisation shall be payable in advance.

6.21. Use of parks for commercial purposes

No person shall use a Park for commercial purposes without ~~written authorisation permission~~ from the Council.

6.22. Use of Parks for organised sport

6.22.1. No person shall play any organised sport or recreation on any Park except upon parts of the Park set aside for that purpose or as ~~an authorised officer of the~~ Council shall direct.

6.22.2. No person shall engage in or practise sport or recreation activities on any playing ground or part thereof on any Park after being requested by ~~an authorised officer of the~~ Council to leave that area, or when ~~the~~ Council has given notification that the ground is closed to play.

6.22.3. No person (not being a competitor or official taking part in the sport or recreation activity) shall enter in or remain on any portion of the Park marked out as a playing area for any sport or other recreation activity while that activity is in progress.

6.22.4. ~~An authorised officer of The~~ Council may prevent any sport or other recreation activity being played on any Park if in ~~his or her~~ its opinion that sport or activity is liable to damage the park or anything therein.

6.22.5. No person shall engage in any sport or other recreation activity on any Park or any specified portion of any Park if he or she is expressly forbidden to do so by the Council, ~~or by any authorised officer of the Council.~~

6.22.6. No person shall play or practise golf, with or without a ball, except on any Park or part of a Park that the Council has set aside for that purpose.

7. FREEDOM CAMPING

7.1. Prohibited areas

Freedom camping is prohibited in a prohibited area unless otherwise stated in the bylaw.

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- ~~7.1.1. A person must not freedom camp in any park, reserve or domain area identified in Schedule A. A person must not freedom camp in any Park area identified in Schedule A.~~
- ~~7.1.2. A person must not freedom camp in any location listed in Schedule B2 until the location is listed in Schedule B1 pursuant to subclause 7.3.~~
- ~~7.1.3. Subclause 7.1 does not apply if the person is freedom camping with the prior written consent of an authorised officer and complies with all of the conditions attached to that written consent. Consent must be sought at least ten working days in advance, and the applicant must meet any costs incurred by the Council in processing the application for consent before any consent is granted. Consent is at the discretion of the Chief Executive.~~

7.2. Restricted areas

A person may freedom camp in a restricted area identified in Schedule B1 provided they:

- 7.2.1. Camp in a self-contained vehicle displaying a NZS5465:2001 Self Containment Warrant;
- 7.2.2. Use the facilities provided;
- 7.2.3. Leave the site in the condition in which they found it;
- 7.2.4. Do not prevent others from undertaking legitimate activities in the location;
- 7.2.5. Do not stay in the location for more than three consecutive nights; and
- 7.2.6. Comply with all of the particular restrictions which apply to freedom camping at that location set out in Schedule B1.

~~7.3. Intended restricted areas~~

~~Schedule B2 lists the locations that will be included in Schedule B1 as restricted areas once resource consent is granted under the Hamilton City District Plan.~~

- ~~7.3.1. Until resource consent is granted for a location listed in Schedule B2, and the location is then included in Schedule B1, it is a prohibited area.~~
- ~~7.3.2. Once resource consent is granted for a location listed in Schedule B2 the location will be removed from Schedule B2 and listed in Schedule B1 as a restricted area.~~

7.4. Penalties and fines

Anyone contravening any part of clauses 7.1, and 7.2, ~~7.3~~ commits an infringement offence and is liable for a fine of up to \$200, or on summary conviction a fine of up to \$10,000, as set out under Section 23, Part 3, of the Freedom Camping Act 2011.

~~7.5. Removal of Freedom Camping Locations~~

~~If in relation to any area identified in Schedules B1 and B2, documented issues arise that are substantiated by an appropriately authorised officer that demonstrate continued freedom camping will cause:~~

- ~~7.5.1. Damage to the area;~~
- ~~7.5.2. Risk to the health and safety of people that visit the area;~~
- ~~7.5.3. Impaired access to the area;~~

~~Then Council will by resolution remove the area from Schedules B1 and B2 and place it in Schedule A as an area where Freedom Camping is not permitted.~~

8. ANIMALS AND VEHICLES ON PARKS

8.1. Stock on parks

- 8.1.1. No person shall, without ~~prior~~ permission of the Council, turn in, bring or allow any stock, or ~~other any similar~~ animal, to be ridden, wander, graze or be within any Park.

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- 8.1.2. Any stock, or other animal found at large in breach of this bylaw may be impounded by ~~the Council. any Animal Education and Control Officer, or other duly authorised officer.~~
- 8.2. No destruction of animal life on parks without permission**
- 8.2.1. No person shall by any means whatsoever destroy, shoot, snare, net, fish for, injure, interfere with or take any animal, wildlife, bird's nest, or bird's egg, or attempt to do so, in or from any Park without a licence or the written consent of an authorised officer of the Auckland/Waikato Fish and Game Council and/or the Council.
- 8.2.2. Provided that in the case of any animal protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.
- 8.3. Use of vehicles on parks**
- 8.3.1. No person shall, within the limits of any park, take, drive or use any motorised vehicle except with the ~~prior~~ permission of ~~an authorised officer of the~~ Council. This excludes ~~the~~ Council's park service vehicles and any emergency vehicle in fulfilment of its statutory duties.
- 8.3.2. No person shall use any vehicle including a bicycle, skateboard, roller skates or roller blades or similar devices, recklessly or in a manner which may damage a Park or intimidate or be dangerous, injurious or cause a nuisance to persons in the Park.
- 8.3.3. No person shall use any vehicle including bicycles but excluding roller skates or roller blades in the following areas;
- The section of the Hamilton Lake Domain Walkway East of Hamilton Yacht Club to the car park at the end of the access road South from the Ruakiwi Entrance to the Park.
 - Hamilton Gardens except the shared use pathway paralleling Cobham Drive and its continuation.
 - Waiwhakareke Natural Heritage Park except any shared use path that may be constructed around the boundary of the park.
- 8.4. Vehicle speeds within parks**
- No person shall drive or ride any vehicle in any park at a speed in excess of 20 kilometres per hour, except where indicated by the Council ~~or Board.~~
- 8.5. Parking of vehicles on parks**
- ~~Hamilton City~~ The Council by resolution and subject to the placing and maintenance of the appropriate signs or markings may limit, restrict or prohibit the parking or stopping of vehicles or boats on any part of any Park. ~~Any person who commits a breach of this clause of the bylaw shall be liable to the penalty prescribed for such an offence by any regulation made under the Land Transport Act 1998 or any enactment passed in substitution therefore.~~
- 8.6. Removal of illegally parked vehicles**
- 8.6.1. If any vehicle is parked or stopped and left unattended in breach of clause 8.5 of this bylaw, and the owner thereof or the person entitled to possession cannot be found after reasonable enquiry in the vicinity, ~~any Authorised Officer, Parking Warden or Police Officer~~ the Council may have the vehicle removed to some other position including any appropriate premises ~~of the Council or of the Police.~~
- 8.6.2. Where any vehicle or boat has been removed pursuant to this bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed,

Hamilton City Council BYLAWS



to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat. ~~all or any of the following:~~

- ~~a) — A towage fee for the removal; and~~
- ~~b) — Reasonable storage charges on a daily basis until the vehicle is uplifted.~~

8.7. Abandoned vehicles on parks

8.7.1. ~~If the Council Any duly authorised officer of Council who~~ has reason to believe that any vehicle or boat has been abandoned in a Park may remove it or cause it to be removed to any place authorised for that purpose by the Council.

8.7.2. Where any vehicle or boat has been removed pursuant to this Bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat. ~~all or any of the following:~~

- ~~c) — A towage fee for the removal; and~~
- ~~d) — Reasonable storage charges on a daily basis until the vehicle is uplifted.~~

8.7.3. No unauthorised mechanical plant or equipment on Parks

Except in an emergency, or where ~~an authorised officer of the~~ Council considers it necessary for the proper and beneficial management, administration and control of the Park, no person shall within any Park, use or attempt to use any portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment.

8.8. Aircraft

Except in cases of emergency, or where ~~prior~~ permission has been obtained from an ~~authorised officer of~~ the Council, no person shall:

- 8.8.1. Make use of any part of any Park for the purpose of landing or alighting thereon or the flying there from of aircraft of any kind ~~(including aeroplanes, helicopters, hot air balloons, gliders, and hovercraft);~~ or
- 8.8.2. Land in any park by parachute; or
- 8.8.3. Use or operate, or attempt to use or operate, a hang-glider on any park; or
- 8.8.4. Make use of any part of any park for the purpose of setting down, picking up, or recovery from within any Park, of any person, livestock, carcass or other article of any description.

This bylaw does not absolve persons from compliance with any requirements that the Director of the Civil Aviation Authority - Air Transport Division may stipulate.

9. PENALTIES

This bylaw is made under the authority given to Hamilton City Council under Section 145 and 146(b)(vi) of the Local Government Act 2002. Any person convicted of an offence against a bylaw made under Part 8 of the Local Government Act 2002 is liable to a fine not exceeding \$20,000 or such other amount as shall from time to time be prescribed by statute.

~~Clauses 7.1 and 7.2 are made under the authority given to the Council under section 11 of the Freedom Camping Act 2011, with the penalties and fines for breaches of these two clauses set out in clause 7.3.~~

Hamilton City Council
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The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor:

Councillor:

Chief Executive:

Hamilton City Council BYLAWS



Schedule A: Prohibited Areas

Areas where Freedom Camping is prohibited

A J Seeley Gully Reserve	Cullimore Park	Graham Park
Aberfoyle Park	Dawson Park	Greensboro Park
Ashurst Park	Days' Park	Greenwood Street Amenity Reserve
Aspiring Crescent Reserve	Deanwell Park	Grosvenor Park
Bankwood Park	Derby Park	Grove Park
Beerescourt Park	Derek Heather Park	Hamilton East Cemetery
Beetham Park Garden	Dillicar Park	Hamilton Gardens
Beetham Park Sports	Discovery Park	Hamilton Lake Domain
Beale Cottage	Dixon's Corner	Hamilton Parade
Berkley Tennis Courts	Dominion Park	Hamilton Park Cemetery
Bishops Lane Reserve	Donny Park	Hamilton West Cemetery
Bleakley Park	Eden Park Reserve	Hammond Park
Bolmuir Park	Edgecumbe Park	Hare Puke Drive Reserve Park
Boyes Park	Edinburgh Park	Hayes Paddock
Braithwaite Park	Elliott Park	Heath Park
Bremworth Park	Enderley Park	Hillary Park
Bristol Park	Enfield Park	Hillcrest Bowling Club
Bryant Road Plantation	Ex Glenview Club	Hillcrest Stadium
Brymer Glen Reserve	Ex Waikato District Council	Hinemoa Park
Brymer Park	Exeter Park	Hukanui Oaks
Caernarvon Park	Fairfield Esplanade	Humarie Park
Capper Crescent Reserve (placeholder)	Fairfield Park	Innes Common Sports
Caro Park	Farnborough Drive Reserve	Innswood Place Reserve
Carrs Park	Farringdon Avenue Reserve	Jansen Park
Casey's Garden	Featherstone Park	Jesmond Park
Chadwick Place Reserve	Ferrybank	Jubilee Park
Chamberlain Place Reserve	Fitzroy Park	Kahikatea Park
Chartwell Park	Flagstaff Park	Karaka Park
Chedworth Park	Flynn Park	King Street Corner
Chelmsford Park	Foreman Park	Kirikiroa Reserve
Chequers Avenue Reserve	Frankton Plantation	Kitchener Street Reserve
Claudlands Park	Fraser Tech Park	Lake Rotokauri Park
Clyde Park	Galloway Park	Lincoln Street Amenity Reserve
Cobham Drive Reserve	Galway Reserve	Lincoln Street Reserve
Cranmer Close Reserve	Gower Park	Lugton Park
Crawshaw Park	Glenview Park	Maeroa Road Reserve
Crosher Place Reserve	Graham Island	Mahoe Park

Hamilton City Council BYLAWS



Mangaiti Reserve -Garden	Pembroke Park	Swarbrick Park
Mangaiti Reserve - Sports	Pine Beach	Swarbrick Landing
Mangakotukutuku Esplanade	Porrirt Stadium Garden	Sylvester Esplanade
Mangaonua Esplanade	Pountney Park	Symmington Estate
Marist Park	Puketaha Scout Den	Taitua Arboretum
Massey Street Plantation Reserve	Pukete Farm Park (Garden)	Tauhara Park -Garden
Matakanohi Reserve	Pukete Farm Park (Sports)	Tauhara Park - Sports
Melville Park	Pukete Farm Park (Wastewater Plant)	Tawa Park
Memorial Park	Pukete Park	Te Anau Park
Milne Park	Pygmalion Park	Te Awa O Katapaki Esplanade
Minogue Park Garden	Queenwood Esplanade	Te Hikuwai Reserve
Minogue Park Sports	Railway Park	Te Huia Drive Reserve
Miropiko Reserve	Rakautahi Park	Te Kootii Park
Mooney Park	Ranfurly Park	Te Manatu Park
Moonlight Drive Reserve	Raymond Park	Te Tiwha O Parei-iri-whare Park
Morrow Avenue Walkway	Resthills Park Garden	Te Toetoe Reserve
Morrow's Orchard	Resthills Park Sports	Templeview Reserve
Munro's Walkway	Rhode Street Park	Tennille Street Reserve (placeholder name)
Nawton Domain	Roose Commerce Park	Tennyson Road Reserve
Nawton Tennis Courts	Rotokauri Road sports park (placeholder name)	The A J Seeley Gully Reserve
New Memorial Park	Rototuna Park	Till's Lookout
Norris Ward Park	Rototuna North City Road sports park (placeholder name)	Totara Park
Northern City Entrance Way	Sandford Park	Union Park
Northolt Park	Sandhurst Place Reserve	Vardon Park
Norton Road Scout Site	Seddon Park Sports & Garden	Vickery Park
O'Connell Walk	Smyth's Plantation	Wade Lane Reserve
Old Farm Road Reserve	Snell Drive Walkway	Waikato Stadium
Olwyn Green	Sonning Esplanade	Waikato Stadium (Fred Jones Park)
Onukutara Park	St Andrews Golf Course	Waitawhiriwhiri Esplanade
Palmerston Street Reserve	St Andrews Park	Waiwhakareke Natural Heritage Park
Parana Park	St Peters Park	Waiherowhero Park
Patricia Avenue Plantation	Steele Park	Wake Park
Peacockes Road Esplanade	Storey Avenue - Jamieson Free Kindy	Ward Park

**Hamilton City Council
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Whatukoruru Reserve	Wiltshire Drive Reserve	Yendell Park
Willoughby Park		

Item 10

Attachment 2

Hamilton City Council BYLAWS



Schedule B1: Restricted Areas

Parks where Restricted Freedom Camping is permitted in self-contained vehicle displaying a NZS5465:2001 Self-Containment Warrant when abiding by the following restrictions.

Car Park attached to:	Restrictions
Porritt Stadium	<ol style="list-style-type: none"> 1. a maximum of six motor caravans be permitted to park there at any one time 2. individual motor caravans cannot be parked there for more than 3 nights in any one month <ul style="list-style-type: none"> • the car park is available for overnight parking only between 5pm and 9am each day.

Schedule B2: Intended Restricted Areas

~~Parks where Restricted Freedom Camping will be permitted once they have resource consent for restricted freedom camping in self-contained vehicle displaying a NZS5465:2001 Self-Containment Warrant. Restrictions will be applied with the gaining of resource consent.~~

Car Park attached to:	Restrictions
Bremworth Park	-
Discovery Park	-
Fairfield Park	-
Galloway Park	-
Hillcrest Park	-
Milne Park	-
Raymond Park	-
Swarbricks Landing	-
Glenview Park	-

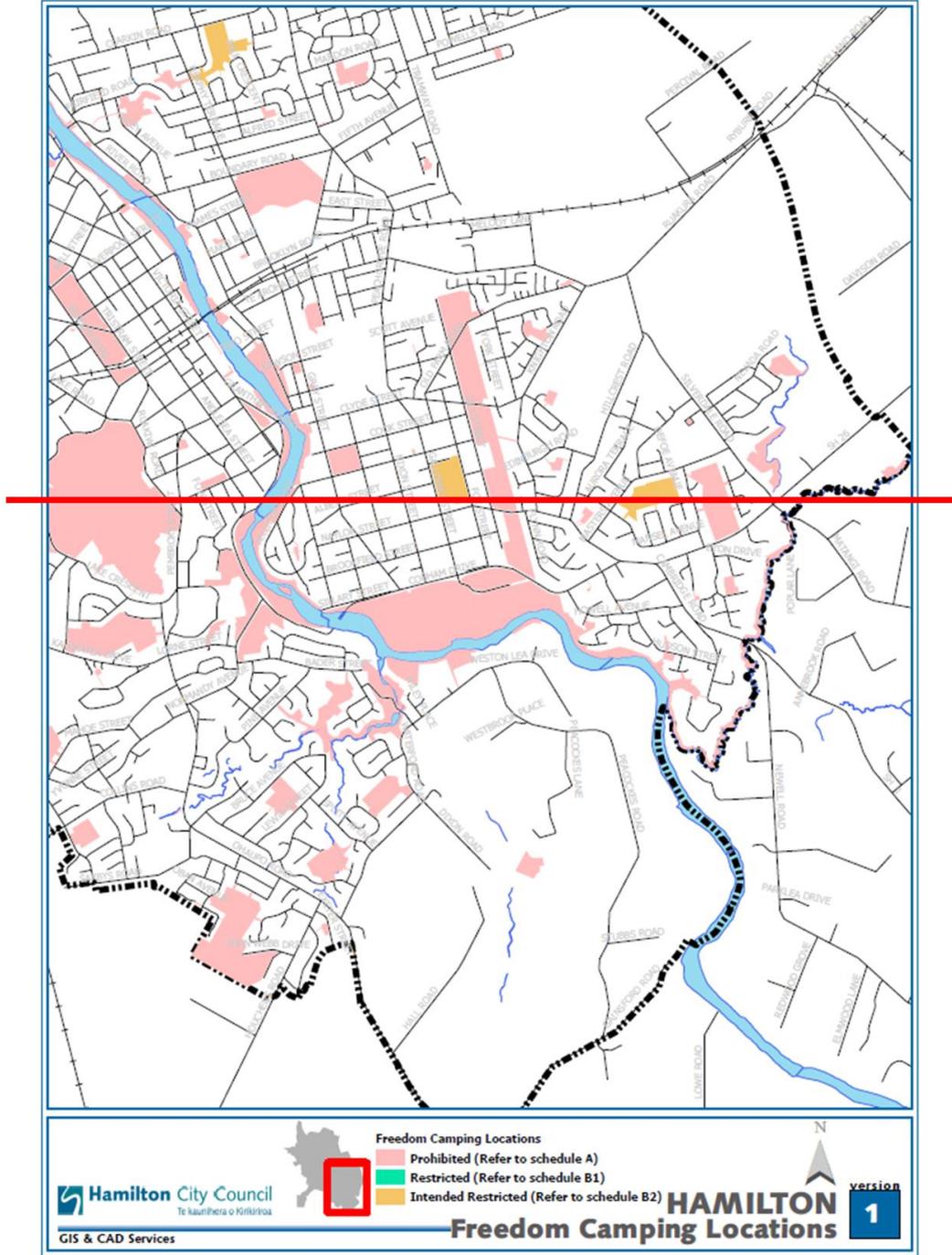
Hamilton City Council BYLAWS



Item 10

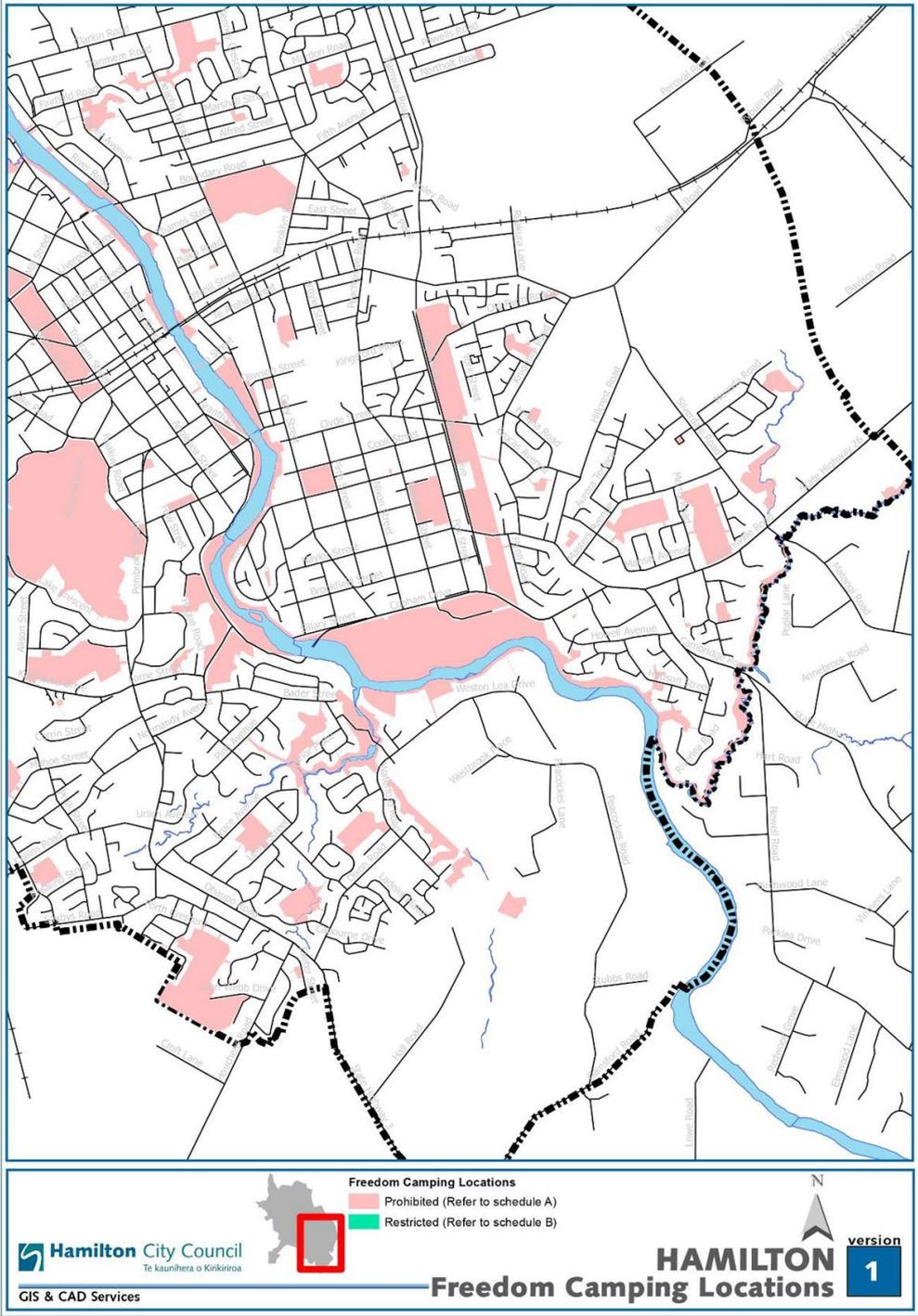
Schedule C: Freedom Camping Locations

Parks in south east Hamilton where freedom camping is prohibited, or restricted, or intended restricted pending resource consent.



Attachment 2

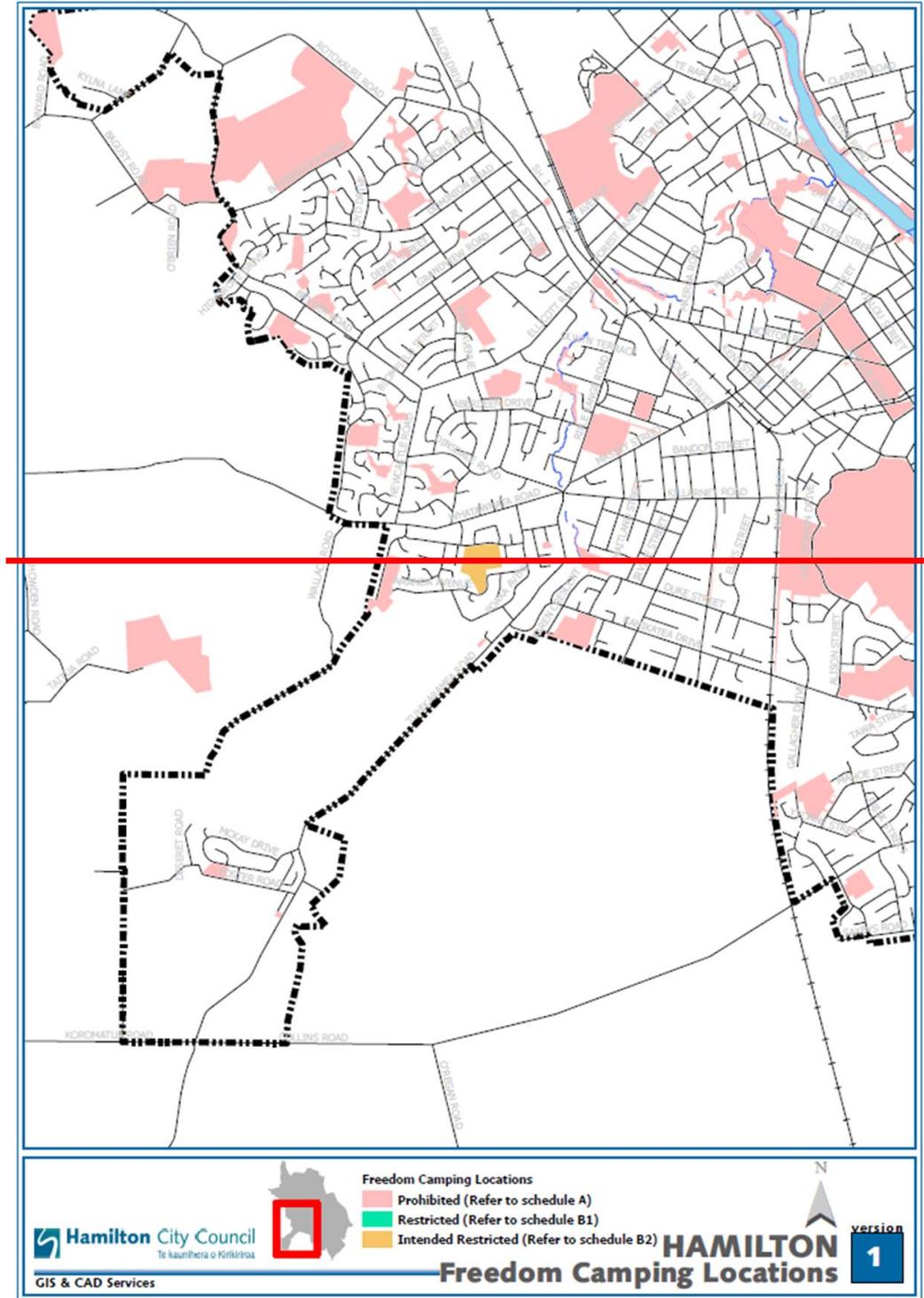
Hamilton City Council BYLAWS



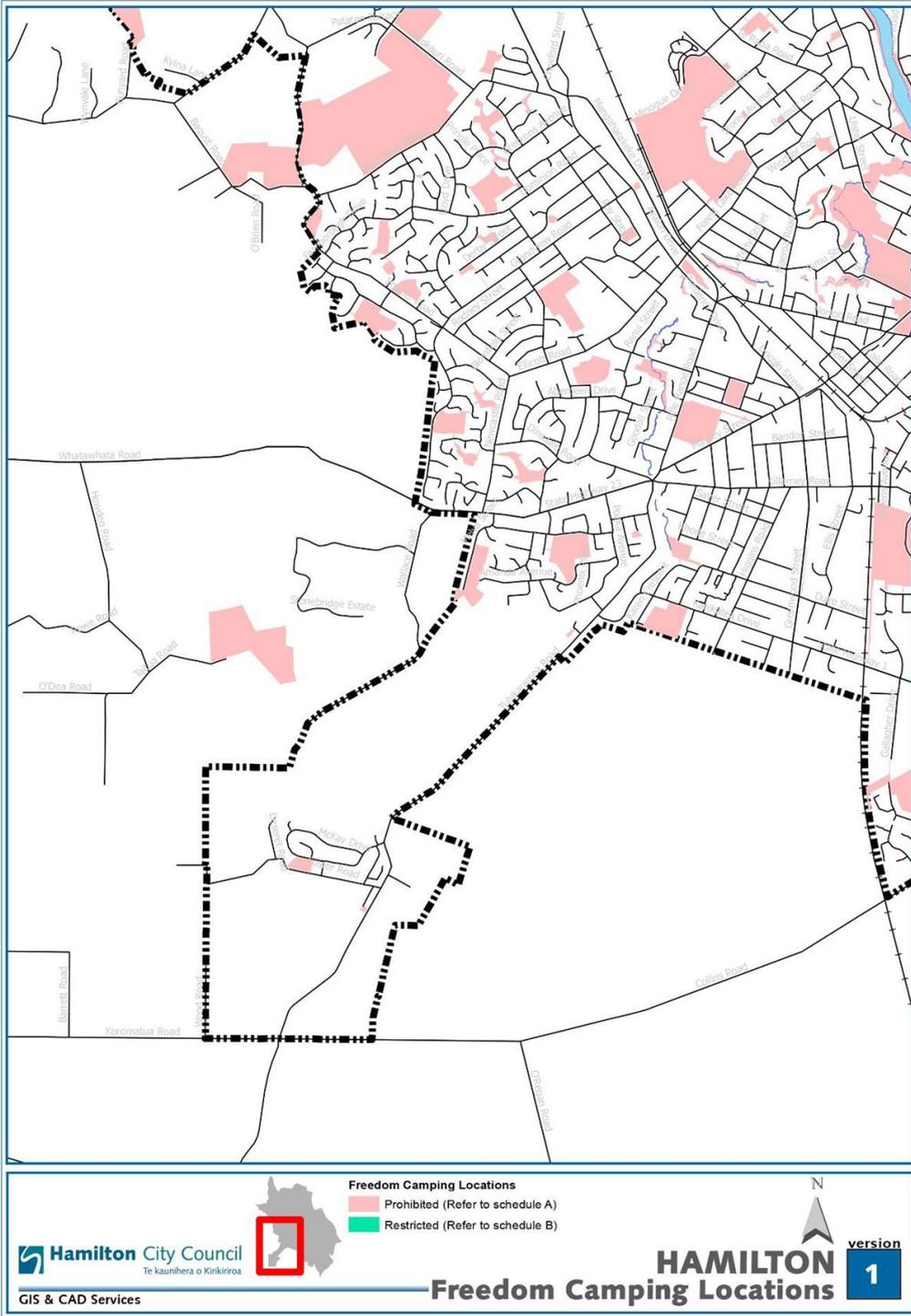
Hamilton City Council BYLAWS



Parks in south west Hamilton where freedom camping is prohibited or restricted, restricted, or intended restricted pending resource consent.



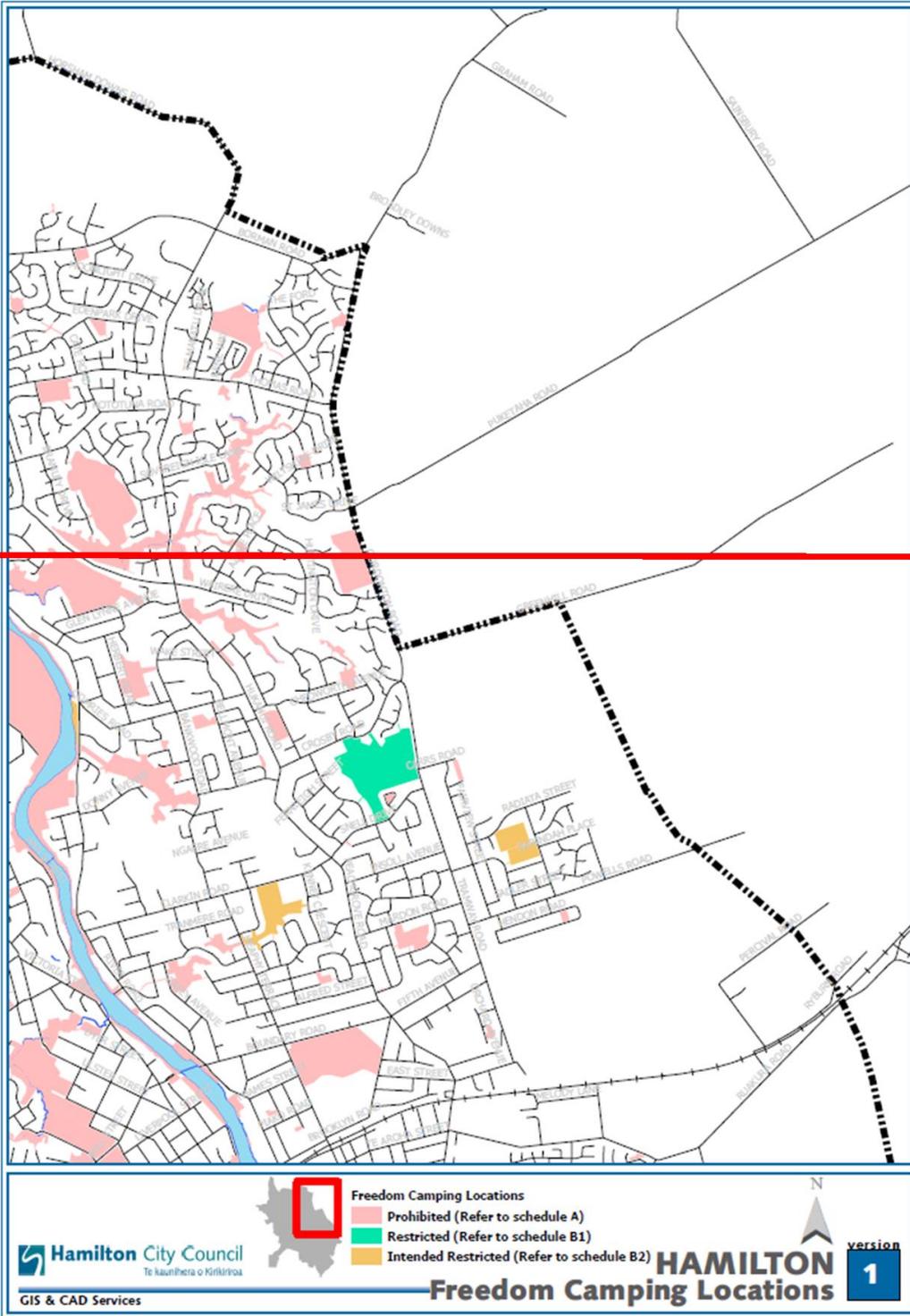
Hamilton City Council BYLAWS



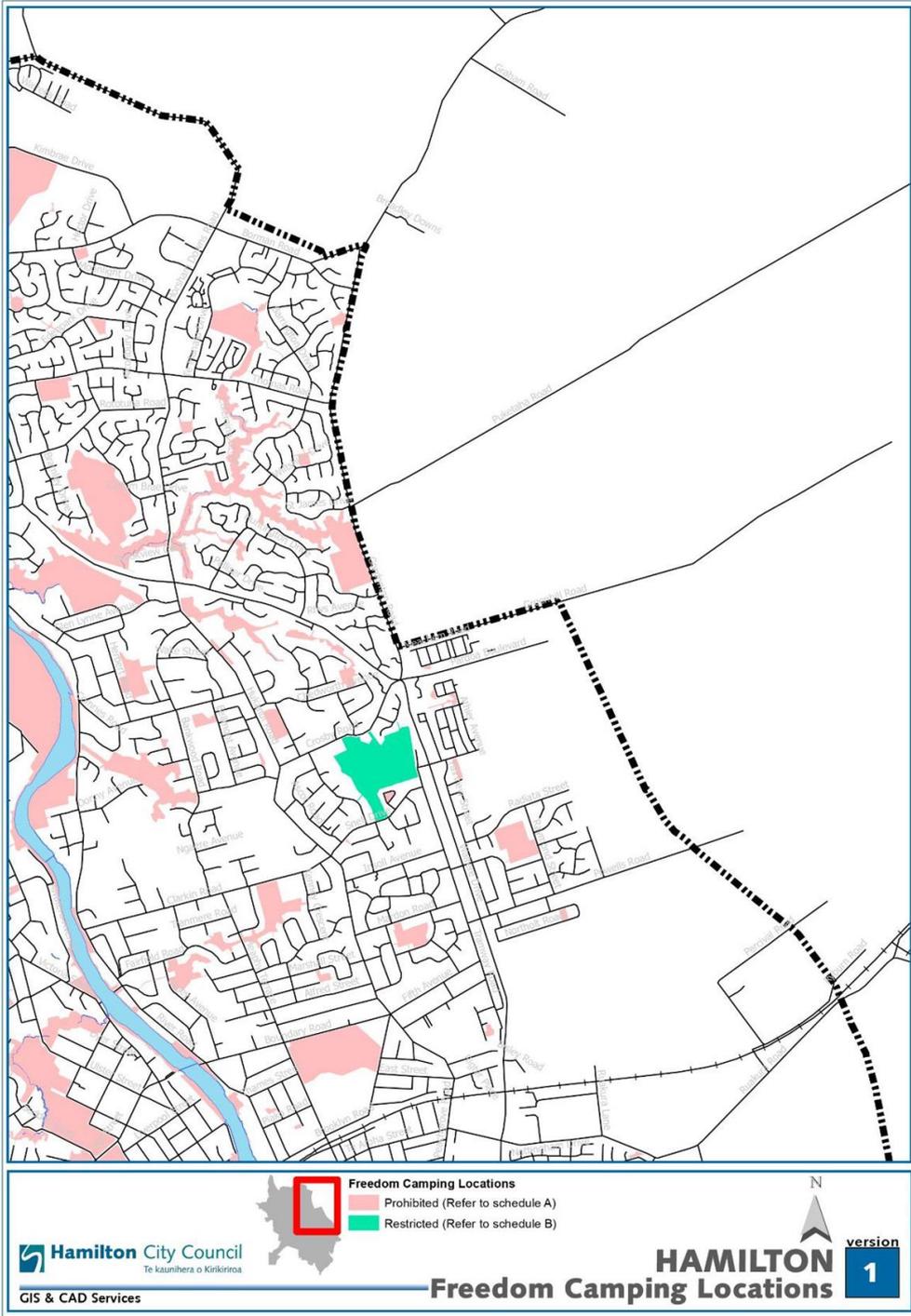
Hamilton City Council BYLAWS



Parks in north east Hamilton where freedom camping is prohibited or restricted, ~~restricted~~, or ~~intended restricted pending resource consent~~.



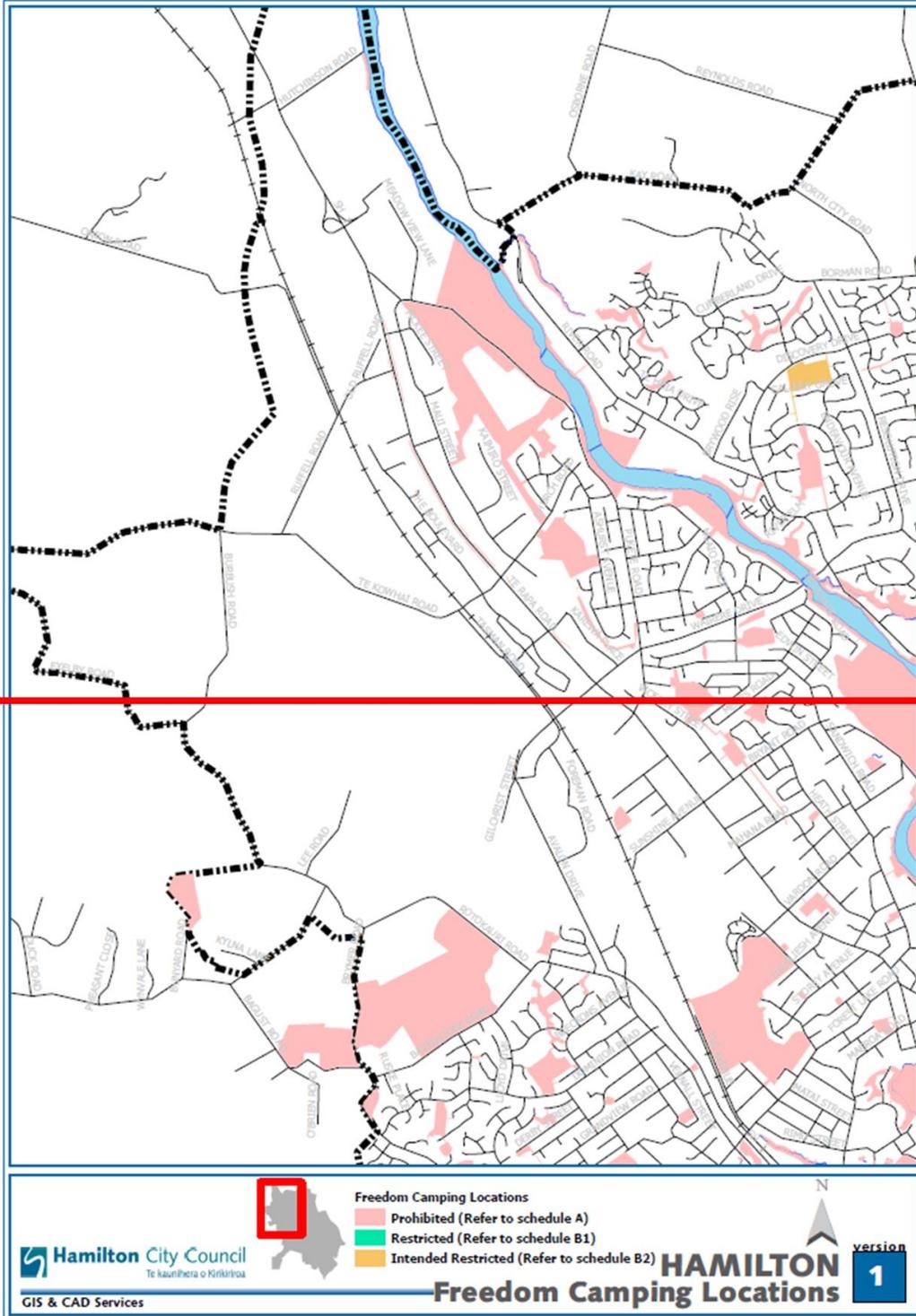
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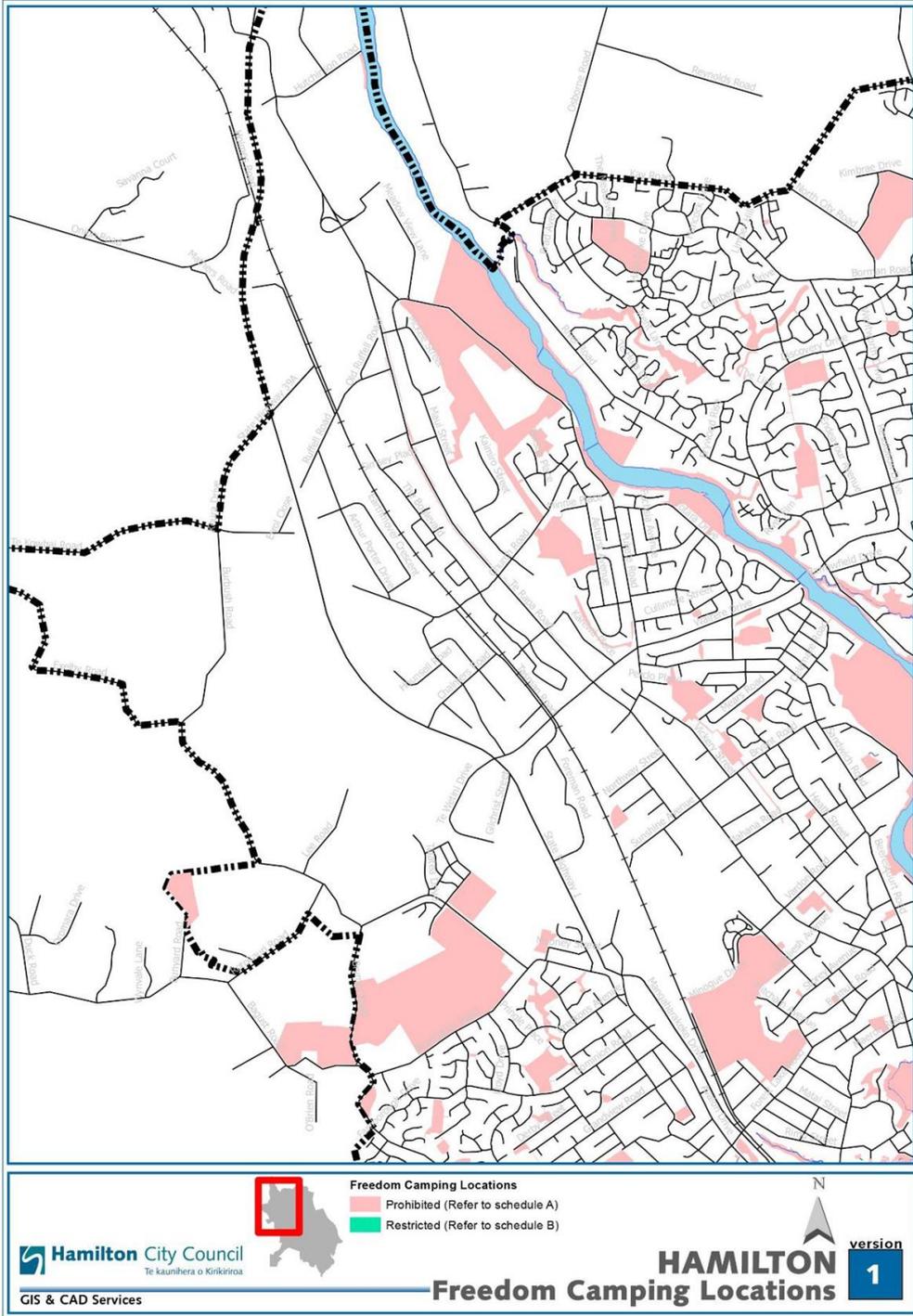
Hamilton City Council BYLAWS



Parks in north west Hamilton where freedom camping is prohibited ~~or restricted. ,restricted, or intended restricted pending resource consent.~~



Hamilton City Council BYLAWS



Hamilton City Parks Domains and Reserves Bylaw

Item 10



Attachment 3

STATEMENT OF PROPOSAL

Hamilton City Council (the Council) is seeking feedback following the review of the Hamilton City Parks Domains and Reserves Bylaw 2012.

BACKGROUND

The Bylaw is a tool for protecting Council's parks and reserves from damage, misuse, or loss and to allow for their effective management. This includes freedom camping on parks.

The Bylaw was last reviewed in 2012 as per the Local Government Act 2002 requirements, and in response to the Freedom Camping Act 2011, and into force 1 September 2012. At the time it came into force it was determined the most appropriate format for the Council's management and protection of parks within Hamilton.

WHY ARE WE DOING THIS?

The Council is required to review the Bylaw periodically by legislation. This provides an opportunity for the Council to check in with the community on how the Bylaw is working, if the Bylaw is still needed and request feedback on changes proposed by the Council.

OPTIONS

Option 1: Amend the Bylaw

This is the preferred option.

This will mean that the Council adopts the amended Bylaw with the following changes made:

- Revised Definitions section
- Clarified responsibilities around permission and enforcement
- Simplified expectations around behaviour on parks
- Updated freedom camping parts to include newly acquired parks
- Clarified on what parks freedom camping can occur

A copy of the proposed Bylaw is attached to this proposal.

Option 2: Revoke the bylaw

This will mean that the Council will no longer have a bylaw for protecting Council's parks and reserves from damage, misuse, or loss and to allow for their effective management.

Although enforcement officers do give verbal warnings, a bylaw is required to establish legally enforceable rules to deter the misuse and damage of Hamilton City parks. Without a bylaw, the Council's options to prosecute for severe infringements would therefore be limited.

TELL US YOUR THOUGHTS ON THE NEW BYLAW

Before making any final decisions, we'd like to have your input.

You can give us feedback from ...

How to give feedback

- Fill out a feedback form online at hamilton.govt.nz/haveyoursay
- Fill out the feedback form included in this Statement of Proposal and send to Hamilton City Council, c/- Strategy Unit, Private Bag 3010, Hamilton 3240.
- Fill out the feedback form and deliver it to the Municipal Building or one of the Council's libraries.

Feedback forms and the proposed Bylaw amendments are available from all Hamilton City Council libraries, and from the Ground Floor reception of Council's Municipal Building in Garden Place.

For any queries please ring 07 838 6699 or email info@hcc.govt.nz

Next Steps

Staff will collect and analyse all feedback at the close of the submission period. The analysis of this feedback will be presented to the May 2019 Regulatory and Hearings Committee. At this meeting, submitters wishing to speak to their written submission will be able to do so. The Council will then consider all the views and make a decision on the Bylaw in June 2019.

QUICK FACTS

What does the bylaw cover?

The Bylaw covers a lot, including general use and behaviour, fireworks, commercial activities, freedom Camping on parks, vehicles and animals on parks.

What other tools are there for managing use and activities on parks?

Other Council bylaws (*e.g. Dog Control, Open Air Burning, Alcohol Control, Cemeteries and Crematorium*)

Other legislation (*e.g. Litter Act, Reserves Act, Resource Management Act*)

Council plans (*e.g. District Plan, Reserve Management Plans*)

What is freedom camping?

Freedom camping in basic terms is camping on public land that isn't a recognised camping ground. The Freedom Camping Act 2011 provides a legal definition of freedom camping

How else does the city provide for freedom camping?

Self-contained vehicles can park on roads where parking restrictions don't apply, for maximum 3 days as provided for in the Council's Traffic Bylaw.

FEEDBACK FORM

Hamilton City Parks Domains and Reserves Bylaw

Hamilton City Council has reviewed the Hamilton City Parks Domains and Reserves Bylaw.

Please note:

Please be aware when providing a submission that all responses are part of the consultation process. This means that your name **but not contact details** may be reproduced and included in the Council's public documents such as the Council agendas and minutes. These documents are available on the Council's website at hamilton.govt.nz

1. Should Hamilton City have a Parks, Domains and Reserves Bylaw?

- Yes
- No

Reasons (Please print clearly) _____

2. Is there anything in the proposed Bylaw (attached) that should be changed?

- Yes
- No

Reasons (Please print clearly) _____

ABOUT YOU: (Please print your details clearly)

This section lets us know a bit more about you and helps us with our analysis of the overall feedback we receive.

3. Are you responding as a:

- An individual/householder
- A representative of a business, organisation or a community group

As a representative of a business, organisation or community group:

What is the name of your business, organisation, group? _____

What is your role within it? _____

What is the key focus of the business, organisation, group? _____

Do you have an office/a base in Hamilton?

Yes

No

As an Individual:

4. Can you tell us your age group?

16-24

25-35

36-50

51-64

65-80

80+

5. Which best describes your household?

Living alone

Family or couple with dependants (children or other family)

Family or couple with no dependants

Living with others that are not family

6. Where do you live?

I am a Hamilton city resident, my suburb is: _____

I live outside the Hamilton city:

Waipa

Waikato)

Greater Waikato

Elsewhere in New Zealand

Overseas

The Regulatory and Hearings Committee will hear any verbal submissions that the community and organisations wish to make in support of their written feedback on 2 May 2019.

7. Do you want to verbally present to the Council in support of your feedback?

Yes (**Please ensure you give us your contact details below*)

No

8. Contact Details: (Please print your details clearly)

Name: _____

Organisation (where applicable): _____

Postal Address (incl. City and postcode) _____

Phone: (day) _____ (evening) _____

Email: _____

Please get your feedback to us by 18 March.

Feedback after this date may not be included in the feedback summary to Councillors.

Feedback can be:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, C/- Strategy Unit, Hamilton City Council, Private Bag 3010, Hamilton 3240
- Dropped off to a Council library or the main reception, ground floor of Council (Municipal) Building, Garden Place.

Council Report

Item 11

Committee: Council **Date:** 07 February 2019
Author: Andy Mannering **Authoriser:** Jen Baird
Position: Social Development Manager **Position:** General Manager City Growth
Report Name: Submission on SKYCITY application to amend Casino licence conditions

Report Status	<i>Open</i>
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Purpose

1. To recommend that the Council approves a submission to the Gambling Commission (**the Commission**) opposing SKYCITY's application to install at the Hamilton Casino 60 additional electronic gaming machines (**EGMs**) in substitution for three Black Jack tables including changes to floor plan, design and layout to enable this.

Staff Recommendation

2. That the Council:
 - a) approves the draft submission (attachment 3 of the staff report) opposing SKYCITY's application to the Gambling Commission to amend its licence conditions; and
 - b) notes that the Chief Executive will circulate external expert advice in support of councils submission to Elected Members prior to it being attached to the final submission to be presented to the Gambling Commission.

Background and Discussion

3. The Commission received an application from SKYCITY on 10 December 2018 to install at the Hamilton Casino 60 additional EGMs (taking the total EGMs to 399 from 339) in substitution for three Black Jack tables (taking total tables from 23 to 20) including changes to floor plan, design and layout to enable this.
4. SKYCITY's application letter (attachment 1) and appendices (attachment 2) set out the details of SKYCITY's application in full.
5. Section 140 of the Gambling Act 2003 (**the Act**) provides that the Commission must notify potentially affected persons of any proposed licence condition changes who may then make written submissions.
6. The Commission may forward any submissions received to SKYCITY and invite SKYCITY to file submissions in reply before making a decision.
7. Council have been invited to make a written submission on SKYCITY's application which must be received by the Commission by 19 February 2019.

9. Staff have assessed that there are two reasonable and viable options for the Council to consider including:
- make a submission on SKYCITY's application (Option 1)
 - do not make a submission on SKYCITY's application (Option 2)
10. Although SKYCITY suggest the increase in EGMs may be considered proportionate to the decrease in tables, Staff recommend that the Council make a submission on SKYCITY's application (Option 1) taking into consideration the following:
- the application provided by SKYCITY provides no clear evidence to confirm the change from tables to machines is 'proportionate'
 - the Council's existing sinking lid position of EGMs in its community as per its Class 4 Gambling Venue Policy
 - the inability of the Council to regulate SKYCITY's licence conditions despite any licence amendment having a potential impact on the community of Hamilton
 - there has been no discussion with the Council, prior to the application being submitted, of any further benefit to the community of Hamilton of SKYCITY's proposed increase in the number of EGMs
 - there is no evidence that SKYCITY have consulted the community
 - the potential for 60 further EGMs, regardless of the reduction of tables, to enable an increase in opportunities to gamble which would then contravene s11 of the Act
 - SKYCITY is only required to provide 1.5% of casino operations for distribution to the community compared to Class 4 trusts which provide 40% of net proceeds for distribution to the community
 - two of the three proposed tables being replaced are in the VIP Casino area for 32 new EGMs in the general Casino area
 - the Commission's submission process is not open to the public
 - invited submitters are not provided an opportunity to be heard by the Commission
9. Given the above considerations, a draft submission (attachment 3) addressed to the Commission opposing SKYCITY's application has been prepared which will be submitted if the Council approves the staff recommendation.
10. Staff also await supporting data to endorse the Council's submission requested from experts and recommend attaching this to the submission to give further weight upon it arriving prior to the close date of 19 February 2019. The staff recommendation 2(b) enables the Chief Executive to attach this data following Elected Members perusal prior to it being attached to the submission.
11. Not making a submission (Option 2) will result in the Council missing an opportunity to make its position known to the Commission and therefore the Commission will not be able to make an informed decision.

Financial Considerations

12. The cost to prepare this report and submission is \$2,000 of staff time, funded within existing budgets.

Legal and Policy Considerations

13. The staff recommendation complies with the Council's legal and policy requirements.

Cultural Considerations

14. The submission acknowledges that the Council should be given any powers it deems appropriate to reduce the impact of gambling on the Maaori community.

Risks

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

Significance and Engagement

- 16. Staff consider that the Staff recommendation to provide a submission on SKYCITY's application has low significance, no engagement is therefore required.

Attachments

- Attachment 1 - SKYCITY Hamilton Casino - Application Letter
- Attachment 2 - SKYCITY Hamilton Casino - Application Letter (Appendices)
- Attachment 3 - SKYCITY Hamilton Casino - Draft Submission



SKYCITY Entertainment Group Limited
 Federal House 86 Federal Street
 PO Box 6443 Wellesley Street
 Auckland New Zealand
 Telephone +64 (0)9 363 6141
 Facsimile +64 (0)9 363 6140
 www.skycitygroup.co.nz

10 December 2018

Blair Cairncross
 Executive Director
 Gambling Commission
 PO Box 137295
 Parnell
 AUCKLAND 1052

Dear Blair

Application to amend licence conditions and related applications to approve design changes and new game mix at SKYCITY Hamilton Casino

Executive Summary

1. SKYCITY Casino Management Limited ("**SCML**") seeks to deploy 60 additional gaming machines ("**EGMs**") at SKYCITY Hamilton Casino ("**Casino**") in substitution (and removal) of three existing Blackjack tables.
2. Section 12(2)(a) of the Gambling Act 2003 ("**Act**") contemplates that a casino may increase the number of its EGMs provided that such increase is accompanied by a reduction in the number of its table games the Gambling Commission ("**Commission**") "*believes is proportionate*".
3. The Act does not set out a formula for determining what constitutes a proportionate reduction in table games for the purposes of section 12(2)(a) and the Commission has not previously considered the matter. However, in SCML's view, the following scenarios provide precedence and guidance for the Commission:
 - (i) a similar reduction was previously considered and determined by the New Zealand Government in the context of the regulatory concessions granted to SKYCITY Entertainment Group Limited pursuant to the New Zealand International Convention Centre Act 2013, pursuant to which 60 EGMs were permitted to be deployed at SKYCITY Auckland Casino in substitution of three Blackjack table games. Although the 60 EGMs in question were a type of EGM known as an automatic table game ("**ATG**"), the Electronic Gaming Machine Rules make no distinction between different EGM types; and
 - (ii) casino licence conditions have historically included a ratio which prevents casino operators from having more than 15 EGMs per gaming table.

4. To give effect to the proposed change outlined in paragraph 1 above, the Commission will also need to approve a new game mix for the Casino and design changes to accommodate the revised product mix.
5. The Commission's previous approach in considering applications for new game mixes has been to compare what is being proposed with what has been approved in the past - if necessary, by reference to the game mix which provides for the most opportunities for casino gambling. In doing so, the Commission has considered comparative data relating to player spaces and rate of play, but has made it clear in its decisions that its assessment is framed on a common sense in the round basis rather than by arithmetic calculations.
6. In the context of player spaces, 60 EGMs represent 60 player spaces and three Blackjack tables represent 63 player spaces. The installation of 60 additional EGMs in substitution of three Blackjack tables would therefore result in three fewer player spaces overall at the Casino.
7. In the context of a rate of play comparison, on the face of it, the 60 additional EGMs arguably represent more theoretical opportunities than the three Blackjack tables. However, this comparison is potentially misleading and does not take account of the very different wagering patterns adopted by EGM and Blackjack players. When wagering patterns are factored into modelling scenarios, a different picture emerges. If theoretical opportunities are to be given any weight at all, SCML believes that they must be considered in the context of the wagering opportunities they present to ensure any comparisons are meaningful.
8. For the avoidance of doubt, although this application necessarily involves a change to the game mix at the Casino, SCML does not believe that any proportionality assessment for the purposes of section 12(2)(a) of the Act requires a balancing of respective casino gambling opportunities between the two products.
9. Furthermore, SCML contends that the 15:1 ratio referred to above is a historical indicator of what has been considered the appropriate number of EGM vs table game product within a casino setting when maximum limits for EGMs and tables games were not specified in casino licences. However, the introduction of maximum limits for EGMs and tables games in casino licences superseded the need to specify a ratio. Additionally, the ratio frustrates the application of section 12(2)(a) of the Act as an increase in EGMs at the Casino (albeit accompanied by a proportionate reduction in table games) would result in the 15:1 ratio being exceeded. As the purpose of the ratio is no longer evident, SCML contends that it would be better to revoke this condition in its casino operator's licence rather than invite the Commission to exercise its discretion pursuant to the condition to approve a ratio which exceeds 15:1.

SKYCITY Entertainment Group Limited

Federal House 86 Federal Street PO Box 6443 Wellesley Street Auckland New Zealand
Telephone +64 (0)9 363 6141 Facsimile +64 (0)9 363 6140 www.skycitygroup.co.nz

Proposal to vary/revoke licence conditions

10. SCML seeks a variation/revocation to the conditions of its casino operator's licence ("Licence") in respect of the Casino to:
- (i) increase the number of EGMs in the gambling area from 339 to 399;
 - (ii) decrease the number of gaming tables in the gambling area from 23 to 20; and
 - (iii) remove the requirement that the ratio of EGMs to gaming tables in the gambling area should not exceed 15 to 1, except with the approval of the Commission.

The applications in respect of Licence conditions 5, 6 and 7 are attached as **Appendix 1**.

Application for approval of revised Annex A

11. Should this application be approved, consequential changes to SCML's game mix involving three fewer gaming tables will be necessary.
12. Pursuant to condition 9 of the Licence, SCML must obtain the prior approval of the Commission for any change to the game types and/or game mixes specified in Annex A attached to the Licence (attached as **Appendix 2**), which includes the regulatory benchmark (game mix 1) and 20 further game mixes, including game mix 16 which is currently relied on.
13. The revised Annex A for which approval is sought (also attached as **Appendix 2**) includes the existing regulatory benchmark (game mix 1) and one further game mix with 20 tables and 399 EGMs. This game mix is a variation to game mix 16 and involves the removal of three 7 Box Blackjack games and the addition of 60 EGMs. The notes to the revised Annex A have been amended to reflect the game types featured in the revised Annex A.

Application for design changes

14. The approval of the proposed variations and revised Annex A would necessarily require a design change to the gambling area to enable the 60 additional EGMs to be deployed. Accordingly, the proposed design change (attached as **Appendix 3**) involves opening the Diamond Lounge by removing two outer walls to create a larger open plan area. The affected area and walls are outlined in **Appendix 3**.
15. In accordance with licence condition 6 of the casino venue licence held by SKYCITY Hamilton Limited ("SCHL"), the licence holder must obtain the approval of the Commission prior to construction or design changes to Levels B1 and 1 of the Casino, including the gambling area.
16. The process by which SCHL may obtain approval for construction and design changes is then set out in licence condition 7, which calls for an assessment as to whether the proposed changes would have an adverse impact on the integrity and fairness of games;

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the effectiveness of security and surveillance; harm prevention, harm minimisation and responsible gambling; potential access to the gambling area by persons under 20 years of age; and compliance by any person with the Act, including section 11.

17. The removal of the two outer walls would have no adverse impact on the matters highlighted in licence condition 7. Any necessary adjustments to the CCTV system will be undertaken to ensure SCML continues to satisfy the Surveillance Standard.
18. Accordingly, SCHL seeks the Commission's approval to implement the proposed construction and design changes.

Application for approval of revised floor plans

19. Pursuant to Licence condition 12, SCML shall obtain the approval of the Commission for new floor plans prior to relocating or installing tables or EGMs in positions not currently specified. The last floor plan approved in respect of the Casino is labelled 'December 2018 II'.
20. In GC13/18, the Commission indicated that applications for related approvals be made at the same time so that the Commission can properly assess the totality of what is intended. The Commission said that if a casino operator intends to make an operational change which will involve approvals for construction and design changes, new floor plans and new game mixes, it is highly desirable that all related matters requiring approval be considered (and, if thought appropriate, approved) at the same time.
21. In light of those comments, SCML has included floor plans showing the proposed changes to the positions of the gaming tables and EGMs which reflect the installation of the additional 60 EGMs and reduction of three gaming tables (the subject of this application).
22. Attached as **Appendix 4** is a marked-up floor plan labelled 'February 2019 Explanatory Plan' which shows where SCML is proposing to remove the three gaming tables and install the additional 60 EGMs. A clean copy of this plan, labelled 'February 2019' is also included for consideration and approval.

Opportunities for Casino Gambling

23. Section 11 of the Act prohibits a person from increasing the opportunities for casino gambling. In terms of section 12(1) of the Act, decisions on what constitutes an increase in the opportunities for casino gambling are a function of the Commission. Section 12(2)(a) of the Act recognises that an increase in the opportunities for casino gambling includes but is not limited to an increase in the number of EGMs *unless* the increase is accompanied by a reduction in the number of table games that the Commission believes is proportionate.

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Proportionality

24. The Commission has not previously determined the proportionality between casino table games and EGMs. It must do so to determine whether the proposed increase in the number of EGMs would be appropriately offset by the proposed reduction to the number of gaming tables. If it believes the proposed change is proportionate, then it would also need to consider whether to agree that the ratio of gaming machines to tables may exceed 15:1. The Commission could grant such an approval pursuant to Licence condition 7 or revoke the condition if it considered that the ongoing application of the ratio would be rendered meaningless. The proposed changes could not be implemented under the terms of the current ratio.
25. A proportionality assessment should not, in SCML's view, be limited to a theoretical comparison of gambling opportunities the respective products represent although that may provide some guidance. A shared reference point based around casino gambling opportunities is likely to facilitate comparisons but is difficult to calculate. Over the years, the Commission has repeatedly indicated that assessing opportunities for casino gambling cannot be reduced to a formula, but rather requires a common-sense assessment of the situation to form an overall view in the round which is ultimately a matter of impression and judgement.
26. The different characteristics of the respective products means, even a common-sense assessment of the number of gambling opportunities they represent is challenging. It is even arguable whether casino gambling opportunities is the right measure. Certainly, there is nothing in section 12(2)(a) of the Act itself (or elsewhere in the Act) to suggest that proportionality is to be determined by a balancing of the respective casino gambling opportunities associated with the increase in EGMs and reduction of casino table games. SCML believes that a wider range of considerations is called for. Issues that may have some relevance to a proportionality assessment are explored in detail below.

Player spaces

27. The number of player spaces associated with different games has traditionally been applied to the assessment of gambling opportunities. In terms of casino table games, the number of persons who may wager on a game is usually determined by the game rules, which specify the maximum wagering areas and the number of persons who may place wagers on those areas. There are some exceptions where the rules do not specify the maximum number of players who may wager, but they have no relevance to the current application.
28. SCML's proposal involves the removal of three 7 box Blackjack games and the installation of 60 additional EGMs. Each Blackjack game has a maximum of 21 player spaces as determined by the Blackjack rules - representing 63 player spaces in total. EGMs have traditionally not been assessed or assigned a maximum number of player spaces – unlike table games which are designed for group play, EGMs may only be played by one person. Thus, while EGMs may be categorised as either "single-terminal" or "multi-terminal",

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only one player may wager on a terminal at any one-time meaning EGMs can only ever represent a single player space. The 60 additional EGMs therefore constitute 60 player spaces.

29. If player spaces were to be used as the sole criterion for assessing proportionality, then the installation of 60 additional EGMs in place of three Blackjack tables should be considered broadly proportionate – 63 player spaces are replaced with 60.

Rate of Play

30. Historically, the Commission has considered rate of play as another relevant factor in assessing gambling opportunities. In response to a Commission request for better data which could reliably be used to assist in the determination of opportunities for casino gambling, SCML undertook a series of trials in 2010. These trials were designed to determine how many games of each different type could be conducted over a 15-minute period while maintaining a constant set of variables. In terms of the trial data, a 7 box Blackjack game generated 34 games over the 15 minutes of play. The Commission indicated that it considered the trial data a very valuable addition to the information then available. SCML has added to this data over the years as new table games have been introduced.
31. Nonetheless, the limitations associated with these artificial “speed” trials have been generally acknowledged by all parties and reflected in the Commission’s decisions over the years. The Commission has accepted that indicative figures in relation to rate of play (in conjunction with theoretical player number limits) do provide some general guidance, but are not determinative and cannot be applied as an arithmetic formula.
32. There has never been any need to consider the rate of play associated with EGMs. Unlike casino table games which are characterised by a unique set of rules for each game type, EGMs are governed by one generic set of rules. As they have always been treated as a generic product, any changes to the EGM “mix” via game conversions/replacements have never been subject to a requirement for prior regulatory approval. To the extent that the Commission may consider EGM rate of play as having some relevance to the proportionality assessment, it is explored further below.
33. There are essentially two types of EGMs in operation at the Casino. One type replicates table games and is known as a multi-terminal EGM or ATG. There are 12 ATGs currently operating at the Casino. The rate of play associated with an ATG is controlled by the terminals and not the players. The terminals are configured to complete a round of play every 30 seconds or 30 games per 15 minutes.
34. The other type of EGM is known as a single terminal EGM and is by far the most common type of EGM at the Casino and in all other venues operating EGMs. The rate of play associated with single terminal EGMs is determined in part by the player (ie, how quickly they activate the play button following completion of each game) and in part by game

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design, most notably the features specific to that game and the number of occasions on which those features are struck. Game features extend playing time and consequently slow the rate of play.

35. SCML staff recently undertook two trials in the Mock Training Room at the SKYCTY Auckland Casino to provide the Commission with rate of play data in relation to single terminal EGMs. Four single terminal EGMs were played for a period of 15 minutes. Two of those EGMs are currently used at the Casino (being Autumn Moon and Fortune Fury Jackpots), one has been used there previously (being QS Phoenix and Peony) and the fourth has never been used in that location (being Crusader King). Both trials were supervised by the Department of Internal Affairs (“DIA”). A record of the results and DIA verification of the trials are shown in the reports attached as **Appendix 5**.
36. The trial results are included in Table 1 below, which also includes rate of play data for Blackjack and ATGs:

Table 1 – trial rate of play comparison

Game type	Rate of play (per 15 minutes)
Autumn Moon	99
QS Phoenix & Peony	135
Fortune Fury Jackpots	170
Crusader King	201
Average rate of play across 4 single terminal EGMs	151
Blackjack/Pontoon – 7 box	34
ATG	30 (configured by machine)

37. The indicative figures suggest that a single terminal EGM might be expected to generate anything from 3-6 times as many rounds as Blackjack games. Table 2 below combines rate of play with player spaces to construe the respective theoretical opportunities:

Table 2 – theoretical opportunities

Game	Spaces	Rate	Removal	Additions	Total spaces	Theo opportunity
BJ/Pontoon 7 box	21	34	3		63	2,142
Single terminal EGM	1	151		60	60	9,060

38. To the extent that these calculations of theoretical opportunities have any relevance at all, they should be considered in the context of the Commission’s view that assessments cannot be reduced to simple arithmetic formulas and are not determinative. The case in question is a good illustration of the flaws associated with such calculations and how rate of play data alone creates a distorted and potentially misleading comparison as explained below.
39. There is a significant difference between the wagering opportunities presented by the respective products. For example, based on player rating data for the month of August

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2018, the average Blackjack wager at the Casino was \$86. This compares with the average wager on a single terminal EGM at the Casino over the same period of \$1.03.

40. Similar comparisons can be made without relying on average wager data. 92% of EGMs at the Casino permit players to wager 20 cents or less on a game. The lowest possible wager on a Blackjack game at the Casino is \$5.00 and two of the three Blackjack games SCML is proposing to replace have minimum wagers of \$10.
41. This additional indicative data is included in Table 3 below to provide a more meaningful comparison.

Table 3 – theoretical opportunities

Game	Theo opportunity	Average wager	Theo opportunity x average wager	Minimum wager	Theo opportunity x minimum wager
BJ/Pontoon 7 box (3 tables)	2,142	\$86	\$184,212	\$5.00	\$10,710
Single terminal EGM (60 EGMs)	9,060	\$1.03	\$9,331	20 cents	\$1,812

42. If wagering opportunities are considered alongside other theoretical opportunities, as SCML contends they should be, a very different picture emerges and suggests that the additional EGMs represent significantly less than the tables they replace.
43. The next section provides further context for assessing the disparity in theoretical opportunities.

Regulatory concessions NZICC

44. Schedule 12 to the New Zealand International Convention Centre Project and Licensing Agreement (“**Agreement**”), which is attached as **Appendix 6**, includes a mix of games (game mix A.1) that may be operated by the licence holder on casino gaming tables, subject to the conditions noted. One of those conditions allows the licence holder to substitute each table for up to 20 ATGs. The New Zealand International Convention Centre Act 2013 gives effect to the Agreement and game mix A.1 was included as Annex B to SCML’s casino operator’s licence in respect of SKYCITY Auckland Casino pursuant to GC21/15.
45. The matter would seem to be of direct relevance to this application in that it represents the only occasion to date where a casino has been authorised by law to substitute casino table games for EGMs. In terms of that authorisation, seven different table game types may be substituted individually for up to 20 ATGs. The rationale for determining how many ATGs may be substituted for each table is not specified, but given that each of the tables is subject to a varying range of player spaces and theoretical rate of play, the individual characteristics of those games don’t appear to be the driving force in

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determining the substitution level. For instance, a game of Caribbean Stud Poker with a maximum of 7 player spaces and which generates approximately 12 games per 15 minutes under trial conditions may be replaced with 20 ATGs which each generate 30 games per 15 minutes. This equates to substituting 84 theoretical opportunities with 600. Another example of direct relevance to this application involves the permitted substitution of three Blackjack games with 60 ATGs.

46. While the number of substitutions in this case is not linked to a requirement for proportionality or to ensure that there is no increase in casino gambling opportunities, common-sense suggests that the alternative formulation was designed to substitute like for like.

Ratio of gaming machines: tables

47. As previously noted, the Act does not require the Commission to determine proportionality by achieving a theoretical equilibrium in casino gambling opportunities. Rather, it is what the Commission believes is a proportionate reduction in table games.
48. The Licence conditions specify that the ratio of EGMs to gaming tables in the gambling area shall not exceed 15 to 1. This requirement was originally included by the Casino Control Authority (“**Authority**”) at a time when licence conditions did not always specify a maximum number of EGMs or gaming tables and, in effect, appears to have been an attempt by the Authority to establish what it considered to be an appropriate relationship between the two products. That licence condition was carried forward when the Authority was disestablished and following a general review of licence conditions in 2006/2007 was retained by the Commission.
49. A ratio is a tool for ensuring the relationship between two variables is proportionate. The Authority identified a need to ensure a proportionate relationship between EGMs and gaming tables when casinos were first established, and the Commission did not seek to disturb that relationship following its review of the Licence conditions.
50. The views the Commission took on proportionality in the context of the Licence condition review may have some relevance to its views on proportionality pursuant to section 12(2)(a) of the Act.
51. While the ratio may provide some guide to proportionality, its application would effectively prevent any increase in EGMs accompanied by a proportionate reduction in gaming tables at the Casino as any such change would exceed the specified ratio as set out in the Licence conditions. That seems inconsistent with the statutory provision which envisages an increase in EGMs where the Commission believes them to be offset by a proportionate reduction in table games. It is for this reason that SCML seeks the revocation of this condition.

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Previous Commission decisions on proportionality

52. In GC04/09, the Commission recognised that, in addition to the 34 gaming tables and 500 EGMs that Christchurch Casino Limited (“CCL”) was permitted to operate, CCL should be permitted to increase the number of gaming tables or EGMs to reflect the equivalent opportunity represented by Keno and the Racing Game.
53. In its decision, the Commission noted that neither Keno nor the Racing Game could strictly be considered either table games or EGMs in terms of the relevant licence and could not easily be compared with either. In the round, it found that Keno and the Racing Game should be treated as the equivalents of the table games Roulette and Tai Sai and that CCL should be permitted to substitute either one game of Roulette or one game of Tai Sai for each of Keno and the Racing Game.
54. The Commission subsequently clarified in GC18/13 that the substitution permitted in GC04/09 was based on a Keno game with four ticket terminals.
55. SCML has reviewed GC04/09 and GC18/13, but has not identified anything that would assist with the current assessment.

Responsible Gambling

56. SCML’s Host Responsibility team has reviewed the proposals set out in this application and is satisfied that they will have no adverse impact on its efforts to prevent and minimise harm from gambling, including problem gambling. SCML’s Host Responsibility Programme and Problem Gambling Identification Policy are designed to facilitate responsible gambling and to mitigate the risk of problem gambling regardless of whether customers are wagering on EGMs or tables. Proportionate changes to the product mix will not detract from its endeavours in this regard.

Conclusion

57. This is the first application of its kind where the Commission has been asked to approve an increase in the number of EGMs accompanied by a reduction in the number of tables at a casino. The Act recognises that where the increase is proportionate to the reduction, no increase in the opportunities for casino gambling arises. It is for the Commission to determine what is proportionate and there is no formula to guide its considerations in that regard.
58. A comparison of gambling opportunities presented by EGMs and casino tables is difficult given the different characteristics of the respective products. The Commission faced a similar challenge in 2009 when it attempted to assess the equivalent opportunity represented by Keno and Racing Game vis-a-vis casino tables. On that occasion, it found no assistance in the use of arithmetic formulas and over the years has consistently favoured a common-sense assessment to form an overall view in the round.
59. Nonetheless, the Commission has traditionally considered issues such as player spaces and rate of play when forming its judgement and for that reason SCML has sought to

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provide data relevant to these areas for the Commission to assess as it sees fit. However, SCML strongly believes that a rate of play comparison on its own is misleading and to the extent it is considered at all should be considered in the context of wagering patterns associated with the respective games.

60. Furthermore, a common-sense assessment of proportionality should entail wider considerations unrelated to casino gambling opportunities. The use of a longstanding ratio to reflect proportionality between gaming machines and tables and recent legislative initiatives which enable 20 ATGs to be substituted for a single table provide significant reference points in this respect.
61. Finally, and most importantly, the proposals will not hinder SCML's ongoing efforts to minimise harm and facilitate responsible gambling at the Casino.
62. This is an important initiative for the Casino and SCML would welcome the opportunity to speak to the proposals at the next Commission meeting.

Yours sincerely



Phil O'Connell
Group General Manager, Regulatory Affairs and AML

APPENDIX 1

APPLICATION BY CASINO LICENCE HOLDER TO HAVE GAMBLING COMMISSION SPECIFY, VARY OR REVOKE CONDITIONS OF A CASINO LICENCE UNDER SECTION 139(1)(d) OF THE GAMBLING ACT 2003

Dated 10 December 2018

Name and postal address of casino licence holder:

SKYCITY CASINO MANAGEMENT LIMITED
c/-PO Box 6443
Wellesley Street
Auckland
New Zealand
Phone: 363 6455

Description of casino licence in respect of which this application is made:

Casino Operator's Licence in respect of Hamilton Casino

Details of proposed changes sought to the casino licence conditions and reasons for the request:

APPLICATION is hereby made to the Gambling Commission ("**Commission**") by SKYCITY Casino Management Limited ("**SCML**") the holder of the casino operator's licence for the Hamilton Casino ("**Casino**") for a variation of licence conditions pursuant to section 139(1)(d) of the Gambling Act 2003 ("**Act**") as follows:

SCML is proposing the following variations to conditions 5, 6 and 7 as shown in mark-up below:

5. The number of gaming machines in the Gambling Area shall not exceed 3939. Each terminal or player station of a multi-terminal or multi-player gaming machine shall be treated as one gaming machine.
6. The number of gaming tables in the Gambling Area shall not exceed 203.
- ~~7. The ratio of gaming machines to gaming tables in the Gambling Area shall not exceed 15 to 1, except with the approval of the Commission~~

The proposed revocation of licence condition 7 would require all subsequent conditions to be re-numbered.

UPON THE GROUNDS that:

- (i) Section 11 of the Act prohibits a person from increasing the opportunities for casino gambling and s 12(1) provides that decisions on what constitutes an increase in the opportunities for casino gambling are a function of the Commission.
- (ii) In terms of section 12(2)(a) an increase in the opportunities for casino gambling includes but is not limited to an increase in the number of gaming machines unless the increase is accompanied by a reduction in the number of table games that the Commission believes is proportionate.

- (iii) The legislation anticipates circumstances where an increase in the number of gaming machines at a casino is permitted provided any such increase is accompanied by a proportionate reduction in the number of table games that the Commission believes is proportionate.
- (iv) There is no formula for determining whether a proposed increase in gaming machines is proportionate to the proposed reduction in gaming tables.
- (v) In the accompanying letter to this application dated 10 December 2018, SCML traverses what it considers to be the salient issues to a proportionate assessment and concludes that the addition of 60 gaming machines accompanied by a reduction in three Blackjack tables would be proportionate.
- (vi) Any proportionate increase in gaming machines could only be given effect if the Commission agreed that the ratio of gaming machines to gaming tables may exceed 15 to 1. While the Commission could simply grant its approval in this regard, pursuant to licence condition 7, the ongoing application of the ratio would be rendered meaningless.
- (vii) With licence conditions now specifying a maximum number of gaming machines and tables and the Act recognising that proportionate increases in certain products will not increase casino gambling opportunities, the use of a ratio may no longer be appropriate and should be revoked.

Section 139 (2)

A condition of a casino licence specified, varied or revoked under section 139(1) must comply with the requirements set out in section 139(2).

- (a) The proposed amendments are consistent with the Act.

Section 12(2)(a) envisages circumstances where there may be an increase in the number of gaming machines provided there is a proportionate reduction in the number of tables. While Schedule 1 of the Act recognises that conditions regulating the ratio of gaming machines and casino tables may attach to a casino licence, any such condition potentially frustrates the application of s 12(2)(a).

- (b) Must contribute to achieving the purpose of this Act

The proposed increase in one type of product is proportionate to the decrease in another. This is consistent with the purpose of controlling the growth of gambling and is specifically catered for by s 12 of the Act.

SCML's Host Responsibility team has reviewed the proposals and is satisfied that they will have no adverse impact on its efforts to prevent and minimise harm from gambling, including problem gambling. SCML's Host Responsibility Programme and Problem Gambling Identification Policy are designed to facilitate responsible gambling and to mitigate the risk of problem gambling regardless of whether customers are wagering on gaming machines or tables. The proportionate changes will not affect its endeavours in this regard.

- (c) Must contribute to the efficient and effective administration of this Act

In terms of the proposed changes, the numbers of gaming machines and gaming tables that may be operated at the Casino will continue to be controlled by way of licence conditions. By specifying product numbers in licence conditions, and in circumstances where any changes to those numbers must be proportionate, the need to maintain a ratio of products is no longer evident. The removal of the ratio to the extent that it may now be considered superfluous contributes to the efficient and effective administration of the Act.

- (d) Must not permit an increase in the opportunities for casino gambling

Pursuant to s 12(2)(a) an increase in the opportunities for casino gambling includes but is not limited to an increase in the number of gaming machines unless the increase is accompanied by a reduction in the number of table games that the Commission believes is proportionate.

- (e) May relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d)

Schedule 1 specifies conditions that *may* attach to a casino licence. These include conditions regulating the number of gaming machines and table games, and the ratio of one to the other. The proposed variations continue to regulate the number of gaming machines and table games. There is no requirement under Schedule 1 to have a condition specifying a ratio and the proposed revocation of this licence condition would not be contrary to Schedule 1.

Affected Parties

The proposed new developments affect SKYCITY Hamilton Limited ("**SCHL**"), the Hamilton casino venue licence holder. SCHL has been consulted over the proposed changes and is supportive of them.

Application Fee

The application fee of \$1022.22 in the form of a cheque made out to the Commission will be forwarded under separate cover.

Dated at Auckland this 10th day of December 2018.

Phil O'Connell
Group General Manager, Regulatory Affairs and AML

APPENDIX 2

HAMILTON CASINO

ANNEX A

Pursuant to condition 9 the following game mixes may be operated by the Licence Holder on casino gaming tables in accordance with approved floor plans subject to the following conditions and requirements:

- | | | |
|----|--|----------------|
| 1. | Blackjack/Pontoon | up to 11 games |
| | Roulette | up to 5 games |
| | Caribbean Stud Poker | up to 2 games |
| | Midi Baccarat | up to 3 games |
| | Mini Baccarat | up to 1 game |
| | Tai Sai (single sided) | up to 1 game |
| 2. | Blackjack/Pontoon | Up to 10 games |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 1 game |
| | Midi Baccarat | Up to 4 games |
| | Money Wheel (single sided) | Up to 1 game |
| | Poker | Up to 2 games |
| 3. | Blackjack/Pontoon | up to 12 games |
| | Roulette | up to 4 games |
| | Electronic Roulette (up to 23 terminals) | up to 1 game |
| | Midi Baccarat | up to 2 games |
| | Caribbean Stud Poker | up to 1 game |
| | Money Wheel (single sided) | up to 1 game |
| | Poker | up to 2 games |
| 4. | Blackjack/Pontoon | up to 10 games |
| | Roulette | up to 4 games |
| | Electronic Roulette (up to 23 terminals) | up to 1 game |
| | Caribbean Stud Poker | up to 1 game |
| | Midi Baccarat | up to 3 games |
| | Mini Baccarat | up to 1 game |
| | Money Wheel (single sided) | up to 1 game |
| | Poker | up to 2 games |
| 5. | Blackjack/Pontoon | Up to 6 games |
| | Blackjack/Pontoon (restricted options) | Up to 2 games |
| | Roulette | Up to 5 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 1 game |
| | Midi Baccarat | Up to 5 games |
| | Money Wheel (single sided) | Up to 1 game |
| | Poker | Up to 2 games |
| 6. | Blackjack/Pontoon | Up to 5 games |
| | Blackjack/Pontoon (restricted options) | Up to 2 games |
| | Roulette | Up to 5 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 1 game |
| | Midi Baccarat | Up to 5 games |
| | Mini Baccarat | Up to 1 game |
| | Money Wheel (single sided) | Up to 1 game |
| | Poker | Up to 2 games |

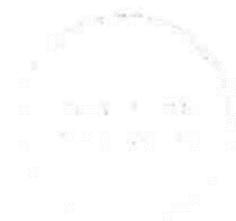


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| 7. | Blackjack/Pontoon | Up to 7 games |
| | Blackjack/Pontoon (restricted options) | Up to 1 game |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 6 games |
| | 3 Card Poker | Up to 1 game |
| | Ultimate Texas Hold'em Poker | Up to 1 game |
| 8. | Blackjack/Pontoon | Up to 8 games |
| | Blackjack/Pontoon (restricted options) | Up to 1 game |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 5 games |
| | 3 Card Poker | Up to 1 game |
| | Ultimate Texas Hold'em Poker | Up to 1 game |
| 9. | Blackjack/Pontoon | Up to 8 games |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 22 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 6 games |
| | 3 Card Poker | Up to 1 game |
| | Ultimate Texas Hold'em Poker | Up to 1 game |
| 10. | Blackjack/Pontoon | Up to 8 games |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 23 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 6 games |
| | 3 Card Poker | Up to 1 game |
| | Lunar Poker | Up to 1 game |
| 11. | Blackjack/Pontoon | Up to 8 games |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 12 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 6 games |
| | 3 Card Poker | Up to 1 game |
| | Money Wheel (SS) | Up to 1 game |
| 12. | Blackjack/Pontoon | Up to 7 games |
| | Roulette | Up to 4 games |
| | Electronic Roulette (up to 12 terminals) | Up to 1 game |
| | Caribbean Stud Poker | Up to 2 games |
| | Midi Baccarat | Up to 6 games |
| | Money Wheel (SS) | Up to 1 game |
| | 3 Card Poker | Up to 1 game |
| | Ultimate Texas Hold'em Poker | Up to 1 game |

Attachment 2

13.	Blackjack/Pontoon	Up to 7 games
	Roulette	Up to 4 games
	Caribbean Stud Poker	Up to 2 games
	Midi Baccarat	Up to 6 games
	Money Wheel (SS)	Up to 1 game
	3 Card Poker	Up to 1 game
	Ultimate Texas Hold'em Poker	Up to 1 game
	Snake Eyes	Up to 1 game
14.	Blackjack/Pontoon	Up to 6 games
	Blackjack/Pontoon (restricted options)	Up to 2 games
	Roulette	Up to 4 games
	Caribbean Stud Poker	Up to 2 games
	Midi Baccarat	Up to 7 games
	Money Wheel (SS)	Up to 1 game
	3 Card Poker	Up to 1 game
15.	Blackjack/Pontoon	Up to 7 games
	Roulette	Up to 4 games
	Caribbean Stud Poker	Up to 2 games
	Midi Baccarat	Up to 7 games
	Money Wheel (SS)	Up to 1 game
	3 Card Poker	Up to 1 game
	Snake Eyes	Up to 1 game
16.	Blackjack/Pontoon	Up to 7 games
	Blackjack/Pontoon (5 box)	Up to 1 game
	Roulette	Up to 4 games
	Caribbean Stud Poker	Up to 2 games
	Midi Baccarat	Up to 6 games
	Midi Baccarat (7 box)	Up to 1 game
	Money Wheel (SS)	Up to 1 game
3 Card Poker	Up to 1 game	
17.	Blackjack/Pontoon	Up to 7 games
	Roulette	Up to 4 games
	Caribbean Stud Poker	Up to 2 games
	Midi Baccarat	Up to 5 games
	Midi Baccarat (7 box)	Up to 2 games
	Money Wheel (SS)	Up to 1 game
	3 Card Poker	Up to 1 game
	Casino War	Up to 1 game
18.	Blackjack/Pontoon	Up to 5 games
	Blackjack/Pontoon (5 box)	Up to 3 game
	Roulette	Up to 3 games
	Electronic Roulette (up to 10 terminals)	Up to 1 game
	Midi Baccarat	Up to 6 games
	Midi Baccarat (7 box)	Up to 1 game
	Caribbean Stud Poker	Up to 2 games
	3 Card Poker	Up to 1 game
Money Wheel (SS)	Up to 1 game	

Item 11



19.	Blackjack/Pontoon	Up to 5 games
	Blackjack/Pontoon (5 box)	Up to 2 games
	Roulette	Up to 3 games
	Electronic Roulette (up to 10 terminals)	Up to 1 game
	Midi Baccarat	Up to 5 games
	Midi Baccarat (7 box)	Up to 2 games
	Caribbean Stud Poker	Up to 2 games
	3 Card Poker	Up to 1 game
	Money Wheel (SS)	Up to 1 game
Casino War	Up to 1 game	
20.	Blackjack/Pontoon	Up to 8 games
	Roulette	Up to 4 games
	Midi Baccarat	Up to 6 games
	Caribbean Stud Poker	Up to 2 games
	3 Card Poker	Up to 1 game
	Money Wheel (SS)	Up to 1 game
	Texas Hold'em Poker	Up to 1 game
21	Blackjack/Pontoon	Up to 6 games
	Blackjack/Pontoon (5 box)	Up to 1 game
	Roulette	Up to 5 games
	Midi Baccarat	Up to 6 games
	Midi Baccarat (7 box)	Up to 1 game
	Caribbean Stud Poker	Up to 2 games
	3 Card Poker	Up to 1 game
	Money Wheel (SS)	Up to 1 game

Notes

1. The Licence Holder is permitted to change between game mixes 5 and 6 subject only to any requirements specified by way of Minimum Operating Standards. The Licence Holder is permitted to change between other approved table game mixes subject to providing the Inspectorate with prior notice.
2. For game mix 1, the Licence Holder is permitted to operate automatic shufflers on the Caribbean Stud Poker and Baccarat tables, and on no more than 50% of the Blackjack games specified.
3. The Licence Holder is permitted to operate automatic shufflers on the Caribbean Stud Poker, Poker, 3 Card Poker, Ultimate Texas Hold'em, Casino War, Baccarat and Blackjack tables in all other game mixes.
4. The Licence Holder is permitted to conduct two alternative Poker games – Hold'em and Omaha.
5. Where Black Jack/Pontoon are subject to restricted wagering options, the Licence Holder shall permit up to 2 terminals only to wager on any 1 box and the layout shall be inscribed to this effect.
6. The Electronic Roulette tables comprise up to the number of terminals specified in each game mix and no manual table.
7. At least 50% of the total number of Midi Baccarat games in game mixes 2-21 shall be conducted in accordance with dealing style B or (where permitted by the Baccarat rules) dealing style D.
8. Electronic dice tumblers may be used on any Tai Sai game and U-Spin devices approved by the Department of Internal Affairs may be used on any Roulette games.



HAMILTON CASINO

ANNEX A

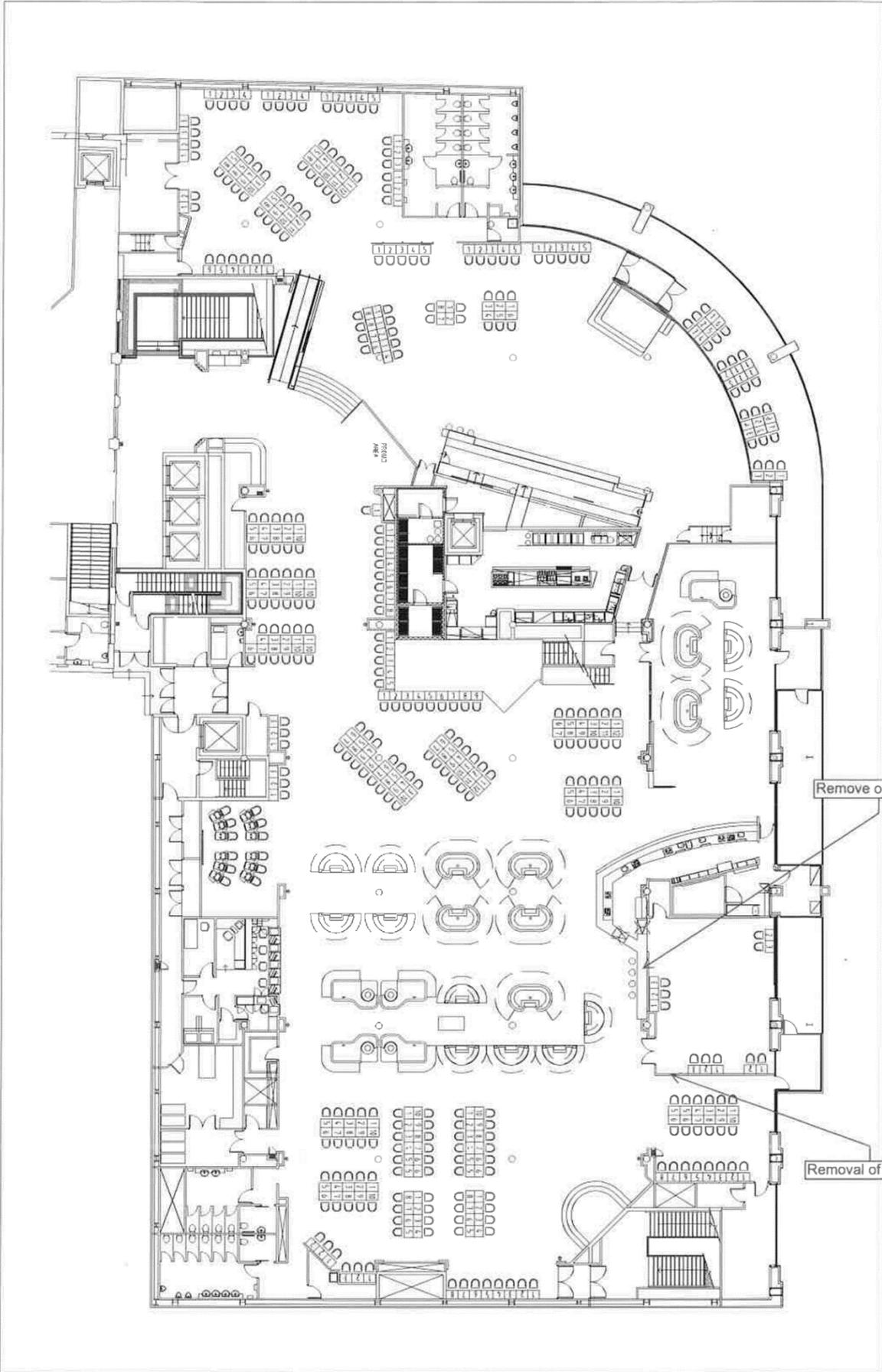
Pursuant to condition 9 the following game mixes may be operated by the Licence Holder on casino gaming tables in accordance with approved floor plans subject to the following conditions and requirements:

1	Blackjack/Pontoon	up to 11 games
	Roulette	up to 5 games
	Caribbean Stud Poker	up to 2 games
	Midi Baccarat 9 Box	up to 3 games
	Mini Baccarat	up to 1 game
	Tai Sai (single sided)	up to 1 game
	Electronic Gaming Machines	up to 339 games
2.	Blackjack/Pontoon (7 box)	up to 4 games
	Blackjack/Pontoon (5 box)	up to 1 game
	Roulette	up to 4 games
	Caribbean Stud Poker	up to 2 games
	Midi Baccarat (9 Box)	up to 6 games
	Midi Baccarat (7 Box)	up to 1 game
	Money Wheel (single sided)	up to 1 game
	3 Card Poker	up to 1 game
	Electronic Gaming Machines	up to 399 games

Notes

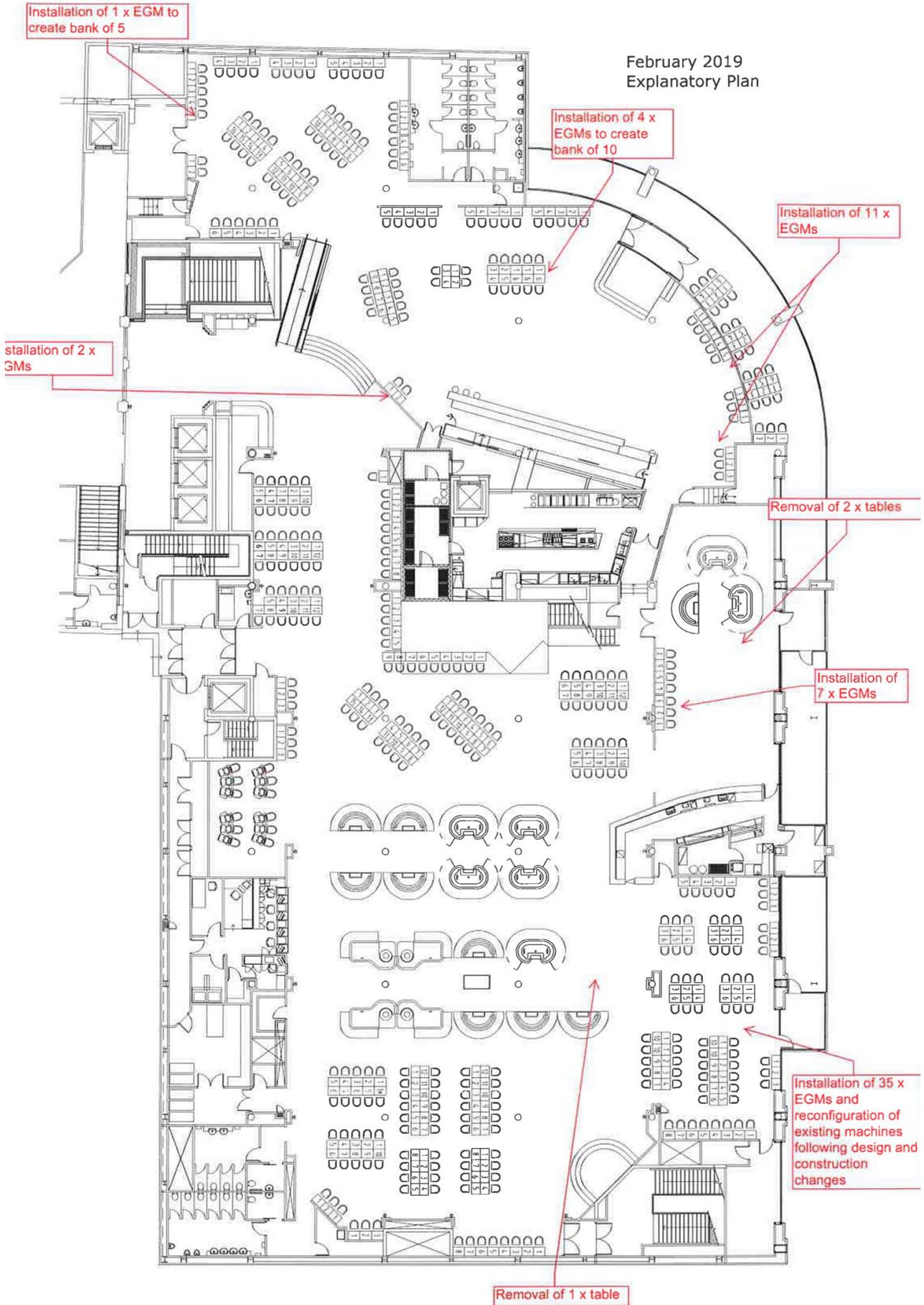
1. The Licence Holder is permitted to change between table game mixes subject to providing the Inspectorate with prior notice.
2. For game mix 1, the Licence Holder is permitted to operate automatic shufflers on the Caribbean Stud Poker and Baccarat tables, and on no more than 50% of the Blackjack games specified.
3. The Licence Holder is permitted to operate automatic shufflers on the Caribbean Stud Poker, 3 Card Poker, Baccarat and Blackjack tables in game mix 2.
4. At least 50% of the total number of Midi Baccarat games in game mix 2 shall be conducted in accordance with style B or (where permitted by the Baccarat Rules) dealing style D.
5. Electronic dice tumblers may be used on any Tai Sai game and U-spin devices approved by the Department of Internal Affairs may be used on any Roulette game.

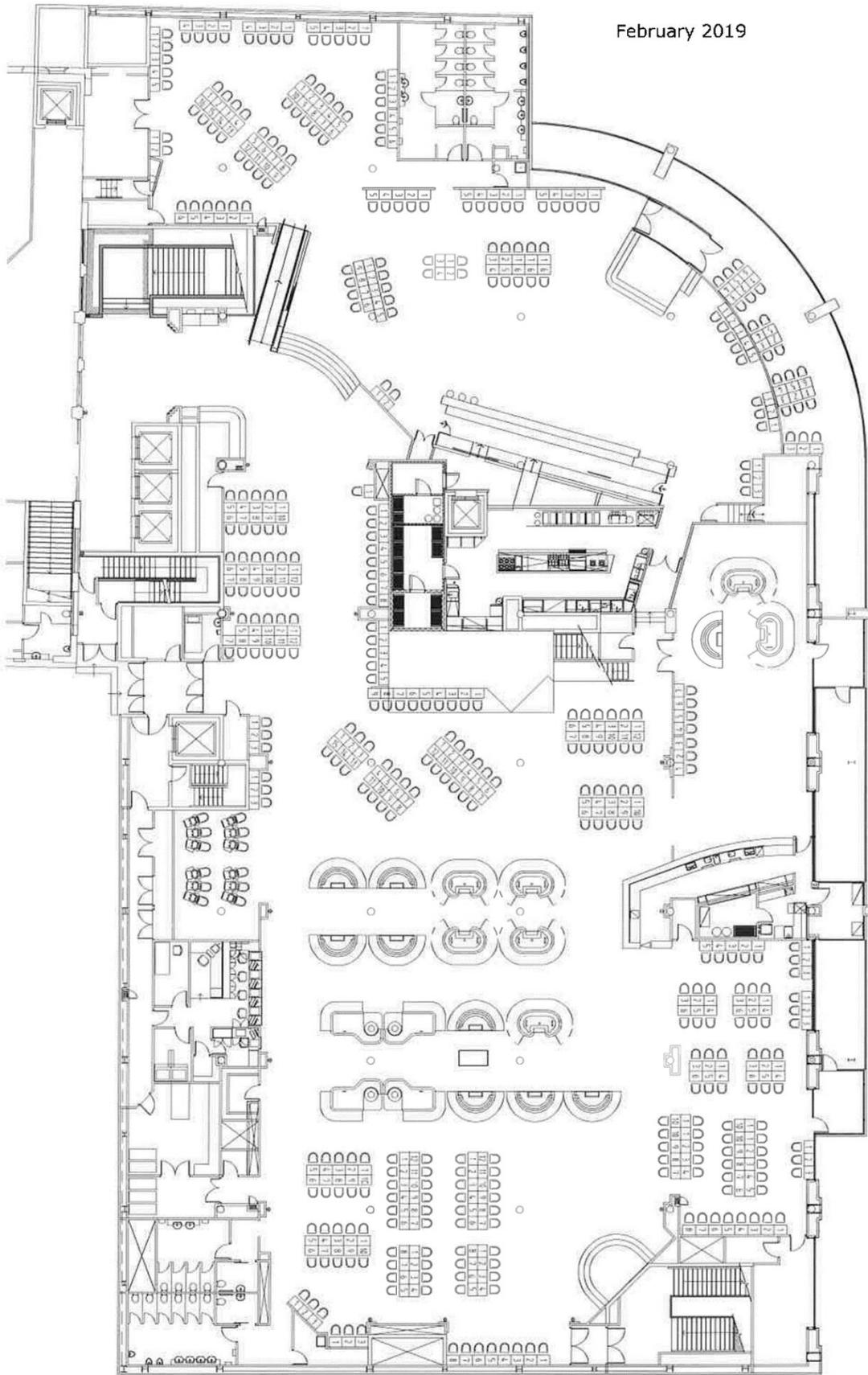
APPENDIX 3



APPENDIX 4

February 2019
Explanatory Plan





February 2019

Item 11

Attachment 2

APPENDIX 5

Phil O`Connell

From: Kate Kerr
Sent: Monday, 10 September 2018 3:38 PM
To: Phil O`Connell
Subject: FW: Rate of Play

Hi Phil

See below FYI

From: Sumit Rawat <Sumit.Rawat@dia.govt.nz>
Sent: Monday, 10 September 2018 3:36 PM
To: Kate Kerr <Kate.Kerr@skycity.co.nz>
Cc: Michaela Glaspey <Michaela.Glaspey@dia.govt.nz>
Subject: Rate of Play

Good afternoon Kate

Today Beth Datuin and I were a part of trial on EGMs AA10 and AA11 which happened at mock training room on Level 2 Carpark.
This involved recording number of spins over a 15 minute period. The SDS report at the end of the trial indicated the following:

- **EGM AA10 – 99 spins in 15 minute period (6 spins per minute)**
- **EGM AA11 – 170 Spins in 15 minute period (11 spins per minute)**

We have checked the SDS reports for both machines and we have no regulatory concerns regarding the Rate of Play of the above games.

Regards

Sumit Rawat | Gambling Regulator | Gambling Operations - Auckland | Regulatory Services |
Department of Internal Affairs Te Tari Taiwhenua
DDI. +64 09 362 7994 | Extn 7994 |
Level 7, 99 Albert Street, Auckland | PO Box 10526, Wellington | New Zealand | www.dia.govt.nz

SDS# 0202

2018/9/10 11:17:06 (UTC +12:00)

MOCK AUCKLAND

SDS Version: 12.3.4 TS45 SP1

Standard Transaction Report

From : 2018/9/10 10:00:00 To: 2018/9/10 11:15:04

Machine: 05010

Status: ONLINE Game/GMU DEN: Multi / 0.01 Manufacturer: ARISTOCRAT GMU EPROM ID: GMU DOC ID: Type Description: *AUTUMN MOON*

* = Slot Door Open ~ = Continued Exception Code

Time	SLOT Number	Stand	Card ID	Player ID	Employee Name	Line Address	EXC Code	Exception Code	Description	Coin In	Wins	Machine PD PRG	Plays	JPID	Fill APJP (\$)	CB MSG
10:01:03	05010	AA10				8 10.88.126 8 40	61	PERIODIC REPORT		30310830	24738516	0	7189	-	-	13
10:16:03	05010	AA10				8 10.88.126 8 40	61	PERIODIC REPORT		30310830	24738516	0	7189	-	-	15
10:31:03	05010	AA10				8 10.88.126 8 40	61	PERIODIC REPORT		30310830	24738516	0	7189	-	-	2
10:36:41	05010	AA10		22002579010	0	10 10.88.126 10 40	39	PLAYER CARD IN INFO		30310830	24738516	-	7189	-	-	7
10:36:54	05010	AA10		22002579010	0	10 10.88.126 10 40	61	PERIODIC REPORT		30310830	24738516	0	7189	-	-	6
10:36:56	05010	AA10		22002579010	0	10 10.88.126 10 40	196	ELECTRONIC FUNDS BALANCE		30310830	24738516	-	7189	-	-	8
10:37:03	05010	AA10		22002579010	0	10 10.88.126 10 40	61	PERIODIC REPORT		30310830	24738516	0	7189	-	-	10
10:37:09	05010	AA10		22002579010	0	10 10.88.126 10 40	193	ELECTRONIC FUNDS WITHDRAWAL		-	-	-	-	-	-	12
10:46:03	05010	AA10		22002579010	0	10 10.88.126 10 40	61	PERIODIC REPORT		30339830	24749106	0	7246	-	-	14
10:52:50	05010	AA10		22002579010	0	10 10.88.126 10 40	195	ELECTRONIC FUNDS DEPOSIT		-	-	-	-	-	-	1
10:52:50	05010	AA10		22002579010	0	10 10.88.126 10 40	78	PLAYER CARD REMOVED		30360330	24756766	-	7288	-	-	3
11:01:03	05010	AA10		22002579010	0	8 10.88.126 8 40	61	PERIODIC REPORT		30360330	24756766	0	7288	-	-	5

Last Number of Exception ALL; Slot Number: 05010; Line Address: ; Stand Number: ; Exception Code: ; Player Card No.: ; Employee ID: ; Employee Card ID: ; Area: ALL; Include Ticket Transactions: Yes; Card In/Out Delta: No; DataSource: ONLINE; (Sorting on: SLOT NUMBER, TIME, LOCATION)

SDS# 0202

2018/9/10 11:21:18 (UTC +12:00)

MOCK AUCKLAND

SDS Version: 12.3.4 TS45 SP1

Standard Transaction Report

From : 2018/9/10 10:50:00 To: 2018/9/10 11:15:04

Machine: 05011

Status: ONLINE Game/GMU DEN: Multi / 0.01 Manufacturer: IGT GMU EPROM ID: GMU DOC ID: Type Description: FORTUNE FURY JACKPOTS
* = Slot Door Open ~ = Continued Exception Code

Time	SLOT Number	Stand	Card ID	Player ID	Employee Name + Bonus +	Line Address	EXC Code	Exception Code	Description	Coin In	Wins	Machine PD PRG	Plays JPID	FIII APJP (\$)	CB MSG
10:50:47	05011	AA11		22002579060 01	50	10.88.126.55	173		GAME COMMUNICATIONS RESTORED	6993593	6425065	0	7520	-	25 13
10:50:48	05011	AA11		22002579060 01	50	10.88.126.55	171		GAME POWER-UP	6993593	6425065	-	7520	-	17 15
10:50:50	05011	AA11		22002579060 01	50	10.88.126.55	62		BLACKOUT	6993593	6425065	-	7520	-	28 2
10:51:21	05011	AA11		22002579060 01	50	10.88.126.55	64		GENERIC TILT	6993593	6425065	-	7520	-	77 4
10:54:09	05011	AA11		22002579060 01	60	10.88.126.55	61		PERIODIC REPORT	7003093	6440415	0	7539	-	- 6
11:08:01	05011	AA11		22002579060 01	145	10.88.126.55	195		ELECTRONIC FUNDS DEPOSIT	-	-	-	-	-	- 8
11:08:01	05011	AA11		22002579060 01	145	10.88.126.55	78		PLAYER CARD REMOVED	7087593	6495165	-	7709	-	- 10
11:09:10	05011	AA11		22002579060 01	145	10.88.126.55	61		PERIODIC REPORT	7087593	6495165	0	7709	-	- 12

Last Number of Exception: ALL; Slot Number: 05011; Line Address : Stand Number; Exception Code; Player Card No.; Employee ID; Employee Card ID; Area: ALL; Include Ticket Transactions: Yes; Card In/Out Delta: No; DataSource: ONLINE; (Sorting on: SLOT NUMBER, TIME, LOCATION)

Phil O`Connell

From: Kate Kerr
Sent: Monday, 3 September 2018 1:39 PM
To: Phil O`Connell
Subject: FW: Rate of Play

From: Sumit Rawat <Sumit.Rawat@dia.govt.nz>
Sent: Monday, 3 September 2018 1:38 PM
To: Kate Kerr <Kate.Kerr@skycity.co.nz>
Cc: Michaela Glaspey <Michaela.Glaspey@dia.govt.nz>
Subject: Rate of Play

Good afternoon Kate

On 29th August Danielle Lancaster and I were a part of trial on EGMs AA21 and AA22 which happened at mock training room on Level 2 Carpark.
This involved recording number of spins over a 15 minute period. The SDS report at the end of the trial indicated the following:

- **EGM AA21 – 135 spins in 15 minute period (9 spins per minute)**
- **EGM AA22 – 201 Spins in 15 minute period (13 spins per minute)**

We have checked the SDS reports for both machines and we have no regulatory concerns regarding the Rate of Play of the above games.

Regards

Sumit Rawat | Gambling Regulator | Gambling Operations - Auckland | Regulatory Services I
Department of Internal Affairs Te Tari Taiwhenua
DDI. +64 09 362 7994 | Extn 7994 |
Level 7, 99 Albert Street, Auckland | PO Box 10526, Wellington | New Zealand | www.dia.govt.nz

SDS# 0202

2018/8/29 14:25:26 (UTC +12:00)

MOCK AUCKLAND

SDS Version: 12.3.4 TS45 SP1

Standard Transaction Report

From : 2018/8/29 14:00:00 To: 2018/8/29 14:22:08

Page 1 of 1

Machine: 05021

Status: ONLINE Game/GMU DEN: 0.02 / 0.01 Manufacturer: Z AINSWORTH GMU EPROM ID: GMU DOC ID: Type Description: QS PHOENIX & PEONY

* = Slot Door Open ** = Continued Exception Code

Time	SLOT Number	Stand	Card ID	Player ID	Employee Name	Line Address	EXC Code	Exception Code	Description	Coin In	Wins	Machine PD PRG	Plays	JPID	Fill APJP (\$)	CB MSG
14:04:06	05021	AA21				10.88.126.57	88		CANT READ MAG CARD	4541300	2860466	-	3246	-		40 11
14:04:13	05021	AA21		2200257910001	+ Bonus	10.88.126.57	39		PLAYER CARD IN INFO	4541300	2860466	-	3246	-		- 13
14:05:32	05021	AA21		2200257910001		10.88.126.57	61		PERIODIC REPORT	4541300	2860466	0	3246	-		- 15
14:05:33	05021	AA21		2200257910001		10.88.126.57	196		ELECTRONIC FUNDS BALANCE	4541300	2860466	-	3246	-		- 2
14:05:43	05021	AA21		2200257910001		10.88.126.57	61		PERIODIC REPORT	4541300	2860466	0	3246	-		- 4
14:05:49	05021	AA21		2200257910001		10.88.126.57	193		ELECTRONIC FUNDS WITHDRAWAL	-	-	-	-	-		- 6
14:07:42	05021	AA21		2200257910001		10.88.126.57	61		PERIODIC REPORT	4542800	2861166	0	3261	-		- 8
14:14:20	05021	AA21		2200257910001		10.88.126.57	63		MACHINE-PAID JACKPOT	4584400	2864706	0	3327	94	21.08	9 10
14:20:21	05021	AA21		2200257910001		10.88.126.57	63		MACHINE-PAID JACKPOT	4651900	2882406	0	3371	94	109.56	9 12
14:21:25	05021	AA21		2200257910001		10.88.126.57	195		ELECTRONIC FUNDS DEPOSIT	-	-	-	-	-		- 14
14:21:25	05021	AA21		2200257910001		10.88.126.57	78		PLAYER CARD REMOVED	4665400	2884806	-	3381	-		- 1

 Last Number of Exception: ALL; Slot Number: 05021; Line Address: ; Stand Number: ; Exception Code: ; Player Card No.: ; Employee ID: ; Area: ALL; Include Ticket Transactions: Yes; Card In/Out Delta: No; DataSource: ONLINE; (Sorting on: SLOT NUMBER, TIME, LOCATION)

SDS# 0202
2018/8/29 14:23:24 (UTC +12:00)

MOCK AUCKLAND
SDS Version: 12.3.4 TS45 SP1
Standard Transaction Report

From : 2018/8/29 14:00:00 To: 2018/8/29 14:22:08

Machine: 05022

Status: ONLINE Game/GMU DEN: 1.00 / 0.01 Manufacturer: Z AINSWORTH GMU EPROM ID: GMU DOC ID: Type Description: CRUSADER KING

* = Slot Door Open ~ = Continued Exception Code

Time	SLOT Number	Stand	Card ID	Player ID	Employee Name	+ Bonus	OPT	Line Address	EXC Code	Exception Code Description	Coin In	Wins	Machine PD PRG	Plays	JPID	Fill APJP (\$)	CB MSG	MSG	SQ
Date: 2018/8/29																			
14:04:03	05022	AA22		22002579020 01		0	10	10.88.126.27	39	PLAYER CARD IN INFO	65500	89500	-	131	-	-	-	7	14
14:04:58	05022	AA22		22002579020 01		0	10	10.88.126.27	61	PERIODIC REPORT	65500	89500	0	131	-	-	-	-	1
14:04:59	05022	AA22		22002579020 01		0	10	10.88.126.27	196	ELECTRONIC FUNDS BALANCE	65500	89500	-	131	-	-	-	-	3
14:05:23	05022	AA22		22002579020 01		0	10	10.88.126.27	61	PERIODIC REPORT	65500	89500	0	131	-	-	-	-	5
14:05:29	05022	AA22		22002579020 01		0	10	10.88.126.27	193	ELECTRONIC FUNDS WITHDRAWAL	-	-	-	-	-	-	-	-	7
14:10:05	05022	AA22		22002579020 01		0	10	10.88.126.27	61	PERIODIC REPORT	90700	102900	0	186	-	-	-	-	9
14:21:14	05022	AA22		22002579020 01		0	10	10.88.126.27	195	ELECTRONIC FUNDS DEPOSIT	-	-	-	-	-	-	-	-	11
14:21:15	05022	AA22		22002579020 01		0	10	10.88.126.27	78	PLAYER CARD REMOVED	163200	137700	-	332	-	-	-	-	13

Last Number of Exception: ALL; Slot Number: 05022; Line Address: ; Stand Number: ; Exception Code: ; Player Card No.: ; Employee ID: ; Employee Card ID: ; Area: ALL; Include Ticker Transactions: Yes; Card In/Out Delta: No; DataSource: ONLINE; (Sorting on: SLOT NUMBER, TIME, LOCATION)

APPENDIX 6

Schedule 12 New Game Mix A and New Game Mix A.1

GAME MIX A

Pursuant to condition 9 the following game mix may be operated by the Licence Holder on casino gaming tables, subject to the following condition noted:

Blackjack/Pontoon (Manual Shuffle)	31 games
Blackjack/Pontoon (Auto Shuffle)	30 games
Caribbean Stud Poker (Auto Shuffle)	13 games
Midi Baccarat (Auto Shuffle)	23 games
Mini Baccarat (Auto Shuffle)	9 games
Money Wheel (Double Side)	3 games
Pai Gow	5 games
Roulette	31 games
Electronic Roulette	3 games
Tai Sai (Double Side)	1 game
Tai Sai (Single Side)	1 game

Notes for Game Mix A

1. The Electronic Roulette tables comprise up to 14 player spaces and no manual table.
2. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
3. The Licence Holder is permitted to operate alternative game mixes of up to 150 tables as specified in the Annex.

GAME MIX A.1

Pursuant to condition 9 the following game mix may also be operated by the Licence Holder on casino gaming tables, subject to the following conditions noted:

Blackjack/Pontoon (Auto Shuffle)	3 games
Caribbean Stud Poker (Auto Shuffle)	2 games
Midi Baccarat (Auto Shuffle)	2 games
Mini Baccarat (Auto Shuffle)	2 games
Pai Gow	1 game
Roulette	1 game
Tai Sai (Double Side)	1 game

Notes for Game Mix A.1

1. Where table games provide for the use of automatic shufflers, the use of those shufflers shall be discretionary.
2. The Licence Holder is permitted to operate alternative game mixes of up to 12 tables as specified in the Annex.
3. The Licence Holder is permitted to substitute each table in Game Mix A.1 for up to 20 Automated Table Game terminals.
4. The Licence Holder may not substitute tables between Game Mix A and Game Mix A.1.

DRAFT 1**Submission by
Hamilton City Council****APPLICATION TO AMEND LICENCE CONDITIONS – SKYCITY Hamilton Casino****19 Feb 2019****1.0 POSITION**

- 1.1 The Hamilton City Council (HCC) is **strongly opposed** to the deployment of 60 additional gaming machines (**Pokies**) at SKYCITY Hamilton Casino irrespective of its substitution of three existing blackjack tables as proposed by SKYCITY to the Gambling Commission (**the Commission**).

2.0 BACKGROUND

- 2.1 Despite the Gambling Act 2003 (**the Act**) contemplating that casinos may increase the number of its Pokies under s12(2)(a) of the Act (provided that such increase is accompanied by a reduction in the number of its table games), the addition of 60 further individual Pokies is not proportionate to 3 individual tables and therefore a decision to allow this would enable an increase in opportunities to gamble which contravenes s11 of the Act. It is also noted in Appendix 4 of SKYCITY's application that 2 tables proposed for removal are located in the VIP room with only 1 table being removed from the general Casino floor. Using SKYCITY's own formula, there are 21 opportunities to gamble proposed for removal in exchange for 53 new opportunities (given only 7 pokies are to be added to the VIP room). The net increase on the general Casino floor is therefore 32 pokies. The rational of 63 opportunities to gamble by 3 tables being reduced to 60 chances to gamble with pokies is also inaccurate. The ability to have 63 opportunities is dependent on a person to play a hand and only then is there the ability to have additional gambling opportunities. Pokies exist as autonomous machines independent of requiring other players. Further, the proportionality in conjunction with the proposed floor plan change leads to an increase in opportunities to gamble by the general public and again is a contravention of Section 11 of the Gambling Act.
- 2.2 HCC has a position on gambling to reduce Pokies in the community progressively overtime via its sinking lid policy whereas the SKYCITY proposal of 60 new pokies contradicts this position. Given SKYCITY and HCC serve the same community, both must be in alignment. Local councils have been empowered by Central Government to determine whether to have a sinking lid on the number of Class 4 venues and Pokies, yet under the Act, councils are not provided the opportunity to determine the number of Pokies within a Casino which resides within its community. This creates a significant inconsistency between the community expectations for greater localised control of gambling and the reality of the gambling as it is prescribed in the Act. The Council therefore continues to invest resources adopting various

Class 4 venue policies which provide a position on Pokies which are within Class 4 venues but the Act enables SKYCITY to disregard this position and enables it to introduce more Pokies into the community.

- 2.3 The proposal will significantly increase revenue, yet SKYCITY is only required to provide 1.5% of this revenue for distribution to the community compared to Class 4 trusts, which provide 40% of proceeds for distribution to the community. As the Act seeks to balance the potential harm from gambling against facilitating responsible gambling which ensures money from gambling benefits the community, HCC challenge whether enabling any further change to Casino will be consistent with the purpose of the Act. Given this significant disparity between the Casino and Class 4 trusts, the Commission must review the 1.5% requirement as part of SKYCITY's proposal in amending SKYCITY's licence to align closer to or exceed Class 4 trusts 40% requirement.
- 2.4 The Act allows for the growth of some forms of gambling (e.g. Class 4 and TAB) to be controlled through councils but not others (e.g. casinos). The Commission, has and continues to have, the ability to make decisions on behalf of Hamilton's community, providing the 13 elected representatives of its local community only the opportunity to make a non-binding submission. The decision on whether SKYCITY's proposal is approved sits with the Commission, yet, the views of local elected representatives, who understand their local community, do not get to make the decision.
- 2.5 Section 140 of the Act empowers the Commission to notify anyone it considers as affected. The Commission have restricted submissions from affected parties to only being the Department of Internal Affairs, the Ministry of Health, Problem Gambling, Salvation Army and the Council. The organisations identified are not reflective of all affected parties therefore the submission process must be open to the public with an opportunity to speak provided given the impact of this proposal.
- 2.6 SKYCITY's application outlines no evidence of how the community of Hamilton will significantly benefit from this proposal. There is also no evidence that SKYCITY have consulted with the community or Casino patrons as to ascertain what support there is for the proposed increase in pokies. This would further endorse that the decision to increase pokies is revenue/profit driven as opposed to being a response to patron demand.
- 2.7 For the above reasons, HCC is strongly opposed to SKYCITY's proposal.

3.0 FURTHER INFORMATION AND HEARING

- 3.1. Any evidence supporting HCC's submission has been attached and HCC **want to speak** to the Commission in support of its written submission.
- 3.2. Should the Commission require clarification of the points raised in this submission, or further information, please contact Andy Mannering (Community and Social Development Manager) on 07 838 6465, email andy.mannering@hcc.govt.nz in the first instance.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

Council Report

Item 12

Committee: Council **Date:** 07 February 2019
Author: Natasha Ryan **Authoriser:** Lance Vervoort
Position: Key Projects Programme **Position:** General Manager Community Manager
Report Name: River Plan: Task Force Terms of Reference

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

Purpose

1. To seek the Council's approval of the River Plan Task Force draft terms of reference.

Staff Recommendation

2. That the Council:
 - a) receives the report; and
 - b) approves the draft River Plan Task Force Terms of Reference (attachment 1 of this report).

Executive Summary

3. At the 13 December 2018 Council, the following was resolved:

That the Council:

- a) *receives the report;*
- b) *approves the establishment of a River Plan Task Force comprising of at least 3 elected members, and, Maangai Te Pora Thompson-Evans (as Waikato-Tainui representative);*
- c) *notes that the River Plan Task Force Terms of Reference will be brought to the 7 February 2019 Council meeting for approval; and*
- d) *notes that the required report back on better activation of the rear of the Museum and connectivity to key funded aspects of the River Plan, will be addressed during the forthcoming Annual Plan process.*

And

That the Council... "approves Cr Taylor (Chair), Deputy Mayor Gallagher, Cr Hamilton, Cr Pascoe be appointed to the River Plan Task Force.

4. This report addresses the requirement to seek Council approval for the River Plan Task Force Terms of Reference on 7 February 2019.
5. There are no financial implications as a result of the recommendation. It will be funded as a regular operating activity through the 10-Year Plan.
6. Staff consider the decision in this report has a low significance and that the recommendations comply with the Council's legal requirements.

Discussion

7. A River Plan Task Force was first established by the Community and Services Committee on 16 May 2017 primarily to assist staff in providing direction ahead of the Annual Plan and 10 Year Plan. That Taskforce expired on 31 December 2017.
8. The Terms of Reference from the original River Plan Task Force have been updated and revised to reflect the Council resolution made on 13 December 2018 along with the intent of the associated staff report.
9. The River Plan Task Force Terms of Reference establishes the purpose of the River Plan Task Force as:

“Reporting to Community and Services Committee, the Task Force will provide recommendations to Council and give direction to staff on priorities regarding delivery of the [Hamilton City River Plan](#) (2014) themes as they relate to the river’s 16km length within Hamilton’s boundary and CBD transformation.”
10. To clarify the Hamilton City River Plan (2014) themes are set out on page 8 of the Hamilton City River Plan. These are:
 - Access: Improving access to along and across the river;
 - Recreation: Promoting the enjoyment of the river;
 - Development: Promoting development that embraces the river;
 - Natural environment: Protecting and enhancing the natural environment along the river;
 - Arts and Culture: Celebrating arts and culture along the river;
 - Tourism: Promoting and developing tourism along the river.
11. The Terms of Reference (as attached) have been circulated to the River Plan Task Force members for comment in the absence of an opportunity to meet prior to the 7 February 2019 Council reports being prepared. These will be updated following feedback received by 5 February 2019 and tabled with edits highlighted during the meeting.
12. If the recommendation is not approved the River Plan Task Force Terms of Reference will be revised in consultation with elected members, however the River Plan Task Force may need to continue to meet in the interim to progress critical matters.

Financial Considerations

13. There are no financial implications as a result of the recommendation. It will be funded as a regular operating activity through the 10-Year Plan.

Legal and Policy Considerations

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

Cultural Considerations

15. The River Plan makes specific mention of culture as one of the six themes, “Celebrating arts and culture along the river”. Ideas within the River Plan in this respect include: celebrate Waikato Tainui history; Communicate information about historic Maaori Pa sites along the river; Promote riverside spaces and facilities for celebration of arts and culture (p55); and Telling the river’s stories (p57).
16. The cultural considerations of the River Plan are discussed in more detail in the River Plan update report to the [13 December 2018](#). This explained that the Waikato River is culturally significant and therefore implementation of the River Plan requires specific considerations. For this reason, the River Plan update report to the 13 December 2018 Council meeting

recommended a Maangai Maaori or external representative from Waikato Tainui be considered for representation on the River Plan Task Force; it was resolved that Maangai Te Pora Thompson-Evans represent Waikato Tainui on the River Plan Task Force.

Sustainability Considerations

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

Risks

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

Significance & Engagement Policy

Significance

19. 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

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

Attachments

Attachment 1 - Attachment 1 River Plan Task Force Terms of Reference 2018 02 07

TERMS OF REFERENCE River Plan Task Force

1. Background

2. At the 13 December 2018 Council meeting it was resolved:

That the Council:

- a) *receives the report;*
- b) *approves the establishment of a River Plan Task Force comprising of at least 3 elected members, and, Maangai Te Pora Thompson-Evans (as Waikato-Tainui representative);*
- c) *notes that the River Plan Task Force Terms of Reference will be brought to the 7 February 2019 Council meeting for approval; and*
- d) *notes that the required report back on better activation of the rear of the Museum and connectivity to key funded aspects of the River Plan, will be addressed during the forthcoming Annual Plan process.*

And

That the Council... *"approves Cr Taylor (Chair), Deputy Mayor Gallagher, Cr Hamilton, Cr Pascoe be appointed to the River Plan Task Force."*

3. Purpose of the Task Force

4. Reporting to Community and Services Committee, the Task Force will provide recommendations to Council and give direction to staff on priorities regarding delivery of the [Hamilton City River Plan \(2014\)](#) themes as they relate to the river's 16km length within Hamilton's boundary and CBD transformation.

5. Role of the Task Force

6. The role of the Task Force is to:

- Oversee development and delivery of all River Plan projects to progress a cohesive approach, while prioritising funded projects within agreed budgets.
- Provide direction to staff regarding appropriate response to third party activities that may have an impact on the River Plan outcomes.
- Provide a point of engagement for other elected members and the community.
- Support management at Council meetings and Elected Member briefings.
- Support management during any public consultation.
- Support engagement with external funders for any River Plan projects.
- Provide guidance on communications with stakeholders and the community on River Plan delivery matters.

7. Delegation

8. The Task Force cannot make decisions concerning the River Plan, but is able to make recommendations to the appropriate Committee or Council to assist in decision making.

9. Membership of the Taskforce

Chair:	Councillor Geoff Taylor
Membership:	Deputy Mayor Martin Gallagher
	Councillor Rob Pascoe
	Councillor Ryan Hamilton
	Maangai Te Pora Thompson-Evans

D-2851930

Officers Supporting:
General Manager Community Lance Vervoort
Key Projects Programme Manager Natasha Ryan

10. Budget

11. There is no specific budget allocated to the River Plan Task Force.

12. Meeting Frequency and Duration

13. The Task Force will meet as required. The Task Force will stay in place until the 30 September 2018~~9~~.

DRAFT

D-2851930

Council Report

Committee: Council **Date:** 07 February 2019
Author: Nicolas Wells **Authoriser:** Jen Baird
Position: Strategic Property Unit Manager **Position:** General Manager City Growth
Report Name: 79 Norton Road - Municipal Endowment - Family Start Proposal

Report Status	<i>Open</i>
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Purpose

- To seek the Council's approval to revoke the resolution of 2 August 2018 to sell municipal endowment land at 79 Norton Road, Hamilton, and to lease the land on commercial terms to Kirikiriroa Family Services Trust (trading as "Family Start").

Staff Recommendation

- That the Council:
 - revokes the following resolution of Council made at its 2 August 2018 meeting in respect of Item 15 – Municipal Endowment – Sale of Land – 79 Norton Road

“ a) approves selling the land described in the schedule by a competitive, transparent open-market process (option 1 of this report);

b) authorises the Chief Executive to give effect to this resolution; and

c) notes that the net proceeds of sale will be credited to the Municipal Endowment Fund Reserve.”
 - approves leasing the land described in the schedule to Kirikiriroa Family Services Trust on commercial terms:
 - Initial term of five years
 - One right of renewal of five years
 - Market rental
 - authorises the Chief Executive to give effect to this resolution.

SCHEDULE

First All that land described as an Estate in Fee Simple comprising Lot 3 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1420 of 794 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Second All that land described as an Estate in Fee Simple comprising Lot 4 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1421 of 61 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Third All that land described as an Estate in Fee Simple comprising Lot 5 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1422 of 615 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Fourth All that land described as an Estate in Fee Simple comprising Lot 6 Deposited Plan South Auckland 8955 contained in Computer Freehold Register Identifier SA9D/1423 of 814 square metres more or less and physically located at 79 Norton Road, Hamilton (shown bordered in red on Attachment 1).

Discussion

3. The Council has received a proposal from Family Start to lease the land on commercial terms to provide *“urgent temporary housing (1 week – 12 weeks) for children (0 – 2 years) and their parent/s who are homeless.”*
4. Family Start is the trading name of the Kirikiriroa Family Services Trust, a registered charity (CC27375) operating since 30 June 2008.
5. Family Start has advised that:

“Services will be provided and available 24 hours/7 days a week to the families and whanau. We see a major housing gap and crises developing in the Waikato and Waipa and a number of our existing clients struggling. The intent is to support children and families to learn how to maintain homes, build a good tenancy record, get their bond together and have a safe place to stay while doing this.”

“We will be looking at potentially keeping the front, more modern building, for training, education and administration. The back building will be eventually demolished. Until we are able to build 1 and 2 bedroom homes on site this will be used to temporarily house our tenants.”
6. In order to accept the Family Start proposal the Council would need to revoke its resolution to sell the land, and instead approve granting a new lease.
7. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance and no engagement is required.

Background

8. The Hamilton City Council owns land originally acquired by endowment from the Crown to be held by the Council for the purposes of Municipal Endowment Fund (MEF) - the proceeds from which are used to reduce the rates requirement of Hamilton.
9. The original MEF lands were encumbered with perpetual ground leases (the Council owned the land but all the improvements and the controlling interest in the land were owned by the lessee).
10. The Council has maintained a long-standing policy of selling its freehold interest in the MEF land because the yields from perpetual ground leases are so low.

11. On 2 August 2018 the Council made the resolution noted in 2 (a) above (a copy of the report is linked [here](#)).

Options

12. There are two reasonable and viable options for the Council to consider.
13. **Option 1.** Sell the land on the open market to the highest bidder.
14. **Option 2.** Retain the land and lease it to Family Start on commercial terms.
15. Staff recommend Option 2 because retaining ownership of the land will allow future sale in conjunction with the adjoining land thereby creating a significant increase in value.
16. If the recommendation is not approved then the Council should uphold the resolution to sell the land on the open market.

Financial Considerations

17. In accordance with the Council's policy the current value of the land based on an unencumbered freehold title excluding lessee improvements has been assessed by a registered valuer at \$1,250,000 plus GST (if any).
18. All proceeds from the sale of MEF land are credited to the MEF Reserve.
19. The ground lease on the land generates a 4.6% annual return of \$58,000. Estimated net sale proceeds of \$1,200,000 will generate a 5.5% annual return of \$66,000.
20. The current balance of the MEF Reserve is \$28,639,293.
21. The current annual Hamilton City Council rates are \$11,840.

Legal and Policy Considerations

22. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

Risks

23. Option 1. There is a low risk that the property remains unsold.
24. Option 2. There is a slight reduction in financial return.

Significance & Engagement Policy

25. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance and no engagement is required.

Attachments

Attachment 1 - 79 Norton Road - Aerial Photograph

Council Report

Item 15

Committee: Council **Date:** 07 February 2019
Author: Becca Brooke **Authoriser:** Lee-Ann Jordan
Position: Governance Team Leader **Position:** Governance Manager
Report Name: Draft 2019 Council Schedule of Reports

Report Status	<i>Open</i>
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Purpose

1. To inform the Council concerning the draft 2019 Council Schedule of Reports.

Staff Recommendation

2. That the Council:
 - a) receives the draft 2019 Schedule of Reports; and
 - b) notes that the Schedule of Reports is intended to be a living document that will be updated as necessary and will be made available to Elected Members on Onedrive.

Discussion

3. The Chief Executive undertook to provide Elected Members with schedules for the tasks and responsibilities to be undertaken each calendar year by the Council and the whole of Council Committees (Growth and Infrastructure, Community Services and Environment, and Finance).
4. The purpose of the schedules is to provide Elected Members with oversight of the planned and upcoming activities for which they are responsible as members of those committees. The schedules set out the key reports and pieces of work assigned to each committee as well as the intended meeting dates where these will be presented.
5. The schedules have been developed by the Principal Advisors and Chairs of each committee in conjunction with key staff, the Strategy Unit, and the Governance Unit. Content covers:
 - Standing agenda items and regular reports;
 - The development, review, and status reporting of strategic plans and policies;
 - Anticipated submissions and legislative reports;
 - Items relating to the Annual Plan and 10 Year Plan;
 - Reporting of joint organisations, stakeholder groups, and established taskforces; and
 - Business as usual matters identified by staff as requiring governance decisions or oversight.

Item 15

6. In order for Elected Members to have a current view of committee activities throughout the year, the schedules will need to be updated when new items arise or when timing or circumstances change. Elected Members will have access to the updated schedules on Onedrive.
7. The Governance Unit and the Principal Advisors' Executive Assistants will take responsibility for maintaining up-to-date documents.
8. 2019 Report Schedules for the Committees of the whole will be presented at each of their first meetings of 2019.

Attachments

Attachment 1 - Draft 2019 Council Schedule of Reports

Council Report Schedule 2019									
Standard Reports	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
Chair's report (Great Hamilton Update when required)									
Briefing Notes									
Council Minutes									
Recommendations to Council (as required)									
Strategic Reports	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
Te Rapa Sportsdrome									
Rubbish and Recycling Services									
Partnership Opportunities for a Second Indoor Court Facility									
West Town Belt Master Plan									
Code of Conduct									
Standing Orders									
I-Site Review									
Central City Parking Trial									
Submission/Legislative Reports	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
2019 LGNZ Remits									
Submission on SkyCity application to amend casino licence									
Special Housing Areas									
Stakeholder Liaison Reports	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
Policy and Bylaw	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy 2014									
Citizens Initiated Referenda Policy 2016									
City Honours Policy 2016									
Corporate Hospitality and Entertainment Policy 2015									
Delegations to positions Policy 2016									
Elected Members Support Policy 2017									
District Plan Change prioritisation									
Hamilton City Council Local Indigenous Biodiversity Strategy									
REEP Plan Change									
Remuneration of Board Members of CO's CCO's and CCTO's Policy									
Review policy and criteria for the appointment of Maaori Representatives									
Risk Management Policy 2015									
Rotokauri Private Plan Change									
Significance and Engagement Policy 2017									
Solid Waste Bylaw review									
Parks Domains and Reserves Bylaw									
Temple View Boundary Plan Change									
Waste Management and Minimisation Plan 2018-24									
Business As Usual (BAU) Reports	7-Feb-19	14-Mar-19	18-Apr-19	30-May-19	27-Jun-19	8-Aug-19	17-Sep-19	26-Sep-19	Future
Arts Post Seismic Upgrade									
Municipal Endowment Fund options									
Lido Pool Temp Cover									
River Plan									
CBD Activation Plan 2018-21									
Health and Safety Update									
Slips (TBC by Annual Plan)									
Civic Award Nominee									
Heritage Fund									
Passenger Rail (TBC after NZTA decision, will be prior to 30 June 2019)									
Board Chair Appointment - Waikato Regional Airport Limited									
Te Rapa Racecourse									
79 Norton Road - Municipal Endowment									
Risk Management Report									
2019 Elections									
Annual Plan Reports	26-Feb-19	4-Apr-19	23-May-19	20-Jun-19					
Annual Plan Consultation									
Annual Plan Hearings report									
Annual Plan Deliberations									
Adoption of the Annual Plan									

Council Report

Item 16

Committee: Council **Date:** 07 February 2019
Author: Becca Brooke **Authoriser:** Lee-Ann Jordan
Position: Governance Team Leader **Position:** Governance Manager
Report Name: 2019 Triennial Elections Information

Report Status	<i>Open</i>
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Purpose

1. To inform the Council on progress for the 2019 Triennial Local Authority Elections (Election day is on 12 October 2019)
2. If Council so chooses, to determine the order in which candidates' names are listed on the voting documents.

Staff Recommendations

Recommendation 1

3. That the Council receives the report.

Recommendation 2

4. That the Council approves the names of the Hamilton City Council candidates for the 2019 Local Authority Elections to be arranged on the voting documents in **either**:
 - i. alphabetical order
 - or**
 - ii. pseudo-random order
 - or**
 - iii. random order.

Executive Summary

5. The 2019 Triennial Local Authority Elections for Hamilton City Council will be held on Saturday 12 October 2019. Local Authority Elections are required to be undertaken in accordance with the Local Electoral Act 2001, the Local Electoral Regulations 2001, the New Zealand Public Health and Disability Act 2000 and the Local Government Act 2002.
6. The Council has re-appointed Dale Ofoske (Independent Electoral Services Ltd.) as Electoral Officer for Hamilton City Council for the 2019 elections. Lee-Ann Jordan (Governance Manager) is Council's Deputy Electoral Officer.
7. Staff have commenced planning for the 2019 elections and want to provide Elected Members with an early overview of timeline and activity.
8. A decision Council is able to make if it chooses is the order of Candidates names on the voting documents (Clause 21(1) of the Local Electoral Regulations 2001). The options for order are alphabetical, random, or pseudo-random. These options are described more fully in paragraph 16 of this report.

9. If no decision is made on the order of names, the order defaults to alphabetical.
10. Staff consider the matters/decisions in the report to have low significance and that the recommendations comply with the Council's legal requirements.

Discussion

Order of Candidate Names

11. Although not mandatory, the Local Electoral Regulations 2001 allows Local Authorities to consider the order of candidate names on the voting documents if they wish.
12. For the 2013, 2016 elections, Council considered the voting order and resolved to go with random order. The order of candidate names for the 2010 election was 'Pseudo-random'.
13. There is no price differential in printing costs between the three options of candidate name order. Election costs are budgeted for in the 2018-28 10 Year Plan.
14. If no decision is made, the order of names defaults to alphabetical order.
15. The voting documents will also include the Waikato Regional Council (WRC) and the Waikato District Health Board (WDHB) elections. These bodies will make their own decisions about the order of names of candidates for their respective elections.
16. WRC and WDHB resolved to go with random order for the 2016 elections.

Options

17. The candidate profile statement booklet is always printed in alphabetical order. It is only order of candidate names on the voting documents that Council can determine.
18. The features of each name order arrangement are described below:
 - **Option 1 – Alphabetical order of surname**
Alphabetical order is simply listing candidate surnames alphabetically and has been the order traditionally used in local authority and parliamentary elections.
 - **Option 2 – Pseudo-random order**
Pseudo-random order is where candidate surnames are randomly selected, and the order selected is the order appearing on **all** voting documents. The names are randomly selected via a good practice method managed by Election Services.
 - **Option 3 – Random Order**
Random order is where all candidate surnames are randomly selected by computer so that the order of surnames is different on each voting document.

Advantages/Disadvantages of options

19. The advantage of **alphabetical order** is that it is familiar and easier to understand for voters. Where there is a large number of candidates competing for a position, it is easier for a voter to find a candidate they wish to vote for if the names are listed alphabetically.
20. It is also easier for a voter if the order of names on the voting document follows the order of names in the directory of candidate profile statements accompanying the voting document
21. Random order (**both random and pseudo-random**) removes the perception of name order bias, but the Pseudo-random order of names simply substitutes a different order for an alphabetical order. Any first-name bias will transfer to the name at the top of the pseudo-random list. The only effective alternative to alphabetical order is random order.

22. A disadvantage for both the random options is voter confusion as it is not possible for the supporting documents such as the candidate profile statement booklets to follow the order of a random voting paper. Making voting more difficult carries the risk of deterring the voter from taking part.
23. The following table shows the candidate name order decided by city and regional councils for the 2016 elections.

Auckland Council	Alphabetical
Hawke's Bay Regional Council	Alphabetical
Invercargill City Council	Alphabetical
Manawatu-Wanganui Regional Council	Alphabetical
Northland Regional Council	Alphabetical
Southland Regional Council	Alphabetical
Taranaki Regional Council	Alphabetical
Upper Hutt City Council	Alphabetical
West Coast Regional Council	Alphabetical
Bay of Plenty Regional Council	Random
Christchurch City Council	Random
Dunedin City Council	Random
Canterbury Regional Council	Random
Hamilton City Council	Random
Hutt City Council	Random
Napier City Council	Random
Nelson City Council	Random
Otago Regional Council	Random
Palmerston North City Council	Random
Porirua City Council	Random
Tauranga City Council	Random
Waikato Regional Council	Random
Wellington City Council	Random

Wellington Regional Council	Random
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24. Auckland City Council recently undertook an analysis of the impacts of candidate order on elections outcomes based on their 2010, 2013, 2016 elections. Their findings “indicated that there was no compelling evidence that candidates being listed first were more likely to be elected in the last three elections” and that it was “reasonable to conclude that the results from the last three elections were not impacted dramatically by the use of alphabetical ordering on the voting documents”. The link to the Auckland City Council report can be found [here](#).

2019 Triennial Elections Plan

25. Staff have commenced planning for the 2019 Elections.

26. **Key dates for the 2019 elections are as follows:**

Friday 19 July 2019 (12 noon)	Candidate nominations open
Friday 16 August 2019	Candidate nominations close
Friday 20 September 2019	Posting voting period opens
Friday 11 October 2019 at noon	Scrutineer appointment deadline
Saturday 12 October 2019 at noon	Election day and progressive results
Sunday 13 October 2019	Preliminary results
Thursday 17 October - Wednesday 23 October 2019	Declaration of results

27. The 2019 elections logistics are being project managed by Becca Brooke (Governance Team Leader). A high level project plan has been developed and is attached to this report (attachment 1).
28. As mentioned above, Dale Ofoske will be Council’s Electoral Officer and Lee-Ann Jordan (Governance Manager) will be the Deputy Electoral Officer.
29. For triennial elections, the Local Electoral Act requires Hamilton City Council and its Electoral Officer to undertake certain electoral processes on behalf of the Waikato Regional Council and Waikato District Health Board (e.g. use of the Council’s electoral roll and the Council’s Electoral Officer issuing and receiving ordinary and special votes and other official documents relating to WRC and WDHB). The Council is able to recover its costs in undertaking these activities on behalf of WRC and WDHB.
30. This arrangement will be the same as for previous elections, with the exception that nominations for Waikato District Health Board candidates will be managed by Waikato Regional Council.
31. **Current areas of focus are:**
- Going live with 2019 elections webpages - <https://www.hamilton.govt.nz/our-council/elections/Pages/default.aspx>
 - Meeting with the electoral commission, regional and district councils and staff internally regarding opportunities for collaboration, shared messaging, and ideas for increasing voter turnout.
 - Formulating a communications plan that will be phased to address encouraging people to enrol, encouraging people to stand as candidates and encouraging people to vote.
 - Reviewing staff and Elected Member protocols during an election year, social media requirements for candidates, campaign guidelines, and the timeline/factsheet.

32. The Governance team are keen to receive any suggestions/observations from Elected Members about ways in which Council can better engage with the community and potential candidates to increase the profile of the 2019 elections and encourage people to get involved.

Financial Considerations

33. **Candidate Voting Order** - there is no difference to the cost of printing the voting documents with any of the order of candidate name options outlined above.
34. **2019 Local Elections** - budgeted for in the 2018-28 10 Year Plan based on a reasonably generous number of voters. \$606,000 has been allocated to the 2019 Local Elections in year two of the budget, most of this amount is attributed to the costs of Elections Services running the elections. This is the gross cost before reimbursements from Waikato Regional Council and Waikato District Health Board for shared services undertaken on their behalf.

Legal and Policy Considerations

35. Staff confirm that this report complies with the Council's legal and policy requirements.
36. Local Electoral Regulations 2001 allows Local Authorities to consider the order of candidate names on the voting documents. It is not mandatory to pick an option, and if no decision is reached on the matter, the order of candidate names will automatically revert to alphabetical order.

Cultural Considerations

37. Staff have assessed the cultural considerations related to this matter and have determined that the order of candidate names does not have any specific implications for our Maori community. It should be noted that candidates are able to provide their profile statements in both English and Te Reo Maori.
38. Staff are focussed on increasing voter turnout. To this end, Council has developed a good working relationship with representatives from The Electoral Commission to support positive outcomes for local authority elections. The Electoral Commission has a strong focus on groups in the community who have traditionally had low voter turnout, including youth, Maori, and ethnic groups.

Risks

37. If names are ordered alphabetically, there is a risk of perceived bias. If names are randomised there is a perceived risk of increasing the complexity of the voting experience and deterring voters.

Significance & Engagement Policy

Significance

38. 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.

Engagement

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

Attachments

Attachment 1 - 2019 Elections - High Level Outline and Timetable

Item 16

2019 Elections Timetable

Phase	Subject	Task	Date	Notes
Election Preparation	Initial Meetings and preparation.	Communications Plan – Initial strategy meetings	Nov-18	Staff to meet and discuss initial thoughts/communication strategy – Lee-Ann/Becca/Natalie P/Natalie S.
		Electoral Officer meeting	17-Dec	Discuss legislative requirements - Dale/Lee-Ann/Becca.
		Electoral Commission/HCC meeting	1-Dec	Meet with Registrar of Electors to discuss ways to partner and promote voting/enrolling to vote.
		Territorial Authority meeting	17-Dec	Councils in the region to meet to discuss regional plan/co-ordination of activities/communication plan alignment.
		Budget allocation meeting	Jan-19	Initial meeting to discuss budget allocation and requirements – Lee-Ann/Becca/Brendan.
		Community Team meeting	Jan-19	to discuss disability plan/ ideas/ Community team involvement and promotion of Elections, placement of ballot boxes etc.
		Compliance Team meeting	Feb-19	To check signage/district plan rules are still the same.
		Establish internal key stakeholders group	Feb-19	Regular group of key council staff involved with the elections convened.
		2019 Elections webpage up and running	Feb-19	Key information made available on the HCC Website (to be developed with further information closer to the election).
		Review Elections Protocols for staff and Elected Members	Feb-19	Agree on communication of the protocols.
		High level communications plan developed	Feb-19	Development of plan and allocation of key activities.
		Meet with Finance Team to discuss finance/budget matters	Mar-19	Discuss budget allocation/split and to discuss process.
		Candidate Information Evenings – dates to confirm	Mar-19	Discussion around ideas on improving accessibility and arrangements for providing candidate information.
		Initial Preparation Election Services	Ratepayer roll enrolment confirmation forms sent	2-Mar to 30-Apr 19
	MOU prepared and signed.		Mar-19	Dale
	Elections timetable, Elections fact sheet, FAQs, Candidate Information Booklet compiled.		Feb/Mar-19	To be available on the website and in hard copy.
	Set up Electoral Office		June/July 19	Governance Team.
	Training	Disability and accessibility plan in place	Jun-19	Work with Judy Small on plan .
		Elections training to key frontline staff	Jun-19	Information sheets and FAQs made available. Meetings with key staff.
		Special voting training	Jun-19	Dale
	Other	Content manager folders, elections mailbox	Jan- 19	Becca
		Public notice of election, calls for nominations	17-Jul	Dale
		De-brief with elected members	Jun-19	TBC
		Candidate information evenings	Jun/Jul-19	TBC
		Pre-Election Report	Jun-19	27 June Council Meeting.

Nomination Period	Nominations Open	Nominations Open	19-Jul		
	Nomination Close	Nominations Close 12 noon (rolls close)	16-Aug		
Voting Preparation	Notice of candidates	Public notice of candidate names	21-Aug		
	Internal com's	Communication plan for all staff involved with elections, including information sheets for libraries	Aug/Sep 19	FAQ type	
	Ballot Boxes	Meeting to discuss locations of ballot boxes over voting period		Aug/Sep 19	to advertise online
		Create instruction sheets to go with each box		Aug/Sep 19	
		Collect boxes and distribute as necessary		Sep-19	Municipal building, libraries, community
	Voting Docs	Delivery of voting documents	20 Sep to 25 Sep 2019		
Exit process - Previous Council	EM communication	Exit plans and checklists are communicated with Elected Members	Aug/Sep 19	exiting offices, last pay, IT etc	
	Last Council meeting	Last Council meeting of triennium	26-Sep	Interregnum report, valedictorian, confirmation of minutes	
	Equipment termination	Telecoms, hardware etc	Sep-19		
Voting Period	Voting	Voting Period Begins	20-Sep		
Election Day 12 Oct 2019	Election Day	Election Day 12 Oct 2019 - votes close 12 noon	12-Oct		
Election Results	Progress results	Progress results due 1-3pm 12-Oct	12-Oct	Successful candidates are contacted	
	Preliminary results	Due 10pm 12-Oct, and 1am 13-Oct	12-Oct to 13-Oct	Successful candidates are contacted	
		Public notice of preliminary results, Online and media release (8am 13-Oct)	13-Oct	This must follow contact with successful candidates	
	Final results	Final results are due 17-Oct to 23-Oct	17-Oct to 23-Oct		
	Welcome	New Council welcomed	13-Oct		
Interregnum Period 14 Oct to 24 Oct	Administration	Welcome packs, and all administration errands	Oct-19		
	Plans & Strategies	Assemble current plans & strategies for induction packs	Oct-19		
	Inaugural swearing in ceremony	Invitations, catering, agenda, Runsheet, photos, powhiri, etc Declarations, explanation of legislative requirements	24-Oct		
	Governance Documents	Governance Structure initiated			
		Schedule of meetings			
	Appointments	Appointment of Deputy Mayor, Committee Chairs etc			
External appointments			24-Oct		
Induction of new Council	Strategic sessions	TBC	Oct-19		
	First Council Triennial Meeting 24 October	Standing Orders, Committee structure, meeting schedule, remuneration policy, briefing papers, local governance statement, triennial agreement (with TA's and regional Council)	24 October		

Council Report

Item 17

Committee: Council **Date:** 07 February 2019
Author: Joanna van Walraven **Authoriser:** Lance Vervoort
Position: Policy and Strategy Advisor **Position:** General Manager Community
Report Name: Boon Festival 2019 - Request to Install Mural on Municipal Building

Report Status	<i>Open</i>
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Purpose

1. To inform the Council on the proposal by the Boon Street Art Committee to install a mural on the Municipal Building.
2. To seek approval from the Council for the installation of the mural.

Staff Recommendation

3. That the Council:
 - a) approves the installation of a mural on the Municipal Building as per the Boon Street Art Committee Proposal (as per attachment 1 of item C2: Boon Festival 2019 – Further information in relation to request to install mural on municipal building); and
 - b) notes that costs to complete the project, which is approximately \$500 for maintenance and approximately 20 hours of staff time, are to be met from existing budgets.

Executive Summary

4. The Boon Street Art Committee have offered to install a mural on the east facing section of the Municipal Building during the Boon festival in during March 2019.
5. The mural would contribute colour and vibrancy to Garden Place and is supported by the Hamilton Central Business Association.
6. Staff recommend that the Council approves the installation of the mural, as detailed in paragraph 13 below.
7. Staff consider the decision to have low significance and that the recommendations comply with the Council's legal requirements.

Background

8. The Boon Street Art festival is an annual event set in Hamilton. The Festival has been held since November 2015 and has gained national attention for its high quality, contemporary street art by local, national and international artists.
9. The Festival is managed by the Boon Street Art Committee (Boon) who fundraise so that the murals may be installed at no cost to building owners. The festival is made possible by funding from Hamilton City Council (from the 2018 Single Year Grant), Creative Waikato, First Credit Union, Craig's Investments and other local businesses.

10. In previous years the festival has focussed on specific areas around Hamilton. This has included the southern end of the CBD, Hamilton East and Frankton. This year Boon will focus on the northern part of the CBD and Garden Place.

Discussion

11. The Boon curator is in the process of matching artists and artworks with appropriate sites. Through this process Boon has identified the east facing wall of the Municipal Building as a mural site (see attachment 1).
12. Currently the eastern wall of the Municipal Building is being used for internal billboard/banner advertising, however large banners are cost prohibitive, and demand for this space is low. There are no bookings for 2019 and the current billboard/banner is due to be removed on 5 March 2019.
13. The mural would be painted during the festival in March 2019. All activities are project managed by Boon, including logistical management and Health and Safety planning.
14. The proposed art work would be temporary; murals, in general, have a limited lifespan of 5 to 7 years, depending on environmental conditions and the use of the space.
15. The proposed project would contribute to Garden Place and the central city by adding brightness, colour and vibrancy to the space. For these reasons the Hamilton Central Business Association is supportive of the concept.
16. If the project is not approved the Council would miss the opportunity to have a high quality contemporary art work installed for only a small cost to the Council.
17. Staff recommend that the Council approve of the proposal because of the positive contribution the artwork would make to the city.

Financial Considerations

18. The total costs to complete the project is approximately \$500, which includes cleaning the wall and carrying out any minor repairs, and approximately 20 hours of staff time. These costs can be met from existing budgets.
19. The entire Municipal Building is scheduled to be repainted during Year 4 of the 10 Year Plan. If the mural was not painted over during the scheduled repaint, the cost to repaint over the mural at a later date would be approximately \$12,000.

20. Legal and Policy Considerations

21. Staff confirm that the recommendation complies with the Council's legal and policy requirements.
22. The project is outside of the scope of the Permanent Public Art Development Process, however staff have requested approval from Elected Members because of the significance of the Municipal Building.
23. Due to the timing of the Boon festival and the date scheduled for the first Community, Services and Environment Committee meeting of 2019, it was decided to present this application to full Council to allow sufficient time for the proposed mural to be installed should it be approved.

Cultural Considerations

24. Boon has been working with Hamilton City Council staff members to ensure that the proposed activities takes into account the views of local Maaori.

25. Boon members are scheduled to present to THaWk at their next meeting on 15 February 2019 to seek approval to use Maaori imagery and seek input on the proposed designs.

Sustainability Considerations

26. The decision to approve the mural would support Principal 1 of the Sustainability Guidelines; *Council includes environmental, economic, social, and cultural considerations in its decision-making criteria*, because the artwork would support the economic, social and cultural development of the central city.

Risks

27. There is a small risk that some community members will not like the design, however the mural is low cost and has a temporary lifespan, and the activity is reversible, meaning the overall risk is low relative to the positive benefits.

Significance & Engagement Policy

Significance

28. 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

29. The Hamilton Central Business Association supports the project as a positive contribution to improving the vibrancy of Garden Place.
30. Internal engagement has been undertaken with the Facilities and Communications Teams, who are also supportive of the project.
31. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - Eastern Wall-Municipal Building



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 Council Public Excluded Minutes - 13 December 2018) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Boon Festival 2019 - Further information in relation to the request to install mural on municipal building) Official Information and Meetings Act 1987	

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 protect the privacy of natural persons	Section 7 (2) (a)