

## Notice of Meeting:

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

**Date:** Tuesday 4 February 2020  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council OPEN AGENDA

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### Membership

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

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

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Becca Brooke  
Governance Manager

**28 January 2020**

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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 Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

**Oversight of Policies and Bylaws:**

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

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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 five minutes or longer at the discretion of the Mayor.

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

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

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

# Council Report

**Committee:** Council **Date:** 04 February 2020  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Manager  
**Report Name:** Confirmation of the Council Open Minutes 12 December 2019

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

That the Council confirm the open Minutes of the Council Meeting held on 12 December 2019 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes 12 December 2019.

## Council

### OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 12 December 2019 at 9.30am.

#### PRESENT

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

In Attendance:	Richard Briggs - Chief Executive
	Lance Vervoort – General Manager Community
	Jen Baird – General Manager City Growth
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Sean Hickey - General Manager Strategy and Communication
	Blair Bowcott – Executive Director Special Projects
	Andrew Parsons – Strategic Development Manager
	Rebecca Whitehead – Business and Planning Manager
	Joanna van Walraven – Policy and Strategy Advisor
	Natasha Ryan – Key Projects Programme Manager
	Jackie Colliar – Strategic Manager

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

*Prior to the opening of the meeting Mayor Paula acknowledged tragedy of the Whakaari (white) Island eruption and noted that our thoughts were with those families affected by the event.*

*She then acknowledged staff that were part of Hamilton City Council's Play Strategy that won the national award for Outstanding Research, Planning and Policy at the New Zealand Recreation Awards on Thursday 28 November 2019.*

*Hamilton City Council Kaumatua Tame Pokaia opened the meeting with a karakia.*

1. **Apologies**  
**Resolved:** (Deputy Mayor Taylor/Cr Wilson)  
 That the apologies for absence from Cr Gallagher and Cr O'Leary are accepted.
  
2. **Confirmation of Agenda**  
**Resolved:** (Cr Bunting/Cr Thomson)  
 That the agenda is confirmed noting the following:
  - a) late item 10 (3 Waters Sub-Regional Study and Cambridge Wastewater Discharge Consent Submission) be accepted. This item was circulated late as it was requested at the Elected Member Briefing of 4 December 2019;
  - b) late attachment 3 of item C4 (Rototuna Village - Pool Tender) be accepted. This attachment was circulated late as it was requested at the Elected Member Briefing of 4 December 2019; and
  - c) that item C3 (TOTI application to Permanent Public Art Development Process) will be taken in the open section of the meeting, the report will be attached as appendix one of these minutes.
  
3. **Declarations of Interest**  
 Cr Hamilton noted that he had a family connection in relation to items 8 (TOTI application to Permanent Public Art Development Process) and C3 (TOTI application to Permanent Public Art Development Process) but was not conflicted. He would take part in the discussion and vote on the matter.
  
4. **Public Forum**  
**Rawiri Bidois, Piripi Matika and Sonny Karena** (representing Te Haa o te Whenua o Kirikiriroa) spoke to item 7 (Rototuna Village Sports Park Name) explaining the meaning and history behind the name Korikori Park. They responded to questions from Elected Members concerning the inclusion of historical plaques throughout the park, including pronunciation guidelines.
  
5. **Confirmation of the Council Open Minutes - 28 November 2019**  
**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)  
 That the Council confirm the Open Minutes of the Council Meeting held on 28 November as a true and correct record.
  
6. **Confirmation of the Open Elected Member Briefing Notes - 4 December 2019**  
**Resolved:** (Mayor Southgate/Deputy Mayor Taylor)  
 That the Council confirm the Open Notes of the Elected Member Briefing held on 4 December 2019 as a true and correct record.
  
7. **Rototuna Village Sports Park Name**  
 The General Manager Community and Key Projects Programme Manager introduced the report noting that the official opening of Korikori Park would be in February 2020. They responded to questions from Elected Members concerning the land area of the park.

**Resolved:** (Cr Thomson/Cr Naidoo-Rauf)

That the Council:

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

**8. TOTI application to Permanent Public Art Development Process**

Margaret Evans, TOTI representative, introduced Matt Gauldie, artist of the proposed statue, family members of Hilda Ross and members of TOTI.

The Business and Planning Manager introduced the report and outlined all the decisions made to date by the Council. Along with staff, Ms Evans responded to questions from Elected Members concerning the original art proposal and the previous resolutions of Council.

**Resolved:** (Deputy Mayor Taylor/Cr van Oosten)

That the Council:

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

***"OPERATIONS & ACTIVITY PERFORMANCE- 5 September 2013***

*That:*

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

***COMMUNITY & SERVICES - 27/06/2017***

*That the Community and Services Committee:*

- a) receives the report; and*
- b) approves TOTI's Dame Hilda Ross artwork concept at Stage 2 of the Public Art Development Process."*
- c) notes that it will consider further proposals from TOTI for a statue of Dame Hilda Ross in accordance with the requirements of the Council's Public Art Development Process; and
- d) notes the matter regarding the renaming of the road will be brought back to the Infrastructure Operations Committee.

*During item 2 (Confirmation of Agenda) item C2 (TOTI application to Permanent Public Art Development Process) was moved to the open section of the meeting. The report will be attached as **appendix one** of these minutes.*

**C3. TOTI application to Permanent Public Art Development Process**

The Policy and Strategy Advisor introduced the report and outlined Public Art Development Process. Margaret Evans then provided an outline of the history of the project. They responded to questions from Elected Members concerning the public arts process, the consultation that had occurred with tangata whenua, and the proposed location of the art work.

**Staff Action:** *Staff undertook to consult further with Waikato Tainui concerning the art proposal.*

**Resolved:** (Mayor Southgate/Cr Wilson)

That the Council:

- a) receives the report; and
- b) approves Option 1: Council accepts the TOTI application for Stage 1 and 2 of the Public Art Development Process for the Dame Hilda Ross statue.

**The meeting adjourned 10.58am to 11.26am.**

*During the above adjournment Mayor Southgate left the meeting. Deputy Mayor Taylor resumed Chair.*

**10. 3 Waters Sub-Regional Study and Cambridge Wastewater Discharge Consent Submission**

The Executive Director Special Projects and the Strategic Development Manager spoke to the report outlining the Phase 2 of Waikato Sub-Regional 3 Waters project and Cambridge Wastewater Discharge Consent Applications. They noted that paragraph 29 point iv of the staff report should read " Collaboration with our Iwi partners in relation to any submission it may make to the Cambridge treatment plant consent".

They responded to questions from Elected Members concerning funding of the project, the submission and project timeline, the possible risks to Hamilton City Council, and the scope of the 3 water study.

Elected Members requested that the submission include comment that Hamilton City Council fully supported a collaborative approach and model.

**Resolved:** (Cr Macpherson/Cr Hamilton)

That the Council:

- a) approves Hamilton City Council contributing one third of the funding (approximately \$250,000) required to complete Phase 2 of Waikato Sub-Regional 3 Waters project; and
- b) delegates authority to the Chief Executive to lodge a submission of "Conditional Support" on the Cambridge Wastewater Discharge Consent Applications on behalf of Hamilton City Council based on the Principles of Approach set out in this report.

*Mayor Southgate re-joined the meeting (11.40am) during the discussion of the above item.*

**9. Resolution to Exclude the Public**

**Resolved:** (Cr Wilson/Cr Bunting)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Public Excluded Council Minutes - 28 November 2019	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Public Excluded Elected Member Briefing Notes - 4 December 2019		
C4. Rototuna Village - Pool Tender		
C5. Contract 13392 - Hosting and Managed Infrastructure and Application Services - Final Renewal Term		
C6. Verbal Update - CE Committee Matters		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)

**The meeting went into a public excluded session at 12.06pm.**

**The meeting was declared closed at 3.00pm.**

## Council Report

**Committee:** Council **Date:** 12 December 2019  
**Author:** Joanna van Walraven **Authoriser:** Lance Vervoort  
**Position:** Policy and Strategy Advisor **Position:** General Manager Community  
**Report Name:** TOTI application to Permanent Public Art Development Process

<b>Report Status</b>	<i>This report is taken as a publicly excluded item to protect the privacy of natural persons; AND to enable Council to carry out negotiations.</i>
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### Purpose

1. To inform the Council on TOTI's application at Stage 1 and 2 of the Permanent Public Art Development Process.
2. To seek the Council's approval of the application for a permanent public art work by TOTI at Stage 1 and 2 of the Permanent Public Art Development Process.

### Staff Recommendation

3. That the Council:
  - a) receives the report;
  - b) approves **Option 1**: Council accepts the TOTI application for Stage 1 and 2 of the Public Art Development Process for the Dame Hilda Ross statue; and
  - c) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.

### Executive Summary

4. The Theatre of the Impossible Charitable Trust (TOTI) have applied to Council's Permanent Public Art Development Plan for Stage 1 and Stage 2 approval for a statue that memorialises Dame Hilda Ross.
5. The new application replaces their previous application for a public art work (approved at Stage 1 and 2) for the corner of Ward Street and Worley Place.
6. Staff recommend Option 1, to approve the application in principle and continue working with Waikato Tainui in regard to public art in civic spaces, as detailed in paragraph 28.
7. Staff consider the matters have a low significance and that the recommendations comply with the Council's legal requirements.

### Background

8. TOTI is a charitable trust that have a history of gifting public art works (including *The Line of Fire* and *War Horse*) to Hamilton city.



## Appendix 1

Item C3

9. Since 2013 TOTI have been working on a project to commemorate Dame Hilda Ross in the form of a figurative work of public art.
10. At the September 2013 meeting the Operations and Performance Committee gave Stage 1 approval for an artwork commemorating Dame Hilda Ross on the corner of Worley Place and Ward Street.
11. At the June 2017 meeting the Community and Services Committee gave Stage 2 approval for a concept design for the site.
12. In June 2019 TOTI reported that they were experiencing problems with the site and logistics, and presented to Council a new proposal called "Two Marvellous Women" which depicted Iriaka Ratana and Dame Hilda Ross in two figurative bronze sculptures.
13. Staff were advised by Elected Members to investigate sites in or around Garden Place, and to seek the views of Waikato Tainui regarding the proposal. Waikato Tainui opposed the application due to concerns about the cultural safety of the proposal and context of the Captain Hamilton controversy.
14. Since this time TOTI have altered their proposal by removing the Iriaka Ratana figure from the concept and retaining only a single bronze figure of Dame Hilda Ross.
15. Given the change of location and design, staff recommended that a new application be made to the Permanent Public Art Development Process.
16. A timeline showing a summary of events is attached (Attachment 1).

### Discussion

17. Permanent public art works that are vested to Hamilton City Council must go through the three stage Permanent Public Art Development Process (see page 2 Attachment 1).
18. The third stage of the process is signed off by the General Manager, Community, at which point the art work is vested to the Council. Once an art work is vested it is registered into the public art collection and maintained by Museum staff using the Public Art Maintenance Budget.
19. The art work proposed by TOTI is a figurative bronze statue of Dame Hilda Ross by artist Matt Gauldie (*War Horse, The Line of Fire*). The statue would be approximately 1900cms high and be installed in, or around, Garden Place.
20. The exact placement of the sculpture would be determined by Council staff in consultation with TOTI and key stakeholders. Council would retain the right to relocate the statue, if necessary, in consultation with TOTI.
21. An updated artist's concept is (Attachment 2) and TOTI's project brief (Attachment 3) are attached.
22. Once Stage 1 and 2 of the Permanent Public Art Process is granted TOTI can begin the process of commissioning the artist.
23. The proposal supports Hamilton City Council's Permanent Public Art Development Process by providing the city with public art works that tell the stories of Hamilton people.

### Engagement

24. Under the Public Art Development Process Council staff are required to engage with Te Haa o Te Whenua o Kirikiriroa (THaWK). THaWK do not have any cultural concerns in relation to a statue memorialising Dame Hilda Ross.

Item 5

Attachment 1

## Appendix 1

25. Waikato Tainui were engaged with as part of the Iriaka Ratana/Hilda Ross proposal. Waikato Tainui opposed that proposal and recommended that the Council continue conversations with Waikato Tainui about:
- the removal of the Captain Hamilton sculpture
  - implementing visual representations of partnership that consider Waikato-Tainui traditions and context
  - beginning conversations about including visual representation subject experts that are endorsed by the iwi.
26. Staff will continue to with Waikato Tainui on the issue of Public Art in civic spaces.

**Options**

27. There are 3 options for the Council to consider:

**Option 1- Accept Application**

28. The Council accepts the application for Stage 1 and 2 of the Public Art Development Process. This option would see the instatement of the artwork progress at this time while council continues to engage with Waikato Tainui on matters pertaining to public art in civic spaces.

**Option 2- Decline Application**

29. The Council declines the application until issues around public art in the CBD are resolved between the Council and Waikato Tainui. This option would require the resubmission of an application by TOTI at a later stage.

**Option 3- Application on Hold**

30. The Council puts the application for Stage 1 and 2 on hold and continues to engage with Waikato Tainui on matters pertaining to public art in civic spaces. This option would mean that the instatement of the artwork would not progress until matters pertaining to public art are resolved with Waikato-Tainui. When resolved, TOTI's application could be progressed.
31. Staff recommend Option 1- Accept Application, to approve the application in principle and continue working with Waikato Tainui in regard to public art in civic spaces, as detailed in paragraph 28.

**Financial Considerations**

32. If the proposal is accepted, the of the art work would be maintained using the Public Art Maintenance fund at an estimated cost of \$400 per year. This covers the cost of annual inspections and the cleaning and waxing of the art work once every 5 years.
33. If the proposal is declined there will be no costs to the Council.

**Legal and Policy Considerations**

34. Staff confirm that the proposal complies with the Council's legal and policy requirements.

**Wellbeing Considerations**

35. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').

## Appendix 1

Item C3

36. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.

### **Social**

37. Public art is accessible to everyone in the community and contributes to a sense of place and belonging.

### **Economic**

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

### **Environmental**

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

### **Cultural**

40. Dame Hilda Ross was a significant figure in the history of Hamilton and telling her story and celebrating her life contributes to a sense of identity and pride for Hamilton people.
41. Matt Gauldie is a well-respected artist who creates high-quality, aesthetically attractive works that contribute positively to the arts.
42. THAWK did not report any cultural concerns about the single statue of Dame Hilda Ross.

### **Significance & Engagement Policy**

43. 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.
44. Given the low level of significance determined, the engagement level is low. No engagement is required.

### **Attachments**

Attachment 1 - Timeline of Dame Hilda Ross Proposal

Attachment 2 - Matt Gauldie Sketch of Dame Hilda Ross

Attachment 3 - TOTI: Dame Hilda Ross Project

Item 5

Attachment 1

TOTI SCULPTURE PROPOSAL  
BACKGROUND

**2013**  
SEPTEMBER

Operations and Activity Performance Committee gave Stage 1 approval to TOTI for a Dame Hilda Ross sculpture on the corner of Ward Street and Worley Place

**2017**  
JUNE

Community and Services Committee gave Stage 2 approval for Tim Elliot's concept design *When Health Joins Hands with Happiness*

**2017**  
DECEMBER

Council approved the area on the corner of Ward Street and Worley Place, where the artwork was to be located, be named Dame Hilda Ross Plaza, and that the section of Ward Street between Victoria Street and Worley Place be renamed Hilda Ross Place

**2018**  
MARCH

Council decision not to fund upgrade of Worley Place

**2019**  
APRIL

**Second Elected Member's Briefing**

- TOTI report that they find the site problematic - complex underground infrastructure, restrictive landscaping and costs of relocating electrics box
- Problems finding suitable materials
- Propose instead a two figure art work "Two Marvelous Women"

**2019**  
NOVEMBER

TOTI state their intention to proceed without the Iriaka Ratana component of the sculpture. The proposed site for the work is in Garden Place, on the grass close to the library entrance.

**WEW ARE HERE**

- The new proposal is a significant change to the location and concept design of the original application
- Given these changes, the proposal would need to be reconsidered as a new application to the Permanent Public Art Process (see overleaf)
- Staff will draft a report for the 12 December meeting- Draft due 28 November



## TOTI SCULPTURE PROPOSAL

# NEXT STEPS

### 1

#### FURTHER CONSULTATION

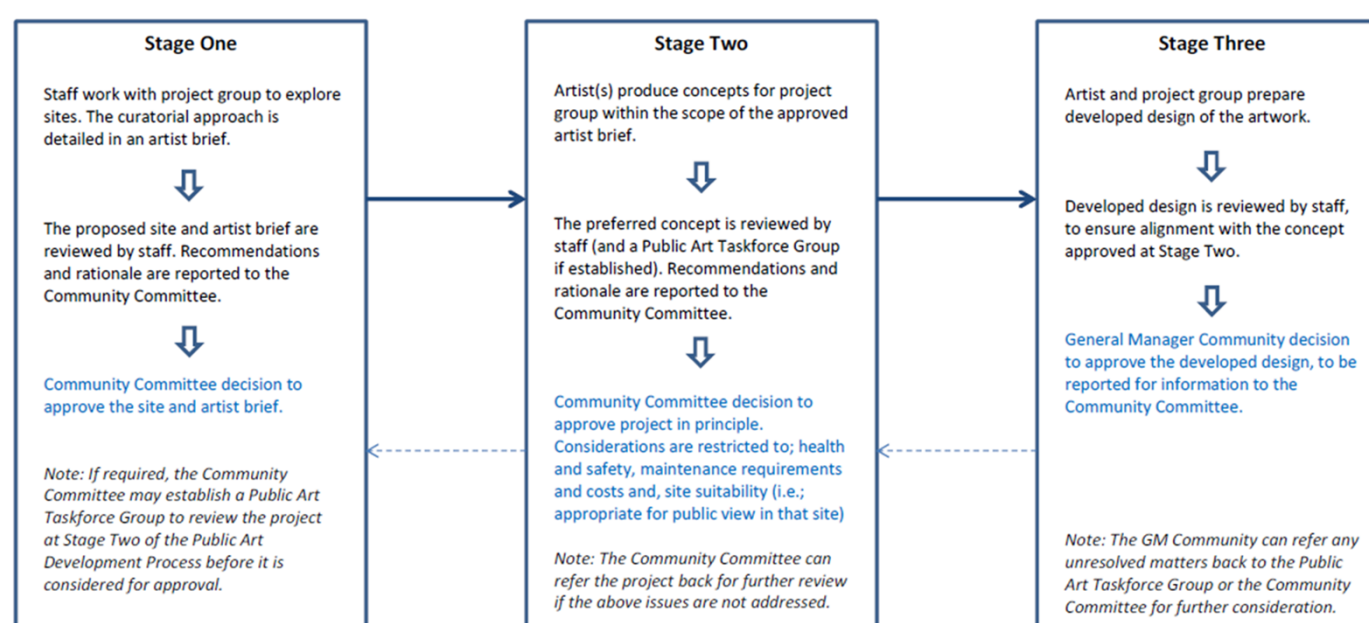
- Under Council Policy staff are required to consult with THaWK about any proposals for permanent public art when a report goes to a committee or Council
- Staff will consult with Waikato Tainui on new proposal
- Staff will consult key stakeholders in Garden Place for feedback on location

### 2

#### COUNCIL MEETING 12 DECEMBER 2019

- TOTI will present a combined Stage 1 and 2 application at a Council meeting (12 December )
- Staff will present a report that includes technical information and findings from consultation

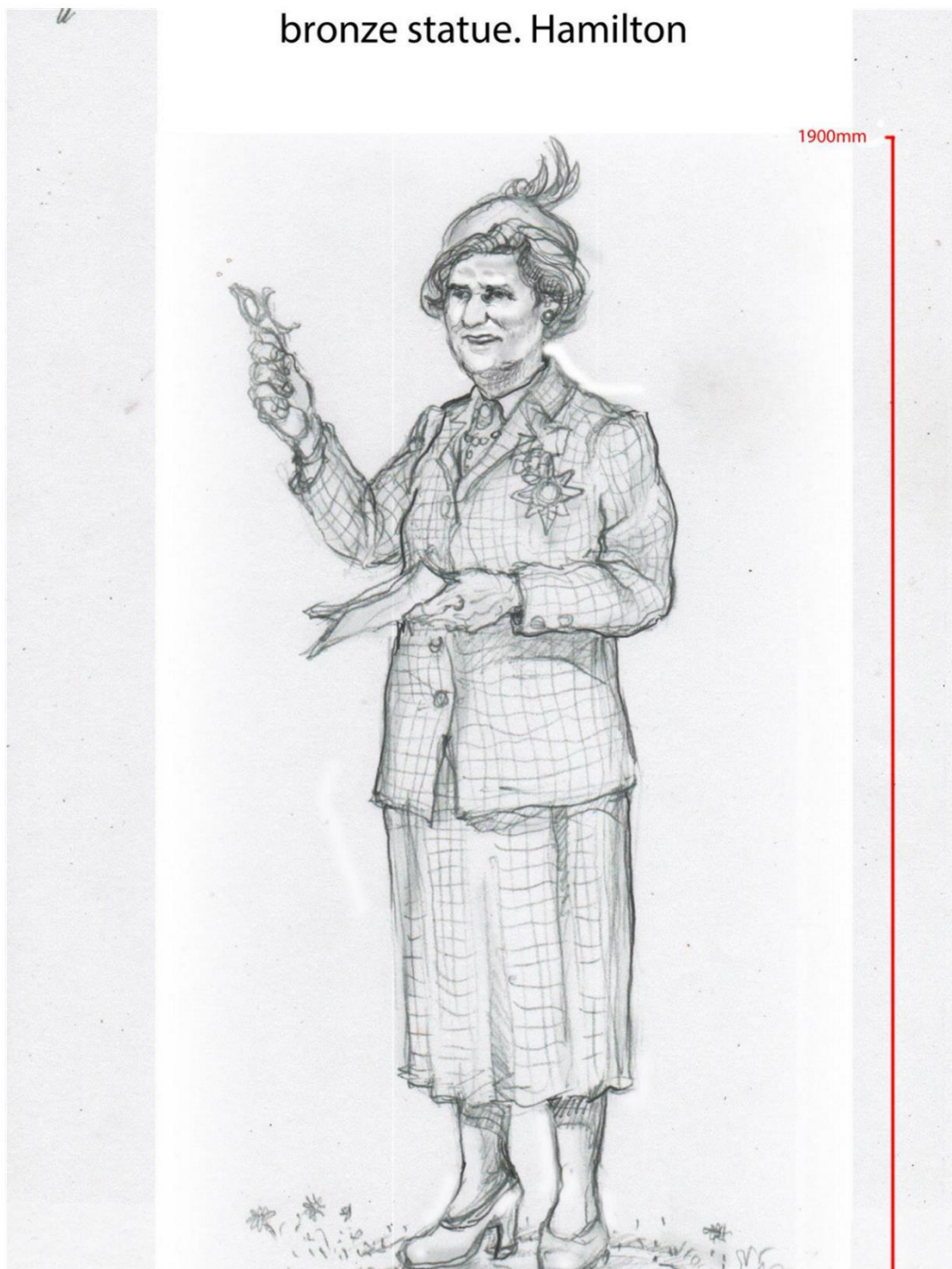
## PUBLIC ART DEVELOPMENT PROCESS- PERMANENT ARTWORKS





Appendix 1

bronze statue. Hamilton



Attachment 2

Item C3



[www.toti.co.nz](http://www.toti.co.nz)

20 November 2019

To Mayor Paula Southgate  
Hamilton City Council

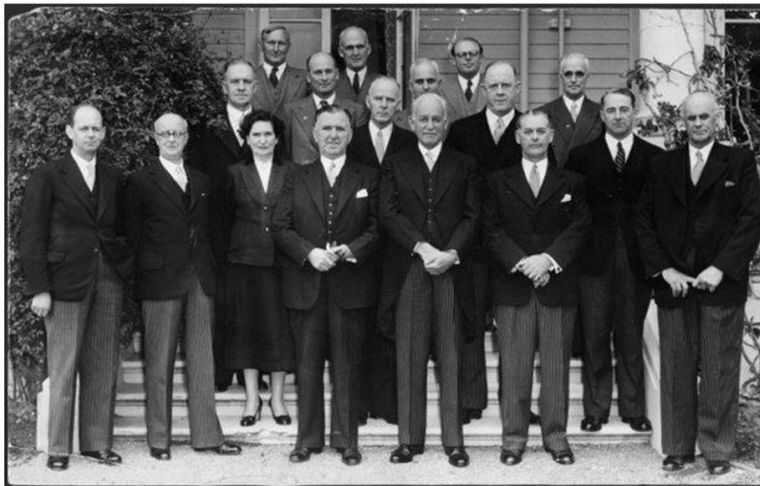
(Copies to Cr Mark Bunting, Deputy CEO Lance Vervoort, Public art advisor Joanna Van Walraven)

**Dame Hilda Ross commemoration**

As discussed: We seek to gift the people of Hamilton a bronze sculpture of Dame Hilda Ross (1883-1959) by artist Matt Gaudie for erection in Garden Place (on a site agreed with Council staff). The project conforms with relevant council policies, there is family and wide-spread community support, and ongoing council engagement is offered during the commissioning and installation process.

In essence, this is a variation of TOTI's original Stage 1 and 2 project approved by the council in 2017-2018 to commemorate this nationally important and popular community leader, social activist and political pioneer within the CBD in the Hamilton place and space that framed her extraordinary public contribution and career.

It will mark the centenary this year of the 1919 Women's Parliamentary Right Act which enabled New Zealand women to sit in the House of Representatives for the first time, as well as the 125<sup>th</sup> anniversary of the 1893 enactment for women's suffrage. Urgency is requested. The commissioning of the work is dependent on funders' agreement and the artist's timetable.



For Hamilton and Waikato, Dame Hilda was the trailblazer, the first woman elected to a range of public offices – Councillor and Deputy Mayor, Waikato Hospital Board, Member of Parliament, and Cabinet Minister.

1

## Appendix 1



*Hands-on Hilda at camp, and Matt Gaudie's original concept (Hilda speaking at nurses' conference. Statue to be 1:25 life-size, Hilda holding the 1919 Women's Parliamentary Rights Act...*

#### Extracts from TOTI's original proposal:

**Dame Hilda Ross (1883-1959)** was a pioneering political figure, a strong and outstanding woman with a life-time of life-changing community and public service – in the arts, health and social services, and community affairs, at the local, national, and global levels. Her political entrance coincided with WW2 (1939-45), and Hamilton city status (1945). Thousands publicly mourned her death in 1959.

Dame Hilda brings a list of pioneering 'firsts' from a half century of distinguished service to her city, region and country, and a blend of cultural and social sector activism, collaboration, and achievement.

By all accounts, Hilda Ross was ebullient, confident, and articulate, a great character and hands-on activist who spoke her mind. She is greatly suited to the busy economic, social, and political heart of the CBD. Retailing provided her economic foundation over half a century (through Barton & Ross in premises in Victoria Street's south end heritage precinct), but it is the central area, Civic Square and Garden Place where she can best be remembered, and close to Caro Street, named for that other civic leader to whom she was Deputy Mayor, and Worley Place for the early town engineer. Her name could link with two other great historical figures – Queen Victoria and Queen Alexandra.

The vicinity reminds of Dame Hilda's public service, her City Council links, her war-time political leadership & the WW2 Patriotic Hut in Garden Place, as well as her economic foundations in retailing.



## Appendix 1

Attachment 3

Item C3

This commemoration also remedies the loss of the arts centre which carried her name in the former City Library and Art Gallery, housed in the William Paul Hall - named for her children's camps co-founder and replaced with the Downtown Plaza in 1993. She never stopped working for Hamilton and the general public.



Hilda Ross (centre) with Mayor Caro, and PM Sid Holland (left). Others are Mrs Holland (far left), Caro's niece next to Hilda, a young Jenny Ross Andrew behind Hilda (her granddaughter), with Winter Show Association president HC Wallace next to William Paul on the right.



This 1950 New Zealand Herald Minhinnick cartoon portrays Dame Hilda with Mayor Harold Caro united in claiming a better deal from Government for the 'Cinderella City'.

Item 5

Attachment 1

## Appendix 1

**Background:**

TOTI's He Tangata Project was initially raised with the City Council in **2011** as a portfolio of four historic chapters to commemorate Hamilton's 150<sup>th</sup> anniversary in 2014 by developing public art to 'tell the stories'.

- arrival of the Tainui waka in the 14<sup>th</sup> century (Whakaotirangi)
- Waikato War and Waikato-Tainui land confiscations 1863-65 (Architects of the war/Tamihana)
- WW1 and Gallipoli 1914-1918 (Sapper Horace Moore-Jones and War Horse)
- WW2 and Hamilton's city status 1939-1945 (Dame Hilda Ross)

**Dame Hilda Ross Project**

**2014** – Hilda Ross project research continuing. Advisors include arts veteran Hamish Keith, and mana whenua academics Dr Ngapare Hopa and Assoc Professor Tom Roa.

HCC discussions re CBD sites. No consensus on artists concepts from 1<sup>st</sup> nationwide competition. Consultation included Hamilton Central Business Association, tangata whenua, associates, public, and family. Support letters from

- Te Haa o Te Whenua o Kirikiriroa
- Colin Ross (Dame Hilda's oldest grandson)
- Daphne Catley (sister of Dame Hilda's daughter-in-law) pp Suzanne Catley
- John Willis (Port Waikato Children's Camp Trust chair)
- Rt Hon Jim Bolger (former Prime Minister)
- Hon. Katherine O'Regan (former Minister)
- Hon David Bennett (Hamilton East MP)
- Tim Macindoe (Hamilton West MP)
- Neil Curgenven (NZ History Federation)
- Dr Marc Shaw (grandson of Cr Dorothy Blomfield)
- Len Knapp and Jan Luttrell (President & Vice President Hamilton RSA)
- Hamilton Central Business Association (Vanessa Williams)
- Starbucks (Manager - Willem Kranenburg)
- Tower building etc (Steve McLennan)
- 

**2016** – HCC staff recommend Starbucks site for artwork (cr Ward Street and Worley Place)

**2017** – HCC approves 'Hilda at the piano' Tim Elliott's artwork concept (estimated cost \$250,000), the 'people's choice' from new submissions. A close second was Matt Gaudie's 'heroic statue' Dame Hilda (estimated cost \$200,000), and preferred by two of her three grandchildren.

TOTI approaches Waikato District Health Board for interest in new CBD HQ naming plus Gaudie artwork. Place naming declined, but hospital site prospect in quiet staff courtyard.

**2018** – Site, artwork, and cost challenges. No HCC funding for site landscaping. Ongoing review. \$150,000+ raised.

In October, TOTI approaches Parliamentary Services Commission (Speaker -Trevor Mallard) with the 'Three Marvellous Women' artwork concept for Parliament grounds to mark women's political rights anniversaries 2018 and 2019 (Mabel Howard, Hilda Ross, Iriaka Ratana – 1<sup>st</sup> two women Cabinet Ministers + 1<sup>st</sup> Maori woman, collaborated on wellbeing issues). Support from Hamilton MPs and Christchurch Mayor Lianne Dalziel.

Hamilton Mayor Andrew King asks TOTI to reconsider Gaudie's concept after request from grandson Campbell Ross. Commitment to Elliott concept, but continue to canvas options.

**2019** – January, Parliamentary Services Commission declines TOTI offer, statues prohibited  
In landscape plan. Trevor Mallard suggests approach to Wellington City Council.

In February, review project with council staff, Starbucks' site plus Elliott piano problematic  
Staff and major funders agree amended project, 'Two Marvellous Women' based on Gaudie concept (Hilda Ross and Iriaka Ratana) in Garden Place, supported by local MPs and HCC's Lance Vervoort. Recruit additional local tangata whenua advisors – Pirihira Kaio (1<sup>st</sup> HCC Maori woman councillor), Cathy Holland (consultant), Doreen Wilson and Faye Blossom (Maori Women's Welfare League).

In April, confidential presentation to HCC of concept of 'Two Marvellous Women'. Recommended HCC consultation with Waikato-Tainui in response to Captain Hamilton statue.

TOTI continues community consultation. support from local MPs, Ross descendants, Maori Women's Welfare League, YWCA, NCW members etc. Opposition to HCC from Mahana Toka (Waikato-Tainui) and Adrian Rurawhe (Ratana grandson)

November, TOTI and advisors unanimous, postpone Iriaka Ratana for future review, refocus on Dame Hilda Ross, Gaudie concept, for Garden Place, seek early date to present to HCC.

**New support letters from Colin Ross (grandson) plus YWCA.** (attached)

**Tight time-frame – for artist and funding**

#### **Extract from Original Application to HCC:**

##### **INTRODUCING DAME HILDA ROSS**

**Dame Hilda Ross** left her mark locally and nationally on most aspects of our society and culture, with her socially and culturally responsive leadership over more than half a century:

- In music, song and theatre as a passionate teacher, pianist and conductor – with Waikato Diocesan, Hamilton Operatic Society and Choral Society;
- as an innovative hands-on social activist;
- in Anglican Church affairs;
- in retailing through her family business Barton & Ross
- and in local and central government 1941-1959
- as an influential Cabinet Minister,
- leading cross-party initiatives, with widely recognised collaborative skills,
- tackling the hard issues with gusto.

She was a wife, mother and grandmother, with personal experience of family sadness and challenges

In 1926, she co-founded heath camps for children from impoverished backgrounds; every summer for 25 years she was Camp Mother for more than 200 children at Port Waikato Children's Camp and organising nightly concerts. Co-founder William Paul, another significant Hamilton figure, was a life-long friend.

During the Second World War, she kept the home fires burning, launching and leading the WWII Women's Voluntary Auxiliary Corps and The Patriotic Hut in Garden Place with a group of hard working devoted women volunteers, supporting returning soldiers.

Hilda Ross pioneered women's participation in public office in Hamilton and in Cabinet. In 1941 she was elected to the Waikato Hospital Board. She was part of the winning group elected to Hamilton Borough Council in 1944, the first woman councillor and then the first woman deputy mayor. A year later, Hamilton gained city status with a population of 20,000, and she was elected to Parliament in a by-election. In 1949 she became Minister for the Welfare of Women and Children for the first National government, claiming additional responsibilities including child welfare, pre-schools, juvenile courts and women's borstals, and the health camps. In 1957 she became Minister of Social Security.

##### **Many of her issues and concerns resonate today:**

- family stability and children's need for 'a good home life'
- violence against women and children (although she did support 'a good spank if required')
- the importance of the mother's role
- healthy living and a balanced diet especially children's lunches amidst concerns at extensive malnutrition
- welfare dependency

She was given Hamilton's Freedom of the City award in 1948. In 1951 she was selected by an American Mothers' Committee as the NZ 'Mother of the Year'. In 1956 she became the 3<sup>rd</sup> New Zealand woman to be awarded the DBE and the title Dame. Today she is recalled as one of NZ's most influential 20<sup>th</sup> Century history-makers.

# Council Report

**Committee:** Council

**Date:** 04 February 2020

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Governance Team Leader

**Position:** Governance Manager

**Report Name:** Chair's Report

<b>Report Status</b>	<i>Open</i>
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## Recommendation

That the Council:

- a) receives the report; and
- b) endorses the name “Te Huia” for the Hamilton to Auckland Passenger Rail Start-up Service.

## Attachments

Attachment 1 - Open Chair's Report - 4 February 2020.



# Chair's Report

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## **Start-up Passenger Rail Service Project Governance Group**

In December 2019 the Passenger Rail Service Project Governance Group met and the matter of a name for the start-up rail service was discussed. At this meeting the name "Te Huia" was put to the group for consideration.

Huia is a bird sacred to Maaori with feathers from its tail being particularly prized and becoming a national icon around the turn of the 1900<sup>th</sup> century. The last sighting of the bird was in 1907. This name is finding favour and common ground between the parties and is the preferred name for Manu Whenua, following consultation in November 2019.

Previous names suggested were:

- Tron Express
- Tron
- H2A
- Waikato Link
- Tuhono Waikato

The Governance Group would like to decide on a name at its next Governance Group meeting in February 2020.

Given the interest in the matter, I would like to seek endorsement from the Council of a preferred name of the start-up service being "Te Huia" to support the Governance Group with making its final decision on the matter.

## **Recommendation:**

That the Council:

- a) receives the report; and
- b) endorses the name "Te Huia" for the Hamilton to Auckland Passenger Rail Start-up Service.

**Paula Southgate**  
**Mayor Hamilton City**

# Council Report

**Committee:** Council **Date:** 04 February 2020  
**Author:** Sean Murray **Authoriser:** Sean Murray  
**Position:** General Manager Venues, Tourism and Major Events **Position:** General Manager Venues, Tourism and Major Events  
**Report Name:** Application for Major Event Sponsorship Fund 2020/21

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek approval from the Council of the application to the 2020-21 Major Event Sponsorship fund from Te Ohu Whakaita (TOW) for Matariki ki Waikato 2020.

## Staff Recommendation

That the Council:

- a) receives the report; and
- b) approves funding from 2020-21 Major Event Sponsorship fund for:
  - i. Te Ohu Whakaita for \$40,000 to deliver the Matariki ki Waikato 2020 event noting the funding is subject to confirmation of external funding being secured by event organisers; and
  - ii. subject to 2020 performance via event reporting requirements, the further approval of \$40,000 per annum for 2021 and 2022 events from an applicable event sponsorship budget.

## Executive Summary

2. This report is seeking the Council's approval for funding from the 2020-21 Major Event Sponsorship Fund for an out of round application from TOW for Matariki ki Waikato 2020, due to take place in Hamilton from 19 June to 31 July 2020 as recommended by management.
3. The 2020-21 Major Event Sponsorship Fund will open for applications in March 2020 and applications will be presented to the Economic Development Committee for approval at the meeting on 12 May 2020.
4. Due to the event date (June), it's not suitable to have the application assessed at the above meeting (May). The Event organisers require a decision on funding as soon as possible to enable to the event to go ahead.
5. The application for funding from TOW was assessed against the criteria by management in compliance with Council's [Event Sponsorship Policy](#) to collectively assess and determine a recommendation. Council can approve applications out of round and in advance of receiving other applications as outlined in the policy.
6. Management's assessment of the application and the full application from TOW are attached.

7. An application to Council's Community Event Fund is not deemed appropriate as this fund can only support smaller community led events up to a maximum of \$5k and has a total available balance of \$50k.
8. Staff have considered the decision in this report to be of low significance and that the recommendation complies with councils' legal requirements.

## Background on Council's Major Event Sponsorship Fund

9. Hamilton's Major Event Sponsorship Fund is designed to provide support to organisations delivering events in line with Hamilton's objectives. The application of the fund is governed by the [Event Sponsorship Policy](#).
10. The total available budget of the 2020-21 Major Event Sponsorship Fund is \$401,246.
11. The application of the Major Event Sponsorship Fund will focus on larger event opportunities where exposure will reach well beyond Hamilton, delivering high-profile coverage; and where it will attract significant numbers of visitors from outside Hamilton and the region, and community participation.
12. Applicants applying for funding must show how their events help to meet the following criteria:
  - **Exposure and promotion for the city:** *The event lifts the status, awareness or profile of Hamilton through the media exposure it receives (international/national & local). It helps position Hamilton as New Zealand's premier events destination and provides proof of Hamilton's positioning as a go-ahead, modern, achieving and well-balanced city.*
  - **Economic benefits for the city:** *The event increases the number of people who would normally come into the city at that time thereby providing potential benefit to local businesses. Events that bring in new money and result in people staying in Hamilton are more desirable. Supports events that bring visitors to Hamilton.*
  - **Promote pride and sense of place for Hamilton residents:** *The event gives residents and those living outside Hamilton, additional entertainment choice and recreational opportunities as well as creating a more vibrant and interesting local lifestyle.*
13. Management acknowledge the Matariki ki Waikato application does not strictly align with the application of the fund in respect of all the above criteria. However, this is an example of an event that potentially warrants support from Council as a valuable major community event but requires funding well above current available community event funding levels.
14. A further consideration is the need for Council (if the management recommendation is supported) to offer event organisers greater certainty over multiple years rather than applying for yearly funding which can add a strain on event organisers.
15. A review of Council's complete event funding portfolio (i.e. Community Event Fund, Major Event Sponsorship Fund, Civic and Venue Events) is due to be completed during 2020 with the newly elected Council. This may lead to a revision of the current approach to the delineation between community verses economic focused events that warrant council support.

## Recommendation

16. The application was assessed against the current major event sponsorship fund criteria by management in compliance with the Event Sponsorship Policy.



17. As noted above in paragraph 12-13, the Matariki ki Waikato event is seen to have potential to build traction and have significant long-term growth potential for the city and management recommend a multi-year funding commitment from Council. As an event of cultural significance, it also has a distinctiveness for Hamilton and presents a wide range of balanced activity with strong emphasis on Hamilton's places and spaces.
18. The General Manager Venues, Tourism and Major Events has recommended the following:
  - *Approval of \$40,000 of funding for Te Ohu Whakaita to deliver the Matariki ki Waikato 2020 event noting the funding is subject to confirmation of external funding being secured by event organisers; and*
  - *Subject to 2020 performance via event reporting requirements, the further approval of \$40,000 per annum for 2021 and 2022 events from an applicable event sponsorship budget.*

### **Legal and Policy Considerations**

19. Staff confirm that the recommendation to approve funding complies with the Council's legal and policy requirements.

### **Wellbeing Considerations**

20. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 well beings').
21. The subject matter of this report has been evaluated in terms of the 4 well beings. Events have great social, economic, environmental and cultural impact on the communities they take place in. Matariki ki Waikato is seen as an opportunity for celebration of language, stories, visual and performing arts, ceremonies and heritage.

### **Risks**

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

### **Significance & Engagement Policy**

#### **Significance**

23. 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**

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

### **Attachments**

Attachment 1 - Management Assessment of Application - Matariki ki Waikato 2020

Attachment 2 - Major Event Sponsorship Application 2020-21 - Matariki ki Waikato 2020.



## 020/21 Event Sponsorship Scorecard – Management Assessment

Application Summary	
<b>Event Name and Date</b>	Matariki ki Waikato 2020 (Matariki Waikato Winter Festival)
<b>Applicant/Organisation</b>	Te Ohu Whakaita – supported by the Matariki ki Waikato Working Group
<b>Event Venue</b>	Various across city – including Hamilton Gardens, Hamilton City Libraries and Waikato Museum
<b>Event Type</b>	Community / Cultural
<b>Event Overview</b>	<p>Matariki ki Waikato is an annual winter festival celebrating Māori New Year, due to take place in Hamilton 19 June to 31 July 2020. It is delivered by Te Ohu Whakaita Charitable Trust (est 2009), supported by the Matariki ki Waikato working group</p> <p>The role of the trust is to raise awareness of the celebration of Matariki throughout the Waikato regional. Its vision is to “enable key Māori events in the Waikato to be accessed and valued by all”.</p> <p>The event will feature 10 signature events, in addition to other supporting events:</p> <ol style="list-style-type: none"> <li>1. <i>Karanga o te Tau Hou (Dawn Ceremony)</i></li> <li>2. <i>Tainui Waiakto Kaumatua Ball</i></li> <li>3. <i>Matariki in the City</i></li> <li>4. <i>Matariki Mantukutuku Kite Day</i></li> <li>5. <i>Whiti Emerging Stars</i></li> <li>6. <i>Matariki Ahunga Nui Matariki Kanohi Iti</i></li> <li>7. <i>Matariki in the Museum</i></li> <li>8. <i>Matariki Ruru Light Festival</i></li> <li>9. <i>Matariki Market Day</i></li> <li>10. <i>Pou Maumahara (Festival closing)</i></li> </ol>
<b>Target Market</b>	Hamilton city residents and visitors from surrounding region, plus overnight visitors from wider Waikato – Bay of Plenty/Taupo/Taranaki/Hawkes Bay and greater Auckland
<b>Event Objectives</b>	<ul style="list-style-type: none"> <li>• Build region wide recognition in the Matariki Winter Festival in Hamilton</li> <li>• Build region wide awareness of Matariki in the Waikato and positively showcase Maori culture as an inherent part of Hamilton’s identity</li> <li>• To offer a wide range of events that attract a nationally significant and diverse audience, making it the most ‘inclusive’ and highly participatory region wide event for Waikato</li> <li>• Reviewing and measurement of the festival, it’s social cultural and economic impact to enable reporting on economic statistics and the contribution to the Māori economy</li> </ul>
<b>Attendance</b>	Participants, Spectators and Trade 15,000 – from Hamilton / 3,500 – from outside Hamilton
<b>Anticipated Bed Nights</b>	Not supplied (not yet available) – collecting viable economic data is a goal to measure the impact of the festival moving forward. The result of this measure however is likely to be minimal.
<b>External Funding</b>	Some income or value support in kind. External partner funding is still TBC. See management recommendation about external funding.
<b>Previous Council Support</b>	In June 2018, Te Ohu Whakaita applied for event sponsorship funding for their 2019 event and were successful in receiving \$30,000 from Council from the 2018/19 event sponsorship fund. The Matariki ki Waikato Working Group includes members from Friends of Hamilton Gardens, Hamilton Libraries, Waikato Museum, Community Development Unit, HCC’s Maori Relationships advisor and City Events plus external groups.

<b>Past Event Performance</b>	<p>They completed all sponsorship agreement conditions and are seen as a capable organisation with a level of integrity to deliver the events in alignment with their organizational values and brand management.</p> <p>The 2019 post event report reported the festival delivered 36 events shows over 6 weeks with 12,848 people attended the suite of events within the Matariki ki Waikato programme. Events were delivered within Hamilton City and in Rangiriri, Huntly, Ngaruawahia, Te Awamutu and Waitomo.</p>
<b>Benefits to Hamilton City Council</b>	<ul style="list-style-type: none"> <li>• Recognition of Council as a “major supporter and festival partner”</li> <li>• Recognition by way of logo in all marketing documents</li> <li>• Verbal acknowledgment in presentations and public announcements and in news and press/media releases</li> <li>• Naming rights alignment with a major event within the festival</li> <li>• 12 invitations to attend the Karanga o te Tau Hou /Dawn Ceremony event</li> <li>• Opportunity to address key civic , business and Māori leaders at the launch, alongside opportunity to network with Māori networks of audience and sponsors</li> <li>• Potential for Council to achieve economic and social objectives: <ul style="list-style-type: none"> <li>○ through growing the Māori economy and realising new opportunities for Māori tourism</li> <li>○ Strengthening stronger relationships with Mana Whenua and Mataawaka</li> <li>○ Commitment to treaty partnership with Mana Whenua</li> </ul> </li> </ul>
<b>Sponsorship Requested</b>	\$120,000 for the 2020 event

Management assessment against criteria	Score (5)
Fit to Hamilton City vision and profile	4
City exposure benefits	3
Generation of overnight visitation to city	1
Generation of incremental income to city businesses	2
Number of anticipated participants	3
Utilisation of city assets	4
<b>TOTAL</b>	<b>17 / 30</b>

**Management Recommendation:****Approve - \$40,000 per annum for 2020/21, 2021/22 and 2022/23 financial years**

Management acknowledge the Matariki ki Waikato application does not strictly align with the application of the fund in respect of all the above criteria. However, this is an example of an event that warrants support from Council as a valuable major community event. The event is seen to have opportunity to build traction and have significant long-term growth potential for the city and management further recommend a multi-year funding commitment from Council.

Management are aware that other large NZ cities commit funding to celebrate and observe Matariki (i.e. Auckland, Wellington, Tauranga and Christchurch). Investment in a significant Māori celebration can only enhance the reputation of Hamilton and the region. As an event of cultural significance, it also has a distinctiveness for Hamilton and presents a wide range of balanced activity with strong emphasis on Hamilton's places and spaces.

# Major Event Sponsorship Application Form

## Section One - Applicant Event Details

Name of Event- Matariki ki Waikato

Matariki Waikato Winter Festival

Date(s) of Event

Wednesday 19 June – Friday 31 July 2020

Time/s of Event

Various – (see programme previous year 2019)

Location or Venue

Multiple locations and venues across Hamilton City-

Is the Event an annual/bi-annual (every two years) event?

Annual Winter Festival celebrating Māori New Year

Type of Event – sporting/community/youth/cultural/arts etc.

Community/Cultural

Amount from Hamilton City Council Major Funding sponsorship sought = **\$120,000**

Name of applicant organisation

Te Ohu Whakaita

Is it a legal entity?

YES

X

NO

Charitable Trust

Is it GST registered? If yes, provide GST number

Name of contact person for this application- Maree Mills

Postal address

17 Market St

Ngaruawahia

Telephone 078386713

Fax

Mobile 027 7591100

Email maree.mills@hcc.govt.nz

Name of organiser- Marleina Ruka

Contact address (if different from above)

87 Galloway St

Hamilton

Telephone

Fax

Mobile 021 2949601

Email marleina.ruka@gmail.com

Please list prior event experience of both the organisation and the event organiser.
<p><b><u>Organisation Experience</u></b></p> <p>Te Ohu Whakaita through its relationship with Matariki ki Waikato Working Group has coordinated and facilitated ten successful Matariki Festivals in Hamilton City. The group has an excellent record of accomplishment: entertaining, educating and inspiring thousands of local Hamiltonians and visitors to our city. Since 2009-member organisations of our working group have consistently provided an impressive line-up of events, for Matariki Ki Waikato. These member organisations have long relationships with event managers employed by their organisations or through their networks, or are persons acting in the role of event managers for their own organisations.</p> <p><b><u>Event Organiser Experience</u></b></p> <p>In 2019 Te Ohu Whakaita contracted two Festival co-ordination staff-</p> <p>Margaret Aull- was lead Festival co-ordinator.</p> <p>Communications and Marketing Coordinator- Tania David-</p> <p><b>Margaret Aull</b></p> <p>With a Post Graduate Diploma in Management, A Masters in Fine Arts and a Diploma and undergraduate degrees in Maori and Pacific Arts, Margy has enjoyed a varied and fulfilling career in project management, as an organisational builder, change agent and Maori and Pacific leader in the arts. She is renown for event management. In 2019 she exponentially grew Matariki Ki Waikato participation in our Matariki Festival in Kirikiriroa and as co-chair of Te Atinga co-ordinated the significant nine-day International Indigenous Arts Exchange based at Turangawaewae. Previously she has managed substantial budgets and provided strategic planning for Maori arts organisations. She holds extensive cultural networks and is experienced in relationship building and cross-cultural community engagement. Margy is well respected and has a strong understanding of Reo me ona Tikanga.</p> <p><b>Tania David</b></p> <p>Tania David has her own successful event company and holds a Law degree and accounting qualifications. She has been contracted to plan, organise and manage community festivals and events and excels in all forms of online communication. Her expertise with managing social media platforms and marketing as well as being extremely motivated to meet deadlines and report on performance indicators makes her a most valuable contributor to our Festival planning and delivery. In 2019 she set up enduring data and comms management systems for the Trust and for Matariki Ki Waikato.</p> <p><b>Margaret Aull and Tania David proved to be a magnificent team for the 2019 Matariki Ki Waikato Festival and The Trustees of Te Ohu Whakaita would very much like to retain their positions.</b></p> <p><b><u>Organisation Structure</u></b></p> <p><b><u>Te Ohu Whakaita Charitable Trust</u></b></p> <p>Te Ohu Whakaita was established in 2009 to raise awareness around the celebration of Matariki, the Māori New Year, throughout the Waikato region. It became a Charitable Trust in 2014 with a wider kaupapa/ vision to “enable key Māori events in the Waikato to be accessed and valued by all people”.</p> <p>Te Ohu Whakaita Trustees are nominated because of their experience with governance, events operations and management, investment in community, experience in the public and private sector, facilitating networks and creating partnerships, financial management as well as a working knowledge of te reo me ona tikanga and an understanding of mātauranga Māori.</p> <p>Staff from Hamilton City Council, Creative Waikato, Friends of the Hamilton Gardens Inc, Toi</p>

Ngaruawahia and Kirikiriroa Marae are among those represented as Trustees. Marleina Ruka is current Chair with Maree Mills as Secretary and Ani Nock as Treasurer. They have successfully applied for funding to engage administration and co-ordination personnel for the Festival and provide strategic advice to the Matariki working group, supporting individual events within the festival to access adequate support and funding. Te Ohu Whakaita is the legal entity that sits over the Matariki ki Waikato Working Group- Ref to website <https://matarikiwaikato.nz/te-ohu-whakaita-2/>

#### **Festival Co-ordination**

Staff contracted by Te Ohu Whakaita to co-ordinate the Festival and oversee communications with both the Trust and the Matariki Ki Waikato Working Group.

Te Ohu Whakaita understands that the continued growth and success of the festival relies largely on our ability to attract and retain experienced co-ordination and communication personnel.

#### **The Matariki ki Waikato Rōpu-Working Group**

The Matariki ki Waikato Working Group members are people representative of Waikato organisations who deliver festival events during the festival period. The rōpu is made up of representatives from the following organisations: Te Puni Kōkiri, Te Rūnanga o Kirikiriroa, Creative Waikato, Tertiary providers: Te Wananga o Aotearoa, University of Waikato, WINTEC, HCC Council visitor destinations: Libraries, Waikato Museum-Te Whare Taonga o Waikato, Mareikura Creations, Friends of Hamilton Gardens Inc, Meteor Theatre, DOC, among many others- Please refer to website for current members

#### **Current state**

While the interest and capability of some individual providers has grown, the stress of annually seeking funding from any and every source in a retracting and competitive pool is unlikely to be sustainable. Many of the smaller participant organisations are community groups that rely on voluntary support. The larger organisations deliver a fluctuating scale of programmes due to the instability of external funding sources, but they still deliver.

The appeal of clustering under the Te Ohu Whakaita umbrella and aligning with key signature events that have assurance of running, makes sense.

Over the past four years, the Trust has contracted a coordinator/s for the Matariki ki Waikato Working Group to oversee programme coordination, marketing and promotion for the festival and they are usually located at a central workspace within the Hamilton CBD (Creative Waikato).

They meet regularly with the MKW working party and report on the progression of the programme, opportunities for collaboration, cross pollination and/or the sharing of resources. They also work with promoters associated with the individual participant organisation alongside wider communications and media to create as much noise as possible regarding the festival. Last year the co-ordination team also provided material for our Sponsorship report and established a database on Google Drive that could be accessed by all Trustees. This helps future-proof the Festival from suffering loss of collateral and intellectual property as membership changes.

At present we do not have sufficient funding to contract our event co-ordinators for 2020 as we have missed funding rounds that open/close during the delivery of our Winter Matariki Ki Waikato Festival. All trustees are Matariki Ki Waikato members who not only deliver events for the festival but are employed full-time in other roles. This makes for a very volatile funding situation. In 2019 the Trust met with Mayor Andrew King to discuss a future strategic relationship with Hamilton City Council to ensure sustainability, growth and longevity for Matariki Ki Waikato. We are looking for assurance going forward from Hamilton City Council that plans are in place to achieve this.

Is there a contract in place with the event organiser or organisation team?	YES		NO	X
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Does your organisation hold intellectual property rights to the event? If not, who?
Te Ohu Whakaita is an umbrella organisation and does not hold IP for events, however all events that sit within/under this roopu have completed a template and therefore 'signed up' to participate with a level of integrity to deliver events in alignment with the principles and operating values of the organisation. We also have a strong brand that is promoted at all events under the umbrella of Matariki ki Waikato.

## Section Two - Event Description and Attachments Please attach documentation related to this section.

### Event outline

#### Matariki Ki Waikato Winter Festival- 2020

A six-week long Māori led festival of events to celebrate the Māori New year. It will be launched in 2020 with the Matariki Karanga O Te Tau Hou (Breakfast) on the 19 June and close 31 July.

*Matariki, huarahi ki te oranga tangata, Matariki, pathway to the well-being of man*

In the Maori world view, Matariki is a significant indicator of our health, wealth and well-being, the Matariki star, chief of the cluster, is viewed as an omen of good fortune and health. It is THE festival to unite all peoples, celebrate our indigenous culture, give thanks for the bounty of our river and its lands, reflect on the legacy we have been given and collectively aspire to create a more prosperous future.

Winter is coming and the rise of the Matariki constellation signals a new year. With it, opportunities to build a much larger festival- a portfolio of events reaching a vast range of audiences, attracting visitors from across the region and outside of Hamilton. It will expose what the city offers to a more diverse Waikato audience and build on the city's reputation as a destination of note and a 'great place to live'! Our point of difference in Aotearoa, is the commencement date of the Festival. We launch our Festival annually with a dawn ceremony and breakfast to celebrate the birth of King Koroki who was born under the Matariki star on 16 of June 1906.

This year 2020, we aim to extend our signature events from seven to TEN key events, in addition to the many other supporting events.

The Matariki festival is the right event to focus on for achieving the Te Ohu Whakaita vision for key Māori events to be accessed and valued by all people, while also contributing to Hamilton City Council's Economic Agenda.

### Strategic and Policy alignment

- The Matariki festival delivers on the Hamilton City Council Economic Development Agenda priorities 1, Develop Hamilton's Value proposition, 6 Working with business and, 7 Events and business tourism.
- The strategic growth of this event also aligns with the regions Māori Economic Action Plan, to raise the economic performance of Māori living in this rohe/area.
- It delivers on outcomes of the Hamilton Arts Agenda- Te Rautaki Toi o Kirikiriroa and responds to the Toi Māori Report (2018)

### New Focus

Most large cities in Aotearoa commit significant funding to the observance of Matariki.

As an economic hub traditionally based on agriculture, the region has yet to acknowledge the growing economic and cultural contribution Māori culture brings to the region. While Tainui iwi gathers investment momentum, national and international interest and participation in the Kiingitanga has grown exponentially. A young, agile, dynamic and growing diverse Waikato population also seeks the integrity and identity that Māori culture presents. NZEIR report 2017- The Māori Economy of Tāmaki Makaurau, discusses the high potential of the cultural sector, and the value of a visible Māori identity in Auckland to the tourism industry. Using data from Statistics New Zealand, they calculated a significant spend on Māori tourism in Auckland. This information should be seen in alignment to what the Waikato can offer, to also realise the potential of the Māori economy in our region. There are approximately 83,000 Māori living in the Waikato. Te Ohu Whakaita is interested in participating in regional objectives that deliver to our Māori community.

- **Business Plan for the event.** This should include the following: Event goals, objectives and strategies. Current Project Plan – including milestones and timeframes

#### Introduction

Matariki is a uniquely Māori celebration that can anchor and grow our indigenous identity, while achieving wider social, cultural and economic outcomes. Previous Mayor Justin Lester said after committing significant funding for Matariki Wellington in 2017, “the winter months in New Zealand tend to be quiet and that presents an opportunity to celebrate an event that is relevant to New Zealand”

*Hamilton attracts over 100,000 people in early winter to the Field days (13-16 June) and Te Ohu Whakaita recognize the opportunity to extend visitor nights with the Matariki Winter Festival kicking off just as the Field days close.*

Investing in Matariki is a no-brainer.

#### Strategic Objectives for Matariki ki Waikato are social, cultural, environmental and economic

- expansion opportunity- significant number of anticipated participants and proven future growth potential. This was seen clearly in 2019 with the contract of effective co-ordinators the Festival events trebled
- add to the city’s value proposition
- expose cultural distinctiveness for Hamilton nationally and internationally. Tainui iwi have already culturally placed us on the international map with other indigenous cultures and our Asia Pacific neighbours. The Kiingitanga also has a very unique role within Aotearoa.
- extended utilisation of city facilities and assets e.g. Hamilton Gardens, Waikato Museum, The Hamilton Zoo, Meteor Theatre, Claudelands Events Centre, City Libraries, and growing the potential of attracting key national and international acts etc,
- generate overnight visitation throughout the festival. Māori led events including Kiingitanga celebrations e.g. Koroneihana, Regatta. The Kiingitanga anniversary attracts thousands into the region. The 160<sup>th</sup> celebration presented headline acts: Annie Crummer, The Koi Boys, Three Houses down, Maisy Rika, Ria Hall and Rob Ruha among others in a night-time large concert that resulted in accelerated bed nights. During the 2020 Festival sell-out shows like the Māori Sidesteps would have generated guest nights
- growing interest in and showcasing the strength and vitality Nga Toi Māori and its unique value. This includes visual arts, oratory and performing arts, digital and screen arts,
- growing interest and awareness in the contemporary relevance of mātauranga Māori, as the depth and richness of the culture provides positive alternative models for sustainability, horticulture and agricultural practice, and the city’s growth,
- make Maori cultural events accessible to everyone and grow unity in a diversifying community.

#### Potential

While new interest and capability of delivery for individual organisations providing events for Matariki has grown, the current recidivist funding model, has meant that the festival programme has been largely shaped by the success of Te Ohu Whakaita and those organisations to attract their own funding.

Due to our festivals placement on the cusp of a financial year, this means the same ‘robust’ organisations delivering events, feature year to year as they can withstand the impact of little external funding and still deliver great events, while new participants come and go. A level of stability is



required for the signature events so that they can deliver to their current potential and grow, while also fostering associated new events. When we have achieved a level of base funding, we have been able to grow the scale and impact of the festival

**Receiving continued HCC Major Event Sponsorship will enable Te Ohu Whakaita to pursue its strategic approach to growing the festival and achieving the objectives stated as outlined in the Business Plan.**

**Goal One:** The Matariki ki Waikato festival offers a wide range of events that attracts a nationally significant and diverse audience, making it the most 'inclusive' and highly participatory region wide event for Waikato.

**Objective 1.1:** Secure funding to enable the umbrella organisation Te Ohu Whakaita and its operational arm 'The Matariki working group' to support and foster the continuation and growth of the festival through

A) the securing of co-ordination staff and

B) TEN key signature events:

**Karanga o te Tau Hou** at Hamilton Gardens, **Matariki manutukutuku kite day**, **Matariki in the City** at the central Hamilton Library, **Whiti** supporting emerging talent at The Meteor, **Te Ruru Light Festival** - Wintec and Hamilton Business association throughout the CBD, Matariki in the **Museum** and also include the new **Poo Whakanui I ngaa Kaumatua (Waikato Tainui Kaumatua Ball)**, **Matariki Market Day** and **Matariki Ahunga Nui Matariki Kanohi Iti** (Dinner and performance showcase -Art auction) as well as the final closing ceremony- **Pō Maumahara**.

#### **Objective 1.2**

The umbrella organisation Te Ohu Whakaita and its operational arm 'The Matariki Working Group' will add, support and foster new events to fulfil both the Te Ohu Whakaita vision, and address principles presented in The Role of Council in Economic Growth.

Recent new additions that we would like to see *continued* are:

Regional Toi exhibition-Tikapo exhibition series- Huntly , Waitomo, Rangiriri, Te Awamutu

Contained Luminescence- Light works by local artists in association with Hamilton Business Association

Marama taka Māori- Planting by the Moon

Matariki fashion Show

Marae-based participation including hapu-led events

Regional parks tree planting

Indigenous Music workshops led by Taonga Puoro experts delivered to schools

Māori contemporary Art Auction with some percentage of proceeds supporting Rauawaawa

Oratory traditions, Waiata, Kapa haka, poi, pūrakau introduction/ learning opportunities

Meteor Theatre Matariki programme including, Vibrations- Music, painting and voice performance

Timatanga Kapa Haka Club.

Future visioning also includes the escalation of Whiti supporting emerging talent to a Matariki showcase at Claudelands Events Centre with headline acts- (we could then cluster many of the following ideas within this event)

Ideas for the Future

1. Matariki business summit- growing the Māori economy in the Waikato, sustainable business = economic success
2. Work alongside Tainui Tourism and contribute to develop a 'river based' event portfolio, possibly starting at Te Parapara gardens and ending at Turangawaewae (e.g River portage history, Waka ride, waka ama, workshop etc)
3. Develop a heritage event with the inclusion of HCC Parks & Reserves, Cemeteries, Planning, Museum and libraries, and the King's Office to reflect on the region's history e.g. a tour of Pa, urupa and key sites of significance.
4. Collaborative art project with Schools for Garden Place- Installed and inspired by the interpretation of the sites previous function by mana whenua- Open with food market with local suppliers.
5. Outdoor winter movie event- 'Drive In' at The Hamilton Gardens and Hopu Hopu
6. Instagram photo competition attached to a key signature event/s
7. Planting by the Moon- The Maramataka and Rongoā Māori - traditional uses of plants symposium attached to Fieldays, and profiling Matariki Winter Festival in Hamilton
8. Ki o Rahi Tournament
9. International symposium on celestial knowledge, e.g. navigation, planting weather, cosmology and mythology
10. Animation and digital Māori showcase

**Goal Two:** Reviewing and measurement of the Matariki ki Waikato Winter festival outlines, it's social, cultural and economic impact, and enables Hamilton City Council and Te Ohu Whakaita to positively report on these outcomes.

#### Objectives

Te Ohu Whakaita will work with its festival delivery organisations, the Hamilton City Council and other government agencies to improve the range and quality of economic statistics collected about Matariki and its contribution to growing the Waikato Māori economy.

**Action.** An annual report will be generated to track progress over time,

#### Actions for Te Ohu Whakaita to progress its wider vision:

"Matariki and key Māori events in the Waikato are accessed and valued by all people".

- Strategic relationship agreed between Hamilton City Council and Te Ohu Whakaita
- Continue to grow stronger relationships between Trust and members of the Working Group,
- Foster new membership in the Matariki ki Waikato working group
- Continue to connect with Tainui in Tamaki Makaurau to collaborate on events and leverage off Matariki events in Tamaki Makaurau (facilitating the sharing of audience and participants)
- Connect with Fieldays to leverage off event and build profile of Matariki and value of matauranga Māori.
- Work with Hamilton City Council to build relationships with 'sister city' or other city relationships held by council to attend and/or participate in the Matariki festival.
- Build on current participation from ethnic communities who also acknowledge the cultural significance the arrival of Matariki star cluster
- Grow inclusivity of all cultures.

### Projected budget Summary - Matariki Winter Festival 2020

Please note: Detailed budgets from delivery agents are necessary for inclusion in the programme. Individual event delivery organisations will have to have outlined further sources of income, sponsorship or support in kind in these proposals.

Current summary budget presented below is based on building on from the 2019 Matariki Festival and also addressing operational needs

#### Budget January 2020- August 2020 Expenditure Description (include and specify any in-kind expenditure) Amount (\$)

<b>Operations</b>		
Administrator/Coordinator contract	20,000	6mnth part time
Marketing Promotion contract	20,000	6mnth part time
Graphic Design	10,000	
Printing	5,000	
Media Coverage-	2,000	
Web re-design and management	10,000	
Administration costs, bank fees and reporting	150	
<b>Sub total</b>	<b>67,150</b>	
<b>Events</b>		
		<b>In Kind</b>
Sign event: Karanga o te Tau Hou (Dawn ceremony)	15,000	5,000
Sign event: Tainui Waikato Kaumatua ball		10,000
Sign event: Matariki in the city	12,000	500
Sign event: Matariki Manutukutuku- Kites	5,000	1,000
Sign event: Whiti-emerging stars	7,000	3,000
Sign event: Matariki Ahunga Nui Matariki Kanohi Iti	20,000	
Sign event: Matariki in Museum	3,000	2,000
Sign event: Ruru Light Festival WINTEC Matariki	5,000	10,000
Sign event: Matariki Market Day-	10,000	
Sign event: Pou Maumahara	3,000	2,000
NEW participants seeding fund \$20,000.00	20,000	
<b>Sub total</b>	<b>100,000</b>	<b>28, 500</b>
<b>Total expense</b>	<b>167,150.00</b>	
<b>Total fund application to HCC Major Fund</b>	<b>\$120,000</b>	

#### Total event income

Please provide details of any income you may be expecting to help pay for the costs of the event eg: entry fees, donations, confirmed grants from other funders etc.

#### Income Description (include and specify any in-kind income) Amount (\$)

Income bought forward TOW	4,000	
<i>Grants confirmed</i>		
WINTEC	9,900	
<i>Ticketed Events</i>		
Matariki Ahunga Nui Matariki Kanohi Iti- ticket sales	6,000	
Matariki Market- Volunteers and stall hire/koha		

Waikato Tainui Tourism	15,000	2019 and 2020 Funded cost for Kaumatua Ball, the cost of the Pavillion decoration and Karanga o te tau hou/ Parakuihi entertainment
Signature Events in-Kind	13,500	Bought forward from above
Total		48,400

#### Applications to other funders for this project

If you have submitted any applications for this event which are currently pending with other funders or intend to make applications to other funders please provide the details here.

#### Name of Funder Amount Requested but not confirmed

TPK	\$10,000
HCC Major Events Fund	120,000
Lotteries Community	15,000
Trust Waikato	5000
Wel Energy	5000
Waikato District Council	5000
Waipa District Council	5000

#### • Organisational structure

Te Ohu Whakaita Trustees/ Board members x 5 includes Chair, Secretary, Treasurer

Te Ohu Whakaita-Matariki ki Waikato roopu- working group includes:

The Matariki ki Waikato Working Group members are people representative of Waikato organisations who deliver festival events during the festival period. Representatives from the following organisations have at times contributed to the Matariki ki Waikato Working Group since Matariki celebrations in Kirikiriroa began in 2009:

- Aotearoa Experience;
- Creative Waikato;
- Department of Conservation;
- Entertainment Suite;
- Friends of Hamilton Gardens;
- GoEco;
- Hamilton Astronomical Society;
- Hamilton City Council;
- Hamilton City Libraries;
- Hamilton Immersive Group;
- Hamilton Gardens;
- Jeremy Mayall Composer
- Kirikiriroa Explorers
- Indigo Festival;
- Mareikura Creations;
- Matahuru Papakainga Marae;
- Rauawaawa Kaumatua Trust;
- Tainui Waka Tourism;

- Tanui Group Holdings;
- Te Awamutu Space Centre;
- Te Puna o Waikato;
- Te Puni Kōkiri;
- Te Rūnanga o Kirikiriroa;
- Te Wānanga O Aotearoa;
- Te Whare Taonga o Waikato – The Waikato Museum;
- The Meteor Theatre;
- The University of Waikato;
- TKDevents;
- Transformation from Roots Up;
- Twin Rivers Arts Centre Ngaruawahia;
- Two Wise Kumara;
- Waikato District Council;
- Waikato Food Inc;
- Waikato Tainui;
- Waikato Tourism; and
- WINTEC – Māori Achievement Unit
- WINTEC – School of Media Arts
- Woo Wellbeing Limited

Appointed Festival co-ordinator administrator/s -TBC

**Current project plan for Matariki Waikato Festival 2020** TBC post appointment of Festival Co-ordinator

Action /milestones	Infrastructure required	Timeframe
Secure advance funding to secure 2020 Matariki ki Waikato Festival	Funding matrix to Working Group Application to Major Events Sponsorship & Others	Sept-2019-March 2020
Secure working group for 2020	Membership profile iwi, heritage, performing arts, visual screen and digital, culinary, design, education, tourism, business from Matariki Ki Waikato Ropu	Nov 2019
Call for participation and canvas interest in the 2020 festival	Online participation template Use all existing venues to advertise the coming 2020 event and paanui for Participation by new organisations	Dec 2019- March 2020
Appoint administrator/s Festival co-ordinators	Begin work September 2019	Appoint by February 2020
Review new participant applications and present draft programme to TOW Trust	Matariki Ki Waikato	End Feb 2020
Assist confirmed & new participants with external	Te Ohu Whakaita	Ongoing

budget applications		
Confirm programme & sign off Comms strategy for programme	Te Ohu Whakaita. Matariki Ki Waikato	March 2020
Convene Cross-sector Communications team	Administrator, Matariki Ki Waikato and external participants	March 2020
Digital media platforms go live		April 2020
Assist participant groups on preparation of their event		May 2020
Build Volunteer base	Matariki Ki Waikato working group to source	May 2020
FESTIVAL DELIVERY – See programme- 19 June to End July		
Provide participant groups and organisations with a review template for their event	Matariki ki Waikato	June 2020
Gather, collate & summarise findings of the review	Te Ohu Whakaita	August 2020
Publish report for sponsors and funders and follow up funding reports	Te Ohu Whakaita	September 2020
Make recommendations for following year festival	Te Ohu Whakaita	October 2020
<p><b>Marketing and Promotion Plan.</b> This should include the following:</p> <p><u>Target markets</u></p> <ul style="list-style-type: none"> <li>Residents in Hamilton City, visitors from Ngaruawahia, Raglan, Huntly, Matamata, Morrinsville, Te Awamutu, Pirongia, Cambridge, Paeroa, Te Aroha, Putaruru and South Waikato</li> <li>Overnight visitors from the wider Waikato Region, Bay of Plenty, Taupo, Taranaki, Hawkes Bay and Greater Auckland</li> <li>Field Days visitors staying on for Matariki</li> <li>Hamilton Gardens Arts Festival visitors</li> <li>Participants: Families, Youth groups, New immigrants, Ethnic groups, Retired people, Students,</li> <li>Specialist interest groups: sponsors, iwi Māori and Mataawaka, Historians, Astronomers, other Indigenous Cultures, artists and performers, academics, designers, students, alternative medicine, wholistic healing community etc</li> </ul> <p><u>Marketing objectives</u></p> <ul style="list-style-type: none"> <li>Build region wide recognition that The Matariki Winter festival in Hamilton City is reason to rug up and go out and participate in our own dynamic cultural festival.</li> <li>Build region wide awareness of Matariki in the Waikato and positively show case Māori culture as an inherent part of the Hamilton City identity</li> <li>Participants and potential audience are aware <i>What is on, when and where</i> resulting in the</li> </ul>		

achievement of targeted numbers visiting and staying in the city.

- Build on knowledge from previous Te Ohu Whakaita 2019 Report
- Leverage off Hamilton Gardens Arts Festival visitation database

#### Marketing strategies including advertising/PR activity and timeline

- Refer to 2019 Te Ohu Whakaita Matariki ki Waikato REPORT generated for sponsors and partners

<u>Social Media</u>	<u>Website-key dates</u>	<u>Facebook-key dates</u>	<u>Hei Kinaki-key dates</u>
	Refresh website & make more robust Uploaded events with hyperlinks to primary orgs Sponsors and supporters page Live	Activate with events, updates, check ins, videos reminders, post event pics, stimulate discussion and boost shares. Live feed begins:	Share hyperlink to Social media on orgs & sponsors platforms, contribute FB feed, news directory twitter feed & upload links to radio interviews
<u>Print</u>	<u>Banners</u>	<u>Posters &amp; Flyers</u>	<u>Hei Kinaki</u>
	Hang Banners in public space work with HCC	Print 1K Posters, 5K flyers Distribute to Comms across all orgs	Distribute Hamilton and regional towns across Waikato
<u>News articles</u>	<u>Te Ngira</u>	<u>City News</u>	<u>Hei Kinaki</u>
	Story for release	Story for release	Press releases & story content
<u>Radio</u>	<u>Radio Tainui</u>	<u>Free FM &amp; Others</u>	<u>Hei Kinaki</u>
	Morning Hui Rangatahi night show	Arts channel Breakfast shows	Working group members to do radio interviews

- Showcase delivery to sponsors with a published 2020 Report summarising festival and showing growth potential to attract new participants and sponsorship.
- Utilise all existing channels including Isite, Hamilton Waikato Tourism to leverage publicity.

#### Who is responsible for the marketing and promotions plan?

- Te Ohu Whakaita is responsible for the writing of this plan and overseeing the Festival co-ordinator/s to deliver marketing and communication.
- Hamilton City Council staff help market the overall programme.
- Individual venues and event organisers are responsible for their own marketing and promotions plan as indicated by the 'proposal for programme inclusion' template.

#### Do they have experience in either events/marketing/PR? If so, what experience?

- Many organisations in the Matariki ki Waikato working group have specialist appointed events/marketing and public relationships personnel on staff and/or market their events already. For example, Crystal Beavis- Partnerships and communications manager at Waikato Museum, Te Whare Taonga o Waikato.
- New participants to the Festival will be guided by the working group and leveraged by the overall Te Ohu Whakaita programme marketing for Matariki.

#### Itemised marketing and promotions plan budget

- This will be created by Te Ohu Whakaita with the appointed administrator who will work with the

cross sector comms team- staying within the allocated budget itemised in budget summary (circa\$30,000)				
<p><b>Sponsorship Proposal Package.</b> Please attach the specific benefits being offered to Hamilton as a sponsor of your event.</p> <p>Te Ohu Whakaita complied with the sponsorship requirements provided by HCC for 2019. We also offered the following, and will repeat this for 2020</p> <ul style="list-style-type: none"> <li>HCC already leverages the Festival through its venues and contributing facilities, Hamilton Gardens, Waikato Museum, City Libraries, Meteor Theatre and therefore achieves visibility through the branding of these organisations alongside Te Ohu Whakaita and Matariki Festival logo. Placement of Hamilton City logo would also appear across events delivered by the HCC venues, reminding visitors of both the Council family asset and the Festival investment.</li> <li>Placement of Hamilton City Council logo across all digital and printed platforms including Facebook page and other Social media, posters promotional material and collateral relating to the festival</li> <li>Hamilton City will be acknowledged in news and press/media releases</li> <li>12 invitations to attend the Hamilton Gardens hosted breakfast to launch the festival.</li> <li>An opportunity to address key civic , business and Māori leaders at the launch, alongside opportunity to network with Māori networks of audience and sponsors</li> <li>Naming rights alignment with a major event within the festival.</li> </ul>				
<b>Economic Impact and Profile. This should include the following:</b>				
Please see NZIER report on Maori economy attached for wider impact and profile				
Do you have any existing economic impact data (or a commissioned economic impact report) for this event? If yes, please attach latest data along with who collated this material.		YES	NO	X
<p><b>Attendance</b> (please do not exaggerate)</p> <p>Winter Festival- Leveraging off the Fieldays visitors (100,000+) and encouraging them to stay extra days for the festival could see a massive economic impact to the city during ‘the slow tourist season’</p> <p>Current Figures indicate an uptake of <b>12,883 in 2019 as opposed to the projected 5500</b> with potential to exponentially grow numbers as seen in the growth of Matariki in Auckland and trend for Māori events each year. Over 1200 visitors attended the Matariki event/s at the Waikato Museum compared to 700 the previous year.</p>				
Numbers Expected	Hamilton	From outside Hamilton	Overseas	
Participants	35 + organisations	5		
Spectators	15,000	3,500		
Trade	10			
<b>Entry Fees</b>				
Adult	Child	Older persons	Other	



<b>Accommodation</b> – anticipated number of beds needed- tale % from anecdotal or previous													
<b>We have no statistics available yet Please refer to Goal 2 of the Business Plan</b>	<table border="1"> <thead> <tr> <th>Number of beds</th> <th>Number of Nights</th> </tr> </thead> <tbody> <tr> <td>Hotels</td> <td></td> </tr> <tr> <td>Motels</td> <td></td> </tr> <tr> <td>Camping ground</td> <td></td> </tr> <tr> <td>Schools</td> <td></td> </tr> <tr> <td>Home hosted</td> <td></td> </tr> </tbody> </table>	Number of beds	Number of Nights	Hotels		Motels		Camping ground		Schools		Home hosted	
Number of beds	Number of Nights												
Hotels													
Motels													
Camping ground													
Schools													
Home hosted													
Will all accommodation be located in Hamilton? If not, where?													
Visiting audience will probably stay in Hamilton with some participating groups staying at local marae													
What is the anticipated average stay in Hamilton for participants?													
<b>Section Three – Benefits to Hamilton City Council</b>													
Please list your ideas (and tick appropriate examples below) of any benefits of sponsorship that could be offered to Hamilton City Council:													
Idea 1	Recognition of Hamilton City Council as a Major supporter and Festival Partner												
Idea 2	Hamilton City Council achieves some of its economic and social objectives through growing the Māori economy and realising new opportunities for Māori tourism												
Idea 2	Hamilton City Council appears to be developing stronger relationships with Mana Whenua and Mataawaka												
Idea 4	Hamilton City Council being seen to commit to its treaty partnership with Mana Whenua												
Idea 5	Hamilton City Council logo appearing on any document, uniform or advertisement relating to the project.												
Idea 6	Hamilton City Council being given verbal acknowledgement during presentations(s)/public announcement(s).												
Idea 7	Hamilton City Council being acknowledged in the news and press/media releases(s).												
<b>Section Four- Declaration and Privacy Act Authorisation</b>													
<ul style="list-style-type: none"> <li>• This Event Sponsorship Application Form contains information that Hamilton City Council may hold about me/us now or in the future.</li> <li>• We are authorised to submit this application and agree that any sponsorship monies received</li> </ul>													

from Hamilton City Council will be used for the project for which it was approved.

- We authorise Hamilton City Council to use the information contained in this application for the purposes of administration and promotion of Hamilton City Council.
- We authorise Hamilton City Council to obtain further information as it may require when considering this application.
- We authorise Hamilton City Council to publicise, promote and market its involvement in the project and/or activity we request sponsorship for.
- We declare that the information provided in this application is true and correct.
- We acknowledge that any decision made by Hamilton City Council is final and that no reasons for such decision will be given, nor will any correspondence be entered into.

**Please ensure you have:**

1. Completed all information requested in this application form.
2. Attached all relevant documents.
3. Provided one black and white unbound copy of your application. Additional coloured material can be supplied.

Please forward your application

**Venues, Tourism and Major Events**  
**Hamilton City Council**

# Council Report

Item 8

**Committee:** Council

**Date:** 04 February 2020

**Author:** Maire Porter

**Authoriser:** Eeva-Liisa Wright

**Position:** City Waters Manager

**Position:** General Manager  
Infrastructure Operations

**Report Name:** HCC's Draft 1 Submission to the Ministry for the Environment's November 2019 Consultation Document on Reducing Waste - A More Effective Landfill Levy

**Report Status**

*Open*

## Purpose

1. To seek approval from the Hamilton City Council's **Draft 1** submission to the Ministry for the Environment (MfE) November 2019 Consultation Document on Reducing Waste – A More Effective Landfill Levy.

## Staff Recommendation

2. That the Council:
  - a) receives the report;
  - b) approves Hamilton City Council's **Draft 1** submission (**Attachment 1**) to the Ministry for the Environment's Consultation Document on Reducing Waste – A More Effective Landfill Levy;
  - c) notes that the approved submission will be sent to the Ministry for the Environment following Council's approval, to meet the 5 February 2020 submission closing date; and
  - d) notes staff have also provided feedback to five questions around the landfill levy that Local Government New Zealand (LGNZ) had sought comment on to assist them with developing and finalising their sector submission to the MfE.

## Executive Summary

3. The MfE is seeking submissions on its Consultation Document 'Reducing Waste – A More Effective Landfill' Levy by 5 February 2020.
4. The proposals outlined in the consultation document consider options to increase the current landfill levy, expand the scope of landfills that the levy applies to, as well as how to collect better waste data.
5. The draft submission prepared by staff in principle supports MfE's proposals outlined in the consultation document.
6. Due to the timing of the submission closing date and Council meeting timeframes, the HCC's **Draft 1** submission (**Attachment 1**) was circulated to Elected Members and Maangai Maaori on 17 January 2020 for consideration and feedback.

7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background

8. The landfill levy was introduced by Central Government in 2009 under the Waste Management Act 2008 (WMA). The levy rate was set as \$10 per tonne and applies to municipal landfills that take household waste.
9. Money raised by the levy is used to fund investment through Territorial Authorities (50 percent) and waste minimisation projects, including through the Contestable Waste Minimisation Fund. The Ministry for the Environment also retains a portion for collecting and administering the levy and waste minimisation projects.
10. Under the WMA, Territorial Authorities (TA) are required to use the levy funding they receive 'on matters that promote or achieve waste minimisation', and 'in accordance with its Waste Management and Minimisation Plan (WMMP)'. Each TA must create, maintain and review a WMMP that details planned projects and activities. The HCC's approved WMMP 2018-2024 can be found [here](#).
11. Hamilton City Council's (HCC's) total Waste Levy income for last financial year was \$638,620 and total expenditure was \$585,264.

## Discussion

12. In November 2019 the Ministry for the Environment released a consultation document seeking feedback on proposals to:
  - Increase the levy for municipal landfills (those that take household waste),
  - Apply the levy to all types of landfill except cleanfills (accepting only virgin excavated natural materials) and farm dumps,
  - Apply the levy at different rates for different landfill types, to reflect different environmental and social costs of disposal, and different opportunities for recovery of different materials,
  - Collect better waste data.
13. The MfE's consultation document notes that:
  - *Much more could be done to reduce waste and reverse recent trends. We need to provide the right infrastructure, services and incentives so sending waste to landfill is no longer the cheapest and easiest option.*
  - *We have the opportunity to change how we do things and the Waste Disposal Levy ('landfill levy') is an important tool to help us:*
    - *create an economic disincentive to producing and disposing of waste*
    - *raise revenue to invest in waste minimisation, including local infrastructure for materials reprocessing*
    - *make alternatives like reuse and recycling more competitive (as landfilling becomes more expensive).*
  - *We already have a landfill levy but it's too low and applies to too few landfills to be working well.*

14. The landfill levy is currently \$10 per tonne of waste, and national assessments of the levy indicate that this is considered very low by international standards. Calls to increase the levy and expand its coverage have come from local government as well as The Tax Working Group, the Organisation for Economic Co-operation and Development (OECD), and the New Zealand Productivity Commission.
15. HCC's **Draft 1** submission (**Attachment 1**) was circulated to Elected Members and Maangai Maaori on 17 January 2020 for consideration and feedback.
16. In general, **Draft 1** outlines HCC's support in principle for the Government proposal to increase the current Landfill Levy and expand the type of waste that the levy applies to as well as well as improve the quality of waste data to enable effective decision-making.
17. As no feedback was received, Attachment 1 (**Draft 1**) remains unchanged.
18. It should also be noted that HCC staff also provided feedback to five questions around the landfill levy that Local Government New Zealand (LGNZ) had sought comment on to assist them with developing and finalising their sector submission to the MfE.
19. This was sent to LGNZ (and copied to HCC's Elected Members and Maangai Maaori) on 17 January 2020 (**Attachment 2**).
20. Following consideration and approval by Council, the submission will be lodged with the MfE by the 5 February 2020 submission closing date.
21. The proposed increase and expansion of the levy rate supports and aligns with the vision of HCC's Waste Management and Minimisation Plan (the Waste Plan) i.e. *Hamilton: where waste minimisation and resource recovery are an integral part of our lifestyle and economy*.

### Financial Considerations

22. The total staff cost to develop the submission was met through existing budgets.
23. An increase to the landfill levy was anticipated and incorporated within financial expenditure and revenue forecasting in the approved Rubbish and Recycling Service Changes Business Case which informed HCC's 2018-28 10-Year Plan.

### Legal and Policy Considerations

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

### Wellbeing Considerations

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

### Social

28. Hamilton's waste to landfill is increasing, as are our overall volumes of waste. The City has a growing population, more houses and industry development, all these things will bring significant benefit to Hamilton but will also generate more waste to manage.

29. The MfE's proposed changes to the Landfill Levy will encourage the reduction in waste and increase in reuse and recycling and allow for the improved management of waste that is generated.

### **Economic**

30. Waste is often resources that have not been utilised. The MfE's proposed changes to Landfill Levy's will enable improved management and minimisation of waste and has the potential to protect businesses against scarcity of resources and volatile prices, help create new business opportunities and innovative, more efficient ways of producing and consuming.

### **Environmental**

31. By supporting the proposed changes in Landfill Levy's, HCC will be further enabling the delivery against Sustainability Principle 10 - Council works with its communities to minimise the production of waste and maximise opportunities to recycle.
32. The proposed changes to the Landfill Levy also align to and support the delivery of the thirty-three actions outlined in the approved 2018-24 Waste Management and Minimisation Plan.

### **Cultural**

33. Appropriate waste management and minimisation are important concerns to Iwi in the Waikato region and this is highlighted in section 26.2.2 of Tai Tumu, Tai Pari, Tai Ao: Waikato-Tainui Environmental Plan which states:

*"Waste disposal, if not managed properly, will threaten the mauri of the land and the surrounding water bodies, particularly the Waikato River. Waste deterioration and the inappropriate storage and use of chemicals can cause waste and chemical leaching into the environment."*

34. MfE's proposed changes to the Landfill Levy are in alignment with the objectives outlined in section 26.3.3.1 of Tai Tumu, Tai Pari, Tai Ao: Waikato-Tainui Environmental Plan in relation to waste management hierarchies.

### **Risks**

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

## **Significance & Engagement Policy**

### **Significance**

36. 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**

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

## **Attachments**

Attachment 1 - Draft 1 Reducing Waste: A More Effective Landfill Levy Submission

Attachment 2 - HCC Staff Response - LGNZ's Request for Feedback - Ministry for the Environment Consultation on the Proposed Landfill Levy Changes - January 2020.

## Submission by Hamilton City Council

# REDUCING WASTE: A MORE EFFECTIVE LANDFILL LEVY (CONSULTATION DOCUMENT - NOVEMBER 2019)

4 February 2020

## 1.0 INTRODUCTION

- 1.1** Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Ministry for the Environment's consultation document 'Reducing Waste: A More Effective Landfill Levy'.
- 1.2** The proposed increase and expansion of levy rate supports and aligns with HCC's Waste Management and Minimisation Plan (WMMP) vision, *Hamilton: where waste minimisation and resource recovery are an integral part of our lifestyle and economy*.

## 2.0 RESPONSE TO THE MFE'S QUESTIONS

- 2.1 Do you agree the current situation of increasing amounts of waste going to landfill needs to change?**
- 2.1.1 HCC agrees that the current situation needs to change, not only to reduce waste going to landfill, but to ensure more waste is diverted for reuse, recycling and recovery.
- 2.2 Do you have any comments on the preliminary Review of the effectiveness of the waste disposal levy outline in Appendix A?**
- 2.2.1 It is clear from the preliminary review that a lack of waste data has not allowed a full review to be undertaken. HCC therefore generally supports the proposals elsewhere in the consultation document to legislate the requirement for waste data reporting.
- 2.2.2 The review should not only analyse the implications of China's and other countries recycling restrictions, but also the Basel Convention Amendment 2019 controlling exports of plastic and other hazardous wastes and how these have and will influence future markets.
- 2.3 Do you think the landfill levy needs to be progressively increased to higher rates in the future (beyond 2023)?**
- 2.3.1 HCC strongly supports further increases of the Landfill levy post 2023 and believes that this will further incentivise waste minimisation and alignment with international best practice. HCC's preference is raising of the levy in gradual increments signalled well in advance in order to enable alignment with local authority planning processes. Once an increase is implemented, HCC believes regular reviews, informed by robust data from the levy system, should be undertaken to determine if the change to the Landfill levy is effective.
- 2.4 Do you support expanding the landfill levy to more landfills, including:**
- Waste disposal of at industrial monofills (class1).
  - Non-hazardous construction, demolition waste (e.g. rubble, concrete, plasterboard, timber) (class2).
  - Contaminated soils and inert materials (class 3 and 4) (whether requiring restrictions on future use of site or not)?
- 2.4.1 HCC supports expanding the waste levy to all landfill types (Classes 1-4) as this incentivises waste diversion and segregation of the majority of waste types.

- 2.5 Do you think that some activities, sites, or types of waste should be excluded from the landfill levy, including:**
- i. Cleanfills (class 5).**
  - ii. Farm dumps.**
  - iii. Any others (e.g. any exceptional circumstances)? If so, please specify.**
- 2.5.1** HCC supports expanding the levy to all sites and is of the opinion that if this is not done there is a significant possibility of levy avoidance occurring. Central and local government do not have the resources to consistently monitor these sites to ensure they are only depositing intended waste streams.
- 2.6 Do you have any views on how sites that are not intended to be subject to a levy should be defined (e.g. remediation sites, subdivision works)?**
- 2.6.1** HCC believes any such definitions should be clear and this could be done by listing such exceptions. These exceptions should only include waste streams that would normally be deposited in Class 5 landfills (cleanfill) and are being reused. Any such material should be reused for a purpose and not deposited on sites just for disposal purposes alone. These could include:
- Final landfill cover but not daily cover.
  - Remediation sites such as contaminated land remediation or reclamation.
  - Material used in earthworks such as subdivisions, landscaping and roadworks.
  - Materials such as concrete.
- 2.7 Do you prefer the proposed rate for municipal (class 1) landfills of:**
- i. \$50 per tonne.**
  - ii. \$60 per tonne.**
  - iii. Other (please specify, e.g. should rate be higher or lower?)**
- 2.7.1** HCC prefers the rate of \$50 per tonne as set out in Phasing Option C, where the levy can be reviewed in 2023. HCC believes that an incremental increase supports a wider acceptance of changes from waste generators and, decreases the risk of levy avoidance, fly tipping and illegal dumping.
- 2.8 Do you think that the levy rate should be the same for all waste types? If not:**
- i. Should the levy be highest for municipal landfills (class 1)?**
  - ii. Should the levy be lower for industrial monofills (class 1) than municipal landfills (class 1)?**
  - iii. Should the levy be lower for construction and demolition sites (class 2) than municipal landfills (class 1)?**
  - iv. Should a lower levy apply for specified by-products of recycling operations?**
- 2.8.1** HCC believes that the levy on Class 1 Municipal Landfills should set the upper limit and that Class 1 Industrial Monofills should be set at the same rate.
- 2.8.2** The intention of the levy is to increase diversion from landfill. For this to be more effective we must address the larger waste streams, which would decrease the overall landfill volumes most effectively and create a higher revenue allowing further investment in diversion. Although data is insufficient, it is estimated that construction and demolition (C&D) waste accounts for up to 40% of landfilled waste. HCC supports that C&D waste should be set slightly lower than Class 1. This will encourage waste separation diversion opportunities. HCC believes that if the rate is set too low, it will potentially disincentivise waste reduction, reuse and diversion.
- 2.8.3** HCC agrees that the intent of a lower levy for specified by-products of recycling operations is clear, however is open to misuse and would need careful monitoring, which could increase administrative costs. It may be better to use the collected levy to provide ways of better supporting recycling operations through other mechanisms.



- 2.9 Do you support phasing in of changes to the levy, and if so, which option do you prefer – increase then expand (option A); expand and increase (option B); expand then increase (option C); expand then higher increase (option D); or none of the above?**
- 2.9.1 HCC's preferred option for levy phasing is option C – expand and then increase. HCC believes that an expansion prior to any increase will help address any levy avoidance behavior.
- 2.9.2 HCC believes that Option C also factors in time required for the financial impact of these changes to be accommodated in territorial authorities LTP processes.
- 2.10 Do you think any changes are required to the existing ways of measuring waste quantities in the definitions in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?**
- 2.10.1 In general HCC does not believe any changes are required at this time however, a review of the definitions should form part of the Waste Minimisation Act (2008) (WMA) review in 2023.
- 2.11 Do you think any changes are required to the definitions in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?**
- 2.11.1 The definition of a disposal facility should be made more specific to align with the current 5 classification system. However, HCC believes a review of the definitions should form part of the WMA review in 2023.
- 2.12 What do you think about the levy investment plan?**
- 2.12.1 HCC believes that a Levy Investment Plan is most certainly required as stated "...to ensure revenue is spent where it can be most effective, with a strategic approach to investment, governance and monitoring".
- 2.12.2 HCC agrees that the proposed Investment Plan is aligned with what is currently permitted under the WMA, that is, that the revenue can only be spent on waste minimisation activities.
- 2.12.3 HCC agrees that the levy investment plan should guide government investment decisions on the WMF, and on other waste minimisation projects and activities (e.g. those funded by other government agencies).
- 2.12.4 HCC strongly agrees that the Levy Investment Plan should inform territorial authorities' waste management and minimisation plans (if required), which guide how territorial authorities spend their share of levy revenue. We also agree that reporting on how the fund is used and how it links to the Levy Investment Plan priorities is contingent on receiving the funding.
- 2.13 If the Waste Minimisation Act 2008 were to be reviewed in the future, what are the changes you would like a review to consider?**
- 2.13.1 HCC is of the opinion that a review of the WMA 2008 could consider restrictions of imports of hard to recycle materials, products and technologies, support consistent product stewardship principles, effective mandatory waste data reporting, and improved data on transportation of waste, including a national tracking system.
- 2.14 Do you agree that waste data needs to be improved?**
- 2.14.1 HCC strongly believes that waste data not only needs to be improved but be mandatory. Better data is needed to monitor compliance, to identify gaps and opportunities in waste minimisation activities, and to measure the success of waste minimisation projects and strategies. Consistency of reporting measures is essential for robust and effective decision-making at a national and local level.
- 2.15 If the waste data proposals outlined are likely to apply to you or your organisation, can you estimate any costs you would expect to incur to collect, store and report such information? What challenges might you face in complying with the proposed reporting requirements for waste data?**
- 2.15.1 The current reporting system relies heavily on reporting the amount of diverted waste, however in many projects implemented by local authority Waste Levy Fund (WLF) spend, this can be very hard to measure.

- 2.15.2 Should the National Waste Data Framework (NWDF) become a requirement, territorial authorities (and other parties) will require assistance on its implementation and use. Any such implementation could likely require investment and upgrades to council and community waste management facilities recording including weighbridge software, internal reporting methods – including reports to council and possibly council plans and reporting to MFE. Until we fully understand what is required, it is difficult to quantify what the infrastructure, staff resource and contractual impacts may look like.
- 2.15.3 All these changes would require resources, including financial. Consideration should be given whether to use levy revenue to help implement any data requirements for territorial authorities.
- 2.15.4 The Waikato and Bay of Plenty Waste Liaison Group is currently working on a project to implement cross-regional waste operator licensing and data recording. This project could be used as a learning experience, pilot project or even expanded to accommodate future levy reporting requirements. HCC's Resource Recovery Advisor is a member of the project team.
- 2.16 What are the main costs and benefits for you of the proposals to increase the levy rate for municipal landfills, expand the levy to additional sites and improve waste data?**
- 2.16.1 The main benefits for HCC would mainly be in the increase in available data. This would allow a more precise waste assessment and clearer picture of waste flows within the district. This allows the identification of new diversion opportunities and community infrastructure and servicing needs.
- 2.16.2 Increased Waste Levy funding will allow further investment in local waste minimisation initiatives. Regional or national investment would possibly increase diversion opportunities, possibly reduce costs through decreased transport and incentivise onshore processing opportunities.

### **3.0 ORGANIC WASTE – BENEFICIAL USE OF BIOSOLIDS**

- 3.1** The key driver for the landfill levy is to reduce waste. The most beneficial way of achieving this for organic wastes (products) such as composts, foodwastes and biosolids is to harness the nutrient value as a soil amendment or fertiliser product. One important tool to achieve this beneficial reuse is the finalisation of the current draft "Guidelines for Beneficial Use of Organic Materials on Productive Land" being developed with involvement from the Ministry for the Environment, the Ministry of Primary Industries, and the Ministry of Health (and others).
- 3.2** HCC therefore supports development of these guidelines and requests the ongoing support from these Ministries.
- 3.3** In this regard, HCC supports the submissions by Watercare and WasteMinz in relation to their position on organic waste.

### **4.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS SUBMISSION POINTS**

- 4.1** Should the Ministry for the Environment require clarification of the above points, or additional information, please contact Kirsty Quickfall (Resource Recovery Advisor), phone 07 947 0516, 027 686 4446, email [kirsty.quickfall@hcc.govt.nz](mailto:kirsty.quickfall@hcc.govt.nz) in the first instance.
- 4.2** Hamilton City Council would welcome the opportunity to meet with representatives from the Ministry for the Environment to discuss the content of our submission in more detail.

Yours faithfully

Richard Briggs

**CHIEF EXECUTIVE**

## Maire Porter

**Subject:** HCC Staff Response to LGNZ's Request for Feedback on the MFE's Consultation on the Proposed Landfill Levy

**Clare Wooding**  
Principal Policy Advisor  
Local Government New Zealand

Good afternoon Clare

As discussed, the following feedback is from staff at Hamilton City Council (HCC) to LGNZ's five questions pertaining to the Ministry for the Environment's consultation on the proposed Landfill Levy.

**It should be noted that these views are those of HCC staff, and do not necessarily represent the views of the Council itself.**

If you require clarification of the following points, or additional information, please contact Kirsty Quickfall (Resource Recovery Advisor), phone 07 947 0516, 027 808 5337, email [kirsty.quickfall@hcc.govt.nz](mailto:kirsty.quickfall@hcc.govt.nz) in the first instance.

**1. Describe the kerbside recycling systems you currently have in your city/district, e.g. source separated or co-mingled, kerbside collection, community recycling centre drop-off, etc**

**Current kerbside system (until June 2020)**

- 2x black rubbish bags collected weekly.
- 1 x 45L crate for co-mingled recycling (glass, plastic 1&2, tin, aluminium) collected weekly and sorted at kerbside.
- Weekly collection of bundled paper and cardboard.

**New kerbside collection system (commencing July 2020)**

- 1 x 120L Wheelie bin for rubbish collected fortnightly.
- 1 x 240L Wheelie bin for co-mingled recycling (co-mingled plastic 1-7, cardboard, tin, aluminium) collected fortnightly.
- 1 x 45L crate for glass recycling collected fortnightly.
- 1 x 23L bin for food scraps collected weekly.

**2. Would you have any objection to potentially changing your kerbside collection practices to achieve national consistency?**

- No, Hamilton City Council is supportive in principle of a move towards achieving national consistency in kerbside collection practices. However, to avoid unnecessary potentially costly contract variations we believe there would need to be an extended transition period to accommodate some territorial authorities existing contractual commitments.
- We also believe it would be important to consider how this type of change might impact on previously agreed community outcomes and levels of service in relation to kerbside collection practices. It is possible that a proposed nationally consistent collection practice may achieve different outcomes (e.g. increased or reduced diversion, cost, collection frequencies and methods) to what had been agreed by the community and provided historically by a territorial authority.

**3. If you do have any objections, what are the main impediments?**

- Please refer to the answer provided to question 2.

- From July 2020, Hamilton is commencing a new kerbside collection service as part of a 10+1+1 year term contract with Envirowaste Services Limited. Any changes to collection practices implemented prior to the expiry of the initial term (June 2030) to align with national collection practices, could result in costly contract variations as well as misalignment with agreed community outcomes and levels of service.

**If cost is an impediment, is this a one off cost or an ongoing operational costs?**

- Without understanding the potential scope of changes, this is difficult to determine as cost implications will be dependent on the changes that might be required and how those changes impact on contractual, resourcing and infrastructure requirements and costs.

**Are current obligations to contractors an issue?**

- Yes, Hamilton City Council has recently entered into a 10+1+1 year term contract with Envirowaste Services Limited for the provision of Kerbside collection services commencing July 2020. Any changes to collection practices under this contract would need to be negotiated (potential cost implications) or delayed until after expiry of the initial contract term.

**4. If a greater share of the waste levy is made available to local government and this is contingent on standardisation of kerbside collection being achieved, would this be satisfactory?**

- Hamilton City Council is supportive in principle of a move towards achieving national consistency in kerbside collection practices, however we do not believe that this should determine the level of waste levy funding made available to local government.
- We believe that this type of approach could financially disadvantage those territorial authorities that have been proactive in progressing their communities aspirations for waste minimisation and entered into long term kerbside collection contracts that might delay the implementation of nationally consistent collection practices.
- We believe that the existing waste levy funding allocation model as provided for in the Waste Minimisation Act ensures a good mix of national and localised waste minimisation initiatives to be achieved and ensures actions agreed and consulted on within Waste Management and Minimisation Plans can be implemented.

**5. Are there other impediments that would prevent your council moving to standard kerbside collection?**

- Without understanding the potential scope and proposed timeframes of any proposed move to a standard kerbside collection, it is difficult to determine what other aspects other than those matters outlined above might impede or prevent Hamilton City Council implementing the changes.

Thanks

Mark

**Mark Brougham**

Programme Manager – Analysis and Research | Strategy and Communications

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**Item 8**

**Attachment 2**



# Council Report

**Committee:** Council **Date:** 04 February 2020

**Author:** Blair Bowcott **Authoriser:** Blair Bowcott

**Position:** Executive Director Special Projects **Position:** Executive Director Special Projects

**Report Name:** Waikato Local Authority Shared Services Directorship Transition

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek the Council's approval to transition the directorship of Waikato Local Authority Shared Services from Blair Bowcott to David Bryant.

## Staff Recommendation

2. That the Council:
  - a) receives the reports; and
  - b) approves the transition of the Hamilton City Council appointed director of Waikato Local Authority Shared Services from Blair Bowcott Executive, Director Special Projects to David Bryant General Manager Corporate, by 30 June 2020.

## Executive Summary

3. At the Council meeting on 28 November 2019, Council noted that the membership of the Waikato Local Authority Shared Services (WLASS) would transition to a new Hamilton City Council (HCC) appointee in the new year
4. The company has now completed a restructure and is resourced in a way to deliver in a transformed way, with the focus of the Board now on identifying, championing and driving new shared service delivery opportunities. The Company and Board focus better aligns with David Bryant's role (General Manager Corporate) which includes oversight of our Council activities and delivering effective and efficient services in line with our Financial Strategy. Many shared service opportunities exist within the corporate/support areas of Council, which David has responsibility for.
5. A period of transition up to 30 June 2020 for the HCC director is recommended to ensure a thorough transfer of information, and that the WLASS activities, the functioning of the Board, key relationships and HCC interests are maintained.
6. Staff consider the matter in this report has low significance and that the recommendations comply with the Council's legal requirements.

## Background

7. On 28 November 2019 Council resolved as follows:

*“Notes that the membership of Waikato Local Authority Shared Services will transition to a new appointee to be recommended to the Council for consideration in the new year.”*

## Discussion

8. Waikato Local Authority Shared Services (WLASS) is on a journey of transformation with a focus to be a service delivery agent and provide thought leadership for shared services.
9. Changes to the board structure were approved in 2018, which included the appointment of an independent Chair and five Council representative directors. Blair Bowcott, Executive Director Special Projects was appointed on 24 March 2017 as the director representing Hamilton City Council. Prior to that he attended WLASS meeting as the HCC representative observer for several years.
10. Given the nature of the WLASS current proposed activities and the significance of HCC to WLASS, the HCC director needs to be a senior member of this organisation. There is a need to champion and drive any WLASS initiatives within HCC itself to ensure that they are embedded and realised.
11. The purpose of Blair Bowcott’s role has been to position WLASS to operate in the new transformed way, in a journey that has taken a number of years. This strategic transformation has involved a number of years of working with our partners to gain agreement on the future strategy and structure of WLASS. This was summarised in a report to the [Finance Committee on 9 April 2019](#) (refer pages 84-100).
12. The company has now completed a restructure and is resourced in a way to deliver in a transformed way, with the focus of the Board now on identifying, championing and driving new shared service delivery opportunities. The Company and Board focus better aligns with David Bryant’s role (General Manager Corporate) which includes oversight of our Council activities and delivering effective and efficient services in line with our Financial Strategy. Many shared service opportunities exist within the corporate/support areas of Council, which David has responsibility for.
13. The recommendation to transition to a new director representing HCC is consistent with Clause 13.1 of the WLASS constitution.

## Financial Considerations

14. There are no financial implications to the recommendation to transition WLASS directorship from Blair Bowcott to David Bryant. Director fees are only paid to the Independent Chair.

## Legal and Policy Considerations

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

## Wellbeing Considerations

16. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future (‘the 4 well beings’).
17. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.

18. The recommendations set out in this report are consistent with that purpose.
19. The vision of WLASS, as noted the 2019-20 Statement of Intent is to be “The enabler for Councils to provide their services in the most effective and efficient way.”

**Risks**

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

**Significance & Engagement Policy**

**Significance**

21. 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**

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

**Attachments**

There are no attachments for this report.



# Council Report

Item 10

**Committee:** Council

**Date:** 04 February 2020

**Author:** Becca Brooke

**Authoriser:** David Bryant

**Position:** Governance Manager

**Position:** General Manager Corporate

**Report Name:** Waikato Triennial Agreement 2019-2022

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To recommend the Council adopt the Draft 2019-2022 Waikato Triennial Agreement (Triennial Agreement).

## Staff Recommendation

2. That the Council:
  - a) receives the report;
  - b) adopts the draft 2019-2022 Waikato Triennial Agreement (attachment 1 of this report) as endorsed by the Mayoral Forum on 25 November 2019 and Chief Executives Forum on 6 December 2019; and
  - c) delegates Mayor Southgate to sign the agreement on behalf of Hamilton City Council.

## Executive Summary

3. The Local Government Act 2002 requires all local councils within each region to enter into an agreement no later than 1 March after each Triennial Local Election. The Triennial Agreement sets out the protocols for communication and coordination among the councils during the three-year term, together with a statement of the process for consultation on proposals for new regional council activities.
4. The Triennial Agreement represents the shared desire of the 12 local authorities in the Waikato region to work together, maximise efficiency and promote wellbeing in their respective communities. It signals the intended work and activities of the Waikato Mayoral Forum, recognising a significant level of formal and informal co-operation already exists between local authorities.

## Background

5. A review of regional collaboration by McGredy Winder in 2017 identified challenges and achievements, looked across key collaborative projects, and identified potential priorities for improved communication, collaboration, coordination and shared services across local government in the Waikato.
6. As a result, the 2016-2019 Triennium focussed on regional collaboration in the areas of roading, economic development (Te Waka), Waikato Plan, regional policy and bylaws. Progress has been reported to the Mayoral Forum.

7. As noted by the 2016-2019 Mayoral Forum, the region is well placed to build on its strong collaborative platform. The Triennial Agreement aims to continue to expand relationships that help local authorities to work cooperatively and collaboratively to advance community wellbeing through advocacy and process for developing clearly articulated priorities, targets and actions.
8. At its meeting on 25 November 2019, the Waikato Mayoral Forum agreed that their feedback on the draft Triennial Agreement presented to them would be taken to the Chief Executives Forum on 6 December 2019 for further discussion and rework. All feedback has been incorporated and the final draft 2019-2022 Waikato Triennial Agreement (attachment 1 of this report) and was sent to councils in the region for consideration and adoption.
9. The draft agreement supersedes the 2016-2019 Waikato Triennial Agreement, with the addition of relevant legislation being included in the body of the agreement and minor wording/date changes being incorporated.

### **Options**

10. Staff recommend that the Draft 2019-2022 Waikato Triennial Agreement be adopted.

### **Financial Considerations**

11. There are no financial considerations of the decision.

### **Legal and Policy Considerations**

12. The Local Government Act 2002 requires all Councils to enter into an agreement by no later than 1 March 2020.
13. Should the agreement not be adopted, further work will be required by the Councils to come to an agreement prior to 1 March 2020 to ensure compliance with the legislation.
14. Staff confirm that the recommendation complies with the Council's legal and policy requirements, specifically the Local Government Act 2002.

### **Wellbeing Considerations**

15. The purpose of the Local Government changed on 14 May 2019 to include the promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
16. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
17. The recommendations set out in this report are consistent with that purpose as outlined below.
18. The purpose of the of the draft 2019-2022 Waikato Triennial Agreement is to facilitate and encourage the 12 local authorities in the Waikato region to work together to support the purpose of local government which provides for Councils to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach.

### **Risks**

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

### **Significance and Engagement Policy**

20. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matters in this report have a low level of significance.
21. Given the low level of significance determined, the engagement level is low. No engagement is required.

### **Attachments**

Attachment 1 - Draft 2019-2022 Waikato Triennial Agreement - For Adoption.



## Waikato Triennial Agreement 2019-2022

### SCOPE

The Triennial Agreement represents the shared desire of local government in the Waikato region to work collaboratively, to maximise efficiency and to promote sustainable development in their respective communities.

It is also intended to align our efforts to work with Central Government to achieve a range of mutually beneficial outcomes (that may include increased Government funding), to interact with each other and with neighbouring regions in a coherent manner, and to foster projects of a strategic nature within the region.

It incorporates the work and activities of the Waikato Mayoral Forum.

This document is deemed to duly constitute fulfilment of section 15 of the Local Government Act 2002 by containing protocols for communication and co-ordination among the region's councils.

### LEGISLATIVE CONTEXT AND PURPOSE

Through this Triennial Agreement, councils agree to work together to support the purpose of local government which provides for councils to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach. The purpose of local government is defined in Section 10 of the Local Government Act 2002:

#### **10 Purpose of local government**

- (1) *The purpose of local government is –*
- (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
  - (b) *to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.*

This Agreement gives effect to Section 15 of the Local Government Act 2002 which states:

**15 Triennial agreements**

- (1) *Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.*
- (2) *An agreement under this section must include—*
  - (a) *protocols for communication and co-ordination among the local authorities; and*
  - (b) *a statement of the process by which the local authorities will comply with [section 16](#) in respect of proposals for new regional council activities; and*
  - (c) *processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.*
- (3) *An agreement under this section may also include—*
  - (a) *commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and*
  - (b) *the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.*
- (4) *An agreement under this section may be varied by agreement between all the local authorities within the region.*
- (5) *An agreement under this section remains in force until it is replaced by another agreement.*
- (6) *If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—*
  - (a) *the inconsistency; and*
  - (b) *the reasons for the inconsistency; and*
  - (c) *any intention of the local authority to seek an amendment to the agreement under subsection (4).*
- (7) *As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.*

The agreement provides an opportunity for improved communication, collaboration, co-ordination and shared services at all levels of local government in the Waikato region whilst recognising a significant level of formal and informal co-operation already exists between councils.

The success of the Triennial Agreement will be demonstrated through expanded relationships that help councils to work co-operatively and collaboratively to advance community wellbeing.

## SIGNATORIES

The parties:

- Hamilton City Council
- Hauraki District Council
- Matamata-Piako District Council
- Ōtorohanga District Council
- Rotorua District Council
- South Waikato District Council
- Taupō District Council
- Thames-Coromandel District Council
- Waikato District Council
- Waikato Regional Council
- Waipā District Council
- Waitomo District Council.

## PRINCIPLES

Signatories to this agreement recognise that:

1. The communities within the region are diverse and encompass a range of desired outcomes. Issues and concerns that are shared by some councils may be of little relevance to others. The Triennial Agreement acknowledges that it will be appropriate to have a range of sub-agreements on local issues between and among councils.
2. Collaboration can aid in effective and efficient planning and encourage shared services and a collective approach to reduce costs, increase available resources and help to make strategic judgements about the allocation of resources.
3. Collaboration can assist councils promote outcomes consistent with the purpose of local government.
4. There is a need for open communication, information sharing and seeking agreement on strategic issues.
5. We will speak as one voice when there is unanimous agreement for this to happen.

6. Common direction on all strategic issues may not be achieved given that each party to the agreement has functions, obligations and rights to make decisions for their area which may conflict with the position of other signatories to this agreement.
7. Aligning with and influencing Central Government policy is important to the delivery of good quality, cost effective infrastructure, public services and regulatory functions to promote and enhance well-being of our communities.

#### PROTOCOLS FOR COMMUNICATION AND COORDINATION

1. Councils will work together on issues where it is agreed that the region will benefit from a collaborative approach.
2. When a council has a significant disagreement with the position of the others, the other councils will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.
3. When a significant decision or issue affects a particular council then that council should be consulted in formulating the region's response.
4. This Triennial Agreement acknowledges that each council has accountability to different communities.
5. Councils agree to act in good faith and in a transparent manner on issues of information and disclosure.
6. Councils should provide early notification of decisions that may affect other councils in the region. Communication protocols may be developed between Councils where it is agreed better communication is desired.
7. All formal public communications from Mayoral Forum meetings will be circulated to all councils for comment prior to their release.
8. Councils will apply a 'no surprises' approach whereby early notice will be given over disagreements concerning policy or work programmes before critical public announcements are made.
9. If councils make decisions that are inconsistent with the agreement for their region, they must explicitly note that inconsistency and the reasons for it and also notify the other councils that are parties to the agreement.

## GENERAL APPROACH TO COLLABORATION

Signatories to this agreement will:

1. Share resources for the purpose of preparing background information on the various communities within the region. Such information may include demographics, survey data and scientific studies and the analysis of social, economic, environmental and cultural trends.
2. Seek to attract investment and Government support in the region by aligning community interests, working collaboratively through Waikato Mayoral Forum work streams and other options, developing agreed positions on matters of importance to the region and continuing to develop and strengthen existing joint approaches to engage with Government agencies and other organisations.
3. Determine and prioritise strategic collaborative initiatives and projects.
4. Promote communication and co-operation among the region's councils with respect to shared services and other collaborative opportunities.
5. Make draft strategies, policies and plans available to all councils in the region for discussion and development.
6. Provide guidance on the implementation of strategic collaborative projects and monitor progress of collaborative initiatives, such as the Waikato Plan.
7. Utilise the Waikato Mayoral Forum work streams and other collaborative options to ensure that all councils can participate in identifying, delivering and funding facilities and services of significance to more than one council.
8. Invite Government Ministers, relevant officials, corporate, community and iwi leaders to meet to discuss issues of strategic importance to the region.
9. Advocate for strategic investment in the region and promote the strategic benefits and advantages of the Waikato.
10. If necessary, establish one or more joint committees or other joint governance arrangements to give better effect to communication and coordination or to assist with identifying, delivering and funding facilities and services of significance to more than one district, or to consider proposals for new regional council activities.

## MAYORAL FORUM

1. Signatories to this agreement will endeavour to hold a meeting of Mayors and the Regional Chairperson (supported by their Chief Executives) at least once every six months to discuss any pertinent issues and to review the performance of the agreement. These meetings will be under the banner of the Waikato Mayoral Forum.



2. The Waikato Mayoral Forum is not a formal committee constituted under the Local Government Act, therefore meetings are not public. Recommendations from the Mayoral Forum are for members to take to their respective councils for consideration and decisions.
3. The appointed Mayoral Forum Chairperson will ensure minutes of the meeting are kept and that a summary of the meeting is provided to all councils.
4. All public communications from these meetings will be approved by all participants prior to their release.
5. The Regional Chief Executives' Forum will also meet regularly to advance initiatives as requested by the Mayors and Regional Chairperson.

#### **SIGNIFICANT NEW ACTIVITIES PROPOSED BY THE REGIONAL COUNCIL**

1. If the regional council or a regional council-controlled organisation proposes to undertake a significant new activity then section 16 of the Local Government Act 2002 shall be adhered to.
2. The regional council agrees to discuss the issues involved at one or more of the existing fora and to provide preliminary draft proposals to the affected councils for early comment, including any amendments to the regional council's Significance and Engagement Policy.
3. Where the regional council proposes to undertake a significant new activity that involves one or more territorial authorities within the region the following protocols will apply:
  - (a) The regional council will as soon as practicable inform all councils within the region of the nature, scope and reasons for the proposal.
  - (b) Councils will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The regional council will fully consider any submissions on the proposal made by councils within the region.
  - (c) Should there be substantive disagreement between the councils on whether the regional council should undertake the activity, the parties will refer the matter to mediation as set out in the process in this agreement for resolving disagreement.

#### **CONSULTATION IN RELATION TO THE REGIONAL POLICY STATEMENT**

For the purpose of meeting the requirements of clause 3A of Schedule 1 to the Resource Management Act 1991, the consultation process to be used by affected councils in relation to any further changes to the Waikato Regional Policy Statement will be developed and agreed to by all the councils. Protocols will be developed that ensure affected councils have full and effective involvement in the scoping and drafting of any changes to the Waikato Regional Policy Statement.

**TERM OF THE AGREEMENT**

The Triennial Agreement will continue to operate until such time as it is either amended by the accord of all parties or is renewed following the 2022 local government elections.

**RESOLVING DISAGREEMENT**

In the event of a disagreement over the terms of this agreement, the parties agree to refer the issue to mediation for a resolution. In the absence of an agreement to mediation between the local authorities, the matter will be referred to a process as specified by the Minister of Local Government.

**AUTHORITY**

This agreement is signed by the following on behalf of their respective authorities

Hamilton City Council	_____ Mayor	_____ Date
Hauraki District Council	_____ Mayor	_____ Date
Matamata-Piako District Council	_____ Mayor	_____ Date
Ōtorohanga District Council	_____ Mayor	_____ Date
Rotorua District Council	_____ Mayor	_____ Date
South Waikato District Council	_____ Mayor	_____ Date
Taupō District Council	_____ Mayor	_____ Date

Thames-Coromandel District Council	<div>Mayor</div>	<div>Date</div>
Waikato District Council	<div>Mayor</div>	<div>Date</div>
Waikato Regional Council	<div>Chairperson</div>	<div>Date</div>
Waipā District Council	<div>Mayor</div>	<div>Date</div>
Waitomo District Council	<div>Mayor</div>	<div>Date</div>

# Council Report

**Committee:** Council **Date:** 04 February 2020  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Governance Team Leader **Position:** Governance Manager  
**Report Name:** Draft 2020 Council Schedule of Reports

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council on the draft 2020 Council Schedule of Reports.

## Staff Recommendation

2. That the Council:
  - a) receives the draft 2020 Council 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 available to Elected Members and Maangai Maaori via Diligent.

## Background

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 Council Committees.
4. The purpose of this report and the draft schedule is to provide Elected Members with oversight of the planned and upcoming activities for which they are responsible as members of the Council. The schedule set out the key reports and pieces of work assigned to the Council as well as the intended meeting dates where these will be presented.
5. The schedules have been developed by the Principal Advisor and Chair and Deputy Chair in conjunction with key staff and the Governance Unit, and 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.
6. In order for Elected Members to have a current view of Council activities throughout the year, the schedule 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 Diligent.
7. The Governance Unit and the Principal Advisors' Executive Assistants will take responsibility for maintaining up-to-date documents.

8. Draft 2020 Report Schedules for the Committees will be presented at each of their first meetings of 2020.

### **Attachments**

Attachment 1 - Draft Council Schedule of Reports - 2019-22 Triennium.

Council Report Schedule 2020										
Standard Reports	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
Chair's report										
Briefing Notes										
Council Minutes										
Recommendations to Council (as required)										
Strategic Reports	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
Council Draft Schedule of Reports										
Code of Conduct										
Standing Orders										
Maangai Maaori Review										
Submission/Legislative Reports	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
2020 LGNZ Remits										
Reducing Waste: A More Effective Landfill Levy (Consultation Document, November 2019)										
WEL Energy Trust's 2020-21 Draft Annual Plan										
Stakeholder Liaison Reports	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
WLASS Director Transition										
Recomm from Ec Dev Committee - Waikato Regional Airport Limited (WRAL) Director Appointments										
Waipa Growth Discussion update										
Policy and Bylaw	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
Delegations to positions Policy 2016										
Elected Members Support Policy 2017										
Corporate Hospitality and Entertainment Policy 2015										
Significance and Engagement Policy 2017										
Street Naming Policy										
Business As Usual (BAU) Reports	4-Feb-20	19-Mar-20	30-Apr-20	28-May-20	2-Jul-20	6-Aug-20	17-Sep-20	22-Oct-20	10-Dec-19	Future
Mayor Event Sponsorship Fund Application										
Update on the Future of Founders Theatre										
Waikato Regional Theatre										
HCC/Waipa District Council Growth Discussion										
Council Contracts - Minimum Wage										
Rototuna Village										
Heritage Fund										
Passenger Rail										
Waikato Triennial Arrangements (Mayoral forum)										
Community and Social Development outcomes Annual Report										
2022 Elections report										
Rubbish and Recycling Services - Controls										
CBD 2 Hour Free Parking Trial										
Sale of Ward street										
2022 Elections Report										
Area Q										
Civic Awards										

Submissions, Representative Vote, outcome of LGNZ

4 Feb - Matariki Waikato 2020 event  
19 Mar – Approval of Funding Deed

4 Feb - Deferral via Chairs report

19 Mar - Rototuna Pools. 30 Apr - Village Name

Annual and 10 Year Plan Reports	12-Mar-20	26-Mar-19	7-May-20	21-May-20	25-Jun-20	10-11 Nov 20
Annual Plan Consultation						
Annual Plan Hearings report						
Annual Plan Deliberations						
Adoption of the Annual Plan						
Growth Funding Policy 2016						
Development Contributions Policy						

# Council Report

Item 12

**Committee:** Council

**Date:** 04 February 2020

**Author:** Mothla Majeed

**Authoriser:** David Bryant

**Position:** Legal Services Manager

**Position:** General Manager Corporate

**Report Name:** Delegations to Positions Policy

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To seek Council's approval of the updated Delegations to Positions Policy, and delegations necessary to give effect to the 2019-22 Governance Structure.

## Staff Recommendation

2. That the Council:
  - a) receives the report; and
  - b) approves the revised Delegations to Positions Policy (**Attachment 1**), which is to replace the current Delegations to Positions Policy with effect from 4 February 2020.

## Executive Summary

3. It is the responsibility of Council to approve the delegations and terms of reference that enables effective decision-making under the committee structure approved by Council.
4. The Delegations to Positions Policy supports effective governance by authorising the Chief Executive and designated staff to be responsible for carrying out tasks or functions on behalf of the Council. With such a policy in place, the Council (as a governance body) and the Chief Executive can be clear about their delegation powers and responsibilities, and any exclusions or limitations that apply.
5. The Council retains ultimate accountability for the decisions and actions made by the Chief Executive or designated staff under the Delegations to Positions Policy.
6. Staff consider the matters in this report have medium significance and that the recommendations comply with the Council's legal requirements.

## Background

7. The current Delegations to Positions Policy ('the Delegations Policy') was approved by the previous Council to reflect the Governance Structure for the 2016-19 triennium.
8. It is the Council's responsibility to maintain oversight of its delegations and their effectiveness in practice. The Council can amend or revoke any delegation at any time.

9. The Delegations to Positions Policy is one of a number of documents adopted by the Council to define the roles and responsibilities within its decision-making process. The purpose of the Policy is to detail the delegations from the Council to the Chief Executive and, where required, specific officer positions (such as the local Civil Defence Controller), including any limitations or conditions attached to those delegations.

10. Staff have reviewed the Delegations Policy to:
  - a. ensure there is alignment with the approved 2019-22 Governance Structure;
  - b. update the language and format for ease of understanding and application; and
  - c. simplify the delegation structure to cover only those responsibilities, powers and duties that need to be directly delegated from Council.

The intended outcome is that Council (as a governance body) and the Chief Executive are clear about their delegation powers and responsibilities, and any exclusions or limitations that apply.

11. The changes proposed to the Delegations Policy are summarised below and are marked up in **Attachment 2** as tracked changes.
  - a. The delegations to the Chief Executive contain a number of exclusions. Staff propose removing the following exclusion: "Approval to settle and submit a draft consent order to the Environment Court relating to an appeal on a Proposed Plan, Plan Change, Variation or Notice of Requirement to designate land or for a heritage order." Removal of the exclusion would allow staff to instruct legal counsel more promptly and in line with deadlines issued by the Environment Court.
  - b. The existing delegations to the Governance Manager relate to responsibilities of the Legal Services Manager. Staff propose amending these delegations accordingly.
12. If the revised Delegations Policy is approved, it is recommended that the new Policy comes into effect today. The next step will be for the Chief Executive to proceed with consequential updating of the Management Policy: Delegations to Officers Specific to the Resource Management Act 1991 to reflect the change noted above at paragraph 11(a) of this report.
13. Further changes may be proposed by staff in future to ensure that the Delegations to Positions Policy continues to be fit for purpose. Any such proposals will be brought to Council in due course.
14. For completeness, staff confirm that all other Council policies and bylaws have been reviewed and minor consequential changes have been made to reflect the 2019-2022 Governance Structure.

### **Legal and Policy Considerations**

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

### **Wellbeing Considerations**

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



**Risks**

18. In order to mitigate risk, Council's responsibilities, powers and duties should be delegated to the appropriate level to ensure staff who undertake functions on behalf of the Council have the relevant authority to do so. Staff are satisfied that is the case here.

**Significance & Engagement Policy****Significance**

19. 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 medium level of significance.

**Engagement**

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

**Attachments**

Attachment 1 - Delegation to Positions Policy - draft January 2020 (clean)

Attachment 2 - Delegation to Positions Policy - draft January 2020 (tracked).

# Delegations to Positions Policy

## Purpose and scope

1. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. This Policy sets out the delegations from Council to specified elected members and officers.
2. Matters outside the scope of this Policy are:
  - a. Delegations from Council to Committees, which are specified in the 2019-2022 Governance Structure; and
  - b. Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

## Definitions

Term	Definition
<b>Committee</b>	A committee or subcommittee (if any) of Council, as listed in the 2019-2022 Governance Structure
<b>Delegated Financial Authority</b>	The financial limit delegated to: <ol style="list-style-type: none"><li>a. the Chief Executive or a specified officer under this Policy; or</li><li>b. an officer under the relevant management policy or a specific delegation from the Chief Executive.</li></ol>
<b>Governance Structure</b>	The Council's approved Governance Structure document, including the terms of reference and delegations for Council and Committees, for the current triennium.
<b>Officer</b>	A Council staff member who is for the time being the holder of a specified office.

## Principles

3. Where local authority activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive, who may sub-delegate to officers.
4. To be effective and of legal standing, all delegations from Council must be precise and in writing (i.e. via this Policy or by Council resolution).
5. The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
  - a. binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
  - b. relevant Council policy or process, including delegated financial authority and reporting requirements.

6. Council retains ultimate responsibility for its governance, statutory and financial responsibilities, duties and powers at all times. No delegation relieves Council of the liability or responsibility for the performance of the delegated responsibility, duty or power.
7. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
8. Those with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to Council or the relevant Committee.
9. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
10. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
11. Unless specifically restricted, a delegation continues in force until expressly revoked or varied by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
12. Unless otherwise expressly stated in the Policy:
  - a. all financial values stated in this Policy are GST exclusive; and
  - b. all references to a repealed enactment should read as a reference to its replacement.

## Policy

### The meaning of delegation

13. For the purpose of this Policy, delegation means the transfer of a responsibility, duty or power from Council to specified Elected Members, the Chief Executive or other specified officers, together with the authority to carry out that responsibility, duty or power or complete the action delegated.
14. General delegation means the granting of authority to determine a range of matters of a similar kind as and when they arise over a period without further reference to the delegator.
15. From time to time the Council may delegate authority by resolution to determine a specific issue. This specific delegation will exist only so long as that matter is unresolved and will then lapse at a specified time.
16. General delegations will be updated in this Policy as they are confirmed. Specific delegations may not necessarily be recorded in this Policy due to the fact that they would be largely historical by the time they are recorded.

### Legal basis

17. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.

18. **Council cannot delegate** the power to:

- a. make a rate; or
- b. make a bylaw; or
- c. borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise as expressly covered in this Policy; or
- d. adopt a long-term plan, annual plan, or annual report; or
- e. appoint a Chief Executive; or
- f. 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 local governance statement; or
- g. adopt a remuneration and employment policy.

*(Local Government Act 2002 - Schedule 7, Clause 32 (1))*

Council has reserved other matters for its sole decision, which are recorded in the Governance Structure.

19. The **Chief Executive and other specified officers** can further delegate their delegations to any other officer, subject to certain restrictions.

*(Local Government Act 2002 – Schedule 7, clause 32B)*

**Delegations by the Council to Elected Members**

20. Delegations from Council to specified Elected Members are detailed in Schedule 1.

**Delegations by the Council to Chief Executive and Specified Officers**

21. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedule 2.

22. The Policy is to be read alongside the Hamilton City Council management policies that record the delegations from the Chief Executive to subordinate officers. The Policies, read together, record compliance with the statutory norm allowing only one sub-delegation.

**Review of Policy**

23. The Policy shall remain in effect until such time as it is varied or revoked by resolution of the Council. It is intended that the Policy will be reviewed and updated from time-to-time; at the start of each triennium as a minimum.

## Schedule 1 - Delegations by the Council to Elected Members

Position	General Delegations
<b>Mayor</b>	<p>The Mayor is elected by Hamilton City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council. *</li> <li>• To appoint the Deputy Mayor. *</li> <li>• To establish committees of the Council. *</li> <li>• To appoint the chairperson of each committee. *</li> <li>• Act as a Justice of the Peace.</li> <li>• Requisition a meeting of Council.</li> <li>• Declare a local Civil Defence emergency.</li> <li>• Authority of a chairperson of a Council meeting under Standing Orders.</li> <li>• In relation to the Chief Executive's employment contract, has delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions.</li> </ul> <p>*Note: Subject to the provisions of Section 41A of the Local Government Act 2002.</p>

Position	General Delegations
<b>Deputy Mayor</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive's employment contract, the delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor's powers under section 41A(3) of the Local Government Act 2002.</li> </ul>

Position	Signing and Sealing of Formal Documents
<b>Elected Members</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign any document required by law to be signed under seal, provided those documents have been: <ul style="list-style-type: none"> <li>a) approved by the Council or a Committee (in accordance with its delegations); or</li> <li>b) authorised by an officer (including the Chief Executive) under delegated authority.</li> </ul> </li> </ul> <p><b>Note:</b> Where a document does not need to be executed under Council seal it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.</p>

Item 12

Attachment 1

## Schedule 2 - Delegations by the Council to the Chief Executive and Specified Officers

Attachment 1

Item 12

Position	General Delegations
Chief Executive Officer	<p>In accordance with clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all Council's responsibilities, duties and powers, and to further delegate such responsibilities, duties and powers on any matter, and shall exercise this delegation subject to the Exclusions, Conditions and Notes below.</p> <p>To the extent that they are relevant, the following Exclusions, Conditions and Notes below also apply to the Financial Delegations section in this Schedule.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>Any responsibilities, duties and powers that the Council is prohibited by legislation or operation of law from delegating to officers.</li> <li>Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers.</li> <li>Any matter that can only be given effect to by a resolution of the Council.</li> <li>Any power, responsibility or duty that has been delegated to a Committee, unless sub-delegated by resolution of that Committee.</li> <li>Any matter that is outside the Chief Executive's delegated financial authority (refer <a href="#">below</a>).</li> <li>In relation to the Resource Management Act 1991 ('RMA'): <ul style="list-style-type: none"> <li>Council's own power of delegation (section 34A(1)).</li> <li>Notification of a Proposed District Plan.</li> <li>Approval of a Proposed District Plan (section 34A(1)(a)).</li> <li>Appointment of a hearings commissioner.</li> <li>Decisions on submissions and further submissions to a Proposed District Plan.</li> <li>Rejection of a private plan change request.</li> <li>Hearing and determining objections to officer-declined resource consent applications which will be heard by independent hearings commissioners.</li> </ul> </li> </ul> <p>Conditions:</p> <ul style="list-style-type: none"> <li>The Council's delegations to the Chief Executive do not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines.</li> <li>The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and by-laws adopted by Council and with any specific directives given by way of resolution of the Council or a Committee.</li> </ul>

- Under section 125 of the Privacy Act, the Chief Executive is authorised to sub-delegate all or any of Council's powers under that Act, subject to the Exclusions above.
- The Chief Executive has the Council's general authority to delegate to any officer any of the Chief Executive's functions, powers and duties under the Sale and Supply of Alcohol Act 2012, other than the general power of delegation.

**Notes:**

- For the purposes of the Trespass Act 1980, the Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council.
- For clarity, the Chief Executive has the Council's general authority to exercise all of the Ministerial powers that have been delegated to the Council under the Reserves Act 1977. This differs from the specific delegation to the General Manager Community in this Policy.
- Where exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that prior consultation occurs with the Senior Leadership Team.
- The Council may from time to time appoint the Chief Executive (or other senior officers) to act in Council's interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this Policy.

**Item 12**

**Attachment 1**

<b>Position</b>	<b>General Delegations</b>
<b>Deputy Chief Executive</b>	<p>The Deputy Chief Executive is delegated all the responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:</p> <ul style="list-style-type: none"> <li>the formal and recorded absence of the Chief Executive; or</li> <li>an emergency where the Chief Executive cannot be contacted.</li> </ul>
<b>General Managers and Executive Directors</b>	<p>General Managers and Executive Directors are delegated the following responsibilities, powers and duties within their respective areas of responsibility, where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed by Council or any statutory limitation:</p> <ul style="list-style-type: none"> <li>The responsibilities, powers and duties delegated to them from the Chief Executive, as are recorded in management policies or specific written delegations, from time to time.</li> <li>The power to enter into contracts subject to their delegated financial authority<sup>1</sup>.</li> <li>The power to sub-delegate, unless expressly restricted by law or the terms of Council's delegation to the General Manager or Executive Director. All such sub-delegations must be recorded in writing.</li> <li>The power to undertake their specific delegations without further reference (though some may require to be reported).</li> <li>The power to establish staff committees or working groups.</li> <li>The power to act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is done through prior consultation with the Senior Leadership Team.</li> </ul>
<b>GM - Community</b>	<p>The General Manager may exercise the following specific powers where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed from time to time by Council or any statutory limitation:</p> <ul style="list-style-type: none"> <li>All the powers and functions of the Council, as an administering body under the Reserves Act 1977, to the extent that the Reserves Act affects reserves held by or under the control of Council.</li> </ul>
<b>City Safe Manager</b>	<p>The City Safe Manager is to act as Secretary of the District Licensing Committee with authority to perform all responsibilities, duties and powers of the Secretary under the Sale and Supply of Alcohol Act 2012.</p>

<sup>1</sup> Refer to the Council Management Policy – *Financial Delegations to Officers*



<p><b><i>Legal Services Manager</i></b></p>	<p>The Legal Services Manager is appointed Privacy Officer for the Council pursuant to Section 23 of the Privacy Act 1993 and is delegated the responsibilities, duties and powers associated with that position pursuant to section 124 of the Privacy Act. The Legal Services Manager may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.</p> <p>The Legal Services Manager may exercise the powers of the Council under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987, except any powers specified in section 32 of that Act; such delegation to be exercised in accordance with any condition, limitation or prohibition imposed from time to time by Council. The Legal Services Manager may sub-delegate such powers to other officers, except for the power to delegate under that Act.</p>
<p><b><i>Rates Administration Officers</i></b></p>	<p>The responsibility for exercising the functions, powers or duties and administering the provisions under the Local Government (Rating) Act 2002 are delegated to the following officers:</p> <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• General Manager Corporate</li> <li>• Financial Controller</li> <li>• Rates and Revenue Manager</li> </ul> <p>In addition, the Rates and Revenue Manager is specifically delegated the responsibility to:</p> <ul style="list-style-type: none"> <li>• make decisions as to the allocation of rating units to differential rating categories in terms of Section 27(5)(a) of the Local Government (Rating) Act 2002; and</li> <li>• amend any entries in the district valuation roll (under section 14 of the Rating Valuations Act 1998) or the rating information database (under section 40 of the Local Government (Rating) Act 2002) which are the result of an error or which are no longer correct as a result of changed circumstances.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• The functions, powers or duties under the Local Government (Rating) Act 2002 and the Rating Valuations Act 1998 delegated by the Council to the above specified officers, including the Chief Executive, may not be sub-delegated.</li> </ul> <p><b>Exclusion:</b></p> <ul style="list-style-type: none"> <li>• Council must not delegate to any officer, including the Chief Executive: <ul style="list-style-type: none"> <li>a) the power to delegate; or</li> <li>b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.</li> </ul> </li> </ul>

*Local Civil  
Defence  
Controller*

The Local Civil Defence Controller ('the Controller') and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002 ('CDEM Act').

Authority has been delegated by Council to the CDEMG/Controller under the CDEM Act. A summary of the powers and obligations of the Controller are contained in the CDEMG Plan.

Under section 94 of the CDEM Act, the CDEMG/Controller and Alternate Controllers for Hamilton City Council and the Civil Defence Emergency Management Group for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato Civil Defence Emergency Management Group Plan, subject to the following limitations:

- In a declared emergency, the Controller is delegated automatic uncapped delegated financial authority when formally identified as acting as a Controller. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$500,000 of expenditure incurred when exercising this delegation to ensure there is appropriate oversight.
- In a non-declared emergency, the Controller is delegated uncapped delegated financial authority when formally identified as acting in control of that emergency. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$250,000 of expenditure incurred when exercising this delegation to ensure there is appropriate oversight.

Note: A non-declared emergency is an emergency, as defined under the CDEM Act, where a formal declaration of state of local emergency has not been made pursuant to section 68 of that Act.

## Financial Delegations

1. The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows<sup>2</sup>:

### Expenditure Type – Refer to Terms of Delegation below

Unexpended Budget - (Operating and Capital)	Overspends/ Unbudgeted (Operating and Capital)	Capex B/Fwd	Contracts	Purchase/Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions	Reprioritisation Budget – Renewals and Compliance Programme
Limited to the approved budget	\$250,000	\$500,000	\$3,000,000 Total contract term not exceeding 5 years including renewals  For contracts not going to tender: \$250,000 (subject to same restriction above on contract term).	\$3,000,000	\$10,000	\$500,000 for weather-tight building claims (leaky buildings)  \$250,000 for all other legal proceedings	Limited to the approved budget	\$1,500,000	\$1,000,000 (Within years 1-3 of any approved 10-Year Plan)  For individual movement of budget between capital projects and activity classed and timing (subject to terms of delegation below).

### Notes:

- a. There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis.
- b. The \$250,000 delegated financial limit for contracts not going to tender shall not apply in the following situations:
  - i. For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
  - ii. For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.

The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains Best Value from any appointed utility service provider.

<sup>2</sup> The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.

The Chief Executive's general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals) shall apply for contracts under 1(b)(i) and 1(b)(ii) above.

## Expenditure Types – Terms of Delegation

### Unexpended Budget

2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long-Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

### Overspend and Unbudgeted

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long-Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long-Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

### Capex – Capital Expenditure Brought Forward

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long-Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

### Contracts

6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.
9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
  - a. execute the contract (other than those contracts required to be signed under the Council's seal);
  - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
  - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.

10. If a contract has been approved under this Policy or by management delegation:
- the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice<sup>3</sup>;
  - a brief summary of such contracts are to be reported quarterly to Elected Members.
- For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.
11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee<sup>4</sup>.
12. All contracts approved by the Chief Executive or management under delegated authority in sections 1(1.b)(1.b.i) and 1(1.b)(1.b.ii) are to be reported to the relevant Committee for noting on a quarterly basis.

#### *Purchase/Sale of Land*

13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long-Term Plan/Annual Plan either separately or as an integral part of a project or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

#### *Debt Write-off*

15. The delegated financial authority limit applies on a 'per debtor' basis.
16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts<sup>5</sup>, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

#### *Legal Proceedings*

17. The delegated financial authority is determined on a per proceeding basis.
18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.
19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

#### *Financial Operation*

20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

<sup>3</sup> For management delegations, refer to Council's Management Policy - *Financial Delegations to Officers*.

<sup>4</sup> Refer to the *Governance Structure*.

<sup>5</sup> Refer to the Management Policy – *Financial Delegations to Officers*

*Reprioritised budget – Renewals and Compliance programme*

21. The Renewals and Compliance Programme will be managed and reported as a programme against 3-year periods being 2018-21, 2021-24. Reprioritisation changes to the programme can be:
- a) between projects and / or activity classes (e.g. stormwater)
  - b) related to timing of expenditure on a project (e.g. reprioritised from year 2 to year 1).
22. Any reprioritisation of budgets should be reported to the relevant Council Committee following use of this delegation. Reporting should include:
- a) programme expenditure to demonstrate that the 3-year funding provision is not exceeded
  - b) providing assurance that the limits in the Financial strategy are not breached by any expenditure changes from the 10-Year Plan Renewal and Compliance budgets
  - c) reporting by 10-Year Plan activity (and group of activity) to give assurance that the Renewals and Compliance expenditure for the 3-year period is spread appropriately across Councils services.

*Development Contributions*

23. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next Council or relevant Committee meeting.
24. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

*Waiver of Council Fees & Charges*

25. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**
- a. the waiver and the amount are recorded and available for audit purposes;
  - b. the circumstances of the specific waiver will not create a precedent;
  - c. the act of waiving such fees and charges reflects 'good citizen' conduct;
  - d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 22.

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Sponsor/Group:	Mayor of Hamilton / Chief Executive Officer

## Delegations to Positions Policy

### Purpose and scope

1. Part of Council's strategic and governance role is to ensure that its statutory responsibilities, duties and powers are carried out at the most effective and efficient levels. This Policy sets out the delegations from Council to specified elected members and officers.
2. Matters outside the scope of this Policy are:
  - a. Delegations from Council to Committees, which are specified in the [2019-2022](#) Governance Structure; and
  - b. Delegations from the Chief Executive to subordinate officers through management policies or by way of a specific delegation.

### Definitions

Term	Definition
<b>Committee</b>	A committee or subcommittee (if any) of Council, as listed in the <a href="#">2019-2022</a> Governance Structure
<b>Delegated Financial Authority</b>	The financial limit delegated to: <ol style="list-style-type: none"> <li>a. the Chief Executive or a specified officer under this Policy; or</li> <li>b. an officer under the relevant management policy or a specific delegation from the Chief Executive.</li> </ol>
<b>Governance Structure</b>	The Council's approved Governance Structure document, including the terms of reference and delegations for Council and Committees, for the current triennium.
<b>Officer</b>	A Council staff member who is for the time being the holder of a specified office.

### Principles

3. Where local authority activities do not contain a governance component and are not limited by statutory restrictions then they should be delegated to the Chief Executive, who may sub-delegate to officers.
4. To be effective and of legal standing, all delegations from Council must be precise and in writing (i.e. via this Policy or by Council resolution).

5. The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority. In so doing, the delegate will ensure they act in accordance with any:
  - a. binding statutory authority (in relation to each delegation, relevant sections of legislation will be identified); and
  - b. relevant Council policy or process, including delegated financial authority and reporting requirements.
6. Council retains ultimate responsibility for its governance, statutory and financial responsibilities, duties and powers at all times. No delegation relieves Council of the liability or responsibility for the performance of the delegated responsibility, duty or power.
7. Those with responsibility for a delegated task or function should always have the authority to carry it out effectively.
8. Those with authority to perform a delegated responsibility, duty or power should always be responsible for the performance of the delegation in a full, fair and objective manner. To this end, it is open to the person delegated a responsibility, duty or power to consider whether or not to exercise that delegated responsibility, duty or power, or to refer the matter back to Council or the relevant Committee.
9. Subject to any legislative restrictions, a responsibility, duty or power delegated to an officer is also delegated to all officers in a direct line of authority above that officer and is also delegated to any officer who is in an acting capacity for that officer.
10. Any delegation made includes any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
11. Unless specifically restricted, a delegation continues in force until expressly revoked or varied by resolution of Council. A delegation will survive any change in the person occupying the office to which the delegation was made.
12. Unless otherwise expressly stated in the Policy:
  - a. all financial values stated in this Policy are GST exclusive; and
  - b. all references to a repealed enactment should read as a reference to its replacement.

## Policy

### The meaning of delegation

13. For the purpose of this Policy, delegation means the transfer of a responsibility, duty or power from Council to specified Elected Members, the Chief Executive or other specified officers, together with the authority to carry out that responsibility, duty or power or complete the action delegated.
14. General delegation means the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
15. From time to time the Council may delegate authority by resolution to determine a specific issue. This specific delegation will exist only so long as that matter is unresolved and will then lapse at a specified time.
16. General delegations will be updated in this Policy as they are confirmed. Specific delegations may not necessarily be recorded in this Policy due to the fact that they would be largely historical by the time they are recorded.



#### Legal basis

17. The delegations in this Policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.

18. Council **cannot delegate** the power to:

- a. make a rate; or
- b. make a bylaw; or
- c. borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise as expressly covered in this Policy; or
- d. adopt a long-term plan, annual plan, or annual report; or
- e. appoint a Chief Executive; or
- f. 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 local governance statement; or
- g. adopt a remuneration and employment policy.

*(Local Government Act 2002 - Schedule 7, Clause 32 (1))*

Council has reserved other matters for its sole decision, which are recorded in the Governance Structure.

19. The **Chief Executive and other specified officers** can further delegate their delegations to any other officer, subject to certain restrictions.

*(Local Government Act 2002 – Schedule 7, clause 32B)*

#### Delegations by the Council to Elected Members

20. Delegations from Council to specified Elected Members are detailed in Schedule 1.

#### Delegations by the Council to Chief Executive and Specified Officers

21. Delegations from Council to the Chief Executive and specified officers (including Financial Delegations) are detailed in Schedule 2.

22. The Policy is to be read alongside the Hamilton City Council management policies that record the delegations from the Chief Executive to subordinate officers. The Policies, read together, record compliance with the statutory norm allowing only one sub-delegation.

#### Review of Policy

23. The Policy shall remain in effect until such time as it is varied or revoked by resolution of the Council. It is intended that the Policy will be reviewed and updated from time-to-time; at the start of each triennium as a minimum.

## Schedule 1 - Delegations by the Council to Elected Members

### Position *General Delegations*

<b>Mayor</b>	<p>The Mayor is elected by Hamilton City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.*</li> <li>• To appoint the Deputy Mayor.*</li> <li>• To establish committees of the Council.*</li> <li>• To appoint the chairperson of each committee.*</li> <li>• Act as a Justice of the Peace.</li> <li>• Requisition a meeting of Council.</li> <li>• Declare a local Civil Defence emergency.</li> <li>• Authority of a chairperson of a Council meeting under Standing Orders.</li> <li>• In relation to the Chief Executive's employment contract, has delegated authority to manage routine employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions.</li> </ul> <p><b>*Note:</b> Subject to the provisions of Section 41A of the Local Government Act 2002.</p>
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### Position *General Delegations*

<b>Deputy Mayor</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive's employment contract, the delegated authority to manage routine employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor's powers under section 41A(3) of the Local Government Act 2002.</li> </ul>
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### Position *Signing and Sealing of Formal Documents*

<b>Elected Members</b>	<p><b>Authorities</b></p> <ul style="list-style-type: none"> <li>• The Mayor, Deputy Mayor, or any other two elected members acting at the specific request of the Mayor or Chief Executive, are authorised to sign any document required by law to be signed under seal, provided those documents have been:             <ol style="list-style-type: none"> <li>a) approved by the Council or a Committee (in accordance with its delegations); or</li> <li>b) authorised by an officer (including the Chief Executive) under delegated authority.</li> </ol> </li> </ul> <p><b>Note:</b> Where a document does not need to be executed under Council seal it may instead be signed by the Chief Executive or any other officer who is authorised under delegated authority, whether under this Policy or otherwise, to approve the transaction involved.</p>
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## Schedule 2 - Delegations by the Council to the Chief Executive and Specified Officers

Position	General Delegations
Chief Executive Officer	<p>In accordance with clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all Council's responsibilities, duties and powers, and to further delegate such responsibilities, duties and powers on any matter, and shall exercise this delegation subject to the Exclusions, Conditions and Notes below.</p> <p>To the extent that they are relevant, the following Exclusions, Conditions and Notes below apply to the Financial Delegations section in this Schedule.</p> <p><b>Exclusions:</b></p> <ul style="list-style-type: none"> <li>Any responsibilities, duties and powers that the Council is prohibited by legislation or operation of law from delegating to officers.</li> <li>Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers.</li> <li>Any matter that can only be given effect to by a resolution of the Council.</li> <li>Any power, responsibility or duty that has been delegated to a Committee, unless sub-delegated by resolution of that Committee.</li> <li>Any matter that is outside the Chief Executive's delegated financial authority (refer <a href="#">below</a>).</li> <li>In relation to the Resource Management Act 1991 ('RMA'): <ul style="list-style-type: none"> <li>i. Council's own power of delegation (section 34A(1)).</li> <li>ii. Notification of a Proposed District Plan.</li> <li>iii. Approval of a Proposed District Plan (section 34A(1)(a)).</li> <li>iv. Appointment of a hearings commissioner.</li> <li>v. Decisions on submissions and further submissions to a Proposed District Plan.</li> <li>vi. <u>Rejection of a private plan change request.</u></li> <li>vii. Hearing and determining objections to officer-declined resource consent applications which will be heard by independent hearings commissioners.</li> </ul> </li> </ul> <p><b>Conditions:</b></p> <ul style="list-style-type: none"> <li>The Council's delegations to the Chief Executive do not preclude the Chief Executive from referring any matter to the Council or a Committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines.</li> <li>The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and by-laws adopted by Council and with any specific directives given by way of resolution of the Council or a Committee.</li> </ul>

**Deleted:** <#>Approval to settle and submit a draft consent order to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Variation or Notice of Requirement to designate land for a heritage order. ¶

- Under section 125 of the Privacy Act, the Chief Executive is authorised to sub-delegate all or any of Council's powers under that Act, subject to the Exclusions above.
- The Chief Executive has the Council's general authority to delegate to any officer any of the Chief Executive's functions, powers and duties under the Sale and Supply of Alcohol Act 2012, other than the general power of delegation.

**Notes:**

- For the purposes of the Trespass Act 1980, the Chief Executive is the person in lawful occupation of land owned, occupied or controlled by the Council.
- For clarity, the Chief Executive has the Council's general authority to exercise all of the Ministerial powers that have been delegated to the Council under the Reserves Act 1977. This differs from the specific delegation to the General Manager Community in this Policy.
- Where exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that prior consultation occurs with the Senior Leadership Team.
- The Council may from time to time appoint the Chief Executive (or other senior officers) to act in Council's interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this Policy.

<b>Position</b>	<b>General Delegations</b>
<b>Deputy Chief Executive</b>	<p>The Deputy Chief Executive is delegated all the responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:</p> <ul style="list-style-type: none"> <li>the formal and recorded absence of the Chief Executive; or</li> <li>an emergency where the Chief Executive cannot be contacted.</li> </ul>
<b>General Managers and Executive Directors</b>	<p>General Managers and Executive Directors are delegated the following responsibilities, powers and duties within their respective areas of responsibility, where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed by Council or any statutory limitation:</p> <ul style="list-style-type: none"> <li>The responsibilities, powers and duties delegated to them from the Chief Executive, as are recorded in management policies or specific written delegations, from time to time.</li> <li>The power to enter into contracts subject to their delegated financial authority<sup>1</sup>.</li> <li>The power to sub-delegate, unless expressly restricted by law or the terms of Council's delegation to the General Manager or Executive Director. All such sub-delegations must be recorded in writing.</li> <li>The power to undertake their specific delegations without further reference (though some may require to be reported).</li> <li>The power to establish staff committees or working groups.</li> <li>The power to act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is done through prior consultation with the Senior Leadership Team.</li> </ul>
<b>GM - Community</b>	<p>The General Manager may exercise the following specific powers where that is permitted by law, in accordance with any Council policy (as appropriate) and subject to any condition, limitation or prohibition imposed from time to time by Council or any statutory limitation:</p> <ul style="list-style-type: none"> <li>All the powers and functions of the Council, as an administering body under the Reserves Act 1977, to the extent that the Reserves Act affects reserves held by or under the control of Council.</li> </ul>
<b>City Safe Manager</b>	<p>The City Safe Manager is to act as Secretary of the District Licensing Committee with authority to perform all responsibilities, duties and powers of the Secretary under the Sale and Supply of Alcohol Act 2012.</p>

<sup>1</sup> Refer to the Council Management Policy – *Financial Delegations to Officers*  
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**Legal Services  
Manager**

The Legal Services Manager is appointed Privacy Officer for the Council pursuant to Section 23 of the Privacy Act 1993 and is delegated the responsibilities, duties and powers associated with that position pursuant to section 124 of the Privacy Act. The Legal Services Manager may sub-delegate such responsibilities, duties and powers to other officers, except for the power to delegate under that Act.

The Legal Services Manager may exercise the powers of the Council under Parts 2 to 5 of the Local Government Official Information and Meetings Act 1987, except any powers specified in section 32 of that Act; such delegation to be exercised in accordance with any condition, limitation or prohibition imposed from time to time by Council. The Legal Services Manager may sub-delegate such powers to other officers, except for the power to delegate under that Act.

**Rates  
Administration  
Officers**

The responsibility for exercising the functions, powers or duties and administering the provisions under the Local Government (Rating) Act 2002 are delegated to the following officers:

- Chief Executive
- General Manager Corporate
- Financial Controller
- Rates and Revenue Manager

In addition, the Rates and Revenue Manager is specifically delegated the responsibility to:

- make decisions as to the allocation of rating units to differential rating categories in terms of Section 27(5)(a) of the Local Government (Rating) Act 2002; and
- amend any entries in the district valuation roll (under section 14 of the Rating Valuations Act 1998) or the rating information database (under section 40 of the Local Government (Rating) Act 2002) which are the result of an error or which are no longer correct as a result of changed circumstances.

**Note:**

- The functions, powers or duties under the Local Government (Rating) Act 2002 and the Rating Valuations Act 1998 delegated by the Council to the above specified officers, including the Chief Executive, may not be sub-delegated.

**Exclusion:**

- Council must not delegate to any officer, including the Chief Executive:
  - a) the power to delegate; or
  - b) a function, power or duty conferred by subpart 2, Part 1 or subpart 1, Part 5 of the Local Government (Rating) Act 2002.

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**Local Civil  
Defence  
Controller**

The Local Civil Defence Controller ('the Controller') and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002 ('CDEM Act').

Authority has been delegated by Council to the CDEMG/Controller under the CDEM Act. A summary of the powers and obligations of the Controller are contained in the CDEMG Plan.

Under section 94 of the CDEM Act, the CDEMG/Controller and Alternate Controllers for Hamilton City Council and the Civil Defence Emergency Management Group for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato Civil Defence Emergency Management Group Plan, subject to the following limitations:

- In a declared emergency, the Controller is delegated automatic uncapped delegated financial authority when formally identified as acting as a Controller. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$500,000 of expenditure incurred when exercising this delegation to ensure there is appropriate oversight.
- In a non-declared emergency, the Controller is delegated uncapped delegated financial authority when formally identified as acting in control of that emergency. The Controller is required to present incremental reporting to the Chief Executive and Group Controller for every \$250,000 of expenditure incurred when exercising this delegation to ensure there is appropriate oversight.

**Note:** A non-declared emergency is an emergency, as defined under the CDEM Act, where a formal declaration of state of local emergency has not been made pursuant to section 68 of that Act.

## Financial Delegations

1. The limits of the specified sum(s) applicable to various financial transactions delegated to the Chief Executive (and other specified officers, as applicable) under this Policy or otherwise, are as follows<sup>2</sup>:

### Expenditure Type – Refer to Terms of Delegation below

Expenditure Type	Operating Capital	Over spends/Unbudgeted (Operating and Capital)	Capex B/Fwd	Contracts	Purchase/Sale of Land	Debt Write-off	Legal Proceedings	Financial Operations (Admin disbursements)	Development Contributions	Reprioritisation Budget – Renewals and Compliance Programme
Limited to the approved budget		\$250,000	\$500,000	\$3,000,000 Total contract term not exceeding 5 years including renewals For contracts not going to tender: \$250,000 (subject to same restriction above on contract term).	\$3,000,000	\$10,000	\$500,000 for weather-tight building claims (leaky buildings) \$250,000 for all other legal proceedings	Limited to the approved budget	\$1,500,000	\$1,000,000 (Within years 1-3 of any approved 10-Year Plan)  For individual movement of budget between capital projects and activity classed and timing (subject to terms of delegation below).

### Notes:

- a. There is a cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis.
- b. The \$250,000 delegated financial limit for contracts not going to tender shall not apply in the following situations:
  - i. For Private Developer Agreements, which is a contract with a developer to upsize or deliver infrastructure on behalf of the Council in a new subdivision or development that will eventually vest in the Council;
  - ii. For appointment of utility service providers to relocate, connect or alter utility services for the purpose of capital works budgeted within the applicable Long Term Plan, where a provider is the only possible supplier by virtue of being the owner of, or otherwise being legally responsible for, the relevant utility infrastructure. Examples of such utility service providers include, but is not limited to, Transpower, WEL Networks and Kiwirail.

The Chief Executive must ensure that appropriate mechanisms are in place and implemented to ensure, as far as is reasonably possible, the Council obtains Best Value from any appointed utility service provider.

<sup>2</sup> The delegated financial authority limits specific to General Managers, Executive Directors and officers are set out in the Council's Management Policy - *Financial Delegations to Officers*.  
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The Chief Executive's general delegated authority limit (\$3,000,000 and a term not exceeding 5 years, including renewals) shall apply for contracts under 1(b)(i) and 1(b)(ii) above.

#### Expenditure Types – Terms of Delegation

##### *Unexpended Budget*

2. Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council's Procurement Policy.

##### *Overspend and Unbudgeted*

3. Any expenditure on an item that exceeds the amount budgeted for that item in the applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run.
4. A Local Civil Defence Controller has an uncapped delegated financial authority in the event of a declared or non-declared emergency, subject to the conditions and reporting provisions in this Policy (See: *Local Civil Defence Controller* [above](#)).

##### *Capex – Capital Expenditure Brought Forward*

5. Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable Long Term Plan. This delegation is to the Chief Executive, General Managers and Executive Directors only (limits apply to officers in accordance with the Hamilton City Council Management Policy - *Financial Delegations to Officers*) and cannot be further delegated.

##### *Contracts*

6. The delegated financial authority limit for contracts applies on a 'per contract' basis. For clarity, the delegated financial authority limits apply to contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events.
7. The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor (including retentions made, or to be made in respect of a contract), or amounts received from the other party (as applicable), for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly prohibited.
8. For the purposes of determining whether a specified officer has the necessary delegated financial authority in relation to a contract that involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the Approved Contract Sum for that contract is the greater of either the expenditure or revenue in that contract. That is, there must be no offset of expenditure and revenues.
9. If a contract has been approved by Council resolution, the Chief Executive, or relevant General Manager or Executive Director (as appropriate), can:
  - a. execute the contract (other than those contracts required to be signed under the Council's seal);
  - b. authorise payments up to the Approved Contract Sum or delegate the authorisation of payments to a nominated position; or
  - c. (if applicable) correct and re-issue invoices, issue credit notes or refunds up to the Approved Contract Sum, in relation to revenue receivable by Council under an approved contract.

10. If a contract has been approved under this Policy or by management delegation:
- the payment/s or any correction to invoices (as applicable) must be authorised by an officer with the correct financial delegated authority for that payment or invoice<sup>3</sup>;
  - a brief summary of such contracts are to be reported quarterly to Elected Members.

For clarity, no reporting is required under section 10(b) above for contracts approved by Council or a Committee.

11. Contracts exceeding five years total term (including renewals) must be authorised by Council or the relevant Committee<sup>4</sup>.
12. All contracts approved by the Chief Executive or management under delegated authority in sections 1(1.b)(1.b.i) and 1(1.b)(1.b.ii) are to be reported to the relevant Committee for noting on a quarterly basis.

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#### *Purchase/Sale of Land*

13. Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For clarity, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.
14. In exercising this delegation, the Chief Executive is permitted to negotiate sale and purchase of land, where appropriate, at not less than 90% of the estimated market value determined by a registered valuer.

#### *Debt Write-off*

15. The delegated financial authority limit applies on a 'per debtor' basis.
16. Irrespective that the Chief Executive, General Managers, Executive Directors and Financial Controller may have delegated authority to write-off bad debts<sup>5</sup>, all such debts written off must be reported to the next Finance Committee meeting on an aggregate basis for each Group.

#### *Legal Proceedings*

17. The delegated financial authority is determined on a per proceeding basis.
18. Includes commencing or defending, negotiating, settling or withdrawing from legal proceedings (including prosecutions and claims) on the Council's behalf in any New Zealand court or tribunal. The Chief Executive is also delegated the authority to take all steps necessary to enforce any court or tribunal judgment in favour of the Council, and to recover debts owing to the Council, subject to the delegated financial authority limit.
19. All legal claims or other proceedings undertaken by, or on behalf of, the Chief Executive, for an amount in excess of \$100,000 are to be reported to the next meeting of Council or the relevant Committee.

#### *Financial Operation*

20. Subject to any Council or management policies, the Chief Executive, General Manager Corporate and Financial Controller are each delegated the authority to operate (including opening and closing accounts) all of the Council's bank accounts, investment accounts, sinking funds, loan accounts, special funds, tax related matters, and other financial matters including exercising signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

<sup>3</sup> For management delegations, refer to Council's Management Policy - Financial Delegations to Officers.

<sup>4</sup> Refer to the Governance Structure.

<sup>5</sup> Refer to the Management Policy - Financial Delegations to Officers

#### *Reprioritised budget – Renewals and Compliance programme*

21. The Renewals and Compliance Programme will be managed and reported as a programme against 3-year periods being 2018-21, 2021-24. Reprioritisation changes to the programme can be:
- a) between projects and / or activity classes (e.g. stormwater)
  - b) related to timing of expenditure on a project (e.g. reprioritised from year 2 to year 1).
22. Any reprioritisation of budgets should be reported to the relevant Council Committee following use of this delegation. Reporting should include:
- a) programme expenditure to demonstrate that the 3-year funding provision is not exceeded
  - b) providing assurance that the limits in the Financial strategy are not breached by any expenditure changes from the 10-Year Plan Renewal and Compliance budgets
  - c) reporting by 10-Year Plan activity (and group of activity) to give assurance that the Renewals and Compliance expenditure for the 3-year period is spread appropriately across Councils services.

#### *Development Contributions*

23. Subject to the development contributions provisions in the Local Government Act 2002 and the provisions of the Council's Development Contributions Policy, the Chief Executive is delegated authority to approve a remission, postponement, or refund of a development contribution levied on a developer to the delegated financial authority limit specified in this Policy. All remissions, postponements or refunds are to be reported, for noting purposes, at the next Council or relevant Committee meeting.
24. For clarity, Council will not delegate to the Chief Executive any powers in relation to hardship related remissions or remissions not provided for in the Development Contributions Policy.

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#### *Waiver of Council Fees & Charges*

25. Subject to any specific waiver policies adopted by Council, the Chief Executive, General Managers and Executive Directors are each delegated authority to waive fees and charges for their respective areas of responsibility **provided:**
- a. the waiver and the amount are recorded and available for audit purposes;
  - b. the circumstances of the specific waiver will not create a precedent;
  - c. the act of waiving such fees and charges reflects 'good citizen' conduct;
  - d. any waivers in excess of \$10,000 (calculated on an aggregate basis per Group) are to be reported to the next Finance Committee meeting.

For clarity, development contributions are not within the scope of the delegated authority detailed in this section 25.

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## 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 12 December 2019	) Good reason to withhold ) information exists under ) Section 7 Local Government	Section 48(1)(a)
C2. Chair's Report	) Official Information and ) Meetings Act 1987	
C3. Municipal Endowment Fund: Ward Street Sale and Development	)	
C4. Confirmation of Council Public Excluded Minutes (CE Committee Matters) 12 December 2019		

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 enable Council to carry out negotiations	Section 7 (2) (i)
Item C3.	To enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)