

From: [Official Information](#)
To: [REDACTED]
Cc: [Official Information](#)
Subject: Final response - LGOIMA 424924 - [REDACTED] Phone booths
Date: Monday, 7 October 2024 7:54:46 am
Attachments: [image007.png](#)
[image008.jpg](#)
[image009.jpg](#)
[LGOIMA 424924 Redacted.pdf](#)

Kia ora,

We refer to your information request below. Hamilton City Council provides the following response.

Your request:

I would like to request the following information under the Official Information Act 1982. Can you please provide all documents, advice, correspondence including emails, texts, photographs, and videos the council holds regarding public phone booths. This includes any internal and external communications.

Time frame for the request is between 1 January 2014 - 09 September 2024.

If there are no information held during the time frame mentioned above, please provide any latest information

For any tabled data, please provide in csv/xlsx format.

I've calculated the 20 working day deadline to be 8 October 2024. Happy to clarify any questions.

Our response:

Phonebooths across the city are the responsibility of Spark, for this information request please contact them directly on this matter.

Council do not hold any resource consents nor proposal codes for phone booths. Phone booths are a permitted activity in the District Plan and any required Council approval is processed through the City Transportation Unit.

- *Existing phone booths (located with any public road reserves) have existing use rights (or have been lawfully established) and therefore do not trigger the need for any further approval requirements under the District Plan (such as Outline Plan waivers, Land Use Consents, etc).*
- *However, replacement/updating/removal/ installation of any phone booth structure with any public road corridor requires prior written approval from the Unit Director, City Transportation Unit.*

The steps Spark would need to undertake with the Transport Unit if they were going to do something about the phonebooths would be written approval for:

- Remove – Corridor Access request – and traffic management as needed to tidy up the space once they have removed the booth.
- Replace - Corridor Access request – and traffic management as needed to tidy up the space once they have replaced the booth.
- Retain – nothing – just an expectation that they will respond to any requests

relating to damage and cleaning.

Council has not received any Corridor Access requests.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngaa mihi

Keeley Faulkner

Official Information Coordinator

Legal services

Governance & Assurance Team | Partnerships, communication & Maaori

Email: officialinformation@hcc.govt.nz



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I support flexibility at work. While it suits me to send this email now, I don't expect a response outside of your own working hours.

From: [REDACTED]
Sent: Monday, September 9, 2024 12:10 PM
To: Official Information <officialinformation@hcc.govt.nz>
Subject: [REDACTED] OIA 09 Sep

Kia ora team,

I would like to request the following information under the Official Information Act 1982.

Can you please provide all documents, advice, correspondence including emails, texts, photographs, and videos the council holds regarding public phone booths. This includes any internal and external communications.

Time frame for the request is between 1 January 2014 - 09 September 2024.

If there are no information held during the time frame mentioned above, please provide any latest information

For any tabled data, please provide in csv/xlsx format.

I've calculated the 20 working day deadline to be 8 October 2024. Happy to clarify any questions.

Ngā mihi,
[Redacted]

Reporter
[Redacted]
500 Anglesea Street,
Hamilton 3204
Private Bag 3086,
Waikato Mail Centre,
Hamilton

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From: [Michelle Hawthorne](#)
To: [Official Information](#)
Subject: FW: Callback request - Spark phone booths
Date: Thursday, 12 September 2024 11:28:45 am
Attachments: [image004.png](#)
[OMNZ Spark - Letter to CCC officer re. TA2001 and Structures on Roads Policy \(16.5.24\).pdf](#)
[Letter to CCC - Proposed Spark Phone-Booths\(65213261.1\).pdf](#)

From: David Bryant <David.Bryant@hcc.govt.nz>
Sent: Tuesday, July 2, 2024 11:00 AM
To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Cc: Allan Lightbourne <Allan.Lightbourne@hcc.govt.nz>; Janet Carson <Janet.Carson@hcc.govt.nz>
Subject: FW: Callback request - Spark phone booths

Hi Mish

I hadn't even considered this angle. It wasn't disclosed in our meeting with them. Yes, keep us in the loop. And I guess if this progresses we'll need HCC consenting team across it.

Cheers

David Bryant

Manahautuu Ratonga Pakihi
General Manager | Business Services

DDI: 07 959 9019 | Mob: 027 808 2947 | Email: david.bryant@hcc.govt.nz



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From: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Sent: Tuesday, July 2, 2024 8:58 AM
To: David Bryant <David.Bryant@hcc.govt.nz>
Subject: FW: Callback request - Spark phone booths

Hi David,

s7(2)(g)

M

From: s7(2)(g) <[REDACTED]@ccc.govt.nz>
Sent: Monday, July 1, 2024 5:11 PM
To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Subject: RE: Callback request - Spark phone booths

Hi Michelle

Thank you for returning my call.

Attached is a copy of the legal advice Spark presented to CCC, together with a copy of the advice we sought from Buddle Findlay. The Buddle Findlay advice is rather good.

We are planning to go back to Buddle Findlay for more specific advice on what the process may look like, should the process go through either our Public Places Bylaw or Structures on Road policy and how we could update either document to specifically address digital advertising.

I'm trying to find a legal contact at Dunedin DC and Queenstown Lakes DC and, when I've found them, I'll set up a call with all of us.

Ngā mihi

s7(2)(a)

From: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Sent: Monday, July 1, 2024 4:36 PM
To: s7(2)(a) <[REDACTED]@ccc.govt.nz>
Subject: FW: Callback request

You don't often get email from michelle.hawthorne@hcc.govt.nz. [Learn why this is important](#)

From: Virginie Maene <Virginie.Maene@hcc.govt.nz>
Sent: Monday, July 1, 2024 1:33 PM

To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>

Subject: RE: Callback request

Hi Mish,

David said that they didn't have a legal discussion. It was more around how could their reduced phone booth roll out be enhanced. We didn't land on anything yet.

I've attached the letter Lance received. David, Allan and Janet have had two meetings with Spark, I have attached some relating emails. David is happy for you to share what Spark has shared with us.

Ngaa mihi / Kind regards,

Virginie Maene (she/her)

Kaiaawhina Manahautuu Ratonga Pakihi

Executive Assistant to David Bryant | General Manager Business Services and Tracey Musty | Finance Director

DDI: 07 974 0529 | s7(2)(a) | Email: virginie.maene@hcc.govt.nz



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From: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>

Sent: Sunday, June 30, 2024 7:13 PM

To: Virginie Maene <Virginie.Maene@hcc.govt.nz>

Subject: FW: Callback request

Hi Virginie,

I recall David was talking to Spark (or their reps) about this topic, are you able to talk to him about what could be shared?

Thanks, Mish

From: Rebekah Birch <Rebekah.Birch@hcc.govt.nz>

Sent: Thursday, June 27, 2024 10:40 AM
To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Subject: Callback request

Message Template	
Customer Name:	s7(2)(a)Christchurch City Council
Reference Number:	
Address:	
Email Contact:	
Phone Number:	s7(2)(a)
Enquiry:	s7(2)(a) called asking to speak with you regarding the legal team reaching out about spark phone booth, see if they have approached HCC? Please call her when you're free

Thanks,

s7(2)(a)



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13 June 2024

To

s7(2)(a)

Christchurch City Council
Christchurch

From

s7(2)(a)

By Email

s7(2)(a) @ccc.govt.nz

Confidential and subject to legal privilege

Dear **s7(2)(a)**

s7(2)(g)

s7(2)(g)

s7(2)(g)

s7(2)(g)

s7(2)(g)

s7(2)(a)

⁵ This advice relates to land access only, and does not consider the Booths in relation to their compliance or otherwise in a resource management context. We understand that resource consent applications may have been prepared and/or lodged in relation to Booths.



BENTLEY & Co
Resource Management Consultants

MEMORANDUM

To: s7(2)(a) (Principal Advisor Resource Consents)
From: s7(2)(a)
Cc: s7(2)(a)
Date: 16 May 2024
Subject: **OMNZ / SPARK - TELECOMMUNICATION KIOSK ROLL OUT - ISSUES RAISED BY CHRISTCHURCH CITY COUNCIL OFFICERS**

1. INTRODUCTION

- 1.1 On 17 April 2024, representatives of oOh!media New Zealand Limited ("OMNZ") and Spark New Zealand ("Spark"), Mark Hundal (OMNZ), Graeme McCarrison (Spark), Paul Cullimore (Spark), and Mark Arbuthnot (planning consultant, Bentley & Co) made a presentation to Christchurch City Council ("CCC") officers in relation to the Spark / OMNZ proposal to convert a large number Spark's existing telephone booths into modern telecommunication kiosks including, as an initial focus, in Christchurch.
- 1.2 CCC officers raised two issues during the meeting, being whether:
- (a) Spark's rights as a 'network operator' under section 142 of the Telecommunications Act 2001 ("TA2001") extend to the 'third party advertising' element of the kiosks.
 - (b) Third party advertising on the kiosks require approval under the Structures on Road Policy 2020 on the basis that they are not "public telephone cabinets".
- 1.3 In response to those queries, OMNZ / Spark's position in relation to these two issues are that:
- (a) The display of 'third party advertising' on the kiosks fall within the scope of section 142 of the TA2001; and
 - (b) No approvals are required under the Structures of Roads Policy 2020.
- 1.4 This memorandum addresses each issue in turn.

2. TELECOMMUNICATIONS ACT 2001

- 2.1 Section 142 of the TA2001 empowers a 'network operator' as defined, (which includes Spark), to construct, place and maintain¹ public telephone cabinets, distribution cabinets or any other similar appliances on a road. The section states:

- "(1) Subject to subsection (2), a network operator may construct, place, and maintain public telephone cabinets, distribution cabinets, or any other similar appliances on a road.
- (2) A network operator must—
- (a) give notice of its intention to place a cabinet or other appliance on the road to—
- (i) the local authority or other person who has jurisdiction over the road;
and
- (ii) any utility operator (as defined in section 4 of the Utilities Access Act 2010) whose pipes, lines, or other structures will or are likely to be affected by the work; and
- (b) comply with any reasonable conditions that are imposed by the local authority or other person who has jurisdiction over that road on which the cabinet or appliance is to be placed; and
- (c) not intentionally place the cabinet or appliance on the road so that it interferes with the ordinary traffic.
- (3) Every notice under subsection (2)(a) must specify where the cabinet or appliance is to be placed on the road and the reasons for it."

(Emphasis ours.)

- 2.2 On that basis, Spark is not required to obtain approval from CCC in relation to the placement of a "public telephone cabinet" or "any other similar appliance" but is required to notify CCC, as roading authority, of its intention to undertake the works and to comply with any "reasonable conditions" that CCC might impose.
- 2.3 Of relevance to the kiosks, the term "public telephone cabinets" is not defined in TA2001. Given that, it is appropriate to refer back to the purpose of the TA2001, which is to "...regulate the supply of telecommunications services".
- 2.4 To assist in ascertaining the type of structures that would be encompassed by section 142 of TA2001, it is noted that the term "telecommunications services" is defined in the TA2001 as:

1 Section 117 of the Telecommunications Act defines 'maintenance' as including "carrying out of any replacement or upgrade of lines or works as long as the land will not be injuriously affected as a result of the replacement or upgrade."

"...any goods, services, equipment, and facilities that enable or facilitate telecommunication."

(Emphasis ours.)

2.5 The New Zealand Oxford dictionary defines:

- (a) 'Facilitate' as "make easier"; and
- (b) 'Enable' as "make possible".

2.6 In turn, the term 'telecommunications' is defined as:

"...the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not."

2.7 The primary purpose of the kiosks is to facilitate or enable telecommunications for the wider public, which is evident by the intended inclusion of the public telephone functionality.

2.8 The definition of 'telecommunications services' is broad and incorporates "any" goods or services that "enable or facilitate telecommunication". From our review, there is nothing to suggest that the kiosks must be used solely for the purposes of telecommunications to be authorised by section 142. The fact that the kiosk may also include other functions, such as screens that will be used to display third party advertising, does not derogate from the rights provided to Spark under section 142 of the TA2001.

2.9 While the third-party advertising may give rise to the need for a resource consent under the Resource Management Act 1991, that is a different issue and does not alter the fundamental nature of the kiosks, which includes the display of third-party advertising, as a "public telephone cabinet" (or "similar appliance") intended to enable or facilitate telecommunications.

3. **STRUCTURES ON ROADS POLICY 2020**

3.1 Given our position above, we do not consider that approval for the display of third-party advertising is required under the Structures on Roads Policy 2020 ("the Policy"). The basis for this position is set out below.

3.2 The purpose of the Policy is set out in Clause 1.1, as follows:

1.1 Purpose

The purpose of this policy is to enable the Council to control the private use of public roads, including the airspace and subsoil of the roads:

- *Protecting the public from nuisance and inconvenience that may arise from permitting structures for residential and commercial activities.*
- *Minimising the extent and impact of permitted encroachments to limit inconvenience to other road users and/or negative impacts on the streetscape.*

3.3 The Policy applies to private non-habitable structures encroaching on, under or over roads and requires an application to be made to CCC for "Approval

Authorisation", being a lease or licence to occupy the road reserve. Clause 2 of the Policy advises that:

Applications for structures on roads will be considered on a case by case basis. The Council may require modifications to the applicant's proposal, and these will be discussed with the applicant before a decision is made.

- 3.4 Clause 6 of the Policy addresses the specific requirements for structures that encroach on the surface of roads. Clause 6.4 applies to "Essential Service Structures", which are described as follows:

"Essential service structures assist in facilitating the provision of water, waste collective, facilities for sustainable transport modes.

These structures include:

- (a) waste or water pump plants*
- (b) waste container compounds*
- (c) Council information bollards*
- (d) public bike stands*
- (e) bus passenger shelters*
- (f) other utility structures."*

- 3.5 While the proposed kiosks do not facilitate the "provision of water, waste collective, facilities for sustainable transport modes", Clause 6.4 of the Policy goes on to state (the emphasis is contained in the Policy):

"In addition to the general principles the following apply when the Council considers an application under this part of the Policy:

- (a) Legal right of access is maintained for individual property owners and users.*
- (b) There must be no conflict with likely future roadway widening or alterations.*
- (c) The proposal must be consistent with the Council's Service Plans and Long-Term Plan.*

In the event of concerns arising from existing structures, the structure will be assessed in terms of (a), (b), and (c) above.

Note: There are existing public utility infrastructures on roads, including telecommunication, electricity, gas, three waters and postal services. The placing and maintenance of such infrastructure is determined by statutory powers, exercised in consultation with the Council."

(Emphasis ours.)

- 3.6 Spark has power under section 142 of the TA2001 to undertake works in the road reserve after giving notice to the roading authority, along with a requirement to comply with conditions reasonably imposed by that authority.

3.7 We consider that the note to Clause 6.4 was drafted to recognise that the Policy (as subordinate legislation promulgated under the Local Government Act 2004) cannot interfere with the powers arising under primary legislation for the type of infrastructure and essential service providers falling within the scope of the note. Berry Simons' view is that the note encompasses Spark as a network operator under the TA2001.

3.8 In that regard, we consider that the primary legislation governing the establishment of the kiosks within the road reserve is section 142 of the TA2001 so that the occupation of the road reserve by the third party advertising, as part of the kiosk structure, is determined through the statutory powers of the TA2001, and the "Approval Authorisation" process of the Policy (namely, a licence to occupy the road reserve) does not apply.

4. **CONCLUDING REMARKS**

4.1 As set out above, Spark / OMNZ's position is that:

(a) The kiosks, including the display of third-party advertising, is a 'public telephone cabinet' and therefore falls within the scope of section 142 of the TA2001; and, as a consequence:

(b) No approvals are required under the:

(i) TA2001 – with Spark only being required to notify CCC as roading authority of its intention to construct the kiosks and associated third party advertising, as well as to comply with any "reasonable conditions" that CCC might impose.

(ii) Structures of Roads Policy 2020 - given that the kiosks, including any third-party advertising, are excluded from the 'Approval Authorisation' process by virtue of the 'Note' within Clause 6.4.

4.2 We are happy to arrange a time to discuss this memorandum if necessary.

s7(2)(a)

16 May 2024

From: Michelle Hawthorne
To: Official Information
Subject: FW: Reimagining Spark's phone booth network
Date: Thursday, 12 September 2024 11:28:53 am
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

From: David Bryant <David.Bryant@hcc.govt.nz>
Sent: Friday, May 17, 2024 9:41 AM
To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Subject: RE: Reimagining Spark's phone booth network

Totally. Good to know

David Bryant

Manahautuu Ratonga Pakihi
General Manager | Business Services

DDI: 07 959 9019 | Mob: 027 808 2947 | Email: david.bryant@hcc.govt.nz



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From: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Sent: Thursday, May 16, 2024 11:29 AM
To: David Bryant <David.Bryant@hcc.govt.nz>
Subject: RE: Reimagining Spark's phone booth network

This is interesting, transport are looking at the bus shelters and the ooh media contract. Auckland Transport are gearing up to tender their locations for digital signage and they talked about market saturation etc (I'm assuming Spark is looking at digital advertising for ROI at these sites). I think it would be good to join the dots on this as the spark discussion have the potential to have consequences for the bus stop procurement and the market in this space.

From: David Bryant <David.Bryant@hcc.govt.nz>
Sent: Thursday, May 16, 2024 10:27 AM
To: Michelle Hawthorne <Michelle.Hawthorne@hcc.govt.nz>
Subject: Fwd: Reimagining Spark's phone booth network

From: David Bryant <David.Bryant@hcc.govt.nz>
Sent: Thursday, May 16, 2024 9:55 AM
To: [s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)
Cc: [s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz); [s7\(2\)\(a\)@oohmedianz.com](mailto:s7(2)(a)@oohmedianz.com); [s7\(2\)\(a\)@oohmedia.com.au](mailto:s7(2)(a)@oohmedia.com.au); Allan Lightbourne <Allan.Lightbourne@hcc.govt.nz>; Janet Carson <Janet.Carson@hcc.govt.nz>
Subject: RE: Reimagining Spark's phone booth network

Thanks for your reply. That's great. Of course, I might be smoking the opium but it's a conversation worth having to tease out whether the idea has legs. And better to do this at this stage rather than a hindsight conversation post installation of the 500 or so "evolved" phone booths. Look forward to it. Cheers

David Bryant

Manahautuu Ratonga Pakihi
General Manager | Business Services

DDI: 07 959 9019 | Mob: 027 808 2947 | Email: david.bryant@hcc.govt.nz



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From: [s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)
Sent: Thursday, May 16, 2024 9:35 AM
To: David Bryant <David.Bryant@hcc.govt.nz>
Cc: [s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz); [s7\(2\)\(a\)@oohmedianz.com](mailto:s7(2)(a)@oohmedianz.com); [s7\(2\)\(a\)@oohmedia.com.au](mailto:s7(2)(a)@oohmedia.com.au); Allan Lightbourne <Allan.Lightbourne@hcc.govt.nz>; Janet Carson <Janet.Carson@hcc.govt.nz>
Subject: Re: Reimagining Spark's phone booth network

Hi David,

Thanks so much for your email below. This is definitely something we would be interested in exploring – let us have a chat internally and I will come back to you next week to see if we can tee up a meeting with the right people in the room.

Allan, Phil will come back to you separately with the coordinates for the proposed locations.

Thanks,
Alex

s7(2)(a)



Spark^{nz}



From: David Bryant <David.Bryant@hcc.govt.nz>

Date: Wednesday, 15 May 2024 at 11:58 AM

To: s7(2)(a) <[s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)>

Cc: s7(2)(a) <[s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)>, s7(2)(a) <[s7\(2\)\(a\)@oohmedianz.com](mailto:s7(2)(a)@oohmedianz.com)>, s7(2)(a) <[s7\(2\)\(a\)@oohmedia.com.au](mailto:s7(2)(a)@oohmedia.com.au)>, Allan Lightbourne <Allan.Lightbourne@hcc.govt.nz>, Janet Carson <Janet.Carson@hcc.govt.nz>

Subject: RE: Reimagining Spark's phone booth network

Hi s7(2)(a)

Thanks for the discussion yesterday and supplying us with the presentation. We will discuss with our executive and come back to you with any feedback.

Also, yesterday I challenged whether the concept you tabled could be broadened. I understand the proposal is to implement a reduced number of modernised phone boxes that wash its face financially.

I'd like to investigate and challenge whether a different more expansive model could be entertained by Spark. I mentioned the concept of city / town "Information Kiosks" that include the functionality to provide phone call functionality / Wi-Fi. I'm thinking about the numerous central govt. budgets that already include \$ set aside for information sharing of their services separately with the public. I question what it would look like to accumulate some funding from each to fund the roll out, of say, 3,000 Information Kiosks. These located, not only within lower socio-economic areas, but placed at public amenities / facilities to boost centralised information sharing of public services.

This concept may be difficult or impossible to land but its worth a discussion.

s7(2)(a) are you up for discussing this further or can you point me to someone within Spark that would be better placed to have this discussion.

Look forward to hearing from you.

David Bryant

Manahautuu Ratonga Pakihi
General Manager | Business Services

DDI: 07 959 9019 | Mob: 027 808 2947 | Email: david.bryant@hcc.govt.nz



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From: s7(2)(a) <[s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)>

Sent: Wednesday, May 15, 2024 10:53 AM

To: David Bryant <David.Bryant@hcc.govt.nz>; Allan Lightbourne <Allan.Lightbourne@hcc.govt.nz>; Janet Carson <Janet.Carson@hcc.govt.nz>

Cc: s7(2)(a) <[s7\(2\)\(a\)@spark.co.nz](mailto:s7(2)(a)@spark.co.nz)>, s7(2)(a) <[s7\(2\)\(a\)@oohmedianz.com](mailto:s7(2)(a)@oohmedianz.com)>, s7(2)(a) <[s7\(2\)\(a\)@oohmedia.com.au](mailto:s7(2)(a)@oohmedia.com.au)>

Subject: Reimagining Spark's phone booth network

Hi David, Allan and Janet,

Thank you so much for your time yesterday and your feedback on our proposed plan for Spark's phone booth network in New Zealand. As discussed, please find attached the deck we took you through yesterday. Do let us know how you get on with sharing this proposal with your Executive, and if there is any further information we can supply to support the conversation.

As a next step, we would love to progress conversations with you around the shortlist of sites we have earmarked in the Hamilton region and any regulatory requirements. Below is the list of 37 locations from which we would like to select 18 to deploy Spark Tūhono Connect units. We welcome your feedback and insight on this.

Finally, picking back up on yesterday's conversation around iwi engagement, we are happy to have a further conversation around how we engage with iwi in line with your current city planning processes and HCC's Māori engagement protocol. At the start of this project, the advice we received from our Māori advisors (Spark Māori Development Lead Riki Hollings and independent Māori advisor Inia Maxwell) was that it was most appropriate to work with council on any iwi consultation needs that should take place for these phone booth upgrades, recognising that the assets already exist within the community.

If you have any questions or there is anything further you would like to discuss at this point, please feel free to get in touch.

Spark Tūhono Connect proposed sites for Hamilton

- 1 Forest Lake Road, Forest Lake, Hamilton 3200 ~ Primary
- 12 Norton Road, Frankton, Hamilton 3204 ~ Primary
- 138 Grey St, Hamilton, Waikato 3216 ~ Primary
- 100 Victoria St, Hamilton, Waikato 3204 ~ Primary
- 206 Sandwich Rd, Hamilton, Waikato 3200 ~ Primary
- 250-240 Route 4, Whitiara, Hamilton 3200 ~ Primary
- 430-320 Grey Street, Hamilton East, Hamilton 3216 ~ Primary
- 54-52 Avalon Drive, Newton, Hamilton 3200 ~ Primary

- 695 Grey St, Hamilton, Waikato 3216 ~ Primary
- 103 Avalon Dr, Hamilton, Waikato 3200 ~ Primary
- 97 Lake Road, Frankton, Hamilton 3204 ~ Primary
- 941 Victoria St, Hamilton, Waikato 3204 ~ Primary
- S71/10 Worley Place, Hamilton Central, Hamilton 3204 ~ Primary
- 101-139 Anglesea Street, Hamilton Central, Hamilton 3204 ~ Primary
- 38-40 State Highway 3, Melville, Hamilton 3206 ~ Primary
- 354 Rte 4, Hamilton, Waikato ~ Primary
- 13-15 Route 9, Enderley, Hamilton 3214 ~ Primary
- 219-223 State Highway 3, Glenview, Hamilton 3206 ~ Primary
- 136-128 Forest Lake Road, Forest Lake, Hamilton 3200 ~ Secondary
- 148-106 Commerce Street, Frankton, Hamilton 3204 ~ Secondary
- 212 Commerce St, Hamilton, Waikato 3204 ~ Secondary
- 800 Victoria Street, Hamilton Central, Hamilton 3204 ~ Secondary
- 51 Rifle Range Road, Dinsdale, Hamilton 3204 ~ Secondary
- 108-100 Heath Street, St Andrews, Hamilton 3200 ~ Secondary
- 26 Bryce St, Hamilton, Waikato 3204 ~ Secondary
- 1004 Heaphy Terrace, Fairfield, Hamilton 3214 ~ Secondary
- 59-63 East Street, Hamilton 3214 ~ Secondary
- 90 Rimu St, Hamilton, Waikato 3200 ~ Secondary
- 1 Selwyn Street, Hamilton 3204 ~ Secondary
- 2 Garden Pl, Hamilton, Waikato 3204 ~ Secondary
- 130 Te Araroa Trail, Hamilton Central, Hamilton 3204 ~ Secondary
- 8 Whatawhata Road, Dinsdale, Hamilton 3204 ~ Secondary
- 8 Glenview Terrace, Hamilton, Waikato 3206 ~ Secondary
- 152 Tuhikaramea Road, Dinsdale, Hamilton 3204 ~ Secondary
- 789 Heaphy Terrace, Claudelands, Hamilton 3214 ~ Secondary
- Garnett Avenue, Te Rapa, Hamilton 3200 ~ Secondary
- 135-151 Massey Street, Frankton, Hamilton 3204 ~ Secondary

Kindest,

s7(2)(a)



Spark^{nz}



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From: [Nicholas Hawtin](#)
To: [Official Information](#)
Cc: [Michelle Hawthorne](#)
Subject: FW: Spark Phone booths and oOh!media
Date: Thursday, 3 October 2024 9:12:32 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Updated email chain for your knowledge.

From: Martin Parkes <Martin.Parkes@hcc.govt.nz>
Sent: Wednesday, October 2, 2024 3:09 PM
To: s7(2)(a) <[REDACTED]@oohmedianz.com>
Cc: Robyn Denton <Robyn.Denton@hcc.govt.nz>
Subject: RE: Spark Phone booths and oOh!media

Hi s7(2)(a)

Hope all is well with you. Robyn has passed this matter over to me to make comment on as it impacts the work my team and I are doing in respect of the new advertising contract. As you're aware we are in the final year of the existing contract and it's Council's expectation a new contract will be in place by 1 September 2025. While work on the new contract is being progressed and tendered HCC won't be approving further advertising opportunities within the road corridor. The earliest we could start a conversation about this will be after 1 September 2025.

However, we do need to start conversations with oOh Media around elements in the existing street furniture contract that need to be closed out ahead of its expiration, but we'll be in touch separately on these matters in due course.

Cheers

Martin

Martin Parkes
Urban Transport Manager - Transport Unit
Email: martin.parkes@hcc.govt.nz



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From: s7(2)(a) <[REDACTED]@oohmedianz.com>
Sent: Tuesday, October 1, 2024 3:45 PM
To: Robyn Denton <Robyn.Denton@hcc.govt.nz>; Martin Parkes <Martin.Parkes@hcc.govt.nz>
Subject: RE: Spark Phone booths and oOh!media

Thanks Robyn
If able to talk tomorrow, then the afternoon best.

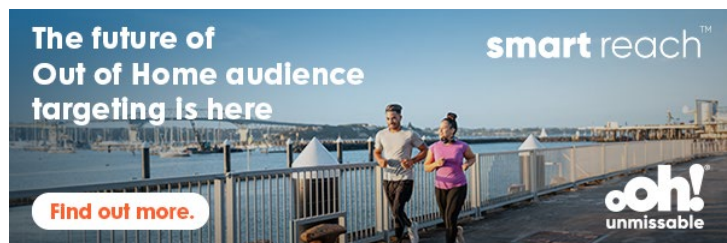
Thanks

s7(2)(a)

s7(2)(a)

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From: Robyn Denton <Robyn.Denton@hcc.govt.nz>
Sent: Tuesday, October 1, 2024 3:36 PM
To: s7(2)(a) <[REDACTED]@oohmedianz.com>; Martin Parkes <Martin.Parkes@hcc.govt.nz>

Subject: Re: Spark Phone booths and oOh!media

[EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize and trust the sender's email address.

Hi s7(2)(a)

Sorry - not ignoring you!

Have passed your enquire to Martin Parkes as he is working in this space.

He is hopeful of catching up tomorrow

Regards

Robyn

From: s7(2)(a) <s7(2)(a)@oohmedianz.com>

Sent: Tuesday, September 24, 2024 11:33:58 AM

To: Robyn Denton <Robyn.Denton@hcc.govt.nz>

Subject: FW: Spark Phone booths and oOh!media

Hi Robyn, long time no speak!

Just left a [longer than anticipated] message on your landline.

Your contact details have come across my desk in relation to the Tūhono Connect (modernised phone-box upgrade) Spark are progressing with Council ~ a project that we are supporting as their media partner.

Noting your comment below, I am pre-empting this is the same issue that arose when Big Street Bikers (Locky Docks) approached Council and we confirmed as their partner that we had no issues relating to our current contract with Council.

While the Spark proposition is considered a different regulatory framework given Spark's rights as a utility/Telco Act, the principle of our support is the same.

Please let me know if this addresses the concern you have raised, and let me know if there are any next steps you wish me to take.

Hope all is good with you, and feel free to call s7(2)(a) or email me if you wish to catch-up.

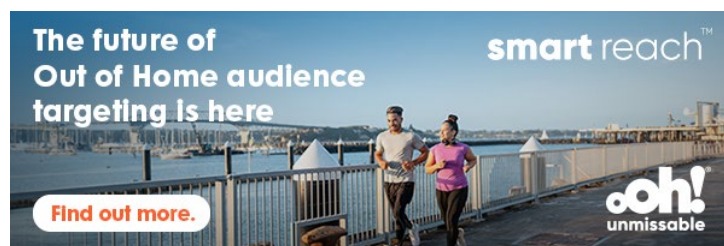
Many thanks

s7(2)(a)

s7(2)(a)

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From: Jason Wright <Jason.Wright@hcc.govt.nz>

Sent: Thursday, September 19, 2024 2:23 PM

To: s7(2)(a) <s7(2)(a)@bentley.co.nz>

Cc: Nick Evetts <Nick.Evetts@hcc.govt.nz>

Subject: FW: Spark Phone booths

Hello s7(2)(a)

Good discussing the Spark proposal yesterday.

Nick has spoken with our Transport Manager Robyn Denton.

Robyn has some concerns over the current contract with O-Media in relation to signs.

I wonder if you could contact Robyn to discuss her concerns in relation to the proposal.

Robyn.denton@hcc.govt.nz or 078386910

Thanks

Jason Wright

From: s7(2)(a) <[s7\(2\)\(a\)@bentley.co.nz](mailto:s7(2)(a)@bentley.co.nz)>

Sent: Friday, September 6, 2024 12:58 PM

To: Grant Kettle <Grant.Kettle@hcc.govt.nz>

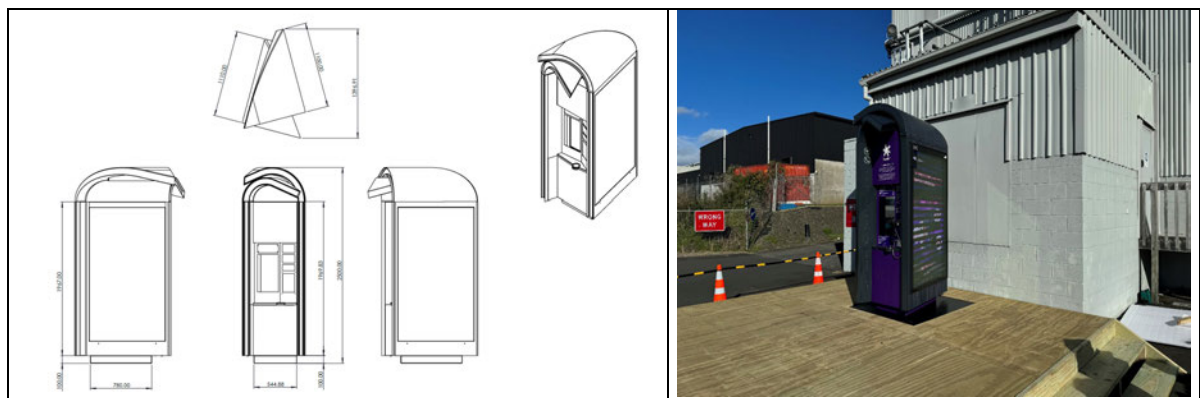
Subject: Spark Tūhono Connect

Hi Grant,

I am assisting Spark with the nationwide roll out of the conversion of their existing old coin-operated telephone booths into modern telecommunication kiosks that will deliver free national calls and free Wi-Fi to the public. All the kiosks will be located within the road reserve.

To fund the cost of the installation, regular maintenance of the kiosks, and the provision of national calls and Wi-Fi at no charge, the kiosk incorporates digital third-party advertising into its design.

Below are the elevations and a photo of the prototype to give you a better understanding of what is being proposed:



The roll-out of the telecommunication kiosks will initially commence across the main centres, including Hamilton, before rolling out across the north and south islands.

Within Hamilton, Spark have identified ~30 telephone booths that they intend to replace across the district. They appear to be permitted activities under the District Plan, however my understanding is that a permit will be required under the Public Places Bylaw.

I am at the stage where I have been asked to prepare and lodge the necessary applications, but before I do, I would like an opportunity to introduce the proposal to you and your team and have a conversation around the process/information requirements, etc.

Looking forward to discussing with you further.

Regards,

s7(2)(a)

From: Robyn Denton <Robyn.Denton@hcc.govt.nz>

Sent: Wednesday, September 18, 2024 4:34 PM

To: Aditya Mitta <Aditya.Mitta@hcc.govt.nz>; Nick Evetts <Nick.Evetts@hcc.govt.nz>

Subject: Spark Phone booths - media enquiry background

FYI – as background.

Regards

Robyn

From: Amy Mackay <Amy.Mackay@hcc.govt.nz>

Sent: Thursday, September 12, 2024 5:50 PM

To: Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Robyn Denton <Robyn.Denton@hcc.govt.nz>; Julia Jackson <Julia.Jackson@connecthamilton.co.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Hi and thanks all,

So, the answer for you Jemma to get signed off my Gordon is to be:

Phonebooths across the city are the responsibility of Spark. If you haven't done so, we suggest you contact them directly on this matter.

Council do not hold any resource consents nor proposal codes for phone booths. Phone booths are a permitted activity in the District Plan and any required Council approval is processed through the City Transportation Unit.

- o Existing phone booths (located with any public road reserves) have existing use rights (or have been lawfully established) and therefore do not trigger the need for any further approval requirements under the District Plan (such as Outline Plan waivers, Land Use Consents, etc).
- o However, replacement/updating/removal/ installation of any phone booth structure with any public road corridor requires prior written approval from the Unit Director, City Transportation Unit.

The steps Spark would need to undertake with the Transport Unit if they were going to do something about the phonebooths would be written approval for:

- Remove – Corridor Access request – and traffic management as needed to tidy up the space once they have removed the booth.
- Replace - Corridor Access request – and traffic management as needed to tidy up the space once they have replaced the booth.
- Retain – nothing – just an expectation that they will respond to any requests relating to damage and cleaning.

Council has not received any Corridor Access requests.

From: Rangi Hetet <Rangi.Hetet@hcc.govt.nz>

Sent: Thursday, September 12, 2024 4:51 PM

To: Robyn Denton <Robyn.Denton@hcc.govt.nz>; Amy Mackay <Amy.Mackay@hcc.govt.nz>; Julia Jackson <Julia.Jackson@connecthamilton.co.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Kia Ora koutou

Our team have completed an extensive search of our PGU files and the findings are.

- PGU do not hold any resource consents nor proposal codes for phone booths
- Although phone booths are a permitted activity in the DP, when Council approval is required, it is processed through City Transportation Unit.
 - o Existing phone booths (located with any public road reserves) have existing use rights (or have been lawfully established) and therefore do not trigger the need for any further approval requirements under the District Plan (such as Outline Plan waivers, Land Use Consents, etc).
 - o However, replacement/updating/removal/ installation of any phone booth structure with any public road corridor requires prior written approval from Unit Director, City Transportation Unit.

PGU have no further information to provide in regard to this LGOIMA.

Ngaa Manaakitanga,

Rangi Hetet

Assistant to Director | Planning Guidance Unit | Strategy, Growth and Planning Group

DDI: [07 958 5990](tel:079585990) | Email: Rangi.Hetet@hcc.govt.nz

From: Robyn Denton <Robyn.Denton@hcc.govt.nz>

Sent: Thursday, September 12, 2024 11:23 AM

To: Amy Mackay <Amy.Mackay@hcc.govt.nz>; Julia Jackson <Julia.Jackson@connecthamilton.co.nz>; Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Thanks Amy

I don't think we would have records of complaints – because we would just tell them it wasn't Councils asset or responsibility

It isn't something I have ever been asked about – and I tend to get the 'who may possibly know an answer to this strange question'!

R

From: Amy Mackay <Amy.Mackay@hcc.govt.nz>

Sent: Thursday, September 12, 2024 10:03 AM

To: Julia Jackson <Julia.Jackson@connecthamilton.co.nz>; Robyn Denton <Robyn.Denton@hcc.govt.nz>; Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Thanks all, recommended response as long as everyone's ok with an extra question:

Phonebooths across the city are the responsibility of Spark. If you haven't done so, we suggest you contact them directly on this matter.

The steps Spark would need to undertake with us if they were going to do something about the phonebooths would be:

- Remove – Corridor Access request – and traffic management as needed to tidy up the space once they have removed the booth.
- Replace - Corridor Access request – and traffic management as needed to tidy up the space once they have replaced the booth.
- Retain – nothing – just an expectation that they will respond to any requests relating to damage and cleaning.

Council has not received any Corridor Access requests.

I think it is worth checking if we've had any customer complaints about phonebooths across the city?

From: Julia Jackson <Julia.Jackson@connecthamilton.co.nz>

Sent: Thursday, September 12, 2024 6:19 AM

To: Amy Mackay <Amy.Mackay@hcc.govt.nz>; Robyn Denton <Robyn.Denton@hcc.govt.nz>; Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Cc: Simone van Asbeck <Simone.vanAsbeck@hcc.govt.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Good Morning All

In the 11 years that I have been with HCC, I have not had any dealings with Spark around phone booths, we have not received any Corridor Access Requests for the removal or installation.

The only dealings I have had with Spark is around cell towers.

Regards

Julia Jackson
Traffic Management Coordinator
Transport & Infrastructure



M | +64278397236
E | Julia.Jackson@connecthamilton.co.nz
16 Manchester Place
Hamilton 3200



From: Amy Mackay <Amy.Mackay@hcc.govt.nz>

Sent: Wednesday, September 11, 2024 2:10 PM

To: Robyn Denton <Robyn.Denton@hcc.govt.nz>; Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Cc: Simone van Asbeck <Simone.vanAsbeck@hcc.govt.nz>; Julia Jackson <Julia.Jackson@connecthamilton.co.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

[External Email] This email was sent from outside the organisation – be cautious, particularly with links and attachments.

Hi all,

I've just spoken with Ke-Xin. She's had some public enquiries/concerns around phone booths and why they're still on the streets.

A few years back Spark announced they were going to gradually withdraw poorly used ones and upgrade some. Last announcements look all around 2022,

[https://www.spark.co.nz/online/about/our-company/news/public-phone-booth-network?](https://www.spark.co.nz/online/about/our-company/news/public-phone-booth-network?srsltid=AfmBOoranEy8hDcpPNcltXM9bDslgtwszCKfoCj4TpPfojwMchuRFe)

[srsltid=AfmBOoranEy8hDcpPNcltXM9bDslgtwszCKfoCj4TpPfojwMchuRFe](https://www.spark.co.nz/online/about/our-company/news/public-phone-booth-network?srsltid=AfmBOoranEy8hDcpPNcltXM9bDslgtwszCKfoCj4TpPfojwMchuRFe).

Following our conversation, she's happy to reduce the timeframe (5 years) to get any relevant information on correspondences between Council and Spark, other contractors, and any enquiries from the public questioning phonebooths. Any other information on anything that's been done with them in this time or plans for their removal/upgrades?

Cheers, Amy

From: Robyn Denton <Robyn.Denton@hcc.govt.nz>

Sent: Wednesday, September 11, 2024 1:22 PM

To: Rangi Hetet <Rangi.Hetet@hcc.govt.nz>; Jemma Bradbury <Jemma.Bradbury@hcc.govt.nz>; Amy Mackay <Amy.Mackay@hcc.govt.nz>; Official Information <officialinformation@hcc.govt.nz>

Cc: Simone van Asbeck <Simone.vanAsbeck@hcc.govt.nz>; Julia Jackson <Julia.Jackson@connecthamilton.co.nz>

Subject: RE: Ke-Xin Li OIA 09 Sep

Hi Rangi

We have also had a LGOIMA request in regard to telephone booths – but it was specifically in regard to the requirements around Corridor Access Request approvals.

I believe that this request is probably applicable to the whole organised – and your group should be looking at what they hold too – but this is something that IT may have to help with because I certainly can't recall anything in the last 10 years and don't hold any correspondence that is that old!

It would also be appropriate to understand what consents etc the District Plan may require for phone booths.

My suggestion though would be that the **Official Info team and Amy actually** contact Ke-Xin and see what they are wanting to pull this information for – because it may be easier to just have a chat and then work out what information is actually required. I would assume that there is a 'angle' behind this and if we understand that then we can probably provide better information rather than spending time looking for something that I am not sure exists.

Regards

Robyn

From: Rangi Hetet <Rangi.Hetet@hcc.govt.nz>
Sent: Wednesday, September 11, 2024 1:12 PM
To: Robyn Denton <Robyn.Denton@hcc.govt.nz>
Subject: FW: Ke-Xin Li OIA 09 Sep

Kia Ora Robyn

PGU have had this LGOIMA come through however Team Leads have advised this sits within your area of work. Would that be correct Robyn?

Ngaa Manaakitanga,

Rangi Hetet
Assistant to Grant Kettle | Director | Planning Guidance Unit | Strategy, Growth and Planning Group
DDI: [07 958 5990](tel:079585990) | Email: Rangi.Hetet@hcc.govt.nz

From: Ke-xin Li <kexin.li@stuff.co.nz>
Sent: Monday, September 9, 2024 12:10 PM
To: Official Information <officialinformation@hcc.govt.nz>
Subject: Ke-Xin Li OIA 09 Sep

Kia ora team,

I would like to request the following information under the Official Information Act 1982.

Can you please provide all documents, advice, correspondence including emails, texts, photographs, and videos the council holds regarding public phone booths. This includes any internal and external communications.

Time frame for the request is between 1 January 2014 - 09 September 2024.

If there are no information held during the time frame mentioned above, please provide any latest information

For any tabled data, please provide in csv/xlsx format.

I've calculated the 20 working day deadline to be 8 October 2024. Happy to clarify any questions.

Ngā mihi,
Ke-Xin Li 李可心

Reporter
M 64 21 243 9161
E Kexin.li@stuff.co.nz
500 Anglesea Street,
Hamilton 3204
Private Bag 3086,
Waikato Mail Centre,
Hamilton

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