

Notice of Meeting:

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

Date: Tuesday 29 September 2020
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Community Committee

Komiti Hapori

OPEN AGENDA

Membership

Chairperson Cr M Bunting
Heamana

Deputy Chairperson Cr K Naidoo-Rauf
Heamana Tuarua

Members Mayor P Southgate
Deputy Mayor G Taylor
Cr M Forsyth
Cr M Gallagher
Cr R Hamilton
Cr D Macpherson
Cr A O'Leary
Cr R Pascoe
Cr S Thomson
Cr M van Oosten
Cr E Wilson
Maangai T P Thompson-Evans
Maangai O Te Ua

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Becca Brooke
Governance Manager
Menetia Mana Whakahaere
22 September 2020
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Purpose

The Community Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. Funding to benefit the social, cultural, physical and arts wellbeing of communities in Hamilton.

In addition to the common delegations, the Community Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.
4. To provide input on the allocation of Events Sponsorship funding to the Economic Development Committee.
5. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
6. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
 - a. implementation of Government requirements;
 - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
2. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
3. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
4. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities and amenity.
5. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Committee.

The Committee is delegated the following powers to act:

- Approval of Reserve Management Plans.
- Performing the Council's functions, powers and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act 1964 and the Reserves Act 1977.
- Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
- Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

Recommendatory Oversight of Policies and Bylaws:

- *Alcohol Control Bylaw 2015*
- *Animal Nuisance Bylaw 2013*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cultural and Recreational Facilities Bylaw 2012*
- *Disability Policy*
- *Dog Control Bylaw 2015*
- *Dog Control Policy*
- *External Funding Applications Policy*
- *Hamilton City Smoke-Free Environment Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *International Relations Policy*
- *Provisional Local Alcohol Policy*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw 2019*
- *Public Places Bylaw 2016*
- *Public Places Policy*
- *Safety in Public Places Bylaw 2014*
- *TAB Board Venue Policy*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

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 – *Aatea koorero*

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 Chair.

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 Council 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: Community Committee **Date:** 29 September 2020
Author: Tyler Gaukrodger **Authoriser:** Amy Viggers
Position: Governance Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Open Community Committee Minutes - 13 August 2020

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Committee confirm the Open Minutes of the Committee Meeting held on 13 August 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Community Committee Open Unconfirmed Minutes - 13 August 2020

Community Committee

OPEN MINUTES

Minutes of a meeting of the Community Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual Link on Thursday 13 August 2020 at 9.32am.

PRESENT

Chairperson	Cr M Bunting
<i>Heamana</i>	
Deputy Chairperson	Cr K Naidoo-Rauf (Audio Visual Link)
<i>Heamana Tuarua</i>	
Members	Mayor P Southgate Deputy Mayor G Taylor Cr M Forsyth (Audio Visual Link) Cr M Gallagher (Audio Visual Link) Cr R Hamilton Cr D Macpherson Cr A O'Leary (Audio Visual Link) Cr R Pascoe Cr S Thomson (Audio Visual Link) Cr E Wilson (Audio Visual Link) Maangai T Thompson-Evans Maangai O Te Ua (Audio Visual Link)

In Attendance: Lance Vervoort - General Manager Community
Maria Barrie – Parks and Recreation Manager
Judy Small – Disability Advisor
Andy Mannering – Manager Social Development
Rebecca Whitehead – Business and Planning Manager
James Clarke – Director Mayor's Office

Governance Staff: Becca Brooke – Governance Manager
Amy Viggers – Governance Team Leader
Carmen Fortin, Narelle Waite, and Tyler Gaukrodger - Governance Advisors

1. Apologies – *Tono aroha*

Resolved: (Cr Bunting/Mayor Southgate)
That the apologies for absence from Cr van Oosten, for partial attendance from Maangai Thompson-Evans and Crs Forsyth are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr Bunting/Cr Hamilton)
That the agenda is confirmed noting the following:

- a) Item 10 (Smokefree Outdoor Areas Policy Review) be deferred to the next meeting of the

Community Committee due to the availability of presenters;

- b) Item 15 (Matters of Cultural Significance Work Programme) is to be taken after item 4 to accommodate availability;

3. **Declarations of Interest – *Tauaakii whaipaaanga***

During the meeting Maangai Thompson-Evans declared an interest in item 14 (Civil Defence Emergency Management Quarterly Update) and that she was not conflicted. She would take part in discussion and vote on the matter using her discretion.

4. **Public Forum – *Aatea korero***

Ellie Wilkinson (HMS Trust) spoke in support of item 8 (Community Occupancy Application - Hamilton Multicultural Services Trust (Waikato Settlement Centre)). She provided background of the work Hamilton Multicultural Services Trust provides. She responded to questions from members in relation to the timeline for the community centre build.

Gerri Pomeroy, Timothy Young, and Joy Ho (Disabled Person's Assembly Waikato Kaituitui) spoke in support of item 13 (Disability Action Plan 2020/21). They spoke of the potential benefits of implementing the staff recommendation, and increasing accessibility of public spaces for the community.

Niall Tierney (Burger Bros) spoke in opposition of item 11 (Trading in) Public Places Policy Review). He spoke of the overheads that regular businesses must pay compared to food trucks. He responded to questions from members in relation to overheads of regular businesses .

Peter McLean spoke in support of item 13 (Disability Action Plan 2020/21).

Roger Stratford made a written submission to item 9 (Korikori Park Easement – WEL Networks Ltd) which is attached to the minutes as **Appendix 1**.

15. **Matters of Cultural Significance Work Programme (*Recommendation to Council*)**

The General Manager Community introduced the report and took the report as read, noting that the Dame Hilda Ross statue was currently being reviewed by the arts panel. Staff responded to questions from members regarding the commitments and discussions around the Hilda Ross Statue and the Captain Hamilton statue, circulation of the report, opportunities for other stakeholders and community to submit their views, opportunities for community engagement, street naming policy and proposed changes to this policy, planned engagement and involvement of Waikato-Tainui, implications of delaying statue decisions, timeframe of work programme and risks of proceeding with statue decisions.

Motion: (Cr Bunting/Cr Naidoo-Rauf)

That the Community Committee:

- a) receives the report, inclusive of the attached *Historical Report on Hamilton Street and City Names* by Dr Vincent O'Malley;
- b) recommends the Council approve the proposed work programme;
- c) notes that the Strategy He Pou Manawa Ora (*Pillars for Good Things*) will be developed through the Community Committee; and
- d) notes that other items included in the work programme will be reported on through the appropriate committee.

Amendment: (Cr Pascoe/Cr Forsyth)

That the Community Committee:

- a) tables the report, inclusive of the attached *Historical Report on Hamilton Street and City Names* by Dr Vincent O'Malley;
- b) recommends the Council approve the proposed work programme;
- c) notes that the Strategy He Pou Manawa Ora (*Pillars for Good Things*) will be developed through the Community Committee; and
- d) notes that other items included in the work programme will be reported on through the appropriate committee.

Foreshadowed Amendment: (Cr Wilson/ Cr O'Leary)

That the Community Committee:

- a) receives the report, inclusive of the attached *Historical Report on Hamilton Street and City Names* by Dr Vincent O'Malley;
- b) recommends the Council approve the proposed work programme;
- c) notes that the Strategy He Pou Manawa Ora (*Pillars for Good Things*) will be developed through the Community Committee; and
- d) notes that other items included in the work programme will be reported on through the appropriate committee;
- e) notes that staff will provide an outline of the public consultation process to the next Community Committee meeting, 29 September 2020; and
- f) approves that the Dame Hilda Ross project proceeds under the current public arts policy

The Amendment was put.

Those for the Amendment: Maangai Thompson-Evans.

Those against the Amendment: Mayor Southgate, Deputy Mayor Taylor, Councillors Bunting, Gallagher, Macpherson, O'Leary, Hamilton, Forsyth, Naidoo-Rauf, Thomson, Wilson, and Maangai Te Ua.

The Amendment was declared LOST.**The Foreshadowed Amendment was put.**

Those for the Foreshadowed Amendment: Mayor Southgate, Deputy Mayor Taylor, Councillors Gallagher, O'Leary, Forsyth, Wilson, Maangai Te Ua and Thompson-Evans.

Those against the foreshadowed Amendment: Councillors Bunting, Macpherson, Hamilton, Naidoo-Rauf and Thomson.

The Foreshadowed Amendment was declared CARRIED.

The foreshadowed amendment as the Substantive Motion was then put and declared CARRIED.

Resolved: (Cr Wilson/Cr O'Leary)

That the Committee:

- a) Receives the report, inclusive of the attached *Historical Report on Hamilton Street and City Names* by Dr Vincent O'Malley;
- b) recommends the Council approve the proposed work programme;
- c) notes that the Strategy He Pou Manawa Ora (*Pillars for Good Things*) will be developed through the Community Committee; and
- d) notes that other items included in the work programme will be reported on through the appropriate committee;
- e) notes that staff will provide an outline of the public consultation process to the next Community Committee meeting, 29 September 2020; and
- f) approves that the Dame Hilda Ross project proceeds under the current public arts policy.

Those for the Substantive Motion: Mayor Southgate, Deputy Mayor Taylor, Councillors Gallagher, O'Leary, Forsyth, Wilson, Maangai Te Ua and Thompson-Evans.

Those against the Substantive Motion: Councillors Bunting, Macpherson, Hamilton, Naidoo-Rauf and Thomson

Cr Forsyth joined the meeting (10.09am) during the discussion of the above item. She was present when the matter was voted on.

Maangai Thompson-Evans joined the meeting (11.03) during the discussion of the above item. She was present when the matter was voted on.

The meeting was adjourned 11:05am to 11:20am after the questioning of the above item.

Cr Pascoe left the meeting (11.40) during the discussion of the above item. He was not present when the matter was voted on.

The meeting was adjourned 12.37pm to 1.30pm.

Cr Pascoe re-joined the meeting during the above adjournment.

Mayor Southgate left the meeting during the above adjournment.

5. Confirmation of the Open Community Committee Minutes - 24 June 2020

Resolved: (Cr Bunting/ Cr Pascoe)

That the Committee confirm the open Minutes of the Community Committee meeting held on 24 June 2020 as a true and correct record.

12. Hamilton City Council / Sport Waikato Partnership Proposal

The General Manager Community introduced the item, and introduced Matthew Cooper and Amy Marfell from Sport Waikato. Matthew Cooper and Amy Marfell spoke to the partnership proposal, indicated the ways in which the partnership could further the funding of sport, and noted that recommendation c indicated a \$5,000 cost to Council. They responded to questions from members

concerning detail of the partnership proposal.

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Community Committee:

- a) receives the report;
- b) approves Council entering into a partnership agreement with Sport Waikato that provides dedicated resource for delivering enhanced outcomes for active recreation, play and sport in Hamilton, as outlined in the report.
- c) notes that the first year of the Partnership Agreement will see Sport Waikato providing \$85,000 to fund a resource to implement the Hamilton City Council Play Strategy; and
- d) notes that the \$50,000 per annum funding for the partnership agreement will be provided from current Parks and Recreation Unit budgets.

Mayor Southgate rejoined the meeting (1.42pm) during the discussion of the above item. She was present when the matter was voted on.

6. Chair's Report

The report was taken as read.

Resolved: (Cr Bunting/ Deputy Mayor Taylor)

That the Community Committee receives the report.

11. (Trading in) Public Places Policy Review

The City Safe Unit Manager took the report as read, and responded to questions from members in concerning the scope of the review, zoning food truck locations, food standards regulations and events only zoning.

Staff Action: Staff undertook to include Waikato Food Inc as a key stakeholder within the consultation process.

Resolved: (Cr Bunting/ Maangai Thompson-Evans)

That the Community Committee:

- a) receives the report;
- b) approves consultation occur for one month, from 1 to 30 Oct 2020, on the proposed *Trading in Public Places Policy* (Attachment 1 – tracked changes; Attachment 2 – clean) and Statement of Proposal (Attachment 3); and
- c) requests the public submission be heard by the Hearings and Engagement Committee prior to being referred back to the Community Committee for deliberations.

Cr Forsyth retired from the meeting (2.30pm) during the discussion of the above item. She was not present when the item was voted on.

Maangai Thompson-Evans declared an interest in item 14 (Civil Defence Emergency Management Quarterly Update and that she was not conflicted. She would take part in discussion and vote on the matter using her discretion.

14. Civil Defence Emergency Management (CDEM) Quarterly Update

The City Safe Unit Manager took the report as read.

Resolved: (Cr Wilson/Mayor Southgate)

That the Community Committee receives the report.

7. Korikori Park Easement - WEL Networks Ltd

The Senior Parks Planner took the report as read.

Resolved: (Maangai Thompson-Evans/ Mayor Southgate)

That the Community Committee:

- a) receives the report;
- b) approves an easement to WEL Networks Ltd over the area indicated on Attachment 1 of this report, for electricity and telecommunications purposes in, through and below the easement area subject to:
 - i. Hamilton City Council being responsible for paying all costs associated with the easement; and
- c) delegates authority to the Chief Executive to sign all documentation relating to the easement.

8. Community Occupancy Application - Hamilton Multicultural Services Trust (Waikato Settlement Centre)

The Parks and Recreation Manager took the report as read and responded to questions from members concerning the staff recommendations.

Resolved: (Mayor Southgate/ Maangai Thompson-Evans)

That the Community Committee:

- a) approves a new *community group lease*, under section 61(2A)(a) of the Reserves Act 1977, to **Hamilton Multicultural Services Trust** for building (category 1) of 574m² at Claudelands Park, on Lot 1 DP 386843, and as shown in Attachment 3, subject to the following terms and conditions:
 - i. Term – ten years;
 - ii. Rent - \$8,610.00 plus GST per annum, in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines, including existing rental arrangements under the policy.
- b) approves the continuation of the current *sub-leases (by way of rental agreements)* to English Language Partners Waikato Incorporated, Migrant Youth and Training Services Limited and Waikato Refugee Forum Incorporated for office space.
- c) notes that the **Hamilton Multicultural Services Trust** plans to extend the building and leased area to support their expanding services.
 - i. Hamilton Multicultural Services Trust are to undertake fundraising for the facility development extension;

- ii. Hamilton Multicultural Services Trust are to provide a detailed facility development proposal, which is satisfactory to staff;
- iii. Open Spaces and Facilities staff be included in the design of the facility development;
- iv. Hamilton Multicultural Services Trust are considering a request to transfer ownership of the building from the Council to the Trust;
- v. a facility development proposal to extend the existing building and hence the leased area and lease term, will be reported back to the Community Committee for approval within the next 24 months.

13. **Disability Action Plan 2020/21** (*Recommendation to Council*)

The Manager Social Development introduced the report and outlined how accessibility services could be included in the Long Term Plan. Staff responded to questions from members concerning current services, future public transport accessibility, capturing accessibility objectives within the long term plan, community representation, external stakeholder engagement, additional accessibility equipment demand, setting standard practice goals and using maaori strategies within the action plan.

Resolved : (Cr Bunting/ Cr Gallagher)

That the Community Committee receives the report.

That the Community Committee recommends that the Council removes the fees and charges related to prams, wheelchairs and mobility scooters at Council facilities.

Deputy Mayor Taylor retired from the meeting (3.27pm) during the discussion of the above item. He was not present when the item was voted on.

Cr Forsyth re-joined to the meeting (3.38pm) during the discussion of the above item. She took part in the vote.

9. **General Managers Report**

The General Manager Community spoke to the report and noted potential improvements to long term Museum exhibits. Staff responded to questions from members concerning external application funding policy changes, maintaining continual relationships with stakeholders and analysing past successes and failures.

The General Manager Parks and Recreation spoke of potential for accessible playground sites. Staff responded to questions from members concerning park upgrade timelines, running assets to failure, universal design principles and timelines of current work.

The General Manager Community spoke of Ministry of Education plans regarding Peacocke development. Staff responded to questions from members concerning member representation in education input.

Resolved: (Cr Bunting/ Mayor Southgate)

That the Community Committee:

- a) receives the report;
- b) approves the application for funding to Creative Waikato;
- c) approves the change to the playground programme to deliver the renewal of Tauhara Park

playground in 2020/21;

- d) approves the deferral of the Kaute Pasifika Agreement to Lease report to the 17 September Council meeting, or to a sooner extraordinary meeting of the Community Committee or Council at the discretion of the Mayor or Chair;
- e) approves Crs Bunting and Thomson or Macpherson, and Maangai Te Ua to work alongside the Ministry of Education consultation team for South West Hamilton Schools; and
- f) notes the review of the External Funding Applications Policy is underway.

10. **Smokefree Outdoor Areas Policy Review** – *this item was deferred to the next meeting of the Community Committee during the confirmation of the agenda due to the availability of presenters.*

The meeting was declared closed at 4.29pm.

Appendix 1 – Written submission by Roger Stratford

Councillors,

I recommend provisional council approval of the easement to the WEL Networks area in Attachment #1 map at Korikori Park and that the city council should pay all costs for this. However, I would advocate council staff be directed to itemise the \$10,000 estimate and seek to reduce this to between \$6000 and \$8000. We are now living in the era of CoVid-19 so need to streamline legal and financial processes to fit. My primary concern is easing the financial burden on ratepayers.

This should not mean cutting corners or neglect. The evidence from the Beirut fertiliser plant explosion a week ago indicates the adverse result of long term neglect of vital infrastructure, catastrophic in that instance.

Finally, I would request Chairperson Cr. Mark Bunting consider vacating the Chair for Agenda Item #9 to allow Deputy Chair Cr. Kesh to take his place. Cr. Mark is a former elected Trustee of WEL Energy Trust which manages WEL Networks Ltd.. There is therefore a risk of a conflict of interest here, or a public perception of one, as it involves the spending of public money.

Roger Stratford

Item 5

Attachment 1

Council Report

Committee: Community Committee

Date: 29 September 2020

Author: Narelle Waite

Authoriser: Amy Viggers

Position: Governance Advisor

Position: Governance Team Leader

Report Name: Chair's Report

Report Status	<i>Open</i>
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Recommendation - *Tuutohu-aa-kaimahi*

1. That the Community Committee receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

Kia ora te Whanau

As we hop up Covid levels and down again our community challenges carry on, so does the hard work of this committee.

Much of our work has focused on deliberations with the community on the Gardens Management Plan, the fenced dog area and, safety in public places. I thank Councillor Gallagher and his Deliberations and Hearings committee for evoking such hearty discussion from people concerned and supportive of what's proposed and equally the comms team. It seems we expect community feedback more and more so I appreciate the work they do on our behalf very much.

On that note I am very excited about the work going on in the cultural engagement space at the moment. 'Te Pou a Marama Ora, the pillars of all good things' was budgeted for in the most recent annual plan and Muna and his team are preparing a very exciting document and course of action. I am delighted and grateful to me working closely with Mayor Paula who shares my ambition and strong vision for the possibilities in this work. This point in time is a magnificent opportunity for us to harness the tremendous energy and passion there is on all sides of the cultural debate in our city, to have those robust, respectful and relevant discussions and really cement our place on the world stage as the most culturally inclusive place to live. We have a lot to learn from each other and I'm looking forward to learning and leading. What's wrong is always available - but so is what's right.

On a happy note, we're all sending our love and best wishes to Deputy Chair Kesh and her husband Shazeel.

By the next community meeting their family should be one person greater. Thanks Kesh and best of luck for the next month.

Ka Kite Ano

Mark Bunting

Council Report

Committee: Community Committee **Date:** 29 September 2020
Author: Nick Chester **Authoriser:** Lance Vervoort
Position: Social Development Advisor **Position:** General Manager Community
Report Name: Smokefree Outdoor Areas Policy Review

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Community Committee on new information relating to the Smokefree Outdoor Areas Policy.
2. To seek a recommendation from the Community Committee to the Council that the amended Smokefree Outdoor Areas Policy be approved to include prohibition of vaping and new smokefree areas surrounding Waikato DHB buildings.

Staff Recommendation - *Tuutohu-aa-kaimahi* (Recommendation to the Council)

3. That the Community Committee:
 - a) receives the report;
 - b) recommends that the Council approves that the Smokefree Outdoor Areas Policy is amended to:
 - i. include vaping alongside smoking as a prohibited activity in smokefree areas;
 - ii. re-introduce areas around the Waikato Hospital to be included in the smokefree/vapefree policy; and
 - iii. extend the policy to include areas around the Waikato DHB Waiora CBD Building.

Executive Summary - *Whakaraapopototanga matua*

4. The Smokefree Outdoor Areas Policy identifies areas of the city where Smoking is prohibited. The current policy can be viewed [here](#). The Policy was last reviewed in February 2019.
5. At the time of the last review staff were asked to report back in 12 months' time with more information and evidence on the harms of vaping, with the potential for including this in the policy. Staff, alongside the Waikato DHB and Cancer Society, presented this information at an elected member briefing on 17 June 2020.
6. The Waikato DHB also recommend including areas around DHB buildings as smokefree areas covered in the policy.
7. Staff recommend **option 1** – include vaping in all smokefree areas and include areas surrounding Waikato DHB buildings in smokefree areas, as detailed in paragraph 28 below.

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

Background - *Kooreo whaimaarama*

9. The Smokefree Outdoor Areas Policy identifies areas of the city where smoking is prohibited.
10. The policy provides community leadership in supporting the national goal of New Zealand to become a Smokefree nation by 2025 as it improves public amenity and improves the well-being of Hamiltonians.
11. A number of other councils have amended their Smokefree policies to include vaping. Local examples include Hauraki and Matamata-Piako District Councils.
12. The policy is educative in nature. It sets expectations for no-smoking and relies on peer influence to discourage smoking in specified areas. It is also supported by some signage and city safe staff who advise smokers that they are in a smokefree area.
13. The Policy was last reviewed in February 2019. At this time, staff made the following recommendations that were not supported by elected members:
 - That vaping be included alongside smoking as a non-permitted activity in smokefree areas
 - That areas surrounding the Waikato DHB Waiora CBD building be included as smokefree and vape-free areas
14. Members requested that staff report back in 12 months' time with any new information or evidence related to vaping related harm to guide a further decision on including vaping in the policy.
15. Members also decided to remove existing DHB areas in the streets surrounding the Waikato Hospital campus from the Policy (Waikato DHB controls the campus itself with its own smokefree and vape-free policy).
16. Staff and representatives of Public Health Waikato DHB and Cancer Society briefed elected members on 17 June 2020 to provide information on the topics above.
17. Public Health Waikato DHB has provided elected members with a brief account of the DHB Board's decision in August 2017, not to re-introduce an outdoor smoking area for clients in the Adult Acute Inpatient Unit at the Henry Rongomau Bennett Centre (**Attachment 3**).

Discussion – *Matapaki*

Vaping

18. Information presented to Elected Members on 17 June indicates that vaping continues to be seen as less harmful than cigarette smoking, but not harmless. Other factors such as harm caused from second-hand vaping cannot be ruled out.
19. Vaping by school students has been cited by many schools and an open letter to the associate minister of health outlined these concerns in late 2019.
20. Whilst vaping has been used by some smokers as a way to transition into non-smoking, vaping has become increasingly used by those that have never smoked, especially young people.
21. There is conflicting evidence on youth vaping in NZ. Some NZ school principals report concerns about increasing vaping on school grounds and confiscating vapes. The ASH year 10 survey data reports that in 2019 3.1% of Year 10 students vaped daily and 3.7% have tried an e-cigarette; this is up from 2.8% in 2014.

22. The Smokefree Environments and Regulated Products (Vaping) Act was passed by parliament in August 2020. The Act provided stronger regulations for the sale, supply and marketing of vaping products and include vaping in all indoor smokefree policies. Details about the new legislation can be found [here](#).
23. Outdoor Policies will not be covered by the Act, but including vaping within the policy will create a greater degree of alignment to the intent of the new legislation, which is to reduce the normalisation of vaping in the community.

Smokefree Areas surrounding DHB Buildings

24. Areas around the Waikato Hospital were removed from the policy in February 2019.
25. The Waikato DHB requested that areas surrounding the Waikato CBD building be included in the policy. This request was not supported by elected members in February 2019. However, Dr Rees Tapsell has confirmed that since all short-term leave from the Henry Rongomau Bennett Centre has been stopped, a significant reduction in people smoking outside the Centre has been noted.
26. Waikato DHB report an increased number of smokers around DHB buildings over the last year.
27. If the recommendations are not approved, the policy will remain in its current form and reviewed again in 2023, or when requested by elected members, whichever comes first.

Options

28. Staff have assessed that there are 3 reasonable and viable options for the Committee to consider. This assessment reflects the level of significance (see paragraph 34) and the recommendations of the Medical Officer of Health and the Cancer Society. The options are set out in the table below.

Option 1 (recommended)	<ul style="list-style-type: none"> • Update the policy to include vaping in all smokefree areas • Reinstate the smokefree areas around Waikato Hospital • Extend city precinct smokefree area to include Waikato CBD
Option 2	<ul style="list-style-type: none"> • Update the policy to include vaping in all smokefree areas • Make no further amendments to smokefree areas
Option 3 (status quo)	<ul style="list-style-type: none"> • Make no changes to the current policy

29. Staff recommend **option 1** as this is in line with the recommendations from the Medical Officer of Health and the Cancer Society, and has the potential to improve the wellbeing of Hamiltonians in public areas.

Financial Considerations - *Whaiwhakaaro Puutea*

30. This is a regular operating activity funded through the Long Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

32. 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').
33. 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.
34. The recommendations set out in this report are consistent with that purpose.

Social

35. The recommended policy option supports social wellbeing by creating areas of the city where smoking is prohibited. This sets an expectation within the community that areas of high value for social connection will be smokefree and vape-free and health and wellbeing is considered a priority in public spaces.

Economic

36. The recommended policy option supports economic wellbeing by helping to ensure public spaces are smokefree and vape-free and inviting for families. This contributes to making Hamilton an inviting and welcoming city that people want to live in.

Environmental

37. The recommended policy option supports environmental wellbeing by ensuring that public spaces are smokefree and vape-free and less prone to litter associated with smoking.

Cultural

38. The recommended policy option supports cultural wellbeing by ensuring that all residents can express their cultural identity in healthy and safe public spaces free of smoking and vaping.

Risks - *Tuuraru*

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

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

40. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Proposed Smokefree and Vape-free Outdoor Areas Policy 2020 - tracked changes

Attachment 2 - Proposed Smokefree and Vape-free Outdoor Areas Policy 2020 - clean copy

Attachment 3 - Waikato DHB Briefing notes relating to smoking at Henry Bennett Centre

First adopted:	27 September 2012
Revision dates/version:	March 2020
Next review date:	March 2023 ²
Engagement required:	
Document number:	
Associated documents:	n/a
Sponsor/Group:	General Manager Community

Smokefree and Vapefree Outdoor Areas Policy

Purpose and scope

1. To identify the areas in the city where smoking and vaping is prohibited.
2. To enable a collaborative action plan with agencies representing the Council's commitment to the national goal of supporting New Zealand to become a Smokefree nation by 2025.

Definitions

Definition	Detail
Smoking	The act of inhaling and exhaling the smoke of burning cigarettes, pipes, cigars or other paraphernalia. This activity includes to smoke, hold, or otherwise have control over an ignited product or thing whose customary use is or includes the inhalation from it of the smoke produced from its combustion or the combustion of any part of it. For clarity, tobacco or herbal tobacco product and/or psychoactive substances including synthetic cannabis are deemed smoking products.
Vaping	<u>The use of electrical devices (e-cigarettes) that heat a solution (or eliquid) to produce a vapour that the user inhales or 'vapes'. The ingredients of the e-liquid may vary, but most e-liquids contain propylene glycol (also used in asthma inhalers and nebulisers) and flavouring agents. Some, but not all, e-liquids contain nicotine</u>
Council owned or operated building	A facility that is provided for public amenities including artistic, social or cultural facilities. Such facilities may include but are not limited to community halls, civic spaces and centres as well as major sport, recreation and entertainment facilities.

Principles

3. The Council will provide community leadership in supporting the national goal of New Zealand to become a Smokefree nation by 2025 as it improves public amenity and improves the well-being of Hamiltonians.
4. The Council will work with other agencies to deliver actions to promote the reduction of smoking and vaping at public places outlined in this policy.

5. Council will seek to prevent, so far as is reasonably practicable, the detrimental effects of smoking and vaping on the health of any person who does not smoke or vape or who does not wish to be exposed to second hand smoke or vape/vapour?.

Smokefree and vapefree environments/events

6. Smoking and vaping is prohibited in the following places:
7. Central City public space
 - a. Garden Place and Civic Square
 - b. Victoria on the River
 - c. Ward St (from Victoria St to the end of Worley Place and the commencement of the Centre Place pedestrian mall)
 - d. Within 10 metres of the Waioara CBD Building.
 8. Council owned buildings and facilities
 - a. On or within ten (10) metres of Council owned or operated buildings and facilities.
 9. Parks, public buildings and Open Space
 - a. All Hamilton City parks and open spaces
 - b. On or within ten (10) metres of all Council playgrounds
 - c. Hamilton Gardens
 10. Transport spaces
 - a. The entire precinct of the Hamilton Transport Centre
 - b. Within two (2) metres of all bus stops and shelters within the Hamilton City boundaries.
 11. Waikato Hospital
 - a. Waioara / Waikato Hospital Campus including Pembroke St (from the corner Selwyn St to Ohaupo Rd) and Selwyn St surrounding Waikato Hospital.
 - b. Within ten (10) metres of the Waikato DHB Waioara CBD Building (Corner Collingwood and Anglesea Streets).
 12. All events operated or sponsored by the Council.
 11. 13. Council may, from time to time, by resolution include any part or parts of the city as a Smokefree and vapefree public place within the policy.

Education and Enforcement

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~~12, 14.~~ The policy will be supported by a collaborative action plan that will be delivered by the Council and other agencies that have an interest in working towards a Smokefree and vapefree city.

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~~13, 15.~~ The Council will collaborate with key advocacy groups to communicate the intent of the Policy through the media including social media to educate the public.

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Signage

~~14, 16.~~ Wherever practicable, the areas where smoking and vaping is prohibited will be signposted, to communicate Smokefree and vapefree zones

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Monitoring and implementation

~~15, 17.~~ The Policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any further issues that may arise (whichever comes first).

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References

- Health Act 1956.
- Smokefree Environment Amendments Act 2004.
- Smokefree Environment Act 1990.
- www.smokefree.org.nz

First adopted:	27 September 2012.
Revision dates/version:	March 2020
Next review date:	March 2023
Engagement required:	
Document number:	
Associated documents:	n/a
Sponsor/Group:	General Manager Community

Smokefree and Vapefree Outdoor Areas Policy

Purpose and scope

1. To identify the areas in the city where smoking and vaping is prohibited.
2. To enable a collaborative action plan with agencies representing the Council's commitment to the national goal of supporting New Zealand to become a Smokefree nation by 2025.

Definitions

Definition	Detail
Smoking	<p>The act of inhaling and exhaling the smoke of burning cigarettes, pipes, cigars or other paraphernalia.</p> <p>This activity includes to smoke, hold, or otherwise have control over an ignited product or thing whose customary use is or includes the inhalation from it of the smoke produced from its combustion or the combustion of any part of it.</p> <p>For clarity, tobacco or herbal tobacco product and/or psychoactive substances including synthetic cannabis are deemed smoking products.</p>
Vaping	<p>The use of electrical devices (e-cigarettes) that heat a solution (or eliquid) to produce a vapour that the user inhales or 'vapes'. The ingredients of the e-liquid may vary, but most e-liquids contain propylene glycol (also used in asthma inhalers and nebulisers) and flavouring agents. Some, but not all, e-liquids contain nicotine</p>
Council owned or operated building	<p>A facility that is provided for public amenities including artistic, social or cultural facilities. Such facilities may include but are not limited to community halls, civic spaces and centres as well as major sport, recreation and entertainment facilities.</p>

Principles

3. The Council will provide community leadership in supporting the national goal of New Zealand to become a Smokefree nation by 2025 as it improves public amenity and improves the well-being of Hamiltonians.
4. The Council will work with other agencies to deliver actions to promote the reduction of smoking and vaping at public places outlined in this policy.

5. Council will seek to prevent, so far as is reasonably practicable, the detrimental effects of smoking and vaping on the health of any person who does not smoke or vape or who does not wish to be exposed to second hand smoke or vapour

Smokefree and vapefree environments/events

6. Smoking and vaping is prohibited in the following places:
 7. Central City public space
 - a. Garden Place and Civic Square
 - b. Victoria on the River
 - c. Ward St (from Victoria St to the end of Worley Place and the commencement of the Centre Place pedestrian mall)
 - d. Within 10 metres of the Waikato CBD Building.
 8. Council owned buildings and facilities
 - a. On or within ten (10) metres of Council owned or operated buildings and facilities.
 9. Parks, public buildings and Open Space
 - a. All Hamilton City parks and open spaces
 - b. On or within ten (10) metres of all Council playgrounds
 - c. Hamilton Gardens
 10. Transport spaces
 - a. The entire precinct of the Hamilton Transport Centre
 - b. Within two (2) metres of all bus stops and shelters within the Hamilton City boundaries.
 11. Waikato Hospital
 - a. Waikato / Waikato Hospital Campus including Pembroke St (from the corner Selwyn St to Ohaupo Rd) and Selwyn St surrounding Waikato Hospital.
 - b. Within ten (10) metres of the Waikato DHB Waikato CBD Building (Corner Collingwood and Anglesea Streets)
 12. All events operated or sponsored by the Council.
 13. Council may, from time to time, by resolution include any part or parts of the city as a Smokefree and vapefree public place within the policy.

Education and Enforcement

14. The policy will be supported by a collaborative action plan that will be delivered by the Council and other agencies that have an interest in working towards a Smokefree and vapefree city.
15. The Council will collaborate with key advocacy groups to communicate the intent of the Policy through the media including social media to educate the public.

Signage

16. Wherever practicable, the areas where smoking and vaping is prohibited will be signposted, to communicate Smokefree and vape-free zones

Monitoring and implementation

17. The Policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any further issues that may arise (whichever comes first).

References

- Health Act 1956.
- Smokefree Environment Amendments Act 2004.
- Smokefree Environment Act 1990.
- www.smokefree.org.nz

Briefing: Smoking at Waikato DHB, including Henry Rongomau Bennett Centre

Background

Waikato DHB became smokefree in 2006, Mental Health Services had an exemption until 2011 and moved to smokefree in 2009, Forensic Services went smokefree in 2008.

In 2017 a Waikato DHB Board member asked the Board to consider reintroducing an outdoor smoking area specifically for the Adult Acute Inpatient facility at the Henry Rongomau Bennett Centre.¹ DHB leadership prepared a report which was discussed on 23 August 2017.

Waikato DHB decision

The Waikato DHB Board approved a recommendation that an outdoor smoking area for clients in the Adult Acute Inpatient Unit at the Henry Rongomau Bennett Centre not be reintroduced, subject to Mental Health and Addiction Services proactively managing smoking cessation for patients and staff and Nicotine Replacement Therapy being readily available.

The Board agreed that a dispensation for people with psychiatric disorders to smoke whilst in hospital would increase co-morbidity and decrease life expectancy. It noted that it may face future civil or class action taken by a patient/family alleging the Board further shortened the life of a patient with mental illness by allowing them to be exposed to tobacco in its facilities.

Issues considered

1. A smokefree policy does not breach civil rights under the Bill of Rights 1990. The Supreme Court in NZ has affirmed that The Smokefree Environments Act 2003 does not require DHBs to provide dedicated smoking facilities.
2. No research articles were found in any recognised journals that supported the continuation of smoking in mental health clients or facilities.
3. Smoking complicates medical management of mental health patients by interacting with medication.
4. The concern that quitting smoking will worsen the mood in people with mental health disorders is incorrect. Smoking cessation has beneficial effects on mood disorders, with an effect size equal to, or larger than, treatment with antidepressants.
5. Smoking cessation significantly increases life expectancy.
6. Concerns that the level of aggression towards clients and staff would increase as a result of the smokefree status in inpatient mental health facilities are unfounded.
7. NZ research on ambient air quality has found that the area outside a DHB designated smoking area had a level of fine particulate that was 1.7 times higher than in non-smoking areas.
8. Henry Rongomau Bennett facility offers a range of nicotine replacement therapies.

¹ The request excluded all other DHB inpatient (Forensic Services, Older Persons Mental Health Services, Community Services, and applied to any other mental health patient admitted to the general hospital for physical health issues).

Council Report

Item 8

Committee: Community Committee **Date:** 29 September 2020
Author: Maria Barrie **Authoriser:** Lance Vervoort
Position: Parks and Recreation Manager **Position:** General Manager Community
Report Name: Fenced Dog Exercise Area Location

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Community Committee of community views on a preferred site for a Fenced Dog Exercise Area.
2. To seek approval from the Community Committee on the recommended location for the new fenced dog exercise area.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Community Committee:
 - a) receives the report; and
 - b) approves the installation of a Fenced Dog Exercise Area at Minogue Park (**Option B** of the staff report).

Executive Summary - *Whakaraapopototanga matua*

4. A fenced Dog exercise area was funded during the 2018-28 10 Year Plan. Delivery was put on hold in July 2019 following receipt of a petition opposing the installation at Innes Common.
5. The 24 June 2020 Community Committee approved a wider engagement process be carried out to determine the community's views on a preferred option for a fenced dog exercise area via public consultation. It noted that the feedback from the community was to be brought back to the Committee for consideration and decision.
6. Staff recommend **Option B**: Install a fenced dog exercise area in Minogue Park, as detailed in paragraph 25 below.
7. Staff consider the decision in this report has medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

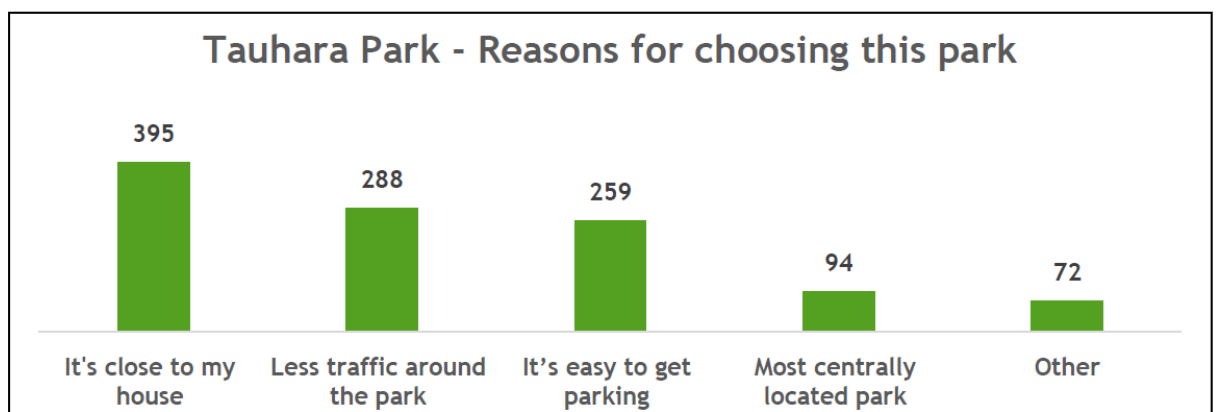
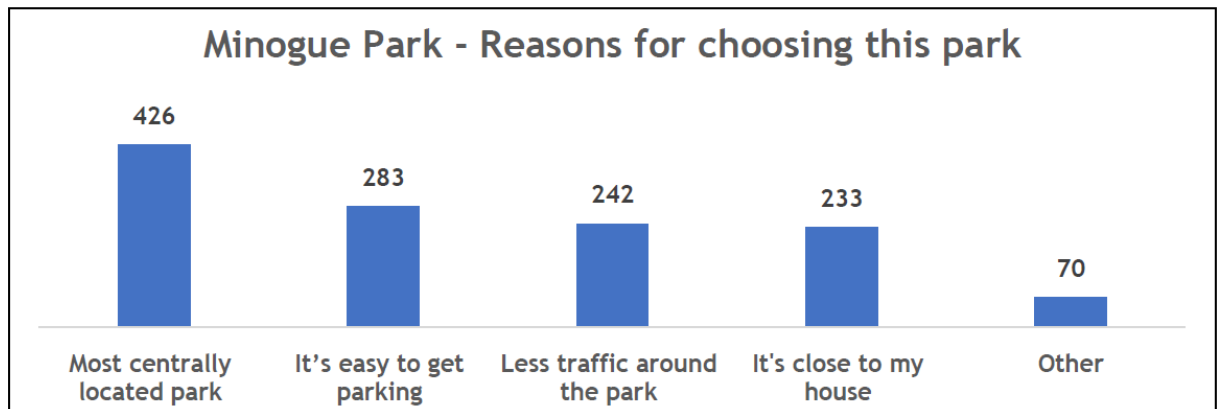
8. During the 2018-28 10 Year Plan, funding was approved to develop one fenced dog exercise area in the City. No site preference was indicated at this time.
9. Staff followed the methodology from the Pooches and Parks Plan development to engage with Dog Owners and stakeholders. Innes Common Lakeside was selected a preferred site for implementation.

10. Just prior to physical works starting, letter drops advising of the proposed works caused neighbouring residents to voice concerns with Councils Parks and Recreation Team.
11. The project was put on hold while staff and Elected Members worked with residents to provide further detail of the proposal and understand community concerns.
12. A petition was lodged at the end of July 2019 by The Lake Crescent residents group opposing the fenced Dog exercise area at Innes Common and requesting that Council revoke approval for this project to be implemented.
13. The residents petition was heard at the 28 November 2019, Council meeting where the following was resolved:
 - a) *receives the petition from the Lake Crescent Residents Group;*
 - b) *formally puts the implementation of the fenced dog exercise area at Innes Common on hold;*
 - c) *requests that the matter relating to the location of the fenced dog exercise area be brought back to Council or appropriate committee in early 2020 for a decision; and*
 - d) *requests that staff bring this matter to a briefing where site options for a fenced dog exercise area and a community engagement plan will be discussed, prior to the matter coming back to Council or the appropriate committee for consideration.*
14. During the February Elected Member Briefing, staff re-confirmed the criteria that was used to select possible locations as follows:
 - i) They were existing off lead dog exercise areas
 - ii) An open area up to 1ha was available for a fenced area whilst leaving good access to the remaining open space.
 - iii) The existing infrastructure necessary to support the development of a fenced dog exercise area was present, namely off-street parking, existing toilets, nearby water connections.
 - iv) There were no known physical barriers with existing or proposed park infrastructure
 - v) Variation in landscape
15. On 24 June 2020 the Community Committee approved a wider engagement process be carried out to determine the community's views on a preferred option for a fenced dog exercise area via public consultation; and notes that the feedback from the community will be brought back to the Community Committee for consideration and decision.

Discussion - *Matapaki*

16. Of the site options presented during the February briefing the sites that most closely matched the selection criteria were identified as Resthills Park, Tauhara Park and Minouge Park.
17. Staff were asked to consider accessibility for all in site selection. The addition of connecting paths was not provided for within the approved budget for this project and would require additional funding.
18. The fenced dog park exercise area engagement took place from 10 August to 6 September. The purpose was to gauge the public's preference for the location of the city's first fenced dog exercise area. The full engagement findings are attached in Appendix 1.
19. We received 1478 submissions, with the result virtually tied between Tauhara Park (583) and Minogue Park (582). Resthills Park was preferred by 279 respondents.

20. The reasons submitters selected a preference for Tauhara Park and Minogue Park are shown below:



Note: The above numbers will not add to 100% as people could choose more than one reason.

21. If the recommendation to install a fenced dog exercise area is not approved:
- It will likely result in dissatisfaction from the Dog owner community
 - Off lead dog exercise areas would remain available for use, however, there would continue to be no provision of fenced off lead dog exercise area within Hamilton City.
22. The recommendation in this report aligns with the Play Strategy and Pooches and Parks plan:
- Council ensures the provision of spaces, facilities and services to enable everyone to play and be active
 - Delivers a fenced Dog Exercise area

Options

23. Staff have assessed that there are 2 reasonable and viable options for the Council to consider. Appendix 2 contains the site plans for both options.
24. **Option A: Install the Fenced Dog exercise area at Tauhara Park.**
- Option A** was the preferred site by 1 vote
 - Option A** will require resource consent and seismic assessment as it is reclaimed landfill site
 - Option A** is 54m to the nearest residential boundary
25. **Option B: Install the Fenced Dog exercise area at Minogue Park.**
- Option B** was considered the most central site
 - Option B** could be implemented immediately as resource consent is not required.
 - Option B** is 70m to the nearest residential boundary.

26. Staff recommend **Option B** because it is aligned with the community's site preference from viable options and also delivers a fenced dog exercise area more immediately.

Financial Considerations - *Whaiwhakaaro Puutea*

27. The project funding of \$177,000 was funded as part of the 2018-28 Long term.
28. This funding was split into \$160,000 capital expenditure towards a fenced dog park and \$17,000 towards extra bins in year 1 of the 10 Year Plan.
29. \$82,000 was spent in the 2018/19 financial year on materials and bin installation prior to the project being put on hold.
30. The remaining \$95,000 capital expenditure was deferred and remains available to complete the project.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

31. Staff confirm that Option B complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

32. 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').
33. 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.
34. The recommendations set out in this report are consistent with that purpose.

Social

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').
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.
37. The recommendations set out in this report are consistent with that purpose.
38. Further engagement with the community on location of the fenced dog exercise area enables the community to have a say in the site that provides best the social connection opportunities and gives Members assurance that the community goals in this area are achieved.

Economic

39. There are no economic benefits related to this project.

Environmental

40. Bags and dog bins will be provided to encourage users to dispose of dog droppings responsibly.
41. Fencing materials and planting have been selected to have minimal visual impact on the landscape.
42. The Tauhara Park site will require resource consent and seismic assessment as it is reclaimed landfill site.

Cultural

43. There are no known cultural issues with the placement of a fenced dog exercise area at either Tauhara Park or Minogue Park sites.

Risks - *Tuuraru*

44. It is possible that respondent who voted for Tauhara Park will be dis-satisfied with the selection of Minogue Park. Staff will inform survey participants of the outcome and reasons why Minogue Park was selected.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

45. 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

46. Community views and preferences are known to the Council through the recent engagement.
47. Prior to installation survey respondents will be informed of the selected site and immediate neighbours will be informed also.

Attachments - *Ngaa taapirihanga*

Attachment 1 - New fenced dog exercise area 2020 Engagement and Submissions Insights

Attachment 2 - Fenced Dog Exercise Area - Site Plans

NEW FENCED DOG EXERCISE AREA 2020: ENGAGEMENT TACTICS AND SUBMISSIONS INSIGHTS

REPORT PREPARED BY:
PREETA CHITRE, RESEARCH AND INSIGHTS ANALYST
TRACEY LOWNDES, COMMUNICATION AND ENGAGEMENT ADVISOR
SEPTEMBER 2020.

REVIEWED BY:
LAURADANNA, TEAM LEADER, COMMUNICATIONS, GREAT RIVER CITY
JULIE CLAUSEN, UNIT MANAGER, STRATEGY AND CORPORATE PLANNING
SEPTEMBER 2020.

EXECUTIVE SUMMARY

The fenced dog park exercise area engagement took place from 10 August to 6 September. The purpose was to gauge the public's preference for the location of the city's first fenced dog exercise area. The main tool for engagement was a survey through the Council's Have Your Say community engagement portal. The survey was in two parts: the engagement questions and demographic information. The engagement questions were as follows:

Where would you like the new fenced dog exercise area to be? Select only one item

- Tauhara Park, Rototuna
- Minogue Park, Forest Lake
- Resthills Park, Glenview.

Can you tell us why you chose this park? Select all that apply

- It's close to my house
- Most centrally located park
- It's easy to get parking
- Less traffic around the park
- Other [space to provide further information]

Are you a dog owner?

- Yes
- No

Overall result

We received 1478 submissions, with the result virtually tied between Tauhara Park (583) and Minogue Park (582). Resthills Park was preferred by 279 respondents.

Dog owners

1315 (89%) of respondents were dog owners. Of this group, 529 (40%) chose Tauhara Park, 512 (39%) chose Minogue Park and 250 (19%) chose Resthills Park. Thirty-four (34) respondents expressed no preference.

Neighbourhoods

1414 of the total respondents were Hamilton residents. One of the engagement objectives was a good response rate from the neighbourhoods in which the three parks are located. This was achieved, with the highest concentration of submissions from those areas:

- 236 (17% of respondents from Hamilton) were from East Area 2 (includes Callum Brae, where Tauhara Park is situated). Of these, 190 (81%) chose Tauhara Park, 31 (13%) chose Minogue Park, 10 (4%) chose Resthills Park. Five (5) expressed no preference.
- 195 (14% of respondents from Hamilton) were from West Area 1 (includes Forest Lake, where Minogue Park is situated). Of these, 130 (67%) chose Minogue Park, 51 (26%) chose Tauhara Park, and 10 (5%) chose Resthills Park. Four (4) expressed no preference.
- 225 (16% of respondents from Hamilton) were from West Area 6 (includes Glenview, where Resthills Park is located). Of these, 140 (62%) chose Resthills Park, 61 (27%) chose Minogue Park, and 20 (9%) chose Tauhara Park. Four (4) expressed no preference.

ENGAGEMENT TACTICS

The purpose of this engagement was to assess the public's preferred location for Hamilton's first fenced dog exercise area. It followed an earlier consultation, in March 2019, which was targeted mainly at registered dog owners. The clear preference from that consultation was Innes Common, but the Council later decided against that location and put the project on hold until further community consultation could be undertaken.

In June 2020 a further round of consultation was approved with an emphasis on residents from the three neighbourhoods as well as dog owners and the broader community. Three options were presented to the public: Resthills Park in Glenview, Tauhara Park in Rototuna and Minogue Park in Forest Lake.

The engagement ran for four weeks from 10 August to 6 September 2020. Engagement objectives were:

- Those most affected by the decision are motivated to engage with Council: dog owners, users of the three parks and residents of the three neighbourhoods.
- We provide clear, graphic information on the fenced dog parks and why these sites were chosen so the community understands the impact and how the new exercise area will work in practice.
- People understand why we are consulting, the influence they have and the outcome we are driving at and feel empowered to share their voice.

The main feedback mechanism was the Council's Have Your Say online engagement portal. Hard copy survey forms were distributed to the six libraries and were available at the Municipal Building. The option to complete a hard copy was included in campaign communication, acknowledging that some people prefer a manual to a digital process. 1454 submissions were received online and 24 as hard copies.

A new page was created on the Hamilton City Council website and was given a friendly URL for ease of reference: hamilton.govt.nz/fenceddogpark. This was included on signs and in other campaign collateral as a source for further information.

The web page had a direct link to the Have Your Say survey and included maps of the three parks, showing where the proposed site of the new fenced area in each park. Likely construction materials and planting were included to demonstrate how the area would be designed to blend into the surrounds. The page also featured FAQs.

Three drop-in sessions were held on Saturday 15 August at the library closest to each park. Details of the sessions were included in a letter to neighbours (residents within a few blocks' radius to the three parks) and on signs in those parks. Display material created for the drop-in sessions remained in place until the end of the consultation. The sessions went ahead despite the Government's decision to move most of the country to Alert Level 2 as libraries remained open at this level. However, staff reported few customers and little engagement; it is likely COVID-19 restrictions deterred some regular library customers from visiting that day.

PROMOTION OF THE ENGAGEMENT

The opportunity to take part in the engagement was communicated in the following ways:

- Direct mail:
 - Letter to residents within a few blocks' radius of the three parks (1900 letters were distributed)
 - Emails to park user groups and neighbouring organisations
 - Email to previous submitters
 - Email to registered dog owners (approx. 6300 people)
 - Letter to registered dog owners with no email contact (approx. 4200 people)
 - Email to dog-related businesses with flyer
- A social media campaign run across two Hamilton City Council channels: Facebook and Instagram
- Regular social media across these channels. Content included Our Hamilton stories, post links to Have Your Say and images
- Detailed signs in the three parks
- Signs in other off-leash dog exercise areas
- Posters on display in the Municipal Building customer area
- Drop-in sessions and pop-up displays at three libraries: Chartwell, St Andrews and Glenview
- Internal promotion to Council staff
- Fenced dog exercise area page on the Council website
- Media releases/stories on the Council's Our Hamilton website and in the Our Hamilton newsletter (7 August, 3 September)
- Waikato Times article (7 August)
- Advertisements in the Waikato Times (12 August; week day readership 48,000) and Hamilton Press (26 August; readership 57,000)

The engagement campaign's look and feel emphasised the need to provide the city's dogs with appropriate play areas and offered impressions of what the park would look like (in lieu of concept designs, which were not available).



Facebook banner



Sign placed in the three parks



Sign in other parks



Pop-up display

ENGAGEMENT RESULTS

HAVE YOUR SAY

A total of 1478 submissions were received through the Have Your Say engagement process. This compares to 1328 for the 2019 engagement.

The result was close: Tauhara Park was preferred by 583 respondents and Minogue Park by 582. Resthills Park was the least favoured site at 279 (34 respondents expressed no preference).

The bulk of responses (1454) were online via the Have Your Say portal with 24 hard copies received. The online survey page was visited by 2366 users, translating to a conversion rate of 61% – three out of five people who visited the page completed the survey. This is a strong result.

Of those 2366, most (1185) came direct, either by typing the URL hamilton.govt.nz/haveyoursay or clicking from the web page (both addresses were promoted in campaign collateral). The next most popular route was via Facebook (1096 users), followed by Google searches (85).

Of the 1478 total, 1418 people provided their names.

SOCIAL MEDIA

Posts about the engagement on Facebook and Instagram generated 222 comments and replies to comments, demonstrating strong community interest in the topic.

With 25,572 people following the Council on Facebook, this is a key channel for communicating engagement opportunities. The Council also has a growing number of followers on Instagram since joining in February (1800 followers). These are priority social media channels.

Posts	Reach	Engagement	Comments	Reactions	Shares	Post Clicks
Facebook - 4 September	5127	83	0	7	4	72
Facebook - 13 August	5158	186	2	8	1	173
Facebook - 10 August	10438	1642	96	36	9	1465
Facebook and Instagram campaign (\$200)	21708	0	123	40	13	590
Retargeted campaign (\$ incl. above)	16456	0	0	0	0	210
Total	58887	1911	221	91	27	2510

- A topic generating high engagement with a reach of 58,887 people.
 - A large volume of engagement came through comments, shares and people clicking through to the Have Your Say page.
 - In Week 3, the campaign was retargeted to areas of the city that were under-represented in terms of age and location.
- The campaign ranked above average for engagement rate, conversion rate and quality compared to other campaigns run through Facebook Ads Manager.

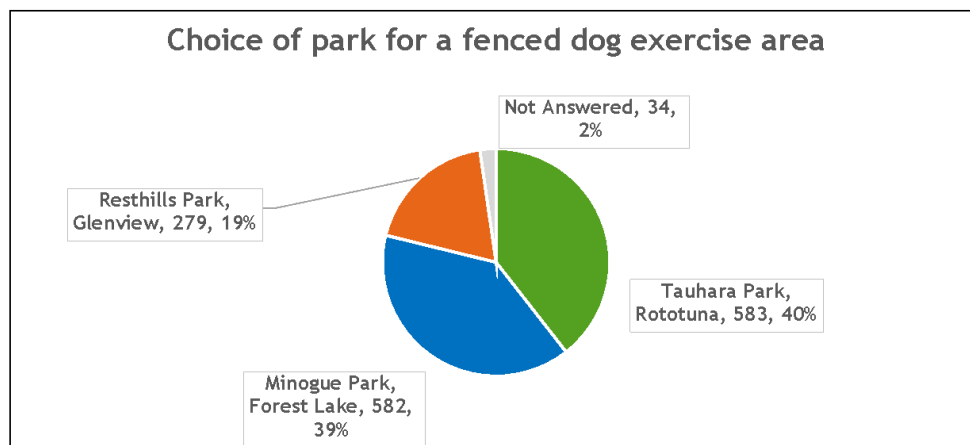
WEBSITE

Direct mail and campaign collateral directed the community to a web page for further information: hamilton.govt.nz/fenceddogpark. The page received 751 views.

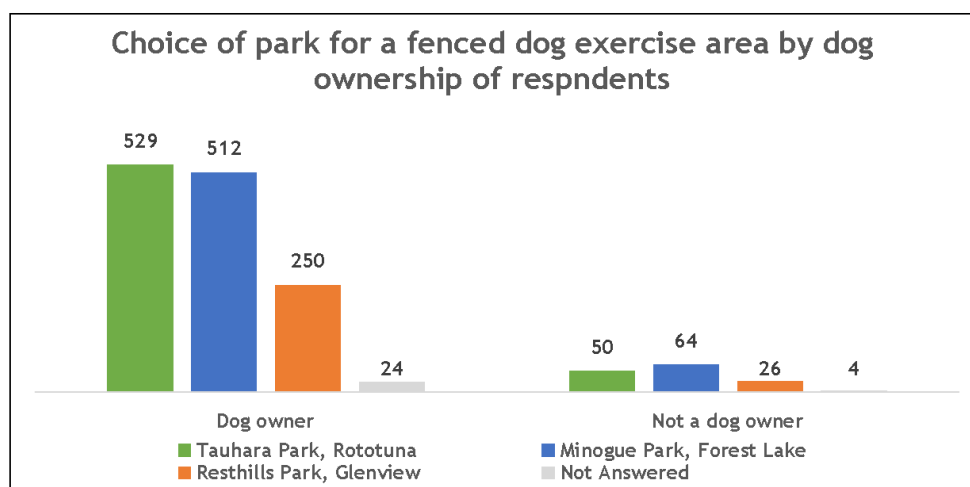
SUBMISSIONS INSIGHTS

FROM HAVE YOUR SAY SURVEY

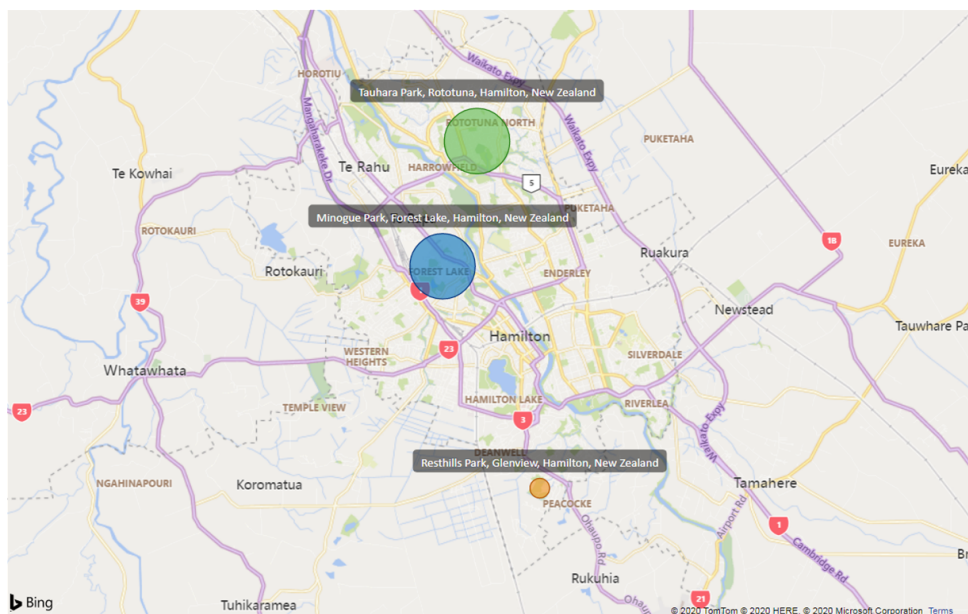
1. 1478 people responded to the survey through Have Your Say, either online or by completing a hard copy feedback form.
2. 1315 (89%) of the respondents are dog owners.
3. Of the 1478 responses, the split of people's choices is shown in the below chart.



4. The split of responses by dog ownership is shown below:

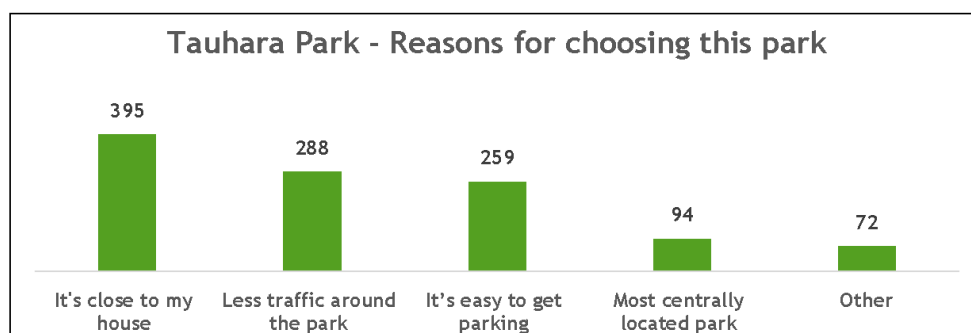


5. The parks given as options for people to choose from are shown on the map below for reference. The size of the bubble corresponds to the number of respondents who chose that park.



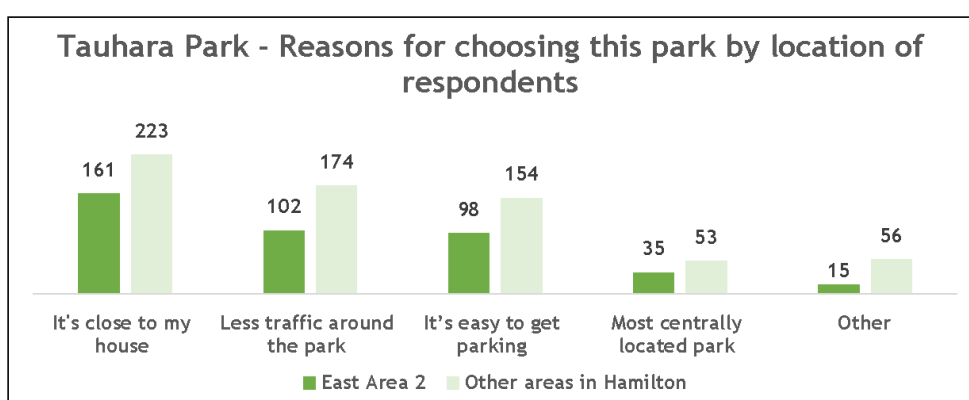
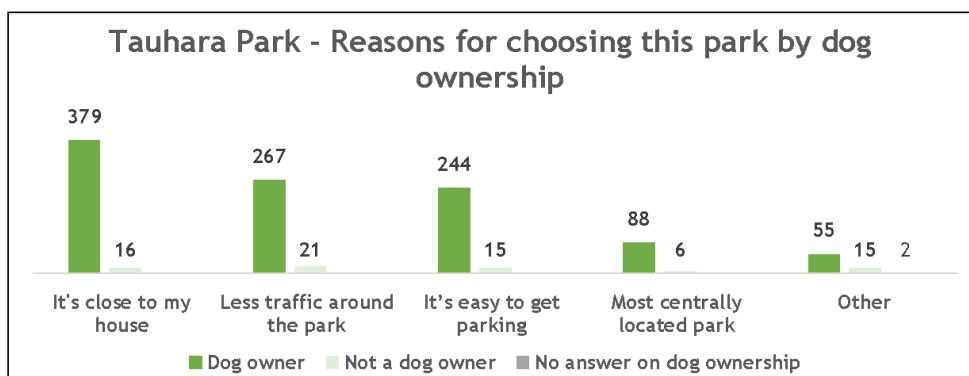
TAUHARA PARK, ROTOTUNA

1. 583 (40%) of the respondents chose Tauhara Park.
2. Of these, 529 (90%) are dog owners.
3. Of the 583 people, 572 gave reasons for choosing this park. Submitters were prompted with five potential reasons: proximity, traffic, ease of parking, location and other (i.e. the option to provide their own reason). Responses are shown below:



Note: The above numbers will not add to 100% as people could choose more than one reason.

4. The below graphs show reasons for choosing the park by dog ownership and by those living close to the park, i.e. where the park is in the same community profile as respondents. Tauhara Park is in East Area 2, which includes Callum Brae, Huntington, Rototuna, Rototuna North.



5. Themes from comments made by people who chose "Other" were mainly around:
- The park being accessible by different modes of travel.
 - Perception of the park being accessible to a larger number of dogs and dog owners.
 - Inclusion of a fenced area for dogs having no adverse impact on other type of park users such as families, sports teams and for general events at the park.
 - Against choosing another park. This is mentioned in a separate section in the report below.

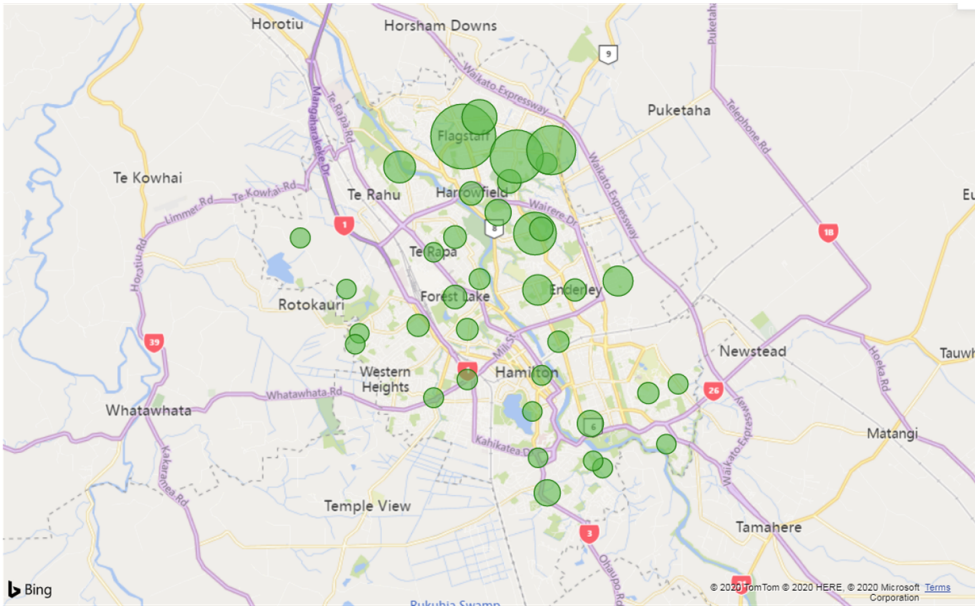
6. Examples of verbatim comments from respondents:

"I am a guide dog handler and this park is accessible by bus and on foot from my home. Also, there is parking for those who wish to drive to decide their dogs. This park has a large area which is virtually unused so would be very suitable for an enclosed dog park."

"A lot of dog owners already go there with their dog, so this would be a very familiar place. Also, there is a lot of houses and development in the Rototuna region so would get the most use, and there is plenty of parking."

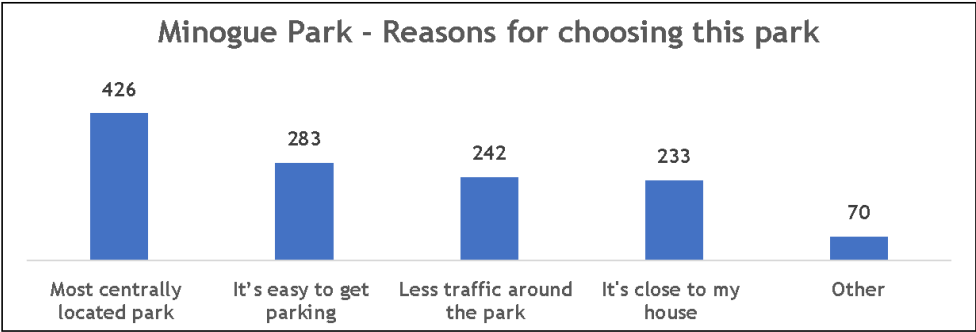
"Not too far from area for kids to play - good pathways to get to this park"

7. Distribution of respondents from Hamilton who chose Tauhara Park is shown in the map below.



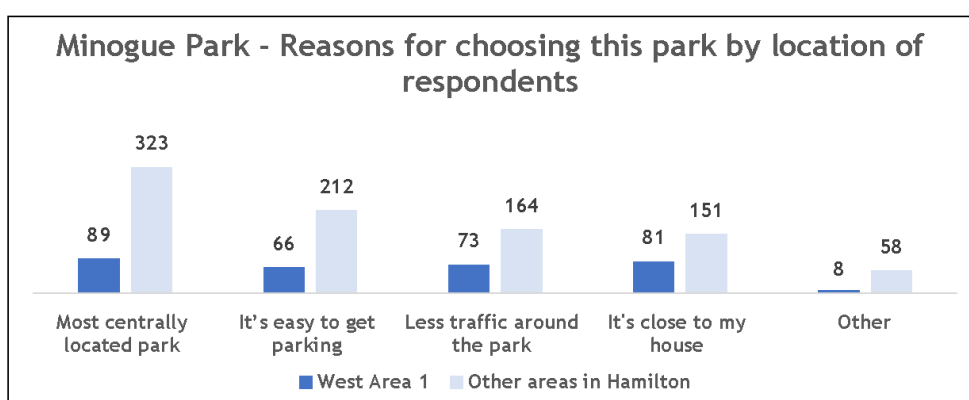
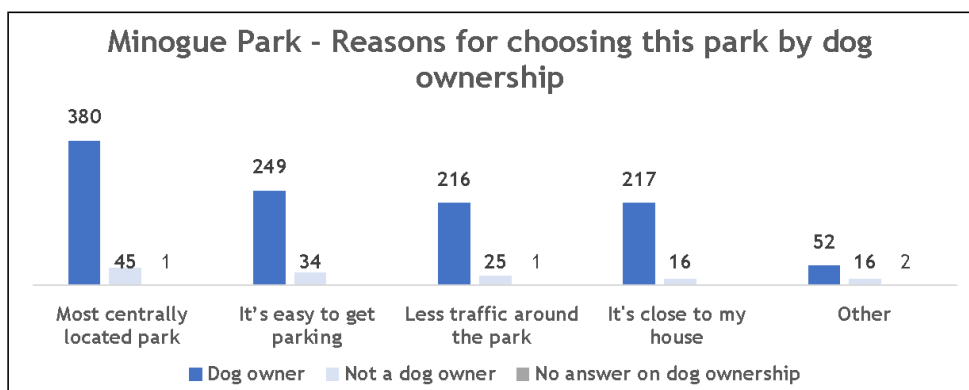
MINOGUE PARK, FOREST LAKE

- 1. 582 (39%) of the respondents chose Minogue Park.
- 2. Of these, 512 (88%) are dog owners.
- 3. Of the 582 people, 578 gave reasons for choosing this park. Submitters were prompted with five potential reasons: proximity, traffic, ease of parking, location and other (i.e. the option to provide their own reason). Responses are shown below:



Note: The above numbers will not add to 100% as people could choose more than one reason.

- 4. The below graphs show reasons for choosing the park by dog ownership and by those living close to the park, i.e. where the park is in the same community profile as respondents. Minogue Park is in West Area 1, which includes Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews, Te Rapa.



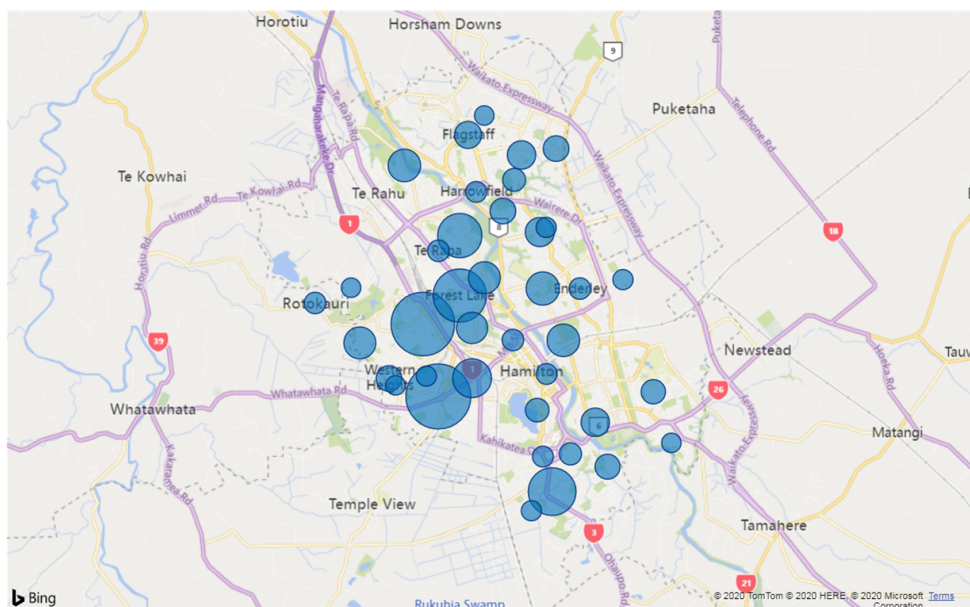
5. Themes from comments from people who chose "Other" were mainly around:
 - a. Limited residents living around the park.
 - b. Most centrally located park out of the three options.
 - c. Already used by plenty of dog owners.
 - d. Against choosing another park. This is mentioned in a separate section in the report below.
6. Examples of verbatim comments from respondents:

"We have 2 lovely dog parks where we can walk with our dogs and exercise ourselves at the same time. If a enclosed area must be built for people to go and stand outside the area watching their dogs play, well then that can be elsewhere and Minogue is centrally located."

"Lots of dog owner use this park already and adding fencing would make for a safer area"

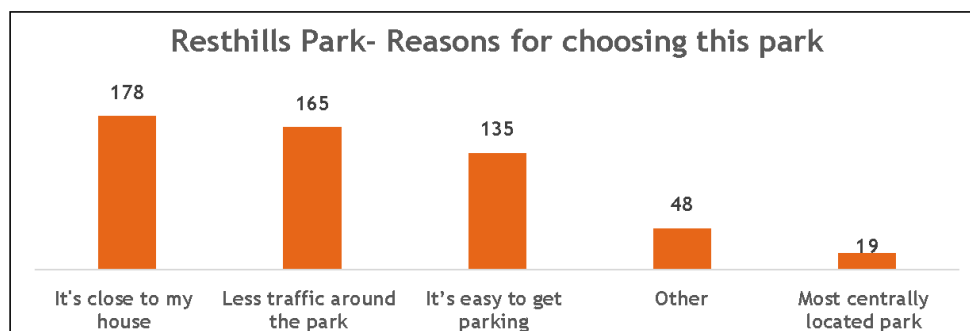
"Would be easier for people from south and north to get to would it be worth pinpointing on a map what area most of Hamilton dogs are registered - I think it would be north Hamilton which means places like Resthills will be too far to travel south"

7. Distribution of respondents from Hamilton who chose Minogue Park is shown in the map below.



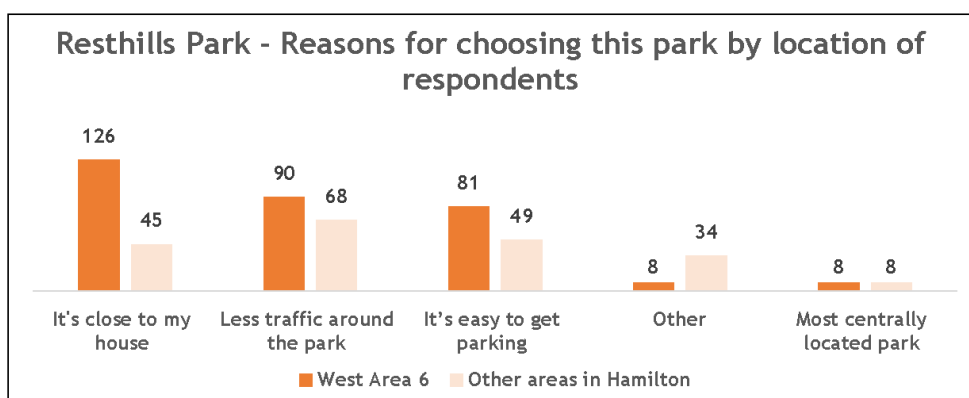
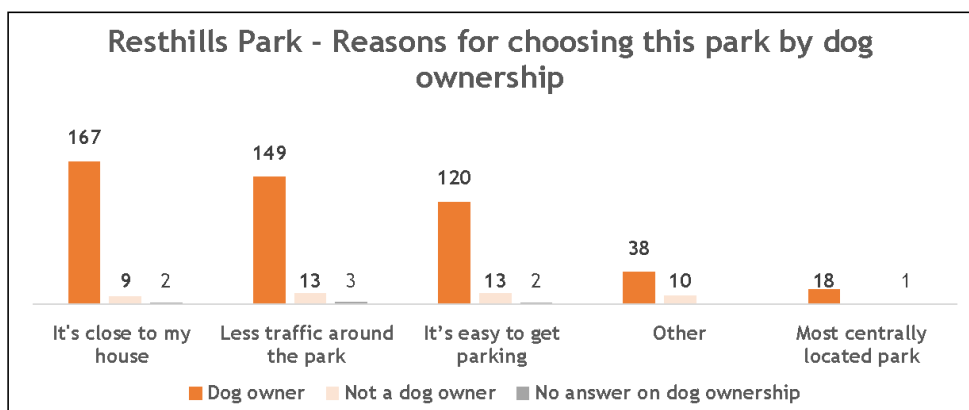
RESTHILLS PARK, GLENVIEW

1. 279 (19%) of the respondents chose Minogue Park.
2. Of these, 250 (90%) are dog owners.
3. Of the 279 people, 275 gave reasons for choosing this park. Submitters were prompted with five potential reasons: proximity, traffic, ease of parking, location and other (i.e. the option to provide their own reason). Responses are shown below:



Note: The above numbers will not add to 100% as people could choose more than one reason.

4. The below graphs show reasons for choosing the park by dog ownership and by those living close to the park, i.e. where the park is in the same community profile as respondents. Minogue Park is in West Area 1, which includes Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews, Te Rapa.



5. Themes from comments from people who chose "Other" were mainly around:
- Need a fenced dog park in southern part of Hamilton with future growth in housing.
 - The proposed site is away from houses, so noise will not carry.
 - Amenities like vet services and food shops being close to the park.
 - Against choosing another park. This is mentioned in a separate section in the report below.

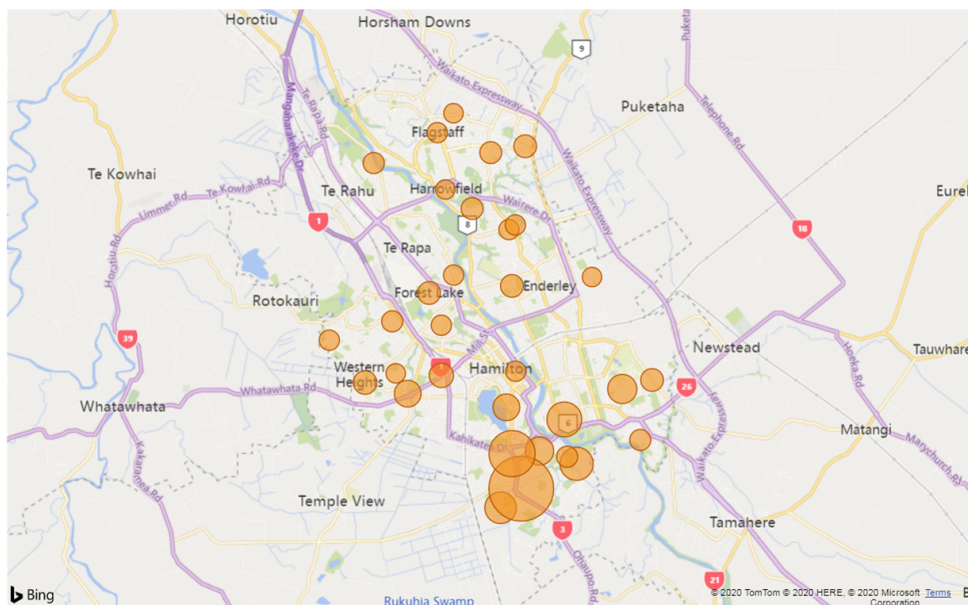
6. Examples of verbatim comments from respondents:

"Glenview as a suburb is up and coming and needs investment for its residents!"

"Glenview is a rapidly developing area on the outskirts of town and so it would be excellent to have a fenced dog area in this location. It is also the closest location in Hamilton to where we live."

"Glenview is getting lots of infill housing, bringing more people, and their pets, to the area. Rototuna and Forest Lake are not growing in population as there's no new housing being created near either of the proposed sites."

7. Distribution of respondents from Hamilton city who chose Resthills Park is shown in the map below.



FROM SOCIAL MEDIA COMMENTS

Sixty-five of the 222 comments and replies to comments on social media posts through Facebook and Instagram were relevant to location of a park and the reasons behind this. The themes that emerged were:

- 15 people's comments suggested the Council consider other areas
- 13 people mentioned Minogue Park as their choice
- 9 people mentioned Resthills Park as their choice
- 7 people mentioned Tauhara Park as their choice
- 6 people mentioned that a fenced dog exercise area should be built in all three parks
- 5 people mentioned that a fenced dog exercise area should not be built in Minogue Park
- 4 people mentioned that a fenced dog exercise area should not be built in Tauhara Park
- 3 people mentioned that a fenced dog exercise area should not be built in Resthills Park

Examples of verbatim comments:

"Minogue park, as it is more central for Hamilton dogs to enjoy"

"Minogue Park has extremely limited parking and excessive traffic during netball season...not an ideal venue unless the current parking issues are addressed, and more car parks created. The streets surrounding Minogue Park are also congested with parked cars and traffic during netball season...and netball in Hamilton at Minogue Park is not just a Saturday sport."

"Minogue park is already a cluster and the north end of town/Rototuna etc is already inundated with traffic so if we have to have one, I say Resthills."

"Not Resthills, packed with Sports people on the weekend, also too far from everything. Minogue park more central."

"Tauhara park would be great"

"Not Tauhara park- the parking and amenities are too far away from the proposed area and it turns into a bog in winter."

REASONS FOR NOT CHOOSING A PARK FOR A FENCED DOG EXERCISE AREA

The survey asked people to choose one of the three proposed parks and to elaborate on their choice. We noticed that people also took the opportunity to mention they would not want a specific park and why. These, along with similar comments from social media, have been themed below.

- 1) Tauhara Park – 13 people's comments were about not building a fenced dog exercise area in Tauhara Park. Of these:
 - 6 people mentioned that Tauhara Park had no amenities, such as parking and toilets, close to the proposed fenced dog exercise area.
 - 6 people mentioned that the ground at Tauhara Park gets boggy after rain.
 - 5 people mentioned that Tauhara Park is good as it is and works well without an unfenced dog exercise area.
 - 3 people mentioned that Tauhara Park is not centrally located.
 - 1 person mentioned that it is close to the fenced dog exercise area/park in Horotiu.

Examples of verbatim comments:

"Tauhara: no parking close to the "official" exercise area and this area is very boggy in winter. Lots of parking on Minogue drive. Still a large area in the rest of the park for off-lead exercise. A beautiful, quiet spot for dogs."

"I live near Tauhara Park and the dog exercise area functions well unfenced. The flat portion of the park is also unusable for long period in winter after rain as it gets very boggy due to poor drainage over the old dump site."

"I think it's important that a popular resource like this is easily accessible for all Hamilton dog owners. This is the most centrally located option. Tauhara and Resthills are at opposite ends of the city, making accessing them time consuming and off-putting to many owners. I think a central location is very fair."

"Not Tauhara park- the parking and amenities are too far away from the proposed area and it turns into a bog in winter."

- 2) Minogue Park – 26 people's comments were about not building a fenced dog exercise area in Minogue Park. Of these:
 - 10 people mentioned that a fenced dog exercise area would impact other park users, such as cyclocross and cross-country racers.
 - 7 people mentioned that Minogue Park is good as it is and works well without an unfenced dog exercise area.
 - 5 people mentioned that the ground at Minogue Park gets boggy after rain.
 - 2 people had a perception of the area being unsafe for dogs and dog owners.
 - 1 person mentioned that the proposed fenced dog exercise area would not be accessible to those with mobility issues.

- 1 person mentioned that there are currently parking issues during the busy sport times, and that these should be addressed if a fenced dog exercise area was to be built in Minogue Park.

Examples of verbatim comments:

"I chose Tauhara Park because it's the most central park, if excluding Minogue Park. Minogue Park is unsuitable - the area indicated on the map is very wet during winter and tends to pond water. I race cyclocross at Minogue Park and the fenced dog area would take up the space that is used for the race course. Cross country running is held at Minogue Park too. It is disappointing that other groups who use the park have not been consulted (you would know who books the park by looking at previous park bookings)."

"Minogue is close to my house but not suitable to be fenced due to bogginess"

"I ride cyclocross within Minogue Park and the proposed fenced area will most certainly impact on already limited options for cyclocross. I am not a dog owner but wish to express how this decision would impact on other park uses."

"I was at Minogue park for the steam engine event and the proposed fenced area was used to display various engines. I suspect Minogue park is an ideal location for such and other events and would be impacted by a fenced dog area. I don't know the Glenview area. it may be suitable also. I do think Tauhara park is an excellent location although not ideal for people living on the other side of the city"

3) Resthills Park – 22 people's comments were about not building a fenced dog exercise area in Resthills Park. Of these:

- 7 people mentioned that Resthills Park is not centrally located.
- 6 people mentioned that the ground at Resthills Park gets boggy after rain.
- 5 people mentioned that Resthills Park had no amenities, such as parking and toilets, close to the proposed fenced dog exercise area.
- 5 people mentioned that a fenced dog exercise area would impact other park users, such as cross-country racers and families.
- 4 people mentioned that Resthills Park is good as it is and works well without an unfenced dog exercise area.
- 3 people mentioned that it could impact wildlife such as ducks nesting and bat boxes.

Examples of verbatim comments:

"I think it's important that a popular resource like this is easily accessible for all Hamilton dog owners. This is the most centrally located option. Tauhara and Resthills are at opposite ends of the city, making accessing them time consuming and off-putting to many owners. I think a central location is very fair."

"Resthills Park and Minogue Park are dog friendly and dogs can roam off leash. I use the Resthills Park to walk through on a daily basis and ALL the dogs and dog owners seem very happy. I also have been to Minogue Park very often with the same result. I see NO reason to have a fenced off dog area in these parks."

“Limited parking in the Resthills area which will be competed for by the people involved with the sports in this Park.”

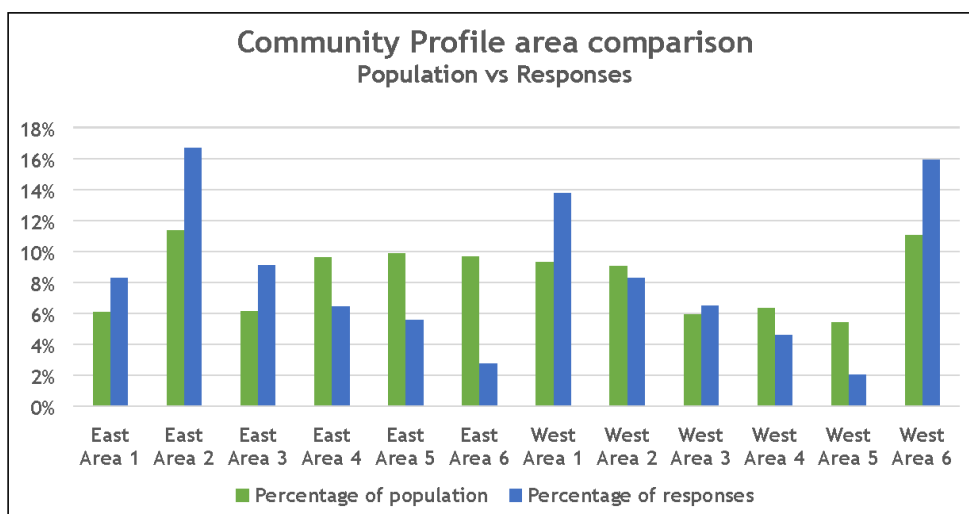
“Callum Brae is too far North for many and Resthills whilst lovely can get very wet and swampy in that area of the Park. “

DEMOGRAPHICS

RESPONDENTS VS HAMILTON CITY PROFILE*-LOCATION

We had a high representation from East Area 1 (Flagstaff), East Area 2 (Callum Brae, Huntington, Rototuna, Rototuna North), East Area 3 (Chartwell, Chedworth, Harrowfield, Queenwood), West Area 1 (Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews, Te Rapa), and West Area 6 (Bader, Deanwell, Fitzroy, Glenview, Melville, Peacocke).

This supports the engagement objective of targeting residents near the three proposed locations i.e. Tauhara Park in Rototuna (East Area 2), Minogue Park in Forest Lake (West Area 1), and Resthills Park in Glenview (West Area 6).

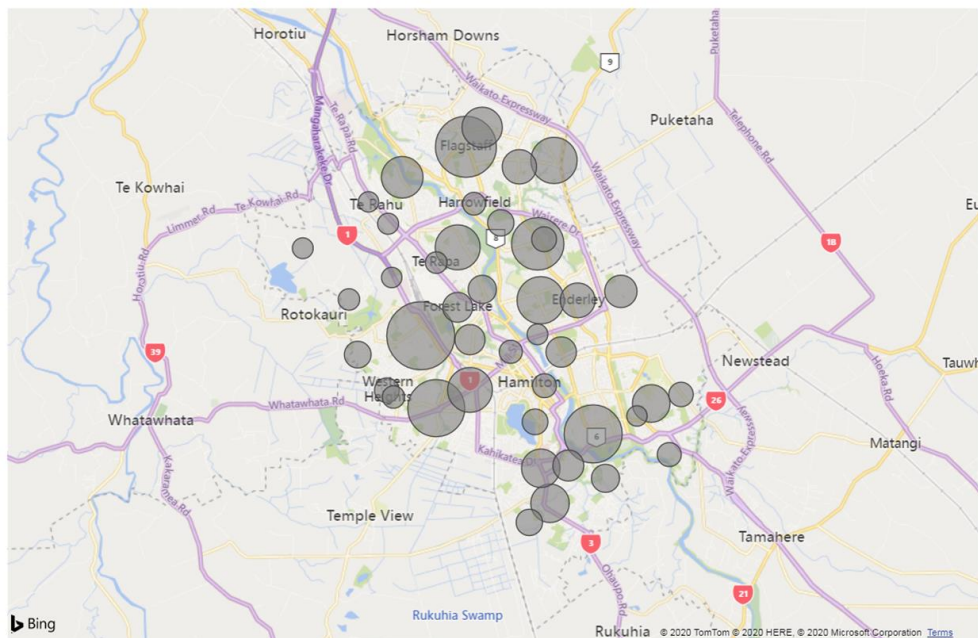


*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

Community Profile Area	List of suburbs
East Area 1	Flagstaff
East Area 2	Callum Brae, Huntington, Rototuna, Rototuna North
East Area 3	Chartwell, Chedworth, Harrowfield, Queenwood
East Area 4	Enderley, Fairfield, Fairview Downs
East Area 5	Claudlands, Hamilton East, Peachgrove
East Area 6	Hillcrest, Ruakura, Riverlea, Silverdale
West Area 1	Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews, Te Rapa
West Area 2	Crawshaw, Grandview Heights, Nawton, Rotokauri, Western Heights
West Area 3	Aberdeen, Dinsdale, Temple view
West Area 4	Frankton, Maeroa, Swarbrick
West Area 5	Hamilton Central, Hamilton Lake, Hospital, Whitiara
West Area 6	Bader, Deanwell, Fitzroy, Glenview, Melville, Peacocke

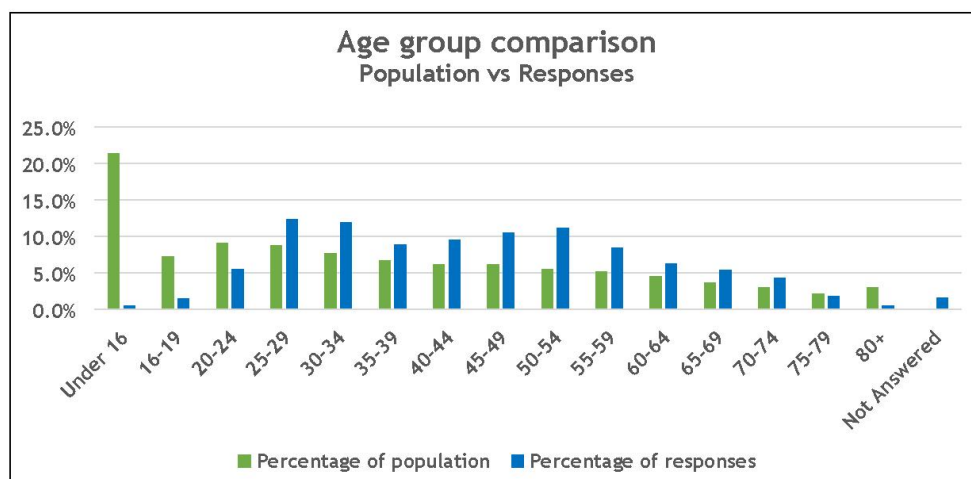
REPRESENTATION OF DOGS REGISTERED IN HAMILTON CITY

The below map and table show distribution of dogs registered in Hamilton. This data was sourced in August 2020.



RESPONDENTS VS HAMILTON CITY PROFILE*-AGE GROUP

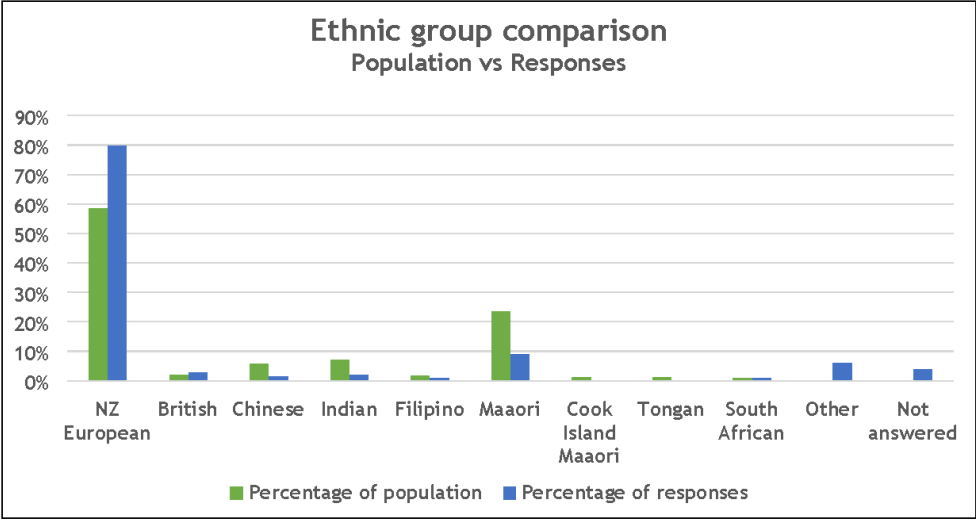
We had a good representation across age groups from 29 to 74 years of age. We had a low representation from under 19-year-olds (52% of which are under nine years old), which was expected given the subject matter.



*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

RESPONDENTS VS HAMILTON CITY PROFILE*-ETHNIC GROUP

We had a high representation from the NZ European and British ethnic groups.



*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

WHAT'S NEXT

The results from this latest round of engagement will be presented to Elected Members at the 29 September Community Committee meeting with a recommendation were to locate the city's first fenced dog exercise area.

The Council's decision will be communicated to the community in the following ways:

- Our Hamilton story/ media advisory
- Facebook post
- Email or letter to submitters who provided contact details
- Email from project manager to park user groups and neighbouring organisations
- *We asked, You said, We did* section on the Have Your Say portal
- Updates to the fenced dog park web page
- Letter to neighbours near chosen location advising of construction timeline
- What's happening here? signage in the chosen park

Minogue Park

Proposed area



Approximately 360meters length of fencing and 5800 square meters

Park	Benefits	Risks
Minogue Park	<p>Toilets, carparking, water connections onsite</p> <p>Centrally located within Hamilton</p> <p>Varied Terrain</p> <p>70m from fence site to closest residential property</p>	<p>Main carpark at Minogue is 630 m from the off leash area, half of which is via unformed path.</p> <p>Carpark at miniature railway not open outside of event days</p> <p>Areas poorly drained in winter</p>

Resthills Park

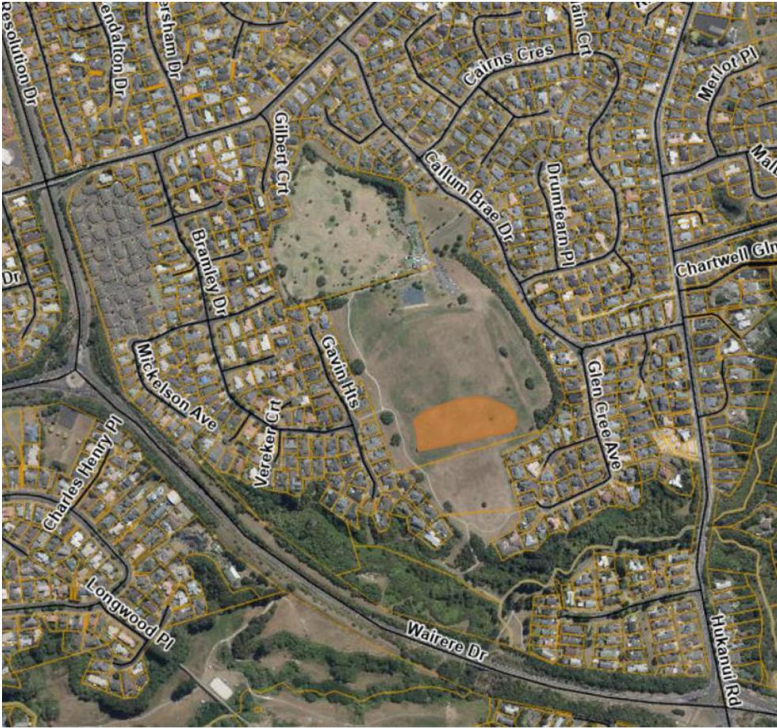
Proposed area



Approximately 360meter length of fencing and 5800 square meters

Park	Benefits	Risks
Resthills Park	<div>Toilets, carparking, water connections onsite</div> <div>Varied terrain</div> <div>40m from fence site to neighbouring property with good tree buffer from residential properties</div>	<div>Carpark is 520 m from the off leash area</div> <div>Not centrally located</div> <div>Area poorly drained in winter</div>

Tauhara Park



Approximately 360metere length of fencing and 5800 square meters

Park	Benefits	Risks
Tauhara Park	Toilets, carparking, water connections onsite 54m from fence site to nearest residential neighbours Well drained park	Old dump site (conditions round earthworks) Not centrally located Flat terrain, lack of variation

Council Report

Committee: Community Committee **Date:** 29 September 2020
Author: Sandra Murray **Authoriser:** Jen Baird
Position: Consultant **Position:** General Manager City Growth
Report Name: Deliberations Report - Safety in Public Places Bylaw 2020

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Community Committee of the review of the Safety in Public Places Bylaw 2020 and to seek a recommendation to the Council for the adoption of the proposed Bylaw (**Attachment 1** – tracked changes and **Attachment 2** – clean version).

Staff Recommendation - *Tuutohu-aa-kaimahi* (Recommendation to the Council)

2. That the Community Committee:
 - a) receives the report; and
 - b) recommends that the Council adopts the revised Safety in Public Places Bylaw 2020.

Executive Summary - *Whakaraapopototanga matua*

3. The Council is required to review its Safety in Public Places Bylaw 2014 (the Bylaw) to meet its legislative requirements under the Local Government Act 2002 (s159, the LGA).
4. This requirement provides an opportunity for the Council to engage the community on how the current Bylaw is working and to consider feedback.
5. At a meeting on 19 May 2020, the Council resolved that the bylaw is the most appropriate way of addressing the perceived problems in relation to controlling nuisance behaviour in Hamilton and approved the proposed Bylaw for public consultation [**Attachment 1 & 2**].
6. Public consultation occurred for one month from 1 June to 30 June 2020, resulting in a total of 105 submissions. This number includes submissions from 10 organisations.
7. At a meeting on 25 August 2020 the Hearings and Engagement Committee heard from 2 submitters who spoke to their submissions.
8. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. Hamilton City Council has an existing Safety in Public Places Bylaw 2014.

10. Staff consider that the existing Bylaw is fit for purpose and recommended minor amendments to provide clarification and better alignment with recent amendments to the Psychoactive Substances Act.
11. The purpose of the existing Bylaw is to set controls and assist staff to manage nuisance behaviour within Hamilton.
12. Nuisance behaviour is defined in the bylaw as:
 - Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person.
 - Sleeping in a public place in such a way as to cause an obstruction.
 - Urinating or defecating in a public place other than a toilet.
 - Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place.
 - Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
13. Staff note that no prosecutions have ever been taken under the Bylaw.
14. The Bylaw is a useful tool for staff to refer to when managing public behaviour, as it provides clear direction on what constitutes nuisance behaviour when in discussion with a person on the street.
15. Proposed amendments included:
 - The Bylaw includes “Riding a skateboard within the areas defined in the Skateboarding Prohibited Areas Register” as nuisance behaviour. Staff recommend all reference to skateboarding as a nuisance behaviour is removed as:
 - few problems have been encountered from skateboard use; and
 - attitudes towards skateboarding have changed, with active transport options (such as skateboarding and using scooters) now viewed as part of the range of transport options available to people.
 - Amendments to the definition of ‘psychoactive substances’ and the removal of ‘mind-altering substance’ to clarify these substances in light of previous changes to the Psychoactive Substances Act and future potential changes to cannabis legislation.
16. If the recommendations are not approved by the Council, skateboarding will continue to be considered nuisance behaviour in some situations.
17. Staff consider the matters in this report to have a low significance and that the recommendations comply with the Council’s legal requirements.

Discussion - *Matapaki*

18. Ninety-three submitters (89%) supported the proposed Bylaw with minor amendments; 11 submitters (11%) supported the continuation of the current Bylaw (without amendments).
19. Seventy-nine submitters (75%) indicated they lived in Hamilton, and 27 submitters (38%) lived outside of Hamilton. Three submitters did not provide a response.

20. Key themes in favour and against the proposed Bylaw are summarised in the table below:

In support of the proposed Bylaw	Against the proposed Bylaw
Should not differentiate between skateboards and other active modes of transport	Skateboards – Safety of other members of the public
Skateboarding – Is not a crime	Skateboards – Skateboarders lack care of others
Skateboarding – Healthy and active / a sport	Skateboards - Noise
Skateboarding – Good for the environment	Skateboards – Resident concerns (nuisance / noise)
Skateboarders are mostly responsible	Skateboards – Should not be in the CBD
Skateboarding – Good for teens	Skateboards – Should only be allowed in the CBD
Skateboarding – Good for mental health / well-being	Wider concerns around active modes of transport (nuisance / safety)
Council to be more in touch with young people	
Skateboards – Removal of stigma	
Skateboarding - Praise for Council	
Encourage a vibrant CBD	
Better use of public spaces	

21. Submitters suggested the following amendments and suggestions to the Bylaw:
- Require skateboards and scooters in the CBD to use bike paths where available or the road.
 - Continue to treat loitering, damaging railings and curbs, 'doing tricks' or otherwise being disruptive as nuisance behaviour.
 - Better education for active transport users and pedestrians on how to co-exist on roads and footpaths.
 - Signage that relates to educating the public on the Bylaw to encourage appropriate behaviour. This should include visuals/images and wording that sends a positive message rather than all signage having the word No as a starting point. This would make the city communication friendlier and potentially achieve positive behavioural change.
 - Council should ensure public furniture is 'skateboard proof', as has occurred in Auckland.
22. Staff also note that the CBD area has few bike paths, therefore any provision to limit skateboards to bike paths would be ineffective.
23. Ultimately, as mentioned by one submitter, skateboarding will occur whether it is prohibited in the Bylaw or not. Many skateboarders have grown up ignoring what they perceive to be an unfair rule and therefore lack respect for the Bylaw. Alternative means of managing the situation are likely to be more effective.

24. Current responses to inappropriate behaviour by skateboarders are based around good engagement and influencing skills as employed by enforcement officers. This method is called the Graduated Response method. Staff consider this approach to be sufficient to address any future issues which may arise if the prohibition on skateboarding is lifted.

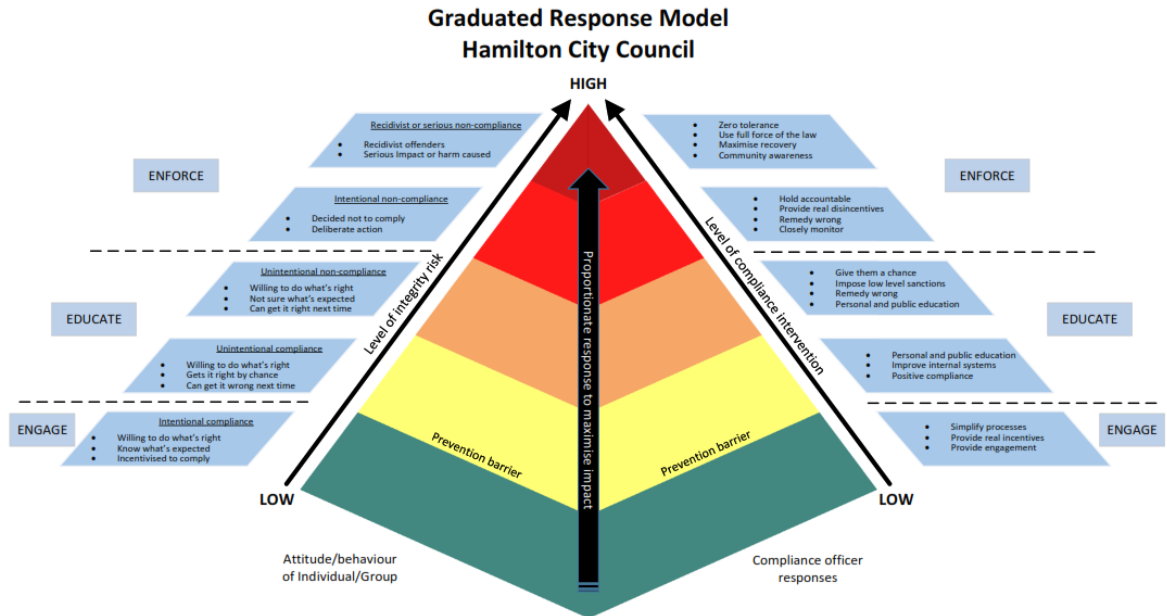


Figure 1 HCC Graduated Response Model

25. Council is currently working to reduce the approximately 16,000 signs already placed in the CBD area. If too many signs are in an area, they tend to be ignored. In addition, people likely to engage in nuisance activities are unlikely to be influenced by a sign.
26. Skateboard damage to existing street furniture is not considered a problem, in part due to the availability of skateboard deterrents which are readily placed on street furniture if such activity is observed.



Figure 2 Generic examples of skateboard deterrents on street furniture

27. Where street furniture is due for routine upgrading, consideration is given to ensuring replacement furniture is robust and can either withstand skateboard activity, or readily deter such activity.

28. When the desire to make the vibrancy of the CBD is considered, staff suggest that design features could be used to discourage skateboarding in problematic areas (such as near residential apartments); while encouraging skateboarders to move to less problematic areas (such as near the entrance to Hamilton City Council buildings, where there is currently a somewhat barren space).
29. Based on submitter feedback, the social aspect of the skateboarding community is also likely to have a moderating effect on inappropriate skateboarding behaviour – with responsible skaters applying peer pressure to generate responsible behaviour. Relationships developed through the development of existing and planned skate parks could be leveraged to enhance this.
30. Other Councils:

Council	Regulation of skateboards
New Plymouth District Council	Allowed the Public Places Bylaw to lapse in June 2020, removing the ban on skateboarding.
Auckland Council	Do not specifically ban skateboards. Manage nuisance behaviour which includes using “any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person”
Tauranga City Council	Street Use and Public Places Bylaw (2018) prohibits skateboarding (and certain other wheeled recreational devices).
Wellington City Council	Skateboards and roller-skates may be used in a public place except where signage prohibits it.
Christchurch City Council	Does not specifically prohibit or restrict skateboarding.
Dunedin City Council	Does not specifically prohibit or restrict skateboarding (recently revoked the Skateboarding Control Bylaw)

31. Where skateboarding is prohibited or restricted, penalties generally require a prosecution under the Local Government Act 2002 for breach of Bylaw.

Financial Considerations - *Whaiwhakaaro Puutea*

32. This is a regular operating activity funded through the Long-Term Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

33. Staff confirm that this matter complies with the Council’s legal and policy requirements.
34. 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.
35. The recommendations set out in this report are consistent with that purpose.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

36. 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’).

37. 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.
38. The recommendations set out in this report are consistent with that purpose.

Social

39. Nuisance behaviour has the potential to make people feel unsafe in public places.
40. The Bylaw is intended to provide guidance for staff and regulations for the public as to appropriate behaviour in public, and to ensure all members of the public can feel safe.
41. The Hamilton Safety in Public Places Bylaw assists Council to:
 1. protect the public from nuisance;
 2. protect, promote, and maintain public health and safety; and
 3. minimise the potential for offensive behaviour in public places

Economic

42. The proposed amendments are not expected to have an economic impact.

Environmental

43. The proposed amendments may provide a small environmental benefit through a potential increase in skateboarding as a mode of transport.

Cultural

44. Residents who use skateboards as a mode of transport may experience a greater sense of inclusion in society.
45. For some segments of society, the prohibition on skateboarding is perceived as being unfair, undermining respect for the Bylaw and for Council. The prohibition has been frequently ignored, leading to a culture of disrespect for Council rules among some in the skateboarding community.

Risks - *Tuuraruru*

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

Significance & Engagement Policy - *Kaupapa here whakahira/anganu*

Significance

47. 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

48. Public consultation occurred for one month from 1 June to 30 June 2020, resulting in a total of 105 submissions. This number includes submissions from 10 organisations.
49. At a meeting on 25 August 2020 the Hearings and Engagement Committee heard from 2 submitters who spoke to their submissions.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hamilton Safety in Public Places Bylaw 2019 Review - Tracked Changes

Attachment 2 - Hamilton Safety in Public Places Bylaw 2020 - Clean

Hamilton City Council BYLAWS

Approved By: Council	Date Adopted: 27 November 2014
Date in Force: 15 December 2014	Review Date: 27 November 1 March 2019 2030

HAMILTON SAFETY IN PUBLIC PLACES BYLAW 2014

This Bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002.

1. PURPOSE

1.1. The purposes of this bylaw are:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety; and
- c) minimising the potential for offensive behaviour in public places

2. APPLICATION

2.1. This Bylaw applies to public places in Hamilton.

3. DEFINITIONS

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

Authorised Officer ~~Any enforcement officers appointed and warranted by Council under the Local Government Act 2002~~

A person appointed by Hamilton City Council for the purposes of ensuring compliance with the Bylaw, as defined as an Enforcement Officer in the Local Government Act 2002 section 177.

Council Hamilton City Council

Mind-altering substance ~~Means a synthetic or naturally-occurring substance which may alter consciousness or intoxicate. It includes psychoactive substances and substances used for glue sniffing, but does not include:~~

- ~~a) Medically prescribed substances ingested by the person who was prescribed them;~~
- ~~b) Substances purchased from a pharmacy without a medical prescription;~~
- ~~c) Caffeine;~~
- ~~d) Nicotine;~~
- ~~e) Alcohol as defined in the Sale and Supply of Alcohol At 2012.~~

Nuisance ~~Nuisance includes but is not limited to:~~

- ~~a) The definition in section 29 of the Health Act 1956 so far as it relates to Council functions;~~
- ~~b) A Nuisance behaviour.~~

Nuisance behaviour Nuisance behaviour includes:

- a) Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or

Hamilton City Council BYLAWS

Item 9

Attachment 1

causes an unreasonable interference with the peace, comfort or convenience of any person.

~~b) Riding a skateboard within the areas defines in the Skateboarding Prohibited Areas Register.~~

b) Sleeping in a public place in such a way as to cause an obstruction.

c) Urinating or defecating in a public place other than a toilet.

d) Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place.

e) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.

Offensive behaviour Behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.

Psychoactive substance Means the definition in s 9 of the Psychoactive Substances Act 2013, except that it **does include** a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs Act 1975. ~~Means the definition in section 9 of the Psychoactive Substances Act 2012.~~

Public Place Public place includes any place or space that is not private property, and which is open to the public.

Skateboard ~~Does not include a cycle, scooter, roller skates, roller blades, in-line skate or a mobility device such as a wheelchair or pushchair.~~

Note: This bylaw is required to comply with the New Zealand Bill of Rights Act 1990, which protects freedom of expression among other rights. The mere fact of participating in a public protest will not, on its own, constitute offensive or nuisance behaviour. Public order is sufficiently disturbed if the behaviour causes offence of such a kind or to such an extent that those affected are substantially inhibited in carrying out the purpose of their presence at that place.

4. BREACH OF BYLAW

4.1. The following conduct is an offence under this bylaw:

- a) Nuisance ~~behaviour~~;
- b) Behaviour in a public place that poses a threat to public safety;
- c) Offensive behaviour;
- d) Failing to comply with any lawful notice or direction given under this bylaw;
- e) Obstructing or hindering any authorised officer in performing any duty or power conferred by this bylaw.

Hamilton City Council BYLAWS

~~5. CONTROL OF SKATEBOARDING~~

~~5.1. The Council may, by resolution, amend the scope of clause 4.1(a) with respect to skateboarding by adding, modifying or deleting an area to the Skateboarding Prohibited Areas Register.~~

~~6.5. PENALTIES AND POWERS~~

~~6.1.5.1.~~ Under section 242 of the Local Government Act 2002, any person who breaches this bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

~~6.2.5.2.~~ Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is or has been constructed in breach of this Bylaw and may recover the costs of doing so from the person who committed the breach. This does not affect that person's liability for the breach.

~~6.3.5.3.~~ Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for an injunction restraining a person from committing a breach of this Bylaw.

~~6.4.5.4.~~ The Council or an authorised officer may seize and impound property materially involved in committing an offence, under sections 164 and 165 of the Local Government Act 2002.

~~6.5.5.5.~~ The Council will return or may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

~~6.6.5.6.~~ Under section 176 of the Local Government Act 2002 any person who has been convicted of an offence under this bylaw is liable to pay the Council the costs of remedying any damage caused in the course of committing the offence.

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

Councillor:

Councillor:

Chief Executive:

Hamilton City Council BYLAWS

Explanatory Note:

This note is for information purposes and does not form part of this Bylaw. For guidance on how all other nuisance behaviours are covered by other Council Bylaws and Policies please refer to the Nuisance Behaviour and Policy and Bylaws table.

Nuisance	<p>Section 29 of the Health Act 1956 provides:</p> <p>Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, that is to say:</p> <p>(a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:</p> <p>(b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:</p> <p>(c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:</p> <p>(d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:</p> <p>(e) [Repealed]</p> <p>(f) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:</p> <p>(g) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:</p> <p>(h) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:</p> <p>(i) where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:</p> <p>(j) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:</p> <p>(k) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:</p> <p>(ka) where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:</p> <p>(l) where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:</p> <p>(m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:</p> <p>(n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:</p> <p>(o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:</p> <p>(p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:</p>
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Hamilton City Council BYLAWS

	<p>(q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease</p> <p>Under s 29 of the Health Act 1956 “nuisance” has its full natural and ordinary meaning: <i>Adam v Napier City Council</i> AP55/86 HC Napier, 29 September 1987 (HC).</p>
Offensive behaviour	The definition of offensive behaviour is taken from the decision of the Supreme Court in <i>Morse v Police</i> [2011] NZSC 45; (2011) 25 CRNZ 174.
Psychoactive substance	<p>Section 9 of the Psychoactive Substances Act 2013 provides:</p> <p>(1) In this Act, unless the context otherwise requires, psychoactive substance means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.</p> <p>(2) Psychoactive substance includes—</p> <p>(a) an approved product;</p> <p>(b) a substance, mixture, preparation, article, device, or thing that is, or that is of a kind that is, or belongs to a class that is, declared by the Governor-General by Order in Council made under section 99 to be a psychoactive substance for the purposes of this Act.</p> <p>(3) Despite subsections (1) and (2), psychoactive substance does not include—</p> <p>(a) a controlled drug specified or described in Schedule 1, 2, or 3 of the Misuse of Drugs Act 1975;</p> <p>(b) a precursor substance specified or described in Schedule 4 of the Misuse of Drugs Act 1975;</p> <p>(c) a medicine within the meaning of section 3 of the Medicines Act 1981 or a related product within the meaning of section 94 of that Act;</p> <p>(d) a herbal remedy (within the meaning of section 2(1) of the Medicines Act 1981);</p> <p>(e) a dietary supplement (within the meaning of regulation 2A of the Dietary Supplements Regulations 1985);</p> <p>(f) any food (within the meaning of section 2 of the Food Act 1981);</p> <p>(g) any alcohol, unless the alcohol contains a psychoactive substance as defined in subsection (1) or (2) that is not alcohol;</p> <p>(h) any tobacco product (within the meaning of section 2(1) of the Smoke-free Environments Act 1990), unless the tobacco product contains a psychoactive substance as defined in subsection (1) or (2) that is not tobacco;</p> <p>(i) a substance, mixture, preparation, article, device, or thing that is, or that is of a kind that is, or belongs to a class that is, declared by the Governor-General by Order in Council made under section 99 not to be a psychoactive substance for the purposes of this Act</p>

Hamilton City Council BYLAWS

Approved By: Council	Date Adopted: TBC
Date in Force: TBC	Review Date: 1 March 2030

HAMILTON SAFETY IN PUBLIC PLACES BYLAW 2020

This Bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002.

1. PURPOSE

1.1. The purposes of this bylaw are:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety; and
- c) minimising the potential for offensive behaviour in public places

2. APPLICATION

2.1. This Bylaw applies to public places in Hamilton.

3. DEFINITIONS

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

Authorised Officer	A person appointed by Hamilton City Council for the purposes of ensuring compliance with the Bylaw, as defined as an Enforcement Officer in the Local Government Act 2002 section 177.
Council	Hamilton City Council
Nuisance behaviour	Nuisance behaviour includes: <ol style="list-style-type: none"> a) Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person. b) Sleeping in a public place in such a way as to cause an obstruction. c) Urinating or defecating in a public place other than a toilet. d) Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place. e) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
Offensive behaviour	Behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.

Hamilton City Council BYLAWS

Psychoactive substance Means the definition in s 9 of the Psychoactive Substances Act 2013, except that it **does include** a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs Act 1975.

Public Place Public place includes any place or space that is not private property, and which is open to the public.

Note: This bylaw is required to comply with the New Zealand Bill of Rights Act 1990, which protects freedom of expression among other rights. The mere fact of participating in a public protest will not, on its own, constitute offensive or nuisance behaviour. Public order is sufficiently disturbed if the behaviour causes offence of such a kind or to such an extent that those affected are substantially inhibited in carrying out the purpose of their presence at that place.

4. BREACH OF BYLAW

4.1. The following conduct is an offence under this bylaw:

- a) Nuisance behaviour;
- b) Behaviour in a public place that poses a threat to public safety;
- c) Offensive behaviour;
- d) Failing to comply with any lawful notice or direction given under this bylaw;
- e) Obstructing or hindering any authorised officer in performing any duty or power conferred by this bylaw.

5. PENALTIES AND POWERS

- 5.1. Under section 242 of the Local Government Act 2002, any person who breaches this bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 5.2. Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is or has been constructed in breach of this Bylaw and may recover the costs of doing so from the person who committed the breach. This does not affect that person's liability for the breach.
- 5.3. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for an injunction restraining a person from committing a breach of this Bylaw.
- 5.4. The Council or an authorised officer may seize and impound property materially involved in committing an offence, under sections 164 and 165 of the Local Government Act 2002.
- 5.5. The Council will return or may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.
- 5.6. Under section 176 of the Local Government Act 2002 any person who has been convicted of an offence under this bylaw is liable to pay the Council the costs of remedying any damage caused in the course of committing the offence.

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

Councillor:

Councillor:

Chief Executive:

Hamilton City Council BYLAWS

Explanatory Note:

This note is for information purposes and does not form part of this Bylaw. For guidance on how all other nuisance behaviours are covered by other Council Bylaws and Policies please refer to the Nuisance Behaviour and Policy and Bylaws table.

Offensive behaviour	The definition of offensive behaviour is taken from the decision of the Supreme Court in <i>Morse v Police</i> [2011] NZSC 45; (2011) 25 CRNZ 174.
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Council Report

Committee: Community Committee **Date:** 29 September 2020
Author: Joanna van Walraven **Authoriser:** Lance Vervoort
Position: Policy and Strategy Advisor **Position:** General Manager Community
Report Name: Request for Expressions of Interest- Beale Cottage

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Community Committee about plans to lease Beale Cottage to a commercial tenant.
2. To seek approval from the Community Committee to publicly issue a Request for Expressions of Interest for Beale Cottage.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Community Committee:
 - a) approves the public issue of an Expressions of Interest to use Beale Cottage; and
 - b) notes that a commercial tenancy would be reliant on an approved Resource Consent Application.

Background - *Koorero whaimaarama*

4. Beale Cottage is one of only two Category 1 listed houses in Hamilton, meaning it has been deemed to have the highest level of significance by Heritage New Zealand Pouhere Taonga.
5. The original owner, Dr Bernard Charles Beale, was the Mayor of Hamilton from March to December 1880. The cottage is located near to the site of the Hamilton east redoubt and military camp at Steele Park.
6. Beale Cottage is Hamilton's oldest house and a rare example of a 19th century doctor's surgery, dispensary and registry. Although the cottage is modest by today's standards, it gives important insight into early building construction and how people lived and worked in Hamilton during the 19th century.
7. From 1920 until the 1990s Beale Cottage was owned by the Forrest family. In 1992 Maisie Forrest sold the cottage to Hamilton City Council in 1992 and it was vested as a Historic Reserve in 1994.
8. Major renovations were undertaken in 2005 to preserve the cottage. Artefacts and archaeological finds are housed in the Waikato Museum.

9. Multiple plans have been developed to guide the management of Beale Cottage and its grounds, the most recent is the Beale Cottage Historic Reserve Management Plan 2016, which was developed in accordance with the Reserves Act. The objectives of the plan are:
 - i. to conserve and maintain Beale Cottage, garden and site;
 - ii. to make the place and its history accessible to the community;
 - iii. to establish a programme of works to allocate funds for special projects and capital works, and long-term maintenance;
 - iv. ensure conservation of artefacts and documents associated with the place; and
 - v. to include community consultation, participation and support.
10. Beale Cottage sits on a historical reserve, Hamilton City Council's Parks and Recreation team have overall responsibility for the asset. The Council Facilities team are responsible for maintaining the cottage and the Strategic Properties team manage the tenancy.
11. A private resident leased the cottage until May 2019. The tenant was charged a reduced rent in return for maintaining the gardens and allowing public access by arrangement.
12. Since that tenancy ended Council staff have been carrying out urgent maintenance work to address issues including dampness and extensive borer damage. Capital works to improve heating and air circulation have been budgeted in the 2018/19 Annual Plan, and a detailed assessment and conservation plan are budgeted in year one of the 10 Year Plan.
13. A landscape plan to renovate and maintain the gardens will be submitted as part of 10-year plan proposals.

Discussion - *Matapaki*

14. A commercial lease is a preferred option over a private residential tenancy or a community lease.
15. Although steps have been taken to improve insulation and dampness, construction methods and materials mean the cottage unsuitable for a residential tenancy, and the cottage would have to be significantly modified to meet Healthy homes Standards. Condensation and dampness caused by cooking and showering has likely been detrimental to the fabric of the cottage.
16. The use of the cottage by the community would be restricted by low levels of accessibility, small restrictive internal spaces, lack of toilets, and no opportunities to reconfigure spaces.
17. Conversations with Heritage New Zealand indicate that a commercial tenant would be preferable, as long the activities of the tenant did not compromise the special character of the house and land.
18. A joint Resource Consent application to a) allow for commercial use, and b) to install a heating unit will be lodged by the end of September.
19. A Request for Expressions of Interest (EOI) document has been drafted by council staff and is included as **attachment 1**.
20. The EOI will be advertised through multiple platforms to ensure there are suitable applicants, including the Council website, Facebook page, Waikato Times and through Heritage and business networks.
21. A successful applicant would need demonstrate how they would meet a number of special criteria for use including:
 - A good understanding of the heritage values of the property, including the condition that there be no unauthorised alterations to the cottage or land, including alterations to walls, floors or fittings or gardens

- The ability to maximise the cottage's unique setting and character while minimising the effects on the building's heritage values
 - The active use of the cottage (as opposed to storage or static use)
 - The requirement to allow public access to the cottage (by arrangement)
22. The limitations associated with the property include:
- Limited onsite parking
 - Limited toileting and bathroom facilities
 - Limits to the number of employees occupying the house
 - Basic kitchen facilities (no commercial kitchen)
 - Allowing for potential disruptions from maintenance to the cottage and gardens as required
 - Restrictions on signage and alterations to the property (including decorations, painting etc)
23. The limitations associated with the property will continue under the current lease, however maintenance of the gardens and lawn will be undertaken by the Council.
24. A lease would be granted on 2 yearly basis and reviewed every year.
25. If the recommendation is not approved the cottage will remain vacant.

Financial Considerations - *Whaiwhakaaro Puutea*

26. The cost to the tenant per annum under the proposed lease would range between \$12,000 to \$13,000 per annum.
27. This amount was calculated using a market rental with a discount for the constraints associated with the property.
28. Rent received as part of lease agreement will help offset the current costs to maintain the cottage and gardens. The current approximate costs to maintain the cottage and gardens are \$15k per annum.
29. The approximate maintenance costs do not include large or unforeseen capital expenses such as foundation or structural work. Current cost approximations have included general maintenance, pest control, plumbing etc.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

31. 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').
32. 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.
33. The recommendations set out in this report are consistent with that purpose.

Social

34. There is future potential at Beale Cottage to be a space for social connection. With improved maintenance and landscaping, it is likely that interest in the land and building will increase and become a more desirable place for the community to visit and meet at. It will be important that the successful tenant is aware of this potential and committed to working with council to achieve it over time.

Economic

35. Future work at Beale Cottage has the potential to offer experiences to visitors, especially given its historic value. Whilst the expression of interest process has low relevance to this, it will be important to ensure that commercial tenants have an appreciation of this future potential and an interest in working with council to achieve it at the right time.

Environmental

36. There is potential environmental wellbeing impacts by ensuring that tenants are considering their impact on the building and wider environment. Sustainable practises such as waste minimisation by tenants may be considered a factor in the EOI process.

Cultural

37. As an important heritage building in the city, Beale Cottage has significant cultural and historic value. Tenants will not only need to be aware of this but be committed to embracing it and working alongside council to bringing this history to life over time.

Risks - *Tuuraru*

38. There is a small risk of negative public perception around the Council engaging a commercial business over a community group or private tenant. The decision to engage a commercial tenant has been made because the cottage is not suitable as a private residence or a community lease. Conversations with Heritage New Zealand have indicated that it is preferable for the cottage to be used, as long as the heritage associated with the cottage and site were protected.
39. There may be a risk that any plans to promote Beale Cottage as a heritage feature may be put off by the establishment of a commercial tenant. Although there is currently only a small amount of public interest in the cottage and only very few visitors, the provision of a 2-year commercial lease would not preclude any future plans to promote the cottage as a visitor destination.
40. The Council is committed to protecting the house and site, and the REOI requires prospective tenants to outline how they would mitigate any possible risks to the cottage and site.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

41. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - REOI Beale Cottage

Attachment 2 - Beale Cottage Historic Reserve Management Plan 2016

Attachment 3 - 2020 Beale Cottage Floor Plan and Elevations

Request for Expression of Interest

REOI released: DD MM YY

Deadline for Questions: DD MM YY

Deadline for Expressions of Interest: TIME DD MM YY

The Opportunity

The purpose of this REOI is to select a suitable commercial tenant to occupy the cottage at 11 Beale Street Hamilton East. The house has a high level of heritage significance in a central location and it is an ideal opportunity for the appropriate tenant.

This REOI is being issued by Hamilton City Council on behalf of Hamilton City Council.

It is anticipated that the Contract will commence [TBC]. The anticipated Contract term is 2 years.

Area for lease –area includes kitchen, dining, includes 2 double bedrooms and a bathroom, with a single toilet and bath. Please note the surgery and dispensary will not be available for use under the lease. (Refer to attached Beale Cottage Layout Plans)

This REOI is the only phase of the process that will be openly advertised. If the Council decides to progress with any of the responses received, it will only contact those parties directly.

Expressions of interest must meet the Mandatory Acceptance Criteria and contribute to outcomes as outlined in the Beale Cottage Reserve Management Plan.

Beale Cottage

Beale Cottage is a largely original, two-bedroom cottage with a toilet, shower and basic kitchen facilities.

The cottage was built in the early 1870s for Dr Bernard Charles Beale. As a home, surgery and registry office, Beale Cottage is a rare and significant survivor of mid-nineteenth century Hamilton architecture, associated as both a home and a place of work. The site, building and garden are of very high historical value; it is classified as a Category 1 Historic Place by Heritage New Zealand Pouhere Toanga and is listed in the District Plan.

The site is gazetted as a historical reserve. There are currently plans to redevelop the gardens in keeping with the character of the cottage.

Our Requirements

We are looking for a small-scale commercial tenant who:

- Understands the heritage value associated with the cottage
- Is able to maximise the building's unique setting and character while minimising the effects on the building's heritage values
- will 'actively' use the cottage (i.e. will not use the cottage for a static activity such as a storage or for only a few hours a week)
- Will help the Council to take care of the cottage; i.e. will report any concerns or issues that may arise with the cottage or gardens
- Will allow for visits from members of the public by appointment

Because of the importance in preserving the cottage there are limitations to the activities that can be undertaken there. These limitations include:

- Onsite parking is limited to 1 vehicle
- There may be no alterations to the cottage or site, including changes to walls or fittings
- Tenants could have a maximum occupancy of 5 employees
- Tenants may not sublet any part of the cottage or site
- There are no commercial cooking or food preparation facilities
- Limited bathroom, toileting facilities
- No commercial signage, and painting or decorating are restricted

Key information

Our timeline

- a. Here is our timeline for this REOI.

Step in REOI process:

Date:

Deadline for Questions from suppliers:

[DD MM YY]

Deadline for Expressions of Interest:

[time DD MM YY]

Respondents notified of shortlisting:

[DD MM YY]

REOI released to shortlisted supplier/s:

week starting [DD MM YY]

- b. All dates are subject to change at Council's discretion.
- c. Should the responses to this REOI be deemed unsuitable, Council reserves the right to consider other options.

How to contact us

- a. Please contact Joanna van Walraven Joanna.vanwalraven@hcc.govt.nz if you have any questions.

Developing and submitting your Expression of Interest

- a. This is a public, competitive tender process. The REOI sets out the step-by-step process and conditions that apply.
- b. Take time to read and understand the REOI to develop a strong understanding of our Requirements.
- c. In structuring your Expression of Interest consider how it will be evaluated. (See evaluation approach)
- d. You must also complete and sign the declaration at the end of the Response Form
- e. Expressions of Interest should be no longer than 2 pages long.
- f. Expressions of Interest prior to [Insert closing Day, Date and Time]. (TBC)
- g. Council will only accept late Expressions of Interest in extreme circumstances beyond the control of the respondent. Council, at its absolute discretion, reserves the right to accept or reject any Expression of Interest submitted after the correct time and/or not at the correct location.

Our REOI Process, Terms and Conditions

- a. **Offer Validity Period:** In submitting an Expression of Interest the Respondent agrees that their offer will remain open for acceptance by Council for [insert number or use 90] days from the Deadline for Expression of Interest.
- b. The REOI is subject to the REOI Process, Terms and Conditions (shortened to REOI-Terms) described in Section 4.

Our Evaluation Approach

This section sets out the Evaluation Approach that will be used to assess Expressions of Interest.

Evaluation Model

The evaluation model that will be used to shortlist Respondents is weighted attributes.

Mandatory Acceptance Criteria

Each Expression of Interest must meet all of these Mandatory Acceptance Criteria. Expressions of Interest which fail to meet one or more will be eliminated from further consideration.

Respondents who are unable to meet all Mandatory Acceptance Criteria should conclude that they will not benefit from submitting an Expression of Interest.

#	Mandatory Acceptance Criteria
1.	The tenant will not undertake any activities that would negatively affect the heritage value of the cottage or the site
2.	Any activities undertaken on site by the lease holder must be in accordance with the Beale Cottage Management Plan

Evaluation Criteria

Expressions of Interest will be evaluated on their merits according to the following evaluation criteria and weightings.

Criterion	Weighting
1. Fit for lease The tenant demonstrates how their activities maximises the building's unique setting and character while minimising the effects on heritage values	25%
2. Understanding of heritage values The applicant demonstrates knowledge and understanding about heritage values and appreciates the importance of protecting them	25%
3. Requirements What is required for the applicant in terms of space, parking and use of facilities.	22.5%
4. Track Record Details should include referee names and contact numbers.	15%
5. Mitigation of negative impacts The applicant should explain how any negative impacts from their activities to the cottage, garden or surrounding area would be mitigated	10%

<p>6. Sustainability</p> <p>How the Respondent encourages environmental and socially sustainable practice. Details should include:</p> <ul style="list-style-type: none"> Any environmental accreditations the Respondent may have received, or environmental or sustainability awards; A summary of the organisation's environmental or sustainability policy and philosophy. A detailed environmental or sustainability policy is not required at this stage; How this policy would be applied on this contract. <p>Respondents may provide any other information they feel supports the attribute.</p>	2.5%
Total weightings	100%

3.1 Price

We wish to obtain the best market value based on the above criteria.

3.2 Evaluation process

Expressions of Interest which have met the Mandatory Assessment Criteria will be evaluated using the Weighted Attributes Method.

Evaluation of Non-Priced Attributes for Conforming Expressions of Interest

Tenderbox 1 for each Conforming Expression of Interest will be opened.

Each Non-Priced Attribute will be scored from 0-100 with 100 representing excellence.

Except for Local Impact, if any Non-Priced Attribute is scored at 35 or under, then the Expression of Interest will be excluded from further consideration by the Council. A Respondent may score less than 35 for Local Impact without his Expression of Interest being excluded by the Council.

Each score will be multiplied by the relevant weight and divided by 100 to obtain an 'Index'.

The Indexes will be added together to obtain an 'Overall Index'.

For each Respondent an 'Overall Index' will be calculated on the following basis:

$$\text{Overall Index} = \text{Sum of Indices (Weight of Attribute} \times \text{Grade of Attribute/100)}.$$

The Overall Index may be adjusted at the discretion of the Council to reflect the value to the Council of having a higher quality Respondent.

REOI Process, Terms and Conditions

Preparing and submitting an Expression of Interest

4.1 Preparing an Expression of Interest

- Respondents are to use the Response Form provided and include all information requested by the Buyer in relation to the REOI.
- By submitting an Expression of Interest the Respondent accepts that it is bound by the REOI Process, Terms and Conditions (REOI-Terms) contained in Section 4 (as varied by

- Section 1, paragraph 1.6, if applicable).
- c. Each Respondent will:
 - i. examine the REOI and any documents referenced in the REOI and any other information provided by the Buyer
 - ii. if appropriate, obtain independent advice before submitting an Expression of Interest
 - iii. satisfy itself as to the correctness and sufficiency of its Expression of Interest.
 - d. There is no expectation or obligation for Respondents to submit Expressions of Interest in response to the REOI solely to remain on any prequalified or registered supplier list. Any Respondent on such a list will not be penalised for failure to submit an Expression of Interest.

Assessing Expressions of Interest

4.2 Evaluation and shortlisting

- a. The Buyer will base its initial evaluation on the Expressions of Interest submitted in response to the invitation. This evaluation will be in accordance with the Evaluation Approach set out in the REOI. The Buyer may adjust its evaluation of an Expression of Interest following consideration of any clarification or additional information as described in paragraphs 4.6 and 4.7.
- b. In deciding which Respondent/s to shortlist the Buyer may take into account any of the following additional information:
 - i. the results from due diligence
 - ii. any matter that materially impacts on the Buyer's trust and confidence in the Respondent
 - iii. any relevant information that the Buyer may have in its possession.
- c. The Buyer will advise Respondents if they have been shortlisted or not. Being shortlisted does not constitute acceptance by the Buyer of the Respondent's Expression of Interest, or imply or create any obligation on the Buyer to enter into negotiations with, or award a Contract for delivery of the Requirements to any shortlisted Respondent/s. At this stage in the REOI process the Buyer will not make public the names of the shortlisted Respondents.

4.3 Respondent's notification

- d. Council will notify any Respondents not shortlisted to participate in the stage 2 Request for Proposal by letter or email. This letter/email will advise how the Expression of Interest performed against the pre-conditions (if applicable) and the evaluation criteria.

4.4 Issues and complaints

- a. A Respondent may, in good faith, raise with the Buyer any issue or complaint about the REOI, or the REOI process at any time.
- b. The Buyer will consider and respond promptly and impartially to the Respondent's issue or complaint.
- c. The Buyer and Respondent each agree to act in good faith and use its best endeavours to resolve any issue or complaint that may arise in relation to the REOI.
- d. The fact that a Respondent has raised an issue or complaint is not to be used by the Buyer to unfairly prejudice the Respondent's ongoing participation in the REOI process or future contract opportunities.

Standard REOI conditions

4.5 Buyer's Point of Contact

- a. All enquiries regarding the REOI must be directed by email to the Buyer's Point of Contact. Respondents must not directly or indirectly approach any representative of the Buyer, or any other person, to solicit information concerning any aspect of the REOI.
- b. Only the Point of Contact, and any authorised person of the Buyer, are authorised to communicate with Respondents regarding any aspect of the REOI. The Buyer will not be bound by any statement made by any other person.
- c. The Buyer may change the Point of Contact at any time. The Buyer will notify Respondents of any such change. This notification may be posted on Tenderlink or sent by email.
- d. Where a Respondent has an existing contract with the Buyer then business as usual communications, for the purpose of managing delivery of that contract, will continue using the usual contacts. Respondents must not use business as usual contacts to lobby the Buyer, solicit information or discuss aspects of the REOI.

4.6 Conflict of Interest

- a. Each Respondent must complete the Conflict of Interest declaration in the Response Form, and must immediately inform the Buyer should a Conflict of Interest arise during the REOI process. A material Conflict of Interest may result in the Respondent being disqualified from participating further in the REOI process.

4.7 Ethics

- a. Respondents must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of the Buyer in relation to the REOI.
- b. A Respondent who attempts to do anything prohibited by paragraphs 4.10.a and d. and 4.12.a. may be disqualified from participating further in the REOI.
- c. The Buyer reserves the right to require additional declarations, or other evidence from a Respondent, or any other person, throughout the REOI process to ensure probity of the REOI process.

4.8 Anti-collusion and bid rigging

- a. Respondents must not engage in collusive, deceptive or improper conduct in the preparation of their Expressions of Interest or other submissions or in any discussions with the Buyer. Such behaviour will result in the Respondent from being disqualified from participating further in the REOI process. The Respondent warrants that its Expression of Interest has not been prepared in collusion with a Competitor.
- b. The Buyer reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Respondents to the appropriate authority and to give that authority all relevant information including a Respondent's Expression of Interest.

4.9 Confidential Information

- a. The Buyer and Respondent will each take reasonable steps to protect Confidential Information and, subject to paragraph 4.14.c. and without limiting any confidentiality undertaking agreed between them, will not disclose Confidential Information to a third party without the other's prior written consent.
- b. The Buyer and Respondent may each disclose Confidential Information to any person who is directly involved in the REOI process on its behalf, such as officers, employees, consultants, contractors, professional advisors, evaluation panel members, partners, principals or directors, but only for the purpose of participating in the REOI.

- c. Respondents acknowledge that the Buyer's obligations under paragraph 4.14.a. are subject to requirements imposed by the Local Government Official Information and Meetings Act 1987 ("LGOIMA"), the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law. Council will not be in breach of its obligations if Confidential Information is disclosed by Council to the appropriate authority because of suspected collusive or anti-competitive tendering behaviour. Where Council receives a LGOIMA request that relates to a Respondent's Confidential Information the Buyer will consult with the Respondent and may ask the Respondent to explain why the information is considered by the Respondent to be confidential or commercially sensitive.

4.10 Confidentiality of REOI information

- a. For the duration of the REOI, to the date of the announcement of the Successful Respondent, or the end of the procurement process, the Respondent agrees to keep the REOI strictly confidential and not make any public statement to any third party in relation to any aspect of the REOI, the REOI process or the award of any Contract without the Buyer's prior written consent.
- b. A Respondent may disclose information relating to the REOI to any person described in paragraph 4.14.b. but only for the purpose of participating in the REOI. The Respondent must take reasonable steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the REOI.

4.11 Costs of participating in the REOI process

- a. Each Respondent will meet its own costs associated with the preparation and presentation of its Expression of Interest and any negotiations.

4.12 Ownership of documents

- a. The REOI and its contents remain the property of the Buyer. All Intellectual Property rights in the REOI remain the property of the Buyer or its licensors. The Buyer may request the immediate return or destruction of any or all REOI documents and any copies. Respondents must comply with any such request in a timely manner.
- b. All documents forming the Expression of Interest will, when delivered to the Buyer, become the property of the Buyer. Expressions of Interest will not be returned to Respondents at the end of the REOI process.
- c. Ownership of Intellectual Property rights in the Expression of Interest remain the property of the Respondent or its licensors. However, the Respondent grants to the Buyer a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in the Expression of Interest for any purpose related to the REOI process.

4.13 No binding legal relations

- a. Neither the REOI, nor the REOI process, creates a process contract or any legal relationship between the Buyer and any Respondent, except in respect of:
 - i. the Respondent's declaration in its Expression of Interest
 - ii. the Respondent's statements, representations and/or warranties in its Expression of Interest and in its correspondence with the Buyer
- b. Each exception in paragraph 4.18.a. is subject only to the Buyer's reserved rights in paragraph 4.20.
- c. Except for the legal obligations set out in paragraph 4.18.a. no legal relationship is formed between the Buyer and any Respondent unless and until a Contract is entered into between those parties.

4.14 Elimination

- a. The Buyer may exclude a Respondent from participating in the REOI process if the Buyer has evidence of any of the following, and is considered by the Buyer to be material to the REOI:
 - i. the Respondent has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the REOI process
 - ii. the Expression of Interest contains a material error, omission or inaccuracy
 - iii. the Respondent is in bankruptcy, receivership or liquidation
 - iv. the Respondent has made a false declaration
 - v. there is a serious performance issue in a historic or current contract delivered by the Respondent
 - vi. the Respondent has been convicted of a serious crime or offence
 - vii. there is professional misconduct or an act or omission on the part of the Respondent which adversely reflects on the integrity of the Respondent
 - viii. the Respondent has failed to pay taxes, duties or other levies
 - ix. the Respondent represents a threat to national security or the confidentiality of sensitive government information
 - x. the Respondent is a person or organisation designated as a terrorist by New Zealand Police.

4.15 Buyer's additional rights

- a. Despite any other provision in the REOI the Buyer may, on giving due notice to Respondents:
 - i. amend, suspend, cancel and/or re-issue the REOI, or any part of the REOI
 - ii. make any material change to the REOI (including any change to the timeline, Requirements or Evaluation Approach) on the condition that Respondents are given a reasonable time within which to respond to the change.
- b. Despite any other provision in the REOI the Buyer may:
 - i. accept a late Expression of Interest if it is the Buyer's fault that it is received late
 - ii. in exceptional circumstances, accept a late Expression of Interest where it considers that there is no material prejudice to other Respondents. The Buyer will not accept a late Expression of Interest if it considers that there is risk of collusion on the part of a Respondent, or the Respondent may have knowledge of the content of any other Expression of Interest
 - iii. in exceptional circumstances, answer questions submitted after the Clarification Period ends
 - iv. accept or reject any Expression of Interest, or part of an Expression of Interest
 - v. accept or reject any non-compliant, non-conforming or alternative Expression of Interest
 - vi. decide not to enter into a Contract with any Respondent
 - vii. liaise or negotiate with any Respondent without disclosing this to, or doing the same with, any other Respondent
 - viii. provide or withhold from any Respondent information in relation to any question arising in relation to the REOI. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to a Respondent, is inappropriate to supply at the time of the request or cannot be released for legal reasons
 - ix. amend the Proposed Contract at any time, including during negotiations with a

shortlisted Respondent

- x. waive irregularities or requirements in the REOI process where it considers it appropriate and reasonable to do so.
- c. The Buyer may request that a Respondent agrees to the Buyer:
 - i. selecting any individual element/s of the Requirements that is offered in an Expression of Interest and capable of being delivered separately, unless the Expression of Interest specifically states that the Expression of Interest, or elements of the Expression of Interest, are to be taken collectively
 - ii. selecting two or more Respondents to deliver the Requirements as a joint venture or consortium.

4.16 New Zealand law

- a. The laws of New Zealand shall govern the REOI process and each Respondent agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the REOI or the REOI process.

4.17 Disclaimer

- a. The Buyer will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Respondent or any other person in respect of the REOI process.
- b. Nothing contained or implied in the REOI, or REOI process, or any other communication by the Buyer to any Respondent shall be construed as legal, financial or other advice. The Buyer has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.
- c. To the extent that liability cannot be excluded, the maximum aggregate liability of the Buyer is \$1.

4.18 Precedence

- a. Any conflict or inconsistency in the documents forming the REOI shall be resolved by giving precedence in the following descending order:
 - i. Section 1, paragraph 1.6
 - ii. Section 4 (REOI-Terms)
 - iii. all other Sections of this REOI document
 - iv. any additional information or document provided by the Buyer to Respondents through the Buyer's Point of Contact or Tenderlink.
- b. If there is any conflict or inconsistency between information or documents having the same level of precedence the later information or document will prevail.



Beale Cottage Historic Reserve Management Plan

November 2016

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Cover image: 1893 calendar and news clippings on former registry room wall, Beale Cottage, 2016.

1.0 Introduction

This Management Plan for Beale Cottage Historic Reserve has been prepared to comply with the requirements of the Reserves Act and other statutory requirements. This document includes the Council's vision and objectives for Beale Cottage, as well as the legislative and strategic framework that must be considered for all capital works projects and the on-going maintenance of the reserve.



Beale Cottage, 2010

1.1 Beale Cottage Historic Reserve

The Beale Cottage Historic Reserve includes the cottage, the garden and site. These three elements and the histories of the people associated with the cottage form this historic place at 11 Beale Street, Hamilton East.

As Dr Beale's home, surgery and registry office, Beale Cottage is a rare and significant survivor of mid-nineteenth century Hamilton architecture, and one of the earliest European historical places in Hamilton East. It also has rarity value as a surviving nineteenth century Waikato cottage, associated as both a home and a place of work. The site, building and garden are all considered to be of historic merit being classified by the New Zealand Historic Places Trust in 1985 and the cottage is registered in the Hamilton City District Plan. The three elements are integral parts of the historical context of the cottage.

Beale Cottage (also known as Cheshunt Cottage) in Hamilton East is presumed to have been erected in the early 1870s for Dr Bernard Charles Beale. However the exact date is difficult to confirm and could possibly be earlier. The place dates from the establishment of the militia redoubt in Hamilton East in the 1864 period. The first European owner of the site was Private Thomas Jackson who was part of the militia settlement. Doctor Beale purchased the property in 1872, established his home and for a time used part of the cottage for his work. The next significant owner was John Sloper Edgecumbe who owned the site for around thirty years.

The place has strong associations with the early settlers of post-militia Hamilton, Private Jackson, Dr Beale, Edward Harker, John Sloper Edgecumbe and their families. The prominent family associated historically with the cottage is the Beale family. It is also known for its

relationship to the Forrest family, who lived on the property for most of the twentieth century. The cottage was occupied until the late 1980s by Miss Maisie Forrest.

The historic value of the cottage was recognised as early as the 1950s. Despite the importance of the place and the historical value of associated families there has been surprisingly little historical research or recording of historic fabric.

In recognition of the long term historic value to the community the property was bought in 1990 by Hamilton City Council for \$96,000 from the Estate of Louise May Forrest and, in association with The University of Waikato.

On 16th December 1994 the site was declared a Historic Reserve by Hamilton City Council (Certificate of Title SA467/65). The Reserves Act 1977 requires that a Management Plan be prepared to ensure the values of the historic reserve are protected and preserved in perpetuity.

Although the context of the place has changed considerably in scale since the nineteenth century due to the subdivision of the property, the cottage, grounds, garden, established trees and vistas, form a significant story of late nineteenth century and early twentieth century town life in the Waikato Region. This plan aims to recognise and protect this historic reserve.



Photo of Dr Bernard Charles Beale in hall, Beale Cottage, 2016.

1.2 Purpose of the Management Plan

This Management Plan is prepared in accordance with the requirements of Section 41 of the Reserves Act 1977. Under Section 41 the Beale Cottage Historic Reserve Management Plan intends to “provide for and ensure the use, enjoyment, maintenance, protection and preservation and appropriate development.” It is also required under Section 41 subsection 4 to be “under continual review to adapt to changing circumstances or in accordance with increased knowledge.”

The legislative requirement for management plans to be prepared for reserves are contained in the Act. Accordingly, it is this legislation which provides the dominant purpose and direction in the Beale Cottage Historic Reserve Management Plan. However, the Reserves Act is not the only document which assists the Council in guiding the protection, use and development of reserves in the city.

In developing this revision of the Management Plan, consideration has been given to the provisions contained in the following documents:

- Hamilton Plan
- Hamilton City Operative and Proposed District Plans
- Hamilton Heritage Plan
- Hamilton East Neighbourhood Plan
- Beale Cottage Conservation and Maintenance Plans
- Heritage New Zealand Pouhere Taonga Act 2014
- Resource Management Act 1991 and amendments
- I.C.O.M.O.S New Zealand Charter



Lounge, Beale Cottage, 2016.

2.0 Vision

The vision for the Beale Cottage Historic Reserve is:

- To conserve Beale Cottage, gardens and site for future generations,
- To maintain Beale Cottage, gardens and site, as a demonstration of incorporating heritage values in the city's on-going development,
- To recognise and value Beale Cottage Historic Reserve as part of Hamilton's heritage,
- To make the place and its history accessible to the community.

3.0 Objectives

The following objectives are based on the four main vision statements and seek to protect and maintain the heritage values of the place while allowing the enjoyment of Beale Cottage Historic Reserve.

1. To conserve and maintain Beale Cottage, garden and site,
2. To make the place and its history accessible to the community,
3. To establish a programme of works and to allocate funds for special projects and capital works, and long term maintenance,
4. Ensure conservation of artefacts and documents associated with the place,
5. To include community consultation, participation and support.



Former Doctor's Surgery, Beale Cottage, 2016.

4.0 Legislation

The following Acts apply to the site:

- Local Government Act 2002
- Reserves Act 1977
- Resource Management Act 1991
- Environment Act 1986
- Building Act 2004
- Heritage New Zealand Pouhere Taonga Act 2014
- Protected Objects Act 1975
- Health and Safety at Work Act 2015

4.1 Local Government Act 2002

The Local Government Act 2002 provides the general framework and powers under which New Zealand's 78 democratically elected territorial authorities operate. The purpose of the Act is to provide democratic and effective local government that recognises the diversity of New Zealand communities. The Act has requirements for consultation to ensure plans reflect community-based objectives.

4.2 Reserves Act 1977

This Act requires all reserves to have a Management Plan. The Act defines the purpose (Section 3), general form and the process of public participation required for Management Plans.

Section 3 of the Reserves Act states the general purpose of the Act as:

“providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:

- (i) recreational use or potential, whether active or passive; or*
- (ii) wildlife; or*
- (iii) indigenous flora or fauna; or*
- (iv) environmental and landscape amenity or interest; or*
- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.*

The Act also requires the classification of all reserves (Part III) to ensure management and development appropriate to each reserve's principal purpose.

The purpose of Historic Reserves under the Reserves Act is:

“For the purpose of protecting and preserving in perpetuity such places, objects and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.”

The primary purpose of Historic Reserves can be summarised as preserving in perpetuity places and things of historic, archaeological, educational or cultural value. This classification has generally only been used to preserve sites of particularly high historic value. This is largely due to the added responsibility the administering body has under this classification as opposed to Recreational Reserves, Scenic Reserves (1b), or Local Purpose Reserve. This is immediately clear in the primary purpose of the classification with the words "...preserving in perpetuity.." denoting the administering body's obligation to retain the historic value of the site as it is forever or as long as the reserve remains an Historic Reserve. There is potential difficulty in reclassifying or revoking a Historic Reserve.

The Reserves Act 1977 requires this Operative Management Plan to be reviewed regularly after it becomes operative. It should also be noted that Dispensation will need to be sought from the Minister of Conservation if the reserve is to be used for occupation.

4.3 Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 replaced the Historic Places Act 1993 on 20 May 2014. The new legislation reformed the governance of the New Zealand Historic Places Trust in line with its status as an autonomous crown entity and streamlines many procedures under the Act.

The purpose of the act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

Beale Cottage was registered by the New Zealand Historic Places Trust (now Heritage New Zealand) in 1985 as Category 1 under the Historic Places Act 1993, in recognition of its "national historical or cultural heritage significance or value". Under the Heritage New Zealand Pouhere Tonaga Act 2014 the Beale Cottage sites is protected as a Pre 1900 Archaeological site and is listed as a Category 1 Heritage Item on the Heritage New Zealand List.

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The Act also overrides any of the provisions of this Management Plan with respect to the protection and preservation of waahi tapu and archaeological sites.

4.4 Resource Management Act 1991

The Ministry for the Environment advises the Crown, its agencies and other public authorities on the management of natural and physical resources with particular reference to the Resource Management Act, and monitors the state of the New Zealand environment, including historic heritage. Many sections in the Act apply to the recognition and protection of historic heritage.

Protection of historic heritage is considered one of six matters of national importance under Section 6. In carrying out their functions under the Act territorial authorities must, in relation to managing the use, development, and protection of natural and physical resources, recognise and provide for matters of 'national importance'.

The Resource Management Act protects historic places and sites. Historic heritage is defined in the Act as:

Historic heritage—

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological (ii) architectural (iii) cultural (iv) historic (v) scientific and (vi) technological.

The Resource Management Amendment Act 2003 added the definition of historic heritage to the Act and made significant changes applying to historic heritage. In particular that the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance.

Under Section 74 of the RMA, territorial authorities making plans must consider registered sites.

Under the RMA territorial authorities have a responsibility to protect historic heritage within their district or region. They have the statutory responsibility to recognise and monitor the state of the environment. Protecting historic heritage involves identifying historic heritage places, managing adverse effects and promoting the protection of heritage values in accordance with conservation principles.

As owners of heritage places (e.g. buildings, reserves, infrastructure, and archaeological sites) territorial authorities must meet relevant statutory requirements and comply with plan rules for land they own and administer. They are responsible for the protection of historic heritage from inappropriate subdivision, use and development in the context of sustainable management. Responsibilities for managing adverse effects on heritage arise as part of policy and plan preparation and the resource consent processes.

Territorial authorities can set a good example for heritage management by ensuring that their own assets have been researched and evaluated for their heritage values, and are managed in accordance with conservation principles. This has been undertaken for Beale Cottage since the 1990s and is a continuing process.

Territorial authorities have a responsibility under the Act to take into account the principles of the Treaty of Waitangi. Consultation with tangata whenua forms part of both the Resource Management Act and is incorporated in the Hamilton City Council District Plan processes.

Mitigation of effects on the site and the effects on neighbouring development is required to be controlled under the Resource Management Act. In turn developments on neighbouring properties are likely to have effects on the cottage site, as would any new developments such as transfer of property rights.

4.5 Building Act 2004

The Building Act 2004 sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand. The 2004 Act repealed the Building Act 1991 and introduced a number of changes to the law governing building work. These changes were introduced in stages between 2005 and 2012.

Section 4 of the Act states the principles that need to be considered in performing duties under the Building Act 2004, including “the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

Section 39 states that territorial authorities must advise Heritage New Zealand Pouhere Taonga within five days if:

- a. *an application for a project information memorandum, or for a building consent, affects a historic place, historic area, wāhi tapu, or wāhi tapu area that has been entered on the New Zealand Heritage List/Rārangi Kōrero; and*
- b. *the territorial authority has not previously advised Heritage New Zealand Pouhere Taonga about the building work to which that application relates.*

4.6 Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 repealed the Health and Safety in Employment Act 1992. A guiding principle of the Act is that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from work risks as is reasonably practicable. WorkSafe New Zealand is the work health and safety regulator.



Former Dispensary, Beale Cottage, 2016.

5.0 Strategic Framework

5.1 Hamilton Plan 2014

Hamilton City Council has developed the Hamilton Plan to build a stronger economy and a more attractive city for families. The Council will focus on ten priorities over the next ten years that will collectively redefine Hamilton as a major New Zealand city.

One of the ten priorities is 'an active, strong commercial central city with distinctive suburban villages'. Two of the projects associated with this priority are the creation of the Hamilton East Neighbourhood Plan and the development of a heritage policy (which has been subsequently adopted as the Hamilton Heritage Plan).

5.2 Hamilton Heritage Plan 2016

The Council's vision for heritage in Hamilton is 'to recognise the contribution heritage makes to Hamilton's identity, sense of place and belonging. The City celebrates its past by identifying, protecting and showcasing its heritage for future generations.'

The purpose of the Hamilton Heritage Plan is to provide a holistic approach to heritage protection in collaboration with owners of heritage places, Waikato-Tainui, mana whenua, Heritage New Zealand, Waikato Regional Council and other interested parties and organisations.

The Heritage Plan has five goals:

1. **Identification** – all historic and natural heritage is identified and documented
2. **Protection** – heritage is conserved for future generations
3. **Promotion** – heritage is celebrated and its importance and value promoted
4. **Sustainability and use** – heritage buildings and sites within the city are functional places to be occupied and used.
5. **Management and implementation** – effective and efficient implementation of the Heritage Plan and its actions

The following actions from the Hamilton Heritage Plan have been considered in the review of the Beale Cottage Historic Reserve Management Plan:

- The Council shows leadership in the conservation of heritage
- Develop and implement procedures to ensure the ongoing protection and conservation of cultural heritage
- Showcase the contribution heritage makes to Hamilton
- Ensure the sustainable use or re-use of heritage buildings that retain their heritage values
- Ensure the sustainable management and use of sites and areas
- The Council follows best practice when it comes to the conservation and protection of the heritage it owns or manages

5.3 Hamilton East Neighbourhood Plan 2016

The Council developed the Hamilton East Neighbourhood Plan to ensure that Hamilton East's special character is preserved and enhanced into the future. The desired outcome of the Plan is that Hamilton East is a popular and attractive character suburb that remembers its history.

One of the themes of the Hamilton East Neighbourhood Plan is 'Living Heritage' and the Plan recognises that heritage features and archaeological sites are a significant part of Hamilton East. The desired outcomes of this theme are:

- Hamilton East's stories and heritage are visible and accessible
- Adaptive reuse of heritage buildings and places

The Beale Cottage Historic Reserve Management Plan is identified as a priority project on the delivery of the Hamilton East Neighbourhood Plan.

5.4 Hamilton City Council Partly Operative District Plan 2016

Section 6 of the Resource Management Act sets out the matters of national importance, Heritage and Archaeological sites being one of those matters. In particular the Act (s.6 (f)) requires councils to ensure the protection of historic heritage from inappropriate subdivision, use, and development.

The Council achieves this via the scheduling of heritage sites (archaeological) and structures and buildings (built heritage) in the District Plan. The District Plan has a two tier ranking system for the identification and scheduling of heritage:

'A' ranking – historic buildings and sites of highly significant heritage value, being of outstanding or high value locally, regionally or nationally.

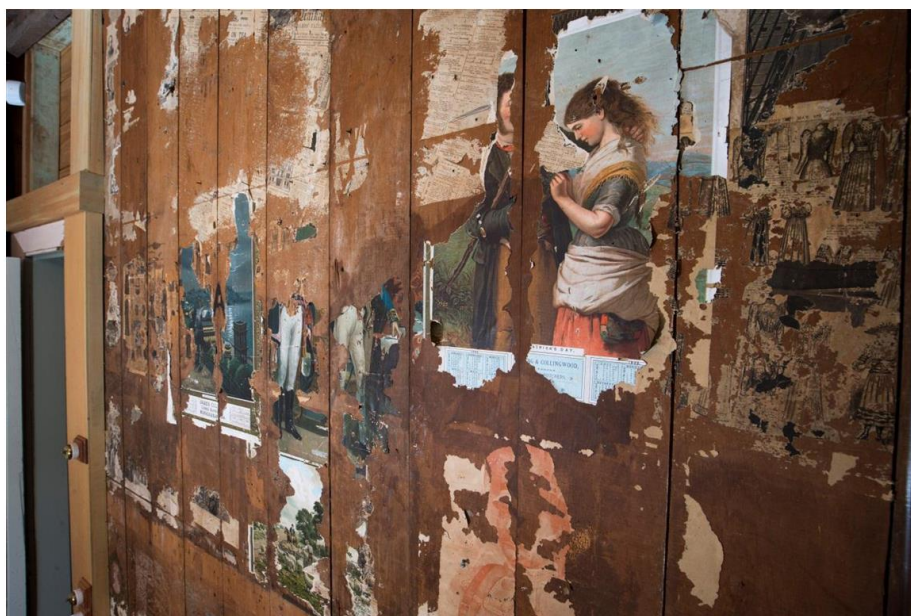
'B' ranking - historic buildings and sites of highly significant heritage value, being of high or moderate value locally or regionally.

The District Plan sets out the level of protection and what works can occur to the exterior of the protected item and within the site it is located on through provisions in Chapter 19 – Historic Heritage. These specific heritage provisions are to be read in-conjunction with the zoning and city wide provisions also in the plan and relevant to the on going use of the site.

11 Beale Street is zoned Special Residential within the Hamilton East Dwelling Control Area and Beale Cottage is an A Ranked building in the District Plan.

6.0 Background of Beale Cottage and Site

In the twentieth century the cottage was called Cheshunt Cottage but due to the recognition of its historical association with Dr Beale, it has now become known as Beale Cottage. The following is a brief outline of the history of the place.



Former registry room, Beale Cottage, 2016.

6.1 History

The site was originally part of Tainui land with settlements and cultivation areas close by. Cultivation areas were still under use to the west of the site when the 4th Waikato Militia arrived and the land was confiscated. The portion of land from Beale Street to Gibbon's Gully was then surveyed off as part of the 1864 settlement for Hamilton East for allotting to the militia soldiers.

Conditions were difficult in the 1860s and resources for survival and building very limited, however the first huts were erected in Hamilton East in 1864. At Beale Street very little is known about the first European constructions on the property, where the structures were located, whether temporary, relocated or built. The current cottage with its early additions has been considered to be built circa 1872 but could be earlier. Nor is there clear evidence as to whether the basic cottage was built or possibly relocated.

By the 1870s large numbers of cottages were built throughout New Zealand generally using local materials and catalogue components. The workmanship was provided by available local and itinerant tradesmen, depending to a large extent on the location and size of the settlement.

The surviving small European settler houses of Hamilton and the Waikato were commonly simple gable roofs. In comparison Beale Cottage, with an eave less, steep pitched, near pyramidal hipped roof form, would have been typical of other small residential buildings that were built in different parts of New Zealand. Many of these were built before 1870, and included substantial homesteads and Militia buildings, as well as some of the first Mission Houses.

The materials used at Beale Cottage were more substantial than those commonly used by the Militia Settlers of early Hamilton. Kahikatea timber was more available and economical in the Waikato, than the Kauri used for most government funded structures. Few Kahikatea buildings survived. Militia Houses seen in photographs of Ngaruawahia in the late 1860s, of which the Doctors/Magistrates House is the remaining example, appear similar to the Cottage. Most would have been built without verandah, which were added later, even to three sides of the house. Other additions were usually constructed as a lean-to off the main roof.

Apart from the roof, the component of Beale Cottage match other small houses of the time. Standard double hung windows and the French casement doors to the verandah, were available in Hamilton and throughout the Waikato, Coromandel and Bay of Plenty at the time.

6.2 Date of construction and changes

The date of the kauri cottage was not clarified at the time of the 1994 Conservation Plan as no historical research was done as part of the conservation process. There is currently no information relating to the construction of a house on Jackson's or Beale's property. Beale is understood to always have had financial problems, which worsened in the late 1870s. However, as a former Militia Surgeon, he may have had access to plans and materials to surplus buildings. Jackson and/or Edgecumbe could have also done building work on the site. As result of investigation in 2003 it is possible that the building is older than 1872 and may have been relocated.

The property was much larger than is evident today. There were additional structures on the property in both the nineteenth and twentieth centuries, including a well and very large glass houses from the Forrest period. Additional structures were probably on the site from the 1870s including an outhouse, a laundry and stables. The location and documentation of strcutres associated with the cottage are not currently documented.

6.3 Occupiers

Very little is known of Private Jackson, who is the first European owner of the site. There is no research to cover whether he had family or how he may have lived on the granted land. Dr Beale was the next owner of the lot.

Charles Bernard Beale had been Assistant Surgeon in the Fourth Waikato Regiment, and remained to practise in Hamilton. He was one of the first elected Hamilton councillors. In 1878 he was the Deputy Mayor of Hamilton. He was then forty-nine years old, tall, dark, with

a spade beard, and a scattered and not very remunerative practice. He was the son of an English surgeon, and came to Hamilton as Assistant Surgeon to the Fourth Waikato Militia Regiment. He was Registrar of Births, Deaths and Marriages, Public Vaccinator, Medical Officer to the Government Life Insurance Department, Surgeon to the Auckland Railway Provident Society and Coroner. These posts earned fees in cash, but ordinary patients in hard times might pay in cash or kind or not at all. Dr Beale was one of the first people to bow to the depression in 1879.

Doctor Bernard Beale is most strongly associated with the cottage for the 1870s period when his family was resident and he operated his business of medical practitioner and Registrar of Births, Deaths and Marriages. He did however have other premises. It is this period that is considered most significant. Very little has been recorded on his family (it is very unlikely that all his children lived in the cottage at once.)

There is however a continuum of residential use which makes this historic place important- this includes the first European owner Jackson, then John Edgecumbe's thirty year association with the cottage and crown grant. The history of the Forrest family, their 70 years association with the cottage, and the links of Mr Forrest as the gardener, need to be addressed. There is limited research on the families of Beale, Edgecumbe and Forrest and their roles in the place. There is historic value in learning about the families and role that, for instance Mrs Beale or servants, may have had on the place.

6.4 Garden and Site

The site and garden today is very different from the time of Beale and Forrest. At the time of renovation in 1995 the garden was somewhat of a wilderness having been cleared and tidied in the 1950s and then developed as a cottage garden.

Historical use of the site prior to 1865 has yet to be researched. No evidence of Maori occupation has been discovered in archaeological work. The original crown grant was not subdivided until 1918 and was still clearly evident in the 1950s.

At least five periods may to be evident in the garden- the nineteenth century working garden of the Beale family, the garden of Edgecumbe, the working nursery and garden of George Forrest and the restored garden of Maisie Forrest. In the nineteenth century The Beales may have had a medicinal garden, or at least a working garden – a garden that would be very different to the picture we may have today. In turn George Forrest is famous in Hamilton East for his early market gardening and production of tomatoes and produce to the Hamilton East community. His glasshouses, hidden behind the laurel hedge, spanned Lot 4 and 3 until 1955.

Up until 1955 oaks trees probably planted in the 1870s, lined the Beale street frontage. Today significant trees on the property include a gingko, a number of camellias and a laurel hedge. The trees and plants are currently being assessed for age.

In addition to the stories above ground evidence remains of the old 1870s oak trees which lined Beale and Grey Street and the lowering of the road. There is the archaeological evidence of the previous occupations of the site. This includes the well, rubbish tips, post and construction evidence, old services and artifacts associated with the long term use of the site. There are relics of fencing and paving.

The garden is integral with the working of the house and includes out buildings, a well, clothes lines, sites of the glasshouses, paths and the trees, shrubs and plants. The Archaeological site and Garden was not addressed in 1994 and clearance of Maisie Forrest's garden took place. This is being addressed currently, based on archaeological, horticultural and photograph evidence. The green corrugated shed (circa 1930s) was not included in the 1994, but is part of the building fabric which needs conservation.

The wider extent of the place from the 1860s to 1920s, and relationships to other sites has yet to be documented- to Gibbon's gully and Hamilton East, or Beale's office. This includes associated trees, structures and archaeological sites such as the outbuildings. This will help in telling the story of the place and its garden.



Garden, Beale Cottage, 2016.

7.0 Conservation and Maintenance

As part of the method of complying with the statutory requirements, conservation principles and policies have been specifically applied to this place since the 1990s. These documents form the guidance for any work and the vision to protect it in perpetuity.

The guiding policies for the protection and maintenance of the cottage, garden and site are based on international conservation principles and are contained within the Conservation and Maintenance Plans. Principles, policies and practical actions are contained within these documents and guide the protection and use of the place.

7.1 Conservation and Maintenance Plan

In 1994 a Conservation Plan was commissioned to give guidance on protecting the building from loss or removal, prior to a major restoration project in 1995. The archaeological site and garden was not included in this work. The option of use chosen resulted in renovating a number of aspects of what had been a house of accumulative history. The kitchen was affected, with the rear porch and a new kitchen and bathroom installed. An out building was recommended but not accepted. The restoration work took place in 1995 and the grounds were cleared.

In 2003 a Maintenance Plan was commissioned for the place and in 2004 a Preliminary Assessment of the garden and an Archaeological Report were produced. The Conservation Plan was also reviewed.

7.2 Archaeological Reports and Survey

In 1995 during the restoration work some sampling had been done under the floor boards and items recorded, but this was limited. Therefore in December 2003 an Archaeological Report was undertaken by Alexy Simmons to investigate the site.

Because of the movement over the site in terms of earthworks it is very difficult to see what remains of earlier gardens. Therefore under recommendation the unusual action of invasive investigation is to take place to undercover any historic evidence to assist in interpreting the site and to clear the site for any further works. A full survey has been undertaken of those areas within the site but away from any trees.

The archaeological work and artefacts will form a significant part of the educational tools for the place.

7.3 Historic Landscape Investigation and Garden Design

The Council commissioned a historical landscape investigation and a heritage garden plan from Louise Beaumont – Heritage Landscape Architect. This work was completed in April 2005. The historic landscape investigation document covers the various landscape designs for the Beale Cottage property since 1872.

The heritage garden design provides a series of landscaping and planting recommendations which has been partially implemented as of 2016.

7.4 Further work

All three elements of the place require further documentation and work in the form of research, investigation, protection and maintenance, along with the histories of the place. There are no formal comprehensive histories of the place to assist in guiding conservation. This includes Maori occupation, the families since 1864, the garden and wider site. This work is essential. The interiors of the cottage also need to be re-instated.



Kitchen, Beale Cottage, 2016.

8.0 Heritage Value

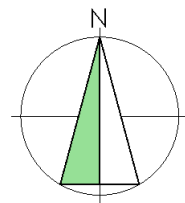
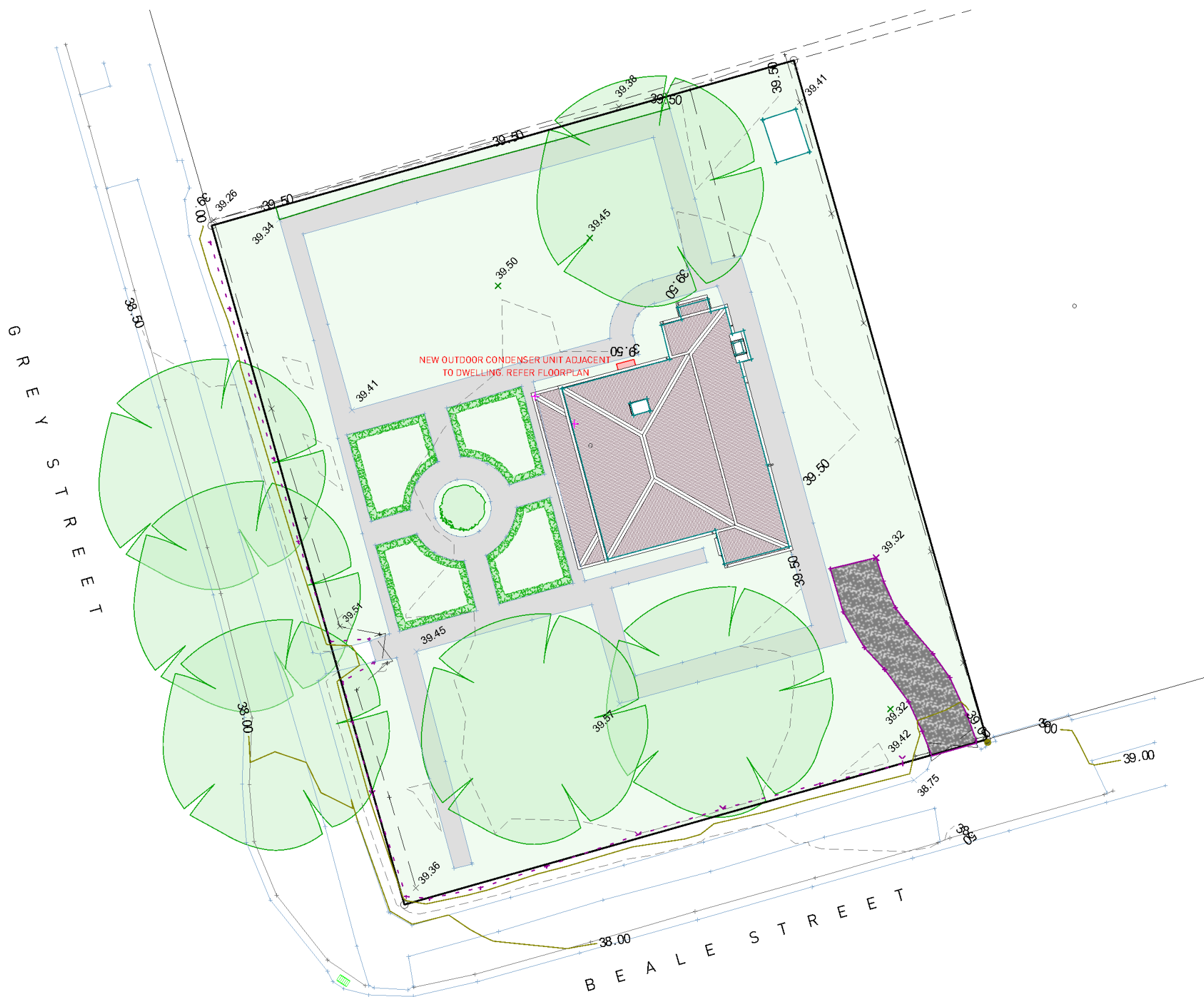
While 19th century cottages are common in New Zealand in regions such as Northland, Auckland and Wellington, they are however rare in the Waikato and very few surviving cottages pre date 1875. This rarity value is relative to the development of the region after 1864, much later than most other parts of the country. The only known dated residence of the early settlement period in Hamilton is the 1872 Lake House, which was built as a substantial two storied estate manager's residence. Apart from a few larger homesteads such as Homewood at Te Rore and Major Jackson's House at Kihikihi, there are only a few early 1870s cottages identified in the Waikato Region - Temple cottage at Kihikihi, and The Doctors/Magistrates Militia House at Ngaruawahia.

In terms of roof form Gable roofed cottages were more commonly seen such as the Nixon Street Cottage in Hamilton, and the Temple Cottage in Kihikihi. Hip roofed cottages similar to Beale Cottage; include the Doctors/Magistrates House at Ngaruawahia, a cottage in Steele Street Cambridge, and a cottage in Cook Street (much altered) Hamilton, and the 1859 Cottage Museum at Pukekohe.

In the latter part of the last century there was an urgent effort to save early cottages. For some relocation to other sites or museums was necessary. A number of cities and towns have preserved important mid nineteenth century cottages including:

- The Elms Mission House in Tauranga (Elms Foundation)
- Egmont Cottage in New Plymouth (associated as part of Te Arika Museum)
- Wylie Cottage in Gisborne
- Ewelme in Auckland (Historic Places Trust)
- Broadgreen House in Nelson.
- Temple Cottage at Kihikihi

Waikato District Council have restored the 1870s Woodlands Homestead at Gordonton. Hamilton at this time however did not recognise the value of these early cottages. As a consequence, Hamilton has lost most of this early built European history, with only the later Hockin House conserved and open for limited public access. This makes Beale Cottage rare and precious, though only a small cottage and site. It is unusual to have a colonial cottage and garden survive in an urban setting in a central city location in the 21st century.



20-020

A-01 - SITE PLAN
BEALE COTTAGE @ 526 GREY STREET, HAMILTON EAST for B.B.O.

DATE: 23 JULY 2020
SCALE: 1:200

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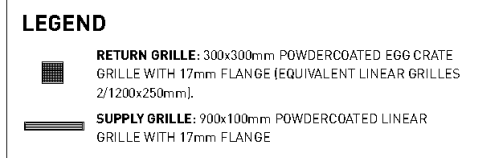
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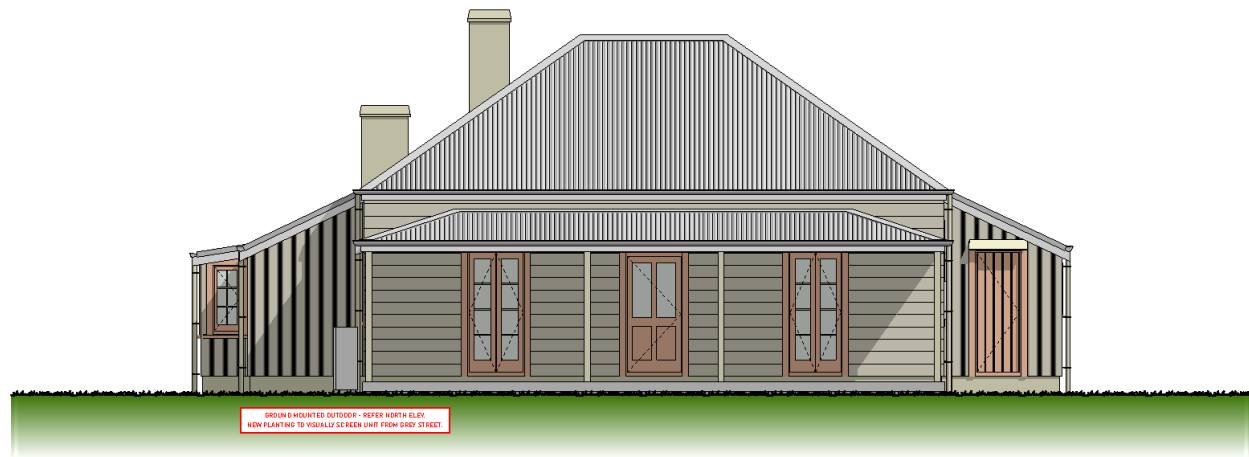


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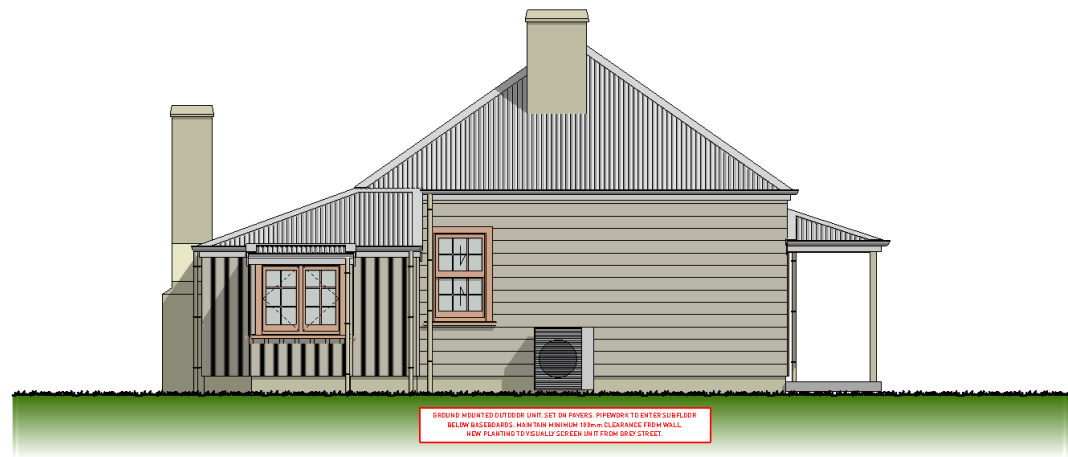
A-02 - FLOORPLAN & REFLECTED CEILING PLAN
BEALE COTTAGE @ 526 GREY STREET, HAMILTON EAST for B.B.O.

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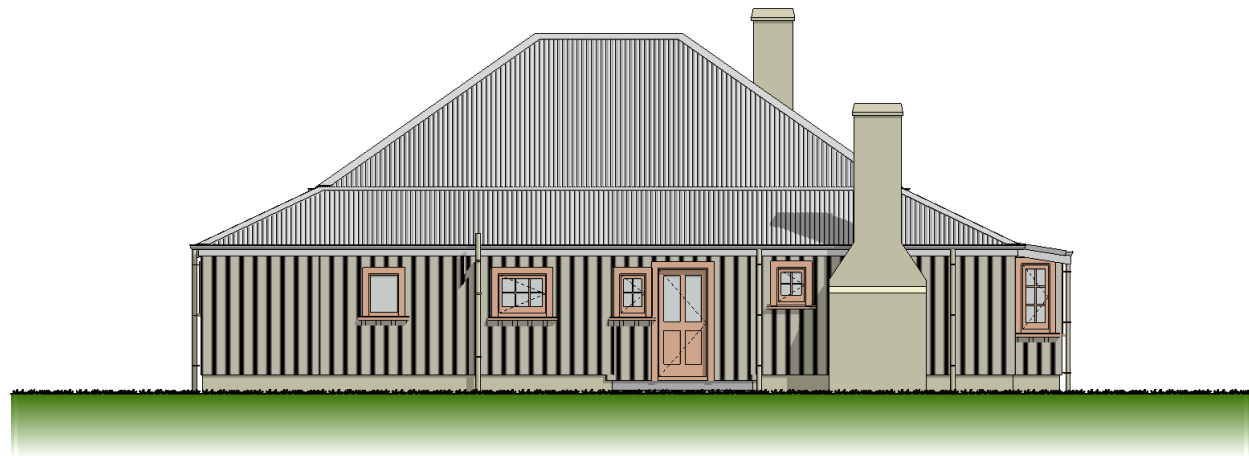
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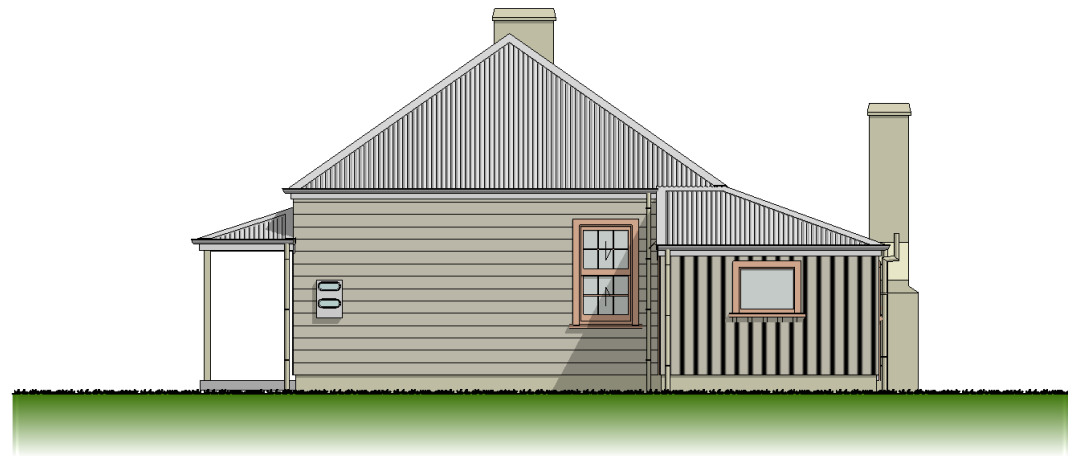
1 ELEVATION - WEST
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2 ELEVATION - NORTH
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3 ELEVATION - EAST
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4 ELEVATION - SOUTH
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20-020

A-03 - ELEVATIONS
BEALE COTTAGE @ 526 GREY STREET, HAMILTON EAST for B.B.O.

DATE: 23 JULY 2020
SCALE: 1:100

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Council Report

Item 11

Committee: Community Committee

Date: 29 September 2020

Author: Lance Vervoort

Authoriser: Lance Vervoort

Position: General Manager Community

Position: General Manager Community

Report Name: General Managers Report

Report Status	Open
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Purpose - *Take*

1. To inform the Community Committee of the successful applicants to the Community Events Fund 2020 funding round.
2. To seek approval from the Community Committee to refer the Age Friendly Plan to a future briefing for Member input.
3. To seek approval from the Community Committee to defer the Hamilton Gardens Management Plan Deliberations Report.
4. To seek approval from the Community Committee to appoint a representative to the Creative Waikato Trustees Appointment Panel.

Staff Recommendation - *Tuutohu-aa-kaimahi*

5. That the Community Committee:
 - a) receives the report;
 - b) approves the Age Friendly plan be referred to a future briefing for input from Members;
 - c) approves the Hamilton Gardens Management Plan Deliberations Report be deferred to the November 2020 Community Committee Meeting; and
 - d) approves the Chief Executive's recommendation that Cr Bunting is appointed to the Creative Waikato Trustees Appointment Panel and noting that Creative Waikato will be informed of the appointment.

Background - *Koorero whaimaarama*

Community Events Fund 2020/21

6. The Community Event Fund supports and strengthens innovative, low cost, high profile community events, with the objective to support diversity in Hamilton through entertainment and activity within the city.
7. All application assessments are considered both collectively (with other applications) and independently to ensure a balanced portfolio of events and year-round weighting.

8. A total of \$50,000 has been designated to support significant community events, with a target participation rate of 1,000 people or more. The maximum award from this fund is up to \$5,000 per event.
9. For efficient allocation, the Funding and Administration Coordinator receives and assesses applications, supported by the Social Development Team Leader, Community and Social Development Manager and City Events Manager prior to submitting a joint recommendation to the General Manager Community Group for decision.
10. Twenty-eight (28) Applications were received for this Funding Round asking for a total of \$125,472.
11. In the attachment is the fourteen (14) events have been supported through the Community Event Fund in 2020.

Age Friendly Plan

12. At the 24 June 2020 Meeting of the Community Committee, it was resolved that a report would come back to the committee before the end of the year on the future of the Age Friendly Plan.
13. At the request of the Chair of the Hamilton Age Friendly Group, staff recommend that this is brought back to an Elected Member briefing rather than a committee meeting. This will enable the necessary feedback and direction required for staff to review the Age Friendly Plan for final approval in 2021.

Hamilton Gardens Management Plan

14. Staff recommend the Deliberations Report for the Hamilton Gardens Management Plan be deferred to the November Community Committee meeting to allow for a comprehensive response to the wide range of matters raised through the hearings process.

HCC representative on Creative Waikato Appointments Panel

15. At the 29 June 2020 meeting of this Committee a report was made by the General Manager about changes to the Creative Waikato Trust Deed which now provides for an appointments panel to appoint skills-based Trustees to their Board. The Committee resolved:
"That the Community Committee notes the change to the Creative Waikato Trust Deed that the HCC Chief Executive, in consultation with Community Committee, will appoint an appropriate person to the Creative Waikato Trustees Appointment Panel to represent Hamilton City Council"
16. The General Manager and Chief Executive have conferred with the Chair of the Community Committee about this matter. The CE recommends that Cr Bunting, as Chair of the Community Committee, be appointed as the Hamilton City Council representative on the Creative Waikato Trustees Appointment Panel for the following reasons:
 - as an elected member he can provide direct governance oversight of appointments to the Creative Waikato Board;
 - Cr Bunting has had significant recent interaction with Creative Waikato and has a good oversight of the way they operate and their needs in relation to governance; and
 - the Creative Waikato relationship comes under the auspices of the Community Committee which Cr Bunting Chairs.

Financial Considerations - *Whaiwhakaaro Puutea*

17. There have been no financial considerations identified in the preparation of this report

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

19. 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').
20. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
21. The recommendations set out in this report are consistent with that purpose.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

22. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Community Event Fund Successful Applications 2020/21

Community Event Fund 2020/21 – Successful Applications

Twenty-eight (28) Applications were received for this Funding Round asking for a total of \$125,472.

Fourteen (14) events have been supported through the Community Event Fund in 2020.

Organisation Name	Event Title – location	Date of Event	Amount Requested	Recommendation
Hamilton Arts Trust	Boon After Dark 2020 - Central City	14 August 2020 – 9 October 2020	\$5,000	\$5,000
Community Link Trust	2020 Light Party - Enderley and Rototuna	31 October 2020	\$5,000	\$2,000
Western Community Centre	2020 Treats in the Park - Nawton	31 October 2020	\$5,000	\$5,000
Pakistan Association of New Zealand	Pakistan Food & Cultural Festival 2020 - Hamilton Gardens	14 November 2020	\$5,000	\$2,750
Waikato Filipino Association	Pasko Sa Nayon 2020 (Christmas in the city 2020) - Central city	5 December 2020	\$3,000	\$3,000
Te Whānau Pūtahi Trust	Kai in the Park - Fairfield	9 December 2020	\$3,800	\$2,750
Waikato Rocks Trust	Christmas at the Lake - Hamilton Lake	19 December 2020	\$15,000	\$5,000
The Hamilton Live Music Trust	Summer Music Series - Sine and Saw Wave - Central City	6 February 2021 + 3 April 2021	\$5,000	\$5,000
Orchestras Central Trust	Sunset Symphony - Hamilton Gardens	14 February 2021	\$3,500	\$3,500
Hamilton Children and Families Trust	Hamilton Children's Day 2021 - Central City	6 March 2021	\$5,000	\$5,000
Hamilton Kerala Samajam	Snehotsavam 2021 - Frankton	10 March 2021	\$5,000	\$2,000
Friends of Hamilton Gardens Inc.	Medieval Festival - Hamilton Gardens	14 March 2021	\$2,250	\$2,000
K'aute Pasifika Trust	Nesian Festival - Claudelands	31 March 2021	\$5,000	\$5,000
Creative Waikato	Whiti - Central City	18 June 2021	\$4,550	\$2,000
			\$72,100	\$50,000

Council Report

Item 12

Committee: Community Committee **Date:** 29 September 2020
Author: Lance Vervoort **Authoriser:** Lance Vervoort
Position: General Manager Community **Position:** General Manager Community
Report Name: Hamilton Gardens Project Governance Group Advice on 2021-2031 Long Term Plan

Report Status	<i>Open</i>
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Purpose - *Take*

1. To present the advice from the Hamilton Gardens Project Governance Group to the Community Committee on the Hamilton Gardens development programme and recommendation that the Council consider for inclusion in the 2021-31 Long Term Plan .

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Committee:
 - a) receives the report and correspondence from the Hamilton Gardens Project Governance Group concerning the Hamilton Gardens Development Programme; and
 - b) notes that the advice from the Hamilton Gardens Project Governance Group concerning the Hamilton Gardens Development Programme will be considered as part of 2021-31 Long Term Plan process.

Background - *Koorero whaimaarama*

3. The Hamilton Gardens Project Governance Group (PGG) was formed 2 years ago to direct, support and provide strategic advice to staff and Council on the further development of Hamilton Gardens. PGG members are Jerry Rickman (Chair), Kelvyn Eglington, Charlotte Isaac, Tiffany Perry, James McGillavray and Lance Vervoort.
4. The PGG works closely with the Hamilton Gardens Development Trust, Hamilton City Council staff and a small fund-raising group to ensure that the project continues to make steady progress.
5. In recent months the PGG has met to discuss the now ever changing Covid-19 environment that we work in and to develop advice to Council on what it should consider for inclusion in the Long Term Plan in regard to the Hamilton Gardens development programme.
6. Recent advice from the PGG is attached along with a presentation which shows the options and factors that the PGG has considered.
7. Staff recommend that the advice is referred to Council's Long Term Plan process for discussion and consideration.

8. PGG representatives will be present at the Community Committee meeting to give an overview of the advice and to answer any queries of Committee members.

Attachments - *Ngaa taapirihanga*

Attachment 1 - 10 Year Plan Hamilton Gardens Development PGG advice 2020.9.7

Attachment 2 - Hamilton Gardens Development- Summary of programme review and options-2020-09-02

Hamilton Gardens Development Project Governance Group

7 September 2020

Councillor Mark Bunting
Chair, Community Committee
Hamilton City Council
260 Anglesea street
Hamilton

Dear Councillor Bunting

Hamilton Gardens Development 2021-31 10-Year Plan

During the development of Council's last 10-Year Plan the Hamilton Gardens Development Project Governance Group (PGG) was formed to direct and support the further development of the Hamilton Gardens including project delivery and fundraising. The Group was also tasked with providing strategic advice and guidance to management and Council.

Steady progress has been made in the last two years with the opening of the Picturesque and Surrealist gardens as well as significant progress on the Egyptian, Pacifica and Baroque gardens.

Since advice was provided to Council on the rhododendron lawn Management Plan issue in February of this year, the PGG has been actively considering the advice it would give Council leading into the formulation of the new 10-Year Plan and the finalisation of the new Management Plan. The purpose of this letter is to provide Council with recommendations on the development of the Gardens in relation to what should be included in the 10-Year Plan.

The PGG has particularly taken into account the unprecedented events caused by the Covid 19 pandemic over the past 6 months and the matters that effect the Hamilton Gardens Development Project which include:

- the economy and changed visitor profile of Hamilton and the Waikato region;
- the ability to raise funds from sources outside of Council over the next 3 to 4 years with many funders under pressure to support Covid relief efforts in the community and commercial sponsors retrenching sponsorship support in these times of uncertainty;
- the effects on Council's financial situation and strategy.

The PGG has also worked with staff to review the sequential programme of works and costings noting that the programme in the 2018-28 10-Year Plan was based on low confidence cost estimates. The key reasons to review the costings were driven by:

- a recent internal audit report which looked at the Hamilton Gardens Development Programme and which recommended a 50% contingency be applied to the project estimates due to the bespoke nature of the works and underlying uncertainties related to ground conditions at the Gardens;
- some amendments to the spatial layout of the Gardens infrastructure and inclusion of new elements (e.g. aerial pedestrian bridge) in the Draft Management Plan.

This work has shown that the updated cost to deliver the 2018-28 10-Year Plan development programme of works has increased from \$26.9 million to \$45.5 million. Estimates show that to complete all development laid out in the Draft Management Plan an investment of just over \$64 million would be required.

The PGG's view is that Council should proceed with locking in the vision for the Garden's development through the current Management Plan review process. The plan is visionary and provides for a truly, exceptional world class garden precinct to be realised, providing significant benefits across the 4 well beings. The current 10-Year Plan development process and those of the future, along with success in sourcing external funding, should be what dictates the speed in which the developments are progressed.

Therefore in relation to the current uncertain and changing operating environment, the PGG has looked at and considered the following 3 scenario's for the 2021-31 10-Year plan –

1. **High scope and external funding target**– complete stage 1 gardens (Baroque, Egyptian, Medieval, Pasifika, Palm Court, Event Court) & Visitor Centre; planning and consenting for programme beyond stage 1; roading car parking infrastructure; cycleway bridge; tree top walkway, 2-3 future gardens; security fence and electronic parking system. (Remainder of development outside of 10-Year Plan)
\$31.6 million investment – use of \$12.6 million targeted rates and \$19 million external funding (external funding target confidence being **very low**)
2. **Medium scope and external funding target** - complete stage 1 gardens & Visitor Centre; planning and consenting for programme beyond stage 1; complete 70% roading car parking infrastructure. (Remainder of development outside of 10-Year Plan)
\$18 million investment – use of \$11.3 million targeted rates; \$6.7 million external funding (external funding target confidence being **low**)
3. **Modest scope and external funding target** - complete stage 1 gardens & Visitor Centre; planning and consenting for programme beyond stage 1; cycleway bridge and tree top walkway. (Remainder of development outside of 10-Year Plan)
\$13.1 million investment – use of \$9.8 million targeted rates; \$3.3 million external funding (external funding target confidence being **medium**)

Fuller details of these options can be found in the attached presentation.

Whilst the PGG is aspirational in what it wants to be achieved at the Gardens it also believes that it needs to provide realistic recommendations to Council. Therefore it is recommended that Council should:

- Adopt option 3 above – the modest development programme scope and external funding target – for inclusion in the 2021-31 10-Year Plan. This option ensures the development continues, albeit at a slower pace than previously anticipated, but does not set unrealistic external funding targets in 10 Year Plan budgets that cause issues with the Council's debt to revenue ratio should they not be achieved in these uncertain times;
- Note that option 3 provides for continuity of a new garden development each year which provides time to navigate the recovery from Covid 19 in the first 3 years of the 10-Year Plan, as well as providing for other elements that are likely to be attractive to external funders in latter years e.g. aerial walkway and cycle bridge.

- Continue the targeted rate for the 10 year period of the 2021-31 10-Year Plan as this provides certainty on Council's commitment and confidence to any prospective external funders and partners about this;
- Note that the PGG and Hamilton Gardens Development Trust (and their subsequent fundraising group) are absolutely committed to raising as much external funding as possible and that additional development can occur if funds over and beyond the 10-Year Plan budget are sourced. That is the aim, to exceed what is budgeted for and if this should occur the PGG requests that Council be flexible enough to amend budgets during Annual Plan's to allow additional development to occur.
- Have staff carefully work on how we make better use of the asset we already have through targeted marketing to the domestic visitor market and other initiatives.

The PGG also has as part of its mandate the task to consider charging entry to the gardens. Due to the closed borders and decrease in overseas visitors the PGG believe that this matter is not a priority at the moment. However, this will be revisited by the PGG at an appropriate time in the future.

PGG members are happy to answer any queries about this advice and we wish Council well in its development of the 2021-31 10-Year Plan.

Yours sincerely

PP 

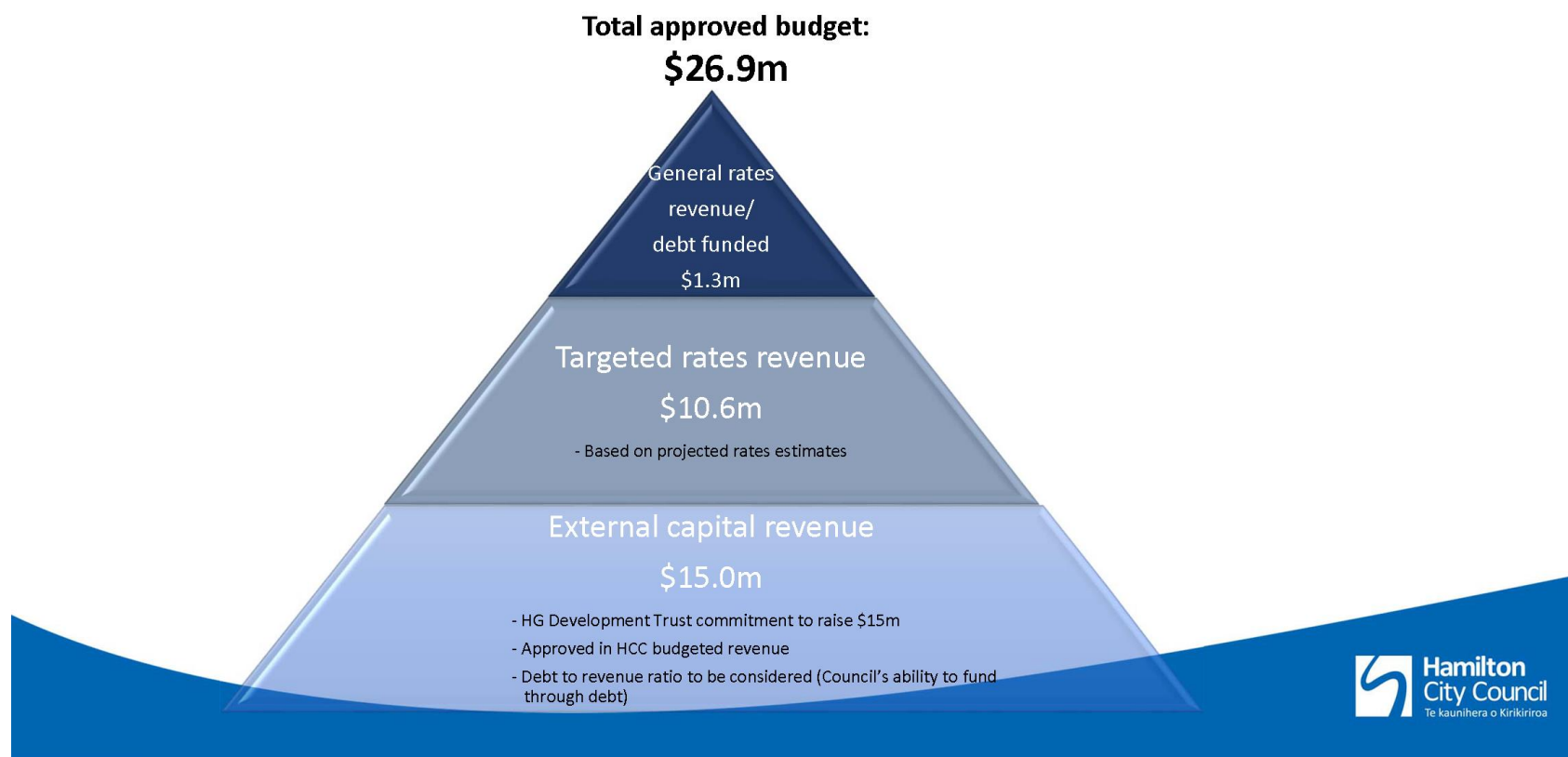
Jerry Rickman
Chair



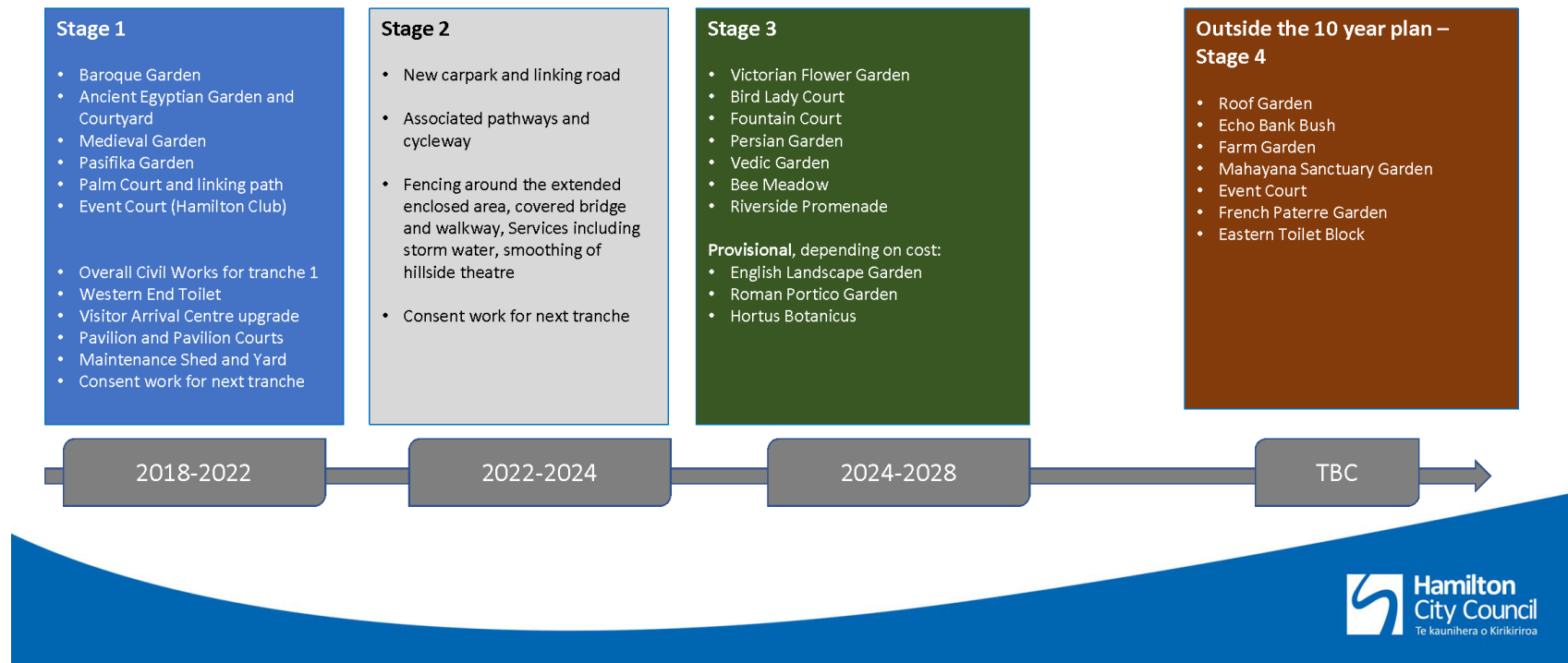
Hamilton Gardens Development



1. The original plan- LTP 2018-28 approved capital budget



1. The original plan- Scope of original development proposal



2. What happened since

Public feedback on Rhododendron Lawn	<ul style="list-style-type: none"> Revised layout option (Upper Northern Road) and re-consultation
Review of costings	<ul style="list-style-type: none"> From low cost confidence figures in original proposal to now medium to high cost confidence for stage 1 (cost confidence beyond stage 1 remaining low until further investigation undertaken) Taking into account revised Upper Northern Road option in Mgmt. Plan Increased contingency from 15% - 50% for low cost confidence projects
Covid-19	<ul style="list-style-type: none"> Put strain on businesses and cashflow and ability to secure sponsorship for development High reliance on Government funding for next 2-4 years to achieve external funding
<p>→ Updated cost to deliver 2018-28 LTP proposal: \$45.5m</p> <p>→ Approved budget for proposal in 2018-28 LTP: \$26.9m</p>	

3. Options going forward

Assumptions made for all options

- Upper Northern Road option approved in Mgmt. Plan
- Council approves the Hamilton Gardens targeted rate (\$1 increase per year per SUIP) to continue until 2031
- No reliance on New Zealand Transport Agency (NZTA) funding (based on initial conversations with transport, will continue to explore for some elements)
- Covid-19 impacts on external funding environment for at least 2-4 years

Option A

Keep current LTP budget and funding target, reduce programme scope to fit current budget envelop

Stage 1	Planning & Consenting	Infrastructure enabling works	Infrastructure Delivery (Roads/carpark)	Cycleway Bridge	Tree Top Walkway	2-3 Future Gardens	Electronic Parking system
Current LTP					New LTP		

WHEN	Current LTP (2018-28)	Additional 3 years of new LTP (2028-31)
WHAT	<ul style="list-style-type: none"> Completion of Stage 1 Gardens and infrastructure Consenting & Planning for programme beyond stage 1 Enabling works for Infrastructure (Roothing/Car parking) stage Infrastructure (Roothing/carparking) construction Cycleway bridge 	<ul style="list-style-type: none"> Tree Top Walkway 2-3 future Gardens Security fence Electronic parking system
COST	\$26.9m	\$9.8m
FUNDING	\$10.6m Targeted rates \$15m External funding	~\$5m Targeted rates (tbc) \$4.8m External funding

➔	New LTP 2021-31 (excl. \$5.1m expenditure and \$800k achieved external funds from 2018-21)	Cost	Funding
		\$31.6m	\$12.6m Targeted rates \$19m External funding

Option A- detailed programme breakdown

	Current LTP 2018-28			Additional 3 years of new LTP	Outside current and next LTP
Stage	(Y1-5) 2018/19 – 2022/23	(Y5) 2022/23	(Y6-10) 2026/27- 27/28	2028/29-2030/31	
Scope	Stage 1: <ul style="list-style-type: none"> Maintenance Shed Civil Works Contract & Western Toilet Hamilton Club Summerhouse Egyptian Garden Planning works for Stage 1 Palm Court Medieval Garden Baroque Garden Pasifika Garden Visitor Arrival Centre & Forecourts Mulch Pit 	<ul style="list-style-type: none"> Resource consents for full future development Planning (QS, Design) for full future development 	<ul style="list-style-type: none"> Screen planting around future carparks Expansion of Nursery Yard in front of Cactus House Toilet block – Rhododendron Covered bus arrival centre, path, bridge and shelter for forecourts Fence and screen planting along road running through the Nursery Main Civil Work (incl. New access roads, roundabout, carparks & new access paths, services, info signs) Cycleway Bridge 	Definite projects: <ul style="list-style-type: none"> Traffic/parking electronic system Security cameras Tree Top Walkway Bird Lady Court Victorian Flower Garden Provisional projects if further external funding can be achieved:: <ul style="list-style-type: none"> Gravel carpark besides Girl Guide Hall Security fence for enlarged garden area New Central Mulch Yard Roman Portico Garden 	<ul style="list-style-type: none"> Persian Garden Vedic Garden Fountain Court Riverside Promenade & French Promenade Hortus Botanicus Bee Meadow English Landscape Garden Farm Garden Echo Bank Bush (NZ Bush) Roof Garden Mahayana Sanctuary Garden
Stage cost	\$11.5m	\$1.4m	\$14.0m	\$5m for definite \$4.8m for provisional	
Total cost	\$26.9m			\$9.8m	\$27.7m
Budget	\$26.9m <ul style="list-style-type: none"> \$10.6m targeted rates \$15m external funding \$1.3m general rates 			\$9.8m <ul style="list-style-type: none"> \$5m targeted rates \$4.8m external revenue 	TBC

External funding feedback- Option A

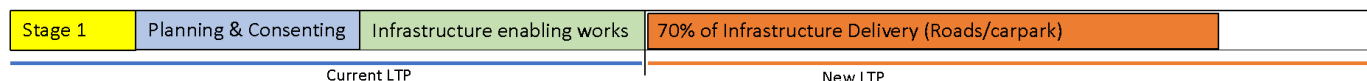
External funding target confidence is **VERY LOW**

Reasoning:

- Programme scope has been reduced but external funding target has remained the same
- Roading and carparking stage traditionally attracts less funding as civil works can be perceived as a council core service
- The main funding opportunities (i.e. new gardens) remain in the first 5 years of the current LTP 2018-28 - at a time where we anticipate funding opportunities to be reduced significantly due to the economic impact from COVID-19
- Increased pressure on contracted amount of possible funders

Option B

Further reduced scope- \$7.5m external funding target



WHEN	Current LTP (2018-28)	Additional 3 years of new LTP (2028-31)
WHAT	<ul style="list-style-type: none"> Completion of Stage 1 Gardens and infrastructure Consenting & Planning for programme beyond stage 1 Enabling works for Infrastructure (Roothing/Car parking) stage 	<ul style="list-style-type: none"> Start of Infrastructure (Roothing/carparking) Stage (up to 70% completion)
COST	\$16m	\$7.1m
FUNDING	\$10.6m Targeted rates \$5.4m External funding	~\$5m Targeted rates (tbc) \$2.1m External funding

 New LTP 2021-31 (excl. \$5.1m expenditure and \$800k achieved external funds from 2018-21)	Cost	Funding
	\$18m	\$11.3m Targeted rates \$6.7m External funding

Option B- detailed programme breakdown

	Current LTP 2018-28			Additional 3 years of new LTP	Outside of current and new LTP
Stage	(Y1-Y8) 2018/19-2025/26	(Y5), 2022/23	(Y9-Y10) 2026/27-2027/28	2028-31	
Scope	Stage 1: <ul style="list-style-type: none"> Maintenance Shed Civil Works Contract & Western Toilet Hamilton Club Summerhouse Egyptian Garden Planning works for Stage 1 Palm Court Medieval Garden Baroque Garden Pasifika Garden Visitor Arrival Centre & Forecourts Mulch Pit 	<ul style="list-style-type: none"> Resource consents for full future development Planning (QS, Design) for full future development 	<ul style="list-style-type: none"> Screen planting around future carparks Expansion of Nursery Yard in front of Cactus House Toilet block – Rhododendron Covered bus arrival centre, path, bridge and shelter for forecourts Planting and fence alongside future nursery road 	<ul style="list-style-type: none"> Start of Main civil works (incl. New access roads, roundabout, carparks & new access paths, services, info signs), up to 70% completion 	<ul style="list-style-type: none"> Remaining Civil works (30%) Traffic/parking electronic system Security cameras Cycleway bridge Tree Top Walkway Bird Lady Court, Victorian Flower Garden, Gravel carpark besides Girl Guide Hall, Security fence for enlarged garden area, New Central Mulch Yard, Roman Portico Garden, Persian Garden, Vedic Garden, Fountain Court, Riverside Promenade & French Promenade, Hortus Botanicus, Bee Meadow, English Landscape Garden, Farm Garden, Echo Bank Bush (NZ Bush), Roof Garden, Mahayana Sanctuary Garden
Stage cost	\$11.5m	\$1.4m	\$3.1m	\$7.1m	
Total cost	\$16m			\$7.1m	\$41.3m
Budget	\$16m <ul style="list-style-type: none"> \$10.6m targeted rates \$5.4m external revenue 			\$7.1m <ul style="list-style-type: none"> \$5m targeted rates \$2.1m external revenue 	TBC

External funding feedback- Option B

External funding target confidence is LOW

Reasoning

- Planning and consenting as well as roading and carparking traditionally attract less to no funding as civil works can be perceived as a council core service
- The main funding opportunities (i.e. new gardens) remain in the first 6 years the current LTP 2018-28 - at a time where we anticipate funding opportunities to be reduced significantly due to the economic impact from COVID-19.
- Increased pressure on contracted amount of possible funders

Option C

Further reduced scope- \$4.1m External funding target
Recommended option

	Stage 1	Planning & Consenting	Infrastructure enabling works	Cycleway Bridge	Tree Top Walkway
	Current LTP		New LTP		
WHEN	Current LTP 2018-28			Additional 3 years of new LTP (2028-31)	
WHAT	<ul style="list-style-type: none"> Completion of Stage 1 Gardens and infrastructure Consenting & Planning for programme beyond stage 1 			<ul style="list-style-type: none"> Enabling works for Infrastructure (Roading/Car parking) stage Cycleway bridge Tree Top Walkway 	
COST	\$12.9m			\$5.3m	
FUNDING	\$10.6m Targeted rates \$2.3m External funding			\$3.5m Targeted rates (tbc) \$1.8m External funding	

New LTP 2021-31 (excl. \$5.1m expenditure and \$800k achieved external funds from 2018-21)		Cost	Funding
		\$13.1m	\$9.8m Targeted rates \$3.3m External funding

Option C- Detailed programme breakdown

	Current LTP 2018-28		Additional 3 years of new LTP	Outside of current and next LTP
Stage	(Y1-9) 2018/19 – 2026/27	(Y5) 2022/23	2028-31	
Scope	Stage 1: <ul style="list-style-type: none"> Maintenance Shed Civil Works Contract & Western Toilet Hamilton Club Summerhouse Egyptian Garden Planning works for Stage 1 Palm Court Medieval Garden Baroque Garden Pasifika Garden Visitor Arrival Centre & Forecourts Mulch Pit 	<ul style="list-style-type: none"> Resource consents for full future development Planning (QS, Design) for full future development 	<ul style="list-style-type: none"> Screen planting around future carparks Expansion of Nursery Yard in front of Cactus House Toilet block – Rhododendron Covered bus arrival centre, path, bridge and shelter for forecourts Fence and screen planting along road running through the Nursery Cycleway bridge Tree Top Walkway 	<ul style="list-style-type: none"> Main Civil works (Roading/car park) construction Traffic/parking electronic system Security cameras Bird Lady Court Victorian Flower Garden Gravel carpark besides Girl Guide Hall Security fence for enlarged garden area New Central Mulch Yard Roman Portico Garden, Persian Garden, Vedic Garden, Fountain Court, Riverside Promenade & French Promenade, Hortus Botanicus, Bee Meadow, English Landscape Garden, Farm Garden, Echo Bank Bush (NZ Bush), Roof Garden, Mahayana Sanctuary Garden
Stage cost	\$11.5m	\$1.4m	\$5.3m	
Total cost	\$12.9m		\$5.3m	\$46.2m
Budget	\$12.9m <ul style="list-style-type: none"> \$10.6m targeted rates \$2.3m external revenue 		\$5.3m <ul style="list-style-type: none"> \$3.5 m targeted rates \$1.8m external revenue 	TBC

External funding feedback – option C

External funding target confidence is **MEDIUM**

Reasoning

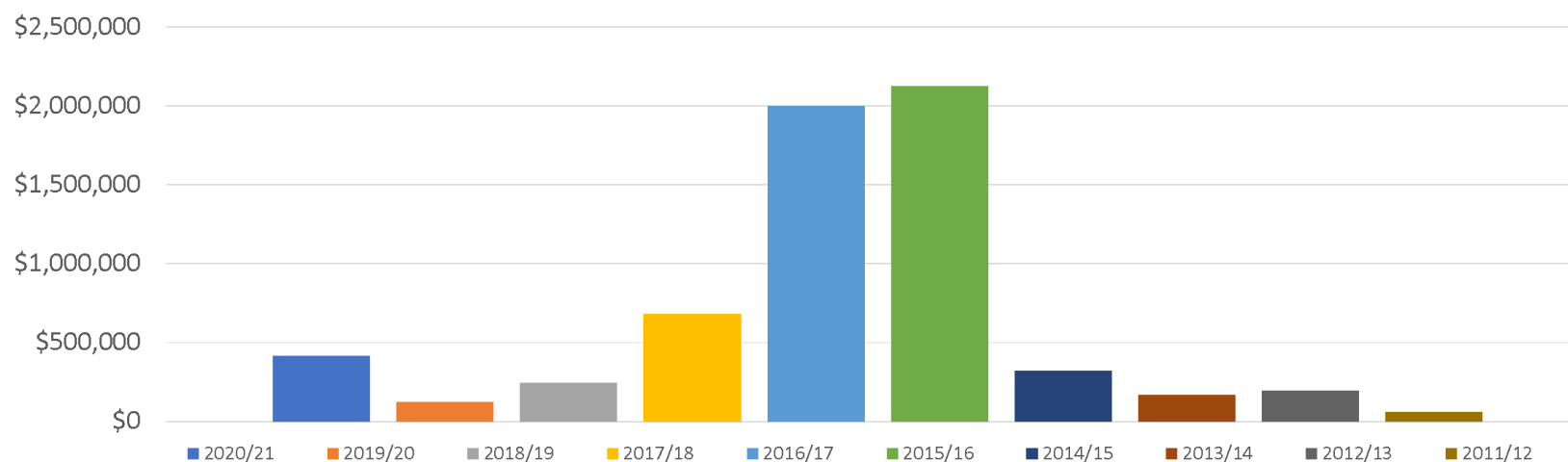
- Funding targets are aligned with the proposed capital development programme
- There is continuity of new garden development each year (Stage 1 stretched out further) which provides time to navigate the recovery from Covid-19 in the first 3 years and the potential to raise significant funding in the latter 3 years of the current LTP
- The additional 3 years of the new LTP is at a time where we would anticipate we will have had the time to acquire new opportunities from a wider range of sources.

Further advantages of option C

- Immediate start on future stages beyond stage 1 would be possible if unexpected philanthropic funding would be received as planning and consenting would already be completed in current LTP
- Undertaking planning and consenting within current LTP will provide higher level of cost confidence for future development
- More conservative funding target takes away the risk for Council to not achieve financial targets but does not preclude the opportunity to raise more funds to deliver more
- Opportunity to make better use of what we already have

External funding history

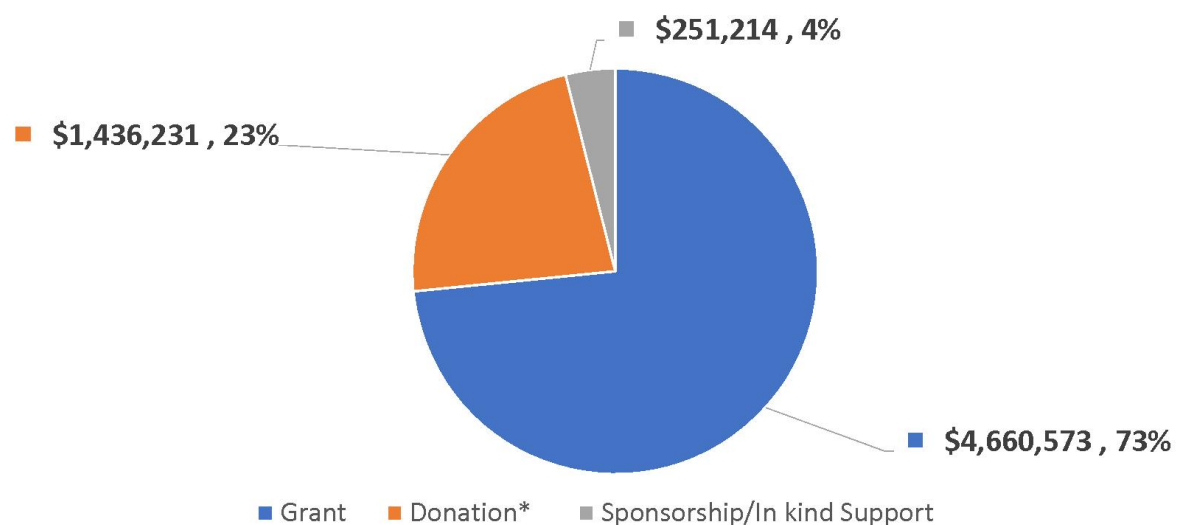
TOTAL EXTERNAL FUNDING RAISED BY YEAR SINCE 2011



TOTAL \$6,348,018

External funding history

TYPE OF FUNDING



* Includes donations received through Friends of Hamilton Gardens & Hamilton Gardens Development Trust

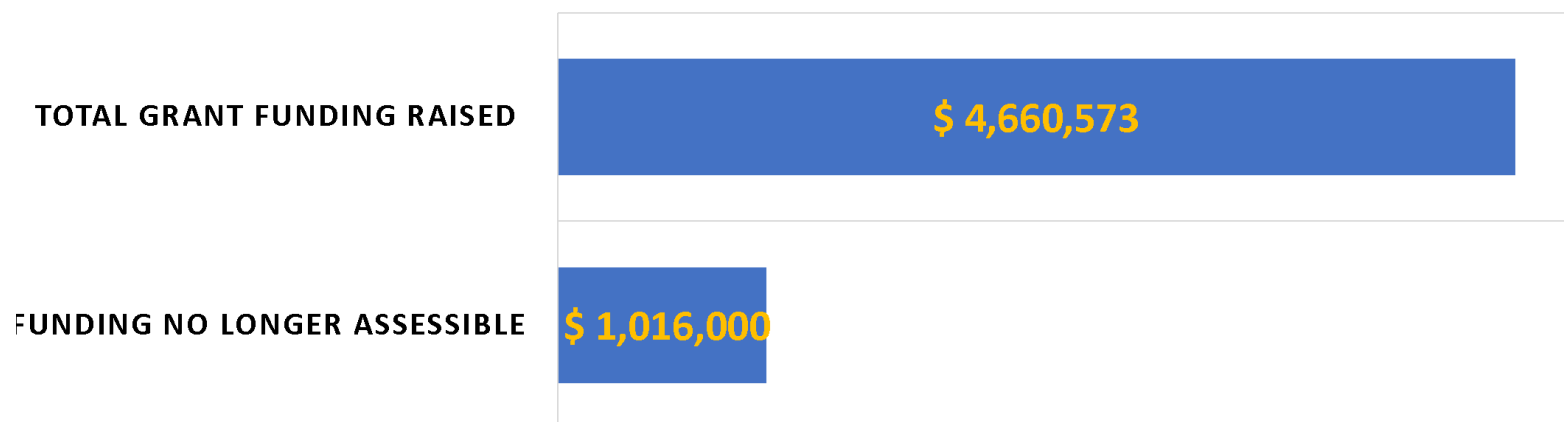
External funding history

TOP 5 FOR EACH FUNDING TYPE

GRANT		DONATION		SPONSORSHIP/IN KIND SUPPORT	
\$	2,500,000	\$	350,000	\$	100,000
\$	350,000	\$	100,000	\$	80,000
\$	300,000	\$	100,000	\$	20,000
\$	220,000	\$	50,000	\$	15,000
\$	215,000	\$	20,000	\$	7,000

External funding history

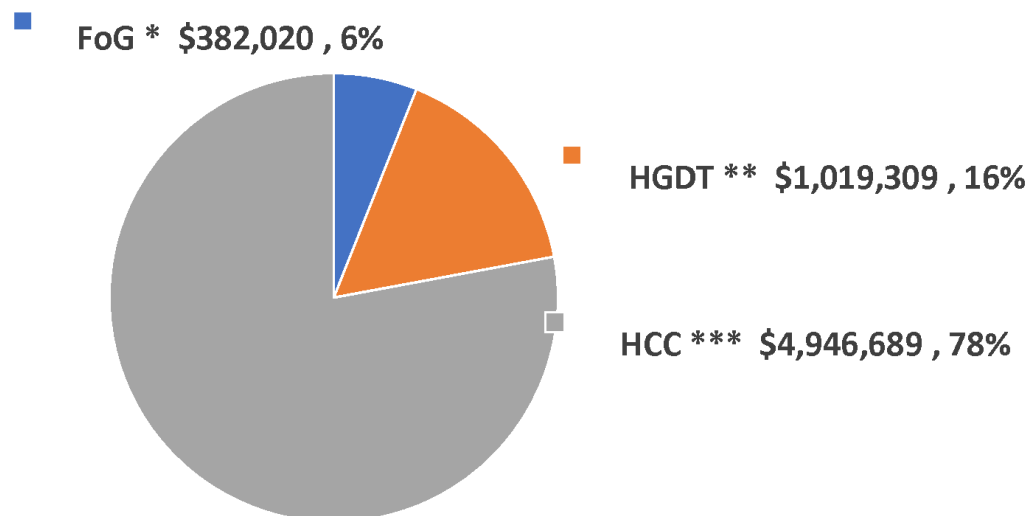
PREVIOUS RELIABLE GRANT FUNDERS NO LONGER ACCESSIBLE



22% of the total grant funding raised since 2011 is no longer assessable

External funding history

FUNDING CHANNELS



*Supported by HCC ** Supported by HCC *** Supported by HGDT & FoG

END

Council Report

Committee: Community Committee **Date:** 29 September 2020
Author: Andy Mannering **Authoriser:** Lance Vervoort
Position: Social Development Manager **Position:** General Manager Community
Report Name: Community Assistance Policy Review 2020

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek a recommendation from the Community Committee to the Council to approve the revised Community Assistance Policy.

Staff Recommendation - *Tuutohu-aa-kaimahi* (Recommendation to the Council)

2. That the Community Committee:
 - a) receives the report; and
 - b) recommends that the Council approves the revised Community Assistance Policy (**attachment 1** of the staff report).

Executive Summary - *Whakaraapopototanga matua*

3. The Community Assistance Policy sets out the Councils funding and allocation process for assistance provided through grants to community organisations in a transparent manner.
4. The Policy applies to Councils contestable community grants that are administered by the Community and Social Development Team within the Community Group.
5. The Policy is reviewed every three years and is scheduled for review prior to October 2020.
6. The 2018-28 Long Term Plan includes a total grants budget covered by this policy for 2021/22 of \$1,467,000.
7. If the Policy is not approved, delays will occur in the allocation of the Multi-Year Community Grant.
8. Staff consider the matters in this report to have a medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. The community grants programme acknowledges that the Council cannot deliver on improving wellbeing outcomes alone. There are many organisations that share our objectives, and in many cases are better placed to deliver on them. These community organisations are experts in their respective fields, and able to mobilise a range of relationships and resources to achieve their goals.

10. The Council's role is to enable, facilitate, and provide opportunities for communities to drive and own their own development. By providing community organisations with direct financial assistance, Council can support shared objectives and be a catalyst for positive change. This approach delivers value for money to ratepayers and helps to sustain a thriving and independent community sector.
11. It is important to note that most community organisations are reliant on several funders and very few projects or services are fully funded by any one funding provider. The flexibility of Council rates-funded grants enables organisations to leverage other government or philanthropic funding for effective service delivery resulting in significant returns on investment for the city.
12. The Community Assistance Policy (The Policy) was adopted by Council at the 31 October 2017 Community and Services Committee ([Agenda](#), [Minutes](#)) and applies to Council contestable community grants that are administered by the Community and Social Development Team within the Community Group.
13. During the 2018-28 [10-Year Plan deliberations](#) it was resolved that the Council approve an increase to the community assistance fund by 10% in year 1 of the 2018-28 10-Year Plan, with an annual inflation adjustment each subsequent year. The current [Policy](#) was updated at the 11 September 2018 Community, Services and Environment Committee ([Agenda](#), [Minutes](#)) to reflect changes.
14. The Policy is scheduled to be reviewed by October 2020. This schedule of review allows the Multi-Year Community Grant round to receive applications, and have decisions notified in early 2021 giving community organisations time to adjust to potential changes in funding from the Council.
15. The review has taken into consideration feedback from the Waikato Funders Group, previous applicants to grants administered by the Policy, Elected members and the 23 June 2020 Strategic Risk and Assurance Committee internal Audit report ([Agenda](#)).

Discussion - *Matapaki*

16. After reviewing the Policy, the following changes are being recommended.
17. The purpose of the **Community Event Fund** is still relevant. However, there is a gap between our current eligibility and that of Council's Major Event Fund, where key local festivals require greater support from the Council than the current grant limit of \$5,000. To remedy this staff, recommend the following changes:
 - I. Removing the grant allocation limit of \$5,000 per application.
 - II. As some events are not organised by community groups, staff also recommend opening the grant criteria to allow event organisers who are not registered community groups to apply.
18. The organisations supported through the **Multi-Year Community Grant** form a vital part of the community infrastructure ecosystem of the city. This includes organisations such as community centres, community theatres, sector capacity building organisations, and those providing emergency accommodation services. No changes are proposed to the criteria and guidelines of this fund.
19. The **Single-Year Community Grant** is an important fund to the small not-for-profit organisations within the city and the existing purpose and criteria are still relevant. The changes to guidelines and criteria proposed to this fund are:
 - I. Increase the amount an organisation can apply for from \$8,000 to \$10,000 to acknowledge the increasing cost to operate.

- II. Provision is made to allow the Allocation Committee to fund community organisations for multiple years instead of just annually.
20. There are limited funds within the city dedicated to Arts projects and initiatives. This has been highlighted to the Council through the annual plan process by the Creative Sector of Hamilton. To partially address this gap, staff recommend an additional grant scheme be administered by the Policy with the funding pool being taken from current budget allowances:
- I. The establishment of a new **Creative Partnership Fund** to provide dedicated funding to support community arts opportunities for local communities, and participate in local arts activities, events and programmes within Hamilton.
 - I. that the **Creative Partnership Fund** be administered by Creative Waikato alongside the Creative New Zealand CCS funding they already allocate on Councils behalf.
21. At the 2 September 2020 Drop-In Session, it was requested for staff to explore a **Capital Project Fund** or alternative mechanism to assist community organisations with maintaining, repairing and building community infrastructure have occurred.
- I. There is a community need and desire for the Council to support organisations to maintain, repair and purpose-build community infrastructure in the city. Several organisations are seeking funding to repair or expand their facility.
 - II. Only two funders have a dedicated capital grant fund (Lottery & Trust Waikato) for local organisations to access, and WEL Energy have a Community Loan Programme.
 - III. Trust Waikato's Significant Capital Projects Fund was introduced in 2015. The fund is available for donations toward capital projects with total costs of \$1,000,000 or more. Capital projects may include new buildings, alterations, renovations or equipment.
 - IV. The WEL Energy Trust has established a fund for community loans (of at least \$50,000) as one of its options to assist organisations to be more sustainable in the future and to assist events and/or projects to occur earlier and with increased surety than otherwise possible. WEL Energy notes that the community loans programme is only possible with the support of BNZ. WEL is a registered financial provider, but not a registered financial advisor so can't provide any financial advice at all. As a provider of community loans Anti Money Laundering (AML) legislation applies.
 - V. For the Council to create impact with a **Capital Project Fund** significant new money would have to be added to the current funding pool.
 - VI. Significant capital projects can take multiple years to raise funds and be completed. This dynamic could result in grants not being paid out in the financial year that the grant was awarded. Depending on the scale of the allocation this could affect the Council's debt limit.
 - VII. Investment in a community loan scheme at this level would not be funded through everyday revenue, but through additional borrowing. The effect of this would be increased debt levels for the Council and potential debt limit breaches in future years, depending on the size and scope of the proposed community loan scheme and uptake. This could also affect the Council's borrowing ability to fund the current capital programme in future years.
 - VIII. The impact that specific new investment into a Capital Project Fund could have on the Council's Financial Strategy would need to be determined through modelling.
22. Other Policy changes include:
- I. Minor wording in the policy has been changed to ensure consistency of terms used e.g. use of the term "organisation" throughout (previously also used the term "group").

- II. The schedules attached to the policy have been re-written to provide more clarity for applicants. The intent remains the same, however the general guidelines have been re-grouped to improve flow and clarity of the information.
 - III. A statement referencing the Auditor General's best practice guidelines has been added.
 - IV. The reference to aligning community funding to Councils Wellbeing purpose has been made stronger.
 - V. Increasing transparency by providing more information on the application process flowchart.
 - VI. A table showing the roles and responsibilities has also been included.
23. A clean copy of the new Policy is attached, due to the number of formatting changes included a track changed version of the current policy has not been attached.
24. If the Policy is not approved delays will occur in the allocation of the Multi-Year Community Grant. The Multi-Year Community Grant will open for applications upon the adoption of the revised Policy. The current timeline allows organisations to be notified in January 2021 giving organisations time to adjust to potential changes in funding from the Council. Adoption of the Policy in December will result in applicants receiving notification in April 2021.

Financial Considerations - *Whaiwhakaaro Puutea*

25. The total grants budget covered by this policy for 2021/22 is \$1,467,000. This figure is adjusted annually for inflation through the operating budget in the Long Term Plan.
26. The proposed split between the schemes for 2021/22 is as follows:

Funding programme	Allocation per annum
Community Event Fund	\$100,000
Multi-Year Community Grant	\$1,067,000 (Maximum of)
Single-Year Community Grant	\$250,000 (Minimum of)
Creative Partnerships Fund (new)	\$50,000
	\$1,467,000

27. The proposed split uses the existing Single-Year Community Grant budget to increase the Multi-Year Community Grant, Community Events Fund, and create a new Creative Partnerships Fund, reducing allocation from \$467,000 to a minimum of \$250,000.
28. The Multi-Year Community Fund will be allocated, and grant agreements signed prior to 30 June 2021. If the allocation is less than the total budget, the remaining funds will be allocated through the Single-Year Community Grant.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

30. 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').
31. 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.
32. The recommendations set out in this report are consistent with that purpose.
33. All the contestable funding as outlined in the revised Community Assistance Policy contributes in some way to the social, economic, environmental and cultural wellbeing of Hamiltonians. Over 140 grants are allocated each year to organisations who provide services, programmes or events which align to at least one of Councils' 4 wellbeings.

Social

34. A key focus for the grants administered by the Policy is building greater social cohesion and inclusion, creating a better city for all the people who live here.
35. The majority of funding distributed through the Policy is allocated through the Multi-Year Community Grant and supports the operational management of important community and social infrastructure in the city.

Economic

36. Economic conditions, including income, food and housing are integral to wellbeing. Economic Wellbeing is often defined as having present and future financial security, to be able to have economic choices and feel a sense of security, satisfaction and personal fulfilment. This security, satisfaction and personal fulfilment flow into people's ability to participate in wider society and feel connected, healthy and happy.
37. Community Grants support organisations and agencies throughout the city to deliver their services to increase the ability of the community to meet its own needs.
38. The community organisations supported through the Multi-Year Community Grant and Single-Year Community Grant in 2020 employed 383 individuals.

Environmental

39. Applications to the grants administered through the Policy from Environmentally focused community groups is traditionally low as the Council offers other contestable funding schemes to improve the environmental wellbeing of the city. The Community and Social Development team will continue to work with the Environmental sector to raise their capacity to where needed apply to the 2021 funding rounds.

Cultural

40. Consideration of diversity and inclusion is important to the allocation process of grants administered through the Policy.

Risks - *Tuuraru*

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

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

42. 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

43. Community views and preferences are already known to the Council through targeted consultation with previous applicants to grants administered by the Policy and the Waikato Community Funders Group.
44. 114 community organisations responded to our targeted engagement around the policy review. Staff asked organisations around their support for the current policy and 3 existing funding schemes, their support for introducing new schemes, and the removal of individual grant limits. Some results are below that have influenced the recommended policy changes.

Question	Yes	No
Do you agree with the 3 types of grants currently administered by the Policy?	102	12
Should we remove the grant limits? (Single-Year and Events)	42	68
Should we create a new Community Arts Grant?	58	53
Should Council have a Capital Project Fund?	82	29

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Final Draft - Community Assistance Policy 2020 Review - July 2020- clean version

Attachment 2 - Community Assistance Policy 2020 Review - track changes

First adopted:	11 December 1996
Revision dates/version:	October 2020 / Version10
Next review date:	October 2023
Engagement required:	No engagement required
Document Number	D-3403785
Associated documents:	n/a
Sponsor/Group:	General Manager Community

Community Assistance Policy

Purpose and scope

Purpose statement

Having a community grants programme is an explicit acknowledgement that a city with constantly improving wellbeing outcomes cannot be created by Hamilton City Council acting alone. There are many independent organisations that share our objectives, and in many cases are better placed to deliver on them. These community organisations are experts in their respective fields, and able to mobilise a range of relationships and resources to achieve their goals.

The Council's role is to enable, facilitate, and provide every opportunity for communities to drive and own their own development. By providing community organisations with direct financial assistance, Council can support those objectives we share, be a catalyst for positive change, deliver value for money to ratepayers, and help to sustain a thriving and independent community sector.

Purpose of Policy

1. To set out the Council's funding and allocation process for assistance provided through grants to community organisations in a transparent manner.
2. The Policy applies to the Council contestable community grants administered by the Community and Social Development team, in one of the following categories:
 - a. Community Event Fund
 - b. Multi-year Community Grant
 - c. Single-year Community Grant
 - d. Creative Partnerships Fund
3. The Policy does not apply to grants administered by other Council units (ie Heritage, Cat Desexing, Waste Minimisation, Gully Restoration Grants, Covid-19 Community Response Fund), loans (or loan guarantees), rates remittance, community leases or rentals, or major event sponsorship and capital projects.
4. We work in partnership with other regional funders, sharing information and potential use of a shared online portal.
5. The Policy will reflect best practice in grant making as outlined in the Auditor General's principles for clear purpose and eligibility of grants, fairness and transparency in assessing and managing funding, open communication, accountability and integrity (see schedules 1-6)

Aims and scope of Community Grants

6. Hamilton City Council provides grants to support community organisations to deliver community projects that are aligned with Council plans and strategies and contribute to the wellbeing of Hamiltonians.
7. The funds aim to provide financial support to a range of community organisations. Total funding is split across four funding streams.
8. The purpose and scope of each fund is covered in Table 1.

9. Council does not fund:
- Projects outside the Hamilton City boundary.
 - Projects or operational costs already substantially funded by Hamilton City Council.
 - Retrospective funding, i.e. Specific projects that have already started or have been completed.
 - Political organisations or social clubs.
 - Repayment of debt, Loan, mortgage repayments or investments of any kind.
 - Project costs that will be directly paid back to Hamilton City Council.

Fund	Aim	What is funded
Community Event Fund	To support organisations to run free or low-cost inclusive events in Hamilton that benefit an audience of approximately 1,000 people.	Operating, entertainment, event costs. Venue hire which is not owned by Council Advertising and promotion costs
Multi-Year Community Grant	To support not-for-profit community organisations which provide gathering places or build capacity within our Hamilton communities e.g. Community centres.	Operating, service and programme costs
Single-Year Community Grant	To support small not-for-profit community organisations which provide programmes or services in our Hamilton community.	Operating, service and programme costs including wages, training, volunteer expenses etc. Small capital items e.g equipment Venue hire which is not owned by Council
Creative Partnerships Fund	To support and enable the Hamilton Arts Community to deliver arts activities within the Hamilton City boundaries.	Operating, service and programme costs, art installations, performances

Table 1: Purpose and Scope of funding

Policy - General

- The total financial assistance provided to the community through grants and funding covered by this Policy is set out in the 10 Year Plan budget.
- Current funding allocations can be found on Council's website ([link](#)).

Process, Roles and Responsibilities

- Applications are open to all community organisations that meet criteria set out in the specific grant criteria section of the policy, Schedules 2-6.
- Applications are made through the *SmartyGrants* online system.
- The application and decision-making process is outlined in Schedule 1.
- The specific criteria for applying to each grant is outlined in Schedules 2-6; for the Community Events Fund (Schedule 3), the Multi-Year Community Grants (Schedule 4), Single-Year Community Grants (Schedule 5), and Creative Partnerships Fund (Schedule 6).

16. The roles and responsibilities are set out in Table 2.

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> Sign the grant agreements that are above the delegated authority of the General Manager Community
General Manager Community	<ul style="list-style-type: none"> Appoint community representatives on the allocation committees Approves final allocation of the Community Events Fund Sign the grant agreements that are above the delegated authority of the Community and Social Development Manager
Council	<ul style="list-style-type: none"> Appoints two elected members to serve on the allocation committees Receives report on allocation of grants Approves the total financial assistance administered through the Policy and associated grant schemes
Community and Social Development Manager	<ul style="list-style-type: none"> Oversees the grant assessment and allocation process Signs the grant agreements that are within their delegated authority.
Council staff	<ul style="list-style-type: none"> Promote grant rounds Provide grant information and assistance Processes and pre-assesses grant applications Works with allocation committee on allocation of grants Presents report on allocation of grants to Council Check and processes grant accountability forms
Allocation Committee	<ul style="list-style-type: none"> Attend a briefing prior to assessing applications Works with council staff to assess applications Makes final decisions on the allocation of grants

Table 2: Roles and Responsibilities in relation to allocation of Community grants

Conflict of Interest

17. All members of an allocation committee must sign a conflict of interest form prior to the assessment of applications and allocation of grants. These forms will be kept on record and members will be asked to leave the room when an application they have a conflict with is being discussed.

Monitoring and implementation

18. Implementation of this policy will be monitored by the General Manager Community.
19. This policy and schedules will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first) through the relevant Committee identified in the Governance Structure Terms of Reference and Delegations.

Schedule 1 – Community Assistance Funding Process



Schedule 2 – Community Grants general criteria and guidelines

What funding is available?

This Community Assistance Policy covers the following contestable funding rounds:

- a. Community Event Fund – see schedule 3 below
- b. Multi-Year Community Grants – see schedule 4 below
- c. Single-Year Community Grants – see schedule 5 below
- d. Creative Partnerships Fund – see schedule 6 below

Who can apply?

Generally Council funds community organisations which:

- a. are legally constituted not-for-profit community organisations (charitable trust or incorporated society).
The applicant organisation must have a Trust Deed or Constitution with a minimum of three board or committee members. The applicant organisation must have been operating for a minimum of 12 months.
- b. have good record keeping and operating practices eg; annual accounts, minutes, 2 bank signatories.
- c. provide services, programmes, activities or events within the Hamilton City boundary.
- d. have the capacity to deliver the project as outlined in their application.
- e. contribute to the social, arts, economic, cultural and environmental well-being of Hamiltonians.
- f. agree to provide further information on request.
- g. agree to the terms and conditions of any potential grant as outlined in their grant agreement.
- h. agree to provide accountability for any funds received.
- i. have accounted for any previous grants before any new grant application will be processed.

How are applications be made?

- a. All applications must be made through an online grants system.
www.hamilton.govt.nz/communityfunding
- b. No paper applications will be accepted.

What will not be funded?

- a. Projects or operational costs already substantially funded by Hamilton City Council.
- b. Retrospective funding, i.e. Specific projects that have already started or have been completed.
- c. Political organisations or social clubs.
- d. Repayment of debt, Loan, mortgage repayments or investments of any kind.
- e. Project costs that will be directly paid back to Hamilton City Council.

What must accompany the application?

- a. The applicant's annual financial accounts.
(The annual accounts should comply with current NZ GAAP (Generally Accepted Accounting Practice in New Zealand) as outlined in the Charities Amendment Act 2014)
- b. The applicant's statement of financial performance showing year to date income and expenditure, this needs to be no greater than six months old.
- c. A current bank statement showing the bank balances of all the organisations bank accounts.
- d. A budget for the project being applied for.

Will the application be successful?

Each application submitted will be assessed on its fit to the criteria of the fund, the need for the project in the community and the likelihood of the project taking place and being successful. Not all funding applications submitted will be funded. This is often due to the large number of applications being submitted and the limited pool of funding available to distribute. It is simply not possible to fund every request.

Once the application is assessed, the allocation committee will meet to decide on the outcome. The organisation will be notified of the results via the online grant system. This process will take approximately six weeks from the closing date of each funding round.

If successful, what requirements will have to be met?

- a. Prior to payment of any grant, all successful organisations will be required to complete an online grant agreement form. The organisation will need to attach
 1. a printed bank deposit slip or bank statement in the name of their organisation (as outlined in the application) showing bank account details (name and bank account number).
 2. a tax invoice with their organisation name, grant amount, GST number and grant code.
- b. Successful applicants must adhere to the funding reporting requirements as set out in the grant agreement.
- c. Recipients that fail to submit acquittal/ accountability reports, or that have not spent the money in accordance with the application/contract shall not be eligible for any further Council grants until:
 - i. Accountability conditions have been met and/or grant monies returned and;
 - ii. the organisation can demonstrate their ability to meet Council's eligibility criteria for a grant;
 - iii. and the organisation is capable of delivering the project outcomes of which they are making an application for.

Schedule 3 – Community Event Fund

Purpose

Hamilton City Council's Community Event Fund supports organisations that host inclusive, free or low-cost events with a high profile in our community. The fund aims to activate common, shared gathering places and spaces within our community.

Application process:

How much can I apply for?	No limit
When can I apply?	Fund opens (annually) 1 July Fund Closes (annually) 31 July
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Council staff, allocation recommended by staff (minimum of 3) and approved by General Manager Community.
Grant decision	Applicants will be advised in September

Who can apply?

- Organisations that are legally constituted not-for-profit community organisations (charitable trust or incorporated society) or other legal entities such as limited liability companies, sole traders (proprietorship), or partnerships.
- Organisations which meet the criteria as outlined in schedule 2 "Who can apply" (points b-i)

What will be funded?

Community Events Fund will assist organisations to cover costs associated with organising and delivering high profile community events in Hamilton. The fund will not cover costs that are returned to Council eg Council venue hire.

Please note; this fund is for projects and activities taking place from September to June.

Who will be given priority?

- Organisations which meet the criteria as outlined above in "Who can apply" and,
- Host community events or cultural celebrations open to wide community participation with a target audience of 1000 people or more. If you are holding a series of events, audience numbers can be totaled across the series.
- Events that activate community places and spaces within Hamilton eg parks, facilities, gathering places like the lake, Garden Place etc

Schedule 4 – Multi-Year Community Grant

Purpose

Hamilton City Council's Multi-Year Community Grant supports the operational management of community organisations which provide gathering places or build capacity that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

Application process:

How much can I apply for ?	No Limit
When can I apply? <i>Note: This grant is only open for applications once every 3 years</i>	Next round: Fund opens October 2020 Fund closes November 2020
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Council staff, allocated by a community committee (minimum of 5) and two elected Council members for a 1-year term.
Grant decision	Applicants will be advised in December 2020

What will be funded?

Multi-Year Community Grants will fund organisations for operating costs delivering:

- A multi-purpose space available for the community to utilise.
- Opportunities for the wider community to increase social connection.
- Programmes and activities delivered in the facility that addresses the needs of the local community.
- Capacity building organisations of specific communities of place, identity or interest within Hamilton.

Who will be given priority?

- Organisations which meet the criteria as outlined in schedule 2 "Who can apply" and,
- are registered with Charities Services and,
- provide or manage community spaces/ facilities used by the community and/or other organisations. These organisations may also provide a range of services to the community.

What are the requirements that have to be met?

In addition to the general requirements in schedule 2, successful applicants will also;

- Provide six-month reports, documenting how their activities have contributed to the objectives for which the funding was allocated.
- A Hamilton City Council staff member will visit and meet with all multi-year community grant recipients on an annual basis. The purpose of the visit is to build a relationship between Hamilton City Council and the grant recipient as well as inform on progress and development.
- All multi-year community grant recipients will be invited to an annual network meeting hosted by Hamilton City Council. The purpose of this meeting is to build collaboration and cohesion among multi-year community grant recipients and provide an opportunity for feedback on Council processes and systems.

Schedule 5 – Single-Year Community Grant

Purpose

Hamilton City Council's Single-Year Community Grant supports small not-for-profit community organisations that deliver services, programmes and activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

Application process:

How much can I apply for?	Maximum grant \$10,000
When can I apply?	Fund opens (annually) 1 February Fund closes (annually) 1 March
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Council staff, allocated by a community committee (minimum of 5) and two elected Council members for a 3-year term.
When will I know?	Applicants will be advised in April

What will be funded?

Single-year community grants will fund organisations for:

- Operating and administrative costs.
- Programme development and implementation.
- Community events and cultural festivals.
- Equipment and resources that support the project or organisation.

Please note; this fund is for projects and activities taking place from April to January.

Who will be given priority?

- Organisations which meet the criteria as outlined in schedule 2 "Who can apply" and
- Consideration will be given to the number of volunteer hours contributed and any in kind donations toward the project.
- Preference will be given to organisations that have a total annual income under \$500,000.

Can I request a multi-year grant?

If your organisation has previously received a single-year community grants from Council and is requesting a grant toward general operating costs, then you could be eligible for a multi-year grant.

Multi-year grants will be considered for organisations who provide programmes or services that:

- Closely align to the four well-beings of Council – social, economic, cultural or environmental
- Are considered by the allocation committee to be a close fit to the purpose of this fund
- Are considered by the allocation committee to be of high benefit to Hamiltonians, and
- The request fits within the budget allocation of this fund.

Who will not be funded?

- Organisations who already receive a Hamilton City Council Multi-Year Community Grant.

Schedule 6 – Creative Partnerships Fund

Purpose

Hamilton City Council's Creative Partnerships Fund provides support to enable the Hamilton Arts Community to deliver arts activities, projects and initiatives within the Hamilton City boundaries.

Application process:

How much can I apply for?	No limit
When can I apply?	Fund opens (annually)
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Creative Waikato, allocated by a community committee which includes one elected Council member
When will I know?	Applicants will be advised within 6 weeks of the closing date

Who can apply?

- Organisations which meet the criteria as outlined in schedule 2 "Who can apply"

What will be funded?

- Operating, programme or service costs.
- Arts development and implementation.
- Installation and/or performance costs

Who will be given priority?

- Organisations which meet the criteria as outlined above "Who can apply" and
- Are a close fit to the purpose of this fund as outlined in this schedule.
- Organisations who can match the grant request with funds from other sources

First adopted:	11 December 1996
Revision dates/version:	October 2017-2020 / Version 10.9
Next review date:	October 2020/2023
Engagement required:	No engagement required
Document Number:	D-25017000-3434877
Associated documents:	n/a
Sponsor/Group:	General Manager Community

Community Assistance Policy

Purpose and scope

Purpose statement

Having a community grants programme is an explicit acknowledgement that a city with constantly improving wellbeing outcomes cannot be created by Hamilton City Council acting alone. There are many independent organisations that share our objectives, and in many cases are better placed to deliver on them. These community organisations are experts in their respective fields, and able to mobilise a range of relationships and resources to achieve their goals.

The Council's role is to enable, facilitate, and provide every opportunity for communities to drive and own their own development. By providing community organisations with direct financial assistance, Council can support those objectives we share, be a catalyst for positive change, deliver value for money to ratepayers, and help to sustain a thriving and independent community sector.

Purpose of Policy

1. To set out the Council's funding and allocation process for assistance provided through grants to community organisations in a transparent manner.
2. The Policy applies to the Council contestable community grants administered by the Community Group and Social Development team, in one of the following categories.
 - a. Community Event Fund
 - b. Multi-year Community Grant
 - c. Single-year Community Grant
 - d. Creative Partnerships Fund
- 2.
3. The Policy does not apply to grants administered by other Council units (ie Heritage, Cat Desexing, Waste Minimisation, Gully Restoration Grants, Covid-19 Community Response Fund), loans (or loan guarantees), rates remittance, community leases or rentals, or major event sponsorship and capital projects.
4. We work in partnership with other regional funders, sharing information and potential use of a shared online portal.
- 3-5. The Policy will reflect best practice in grant making as outlined in the Auditor General's principles for clear purpose and eligibility of grants, fairness and transparency in assessing and managing funding, open communication, accountability and integrity (see schedules 1-6).

Definitions

Definition	Detail
10-Year Plan	Council's adopted Long-Term Plan (LTP) as defined by the Local Government Act 2002.
Community Organisation	A not-for-profit organisation that has the primary objective to provide programmes, services or activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton. A community organisation must be a legal entity with a constitution or trust deed; have a minimum of 4 trustees or governance committee members; a bank account and have been in operation for a minimum of 12 months.

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Aims and scope of Community Grants

6. Hamilton City Council provides grants to support community organisations to deliver community projects that are aligned with Council plans and strategies and contribute to the wellbeing of Hamiltonians.

7. The funds aim to provide financial support to a range of community organisations. Total funding is split across four funding streams.

8. The purpose and scope of each fund is covered in Table 1.

9. Council does not fund:

- a. Projects outside the Hamilton City boundary.
- b. Projects or operational costs already substantially funded by Hamilton City Council.
- c. Retrospective funding, i.e. Specific projects that have already started or have been completed.
- d. Political organisations or social clubs.
- e. Repayment of debt, Loan, mortgage repayments or investments of any kind.
- f. Project costs that will be directly paid back to Hamilton City Council.

<u>Fund</u>	<u>Aim</u>	<u>What is funded</u>
<u>Community Event Fund</u>	<u>To support organisations to run free or low-cost inclusive events in Hamilton that benefit an audience of approximately 1,000 people.</u>	<u>Operating, entertainment, event costs.</u> <u>Venue hire which is not owned by Council</u> <u>Advertising and promotion costs</u>
<u>Multi-Year Community Grant</u>	<u>To support not-for-profit community organisations which provide gathering places or build capacity within our Hamilton communities e.g. Community centres.</u>	<u>Operating, service and programme costs</u>
<u>Single-Year Community Grant</u>	<u>To support small not-for-profit community organisations which provide programmes or services in our Hamilton community.</u>	<u>Operating, service and programme costs including wages, training, volunteer expenses etc.</u> <u>Small capital items e.g. equipment</u> <u>Venue hire which is not owned by Council</u>
<u>Creative Partnerships Fund</u>	<u>To support and enable the Hamilton Arts Community to deliver arts activities within the Hamilton City boundaries.</u>	<u>Operating, service and programme costs, art installations, performances</u>

16. The roles and responsibilities are set out in Table 2.

<u>Role</u>	<u>Responsibilities</u>
<u>Chief Executive</u>	<ul style="list-style-type: none"> • <u>Sign the grant agreements that are above the delegated authority of the General Manager Community</u>
<u>General Manager Community</u>	<ul style="list-style-type: none"> • <u>Appoint community representatives on the allocation committees</u>

	<ul style="list-style-type: none"> • <u>Approves final allocation of the Community Events Fund.</u> • <u>Sign the grant agreements that are above the delegated authority of the Community and Social Development Manager.</u>
<u>Council</u>	<ul style="list-style-type: none"> • <u>Appoints two elected members to serve on the allocation committees.</u> • <u>Receives report on allocation of grants.</u> • <u>Approves the total financial assistance administered through the Policy and associated grant schemes.</u>
<u>Community and Social Development Manager</u>	<ul style="list-style-type: none"> • <u>Oversees the grant assessment and allocation process.</u> • <u>Signs the grant agreements that are within their delegated authority.</u>
<u>Council staff</u>	<ul style="list-style-type: none"> • <u>Promote grant rounds.</u> • <u>Provide grant information and assistance.</u> • <u>Processes and pre-assesses grant applications.</u> • <u>Works with allocation committee on allocation of grants.</u> • <u>Presents report on allocation of grants to Council.</u> • <u>Check and processes grant accountability forms.</u>
<u>Allocation Committee</u>	<ul style="list-style-type: none"> • <u>Attend a briefing prior to assessing applications.</u> • <u>Works with council staff to assess applications.</u> • <u>Makes final decisions on the allocation of grants.</u>
<p><u>Policy – General</u></p> <p>4. <u>The total financial assistance provided to the community through grants and funding covered by this Policy is set out in the 10 Year Plan budget, currently this is \$1,160,000 per annum, split into the following grant programmes;</u></p> <p>a. <u>Community Event Fund will be \$50,000 per year</u></p> <p>b. <u>The Multi-Year Community Grant will be allocated up to a maximum of \$850,000 per year for each of the 3-year term</u></p> <p>c. <u>The total remaining after allocating the Multi-Year Community Grants will be allocated through the Single-Year Community Grants. The minimum available will be \$260,000 per year.</u></p> <p>5. <u>The criteria for applying for the Multi-Year Community Grants, Single-Year Community Grants and the Community Events Fund are set out in Schedules 2-5.</u></p>	

~~6. An allocation committee is delegated to assess applications for funding from the Single-Year and Multi-Year Community Grants based on the criteria outlined in Schedule 4 and 5.~~

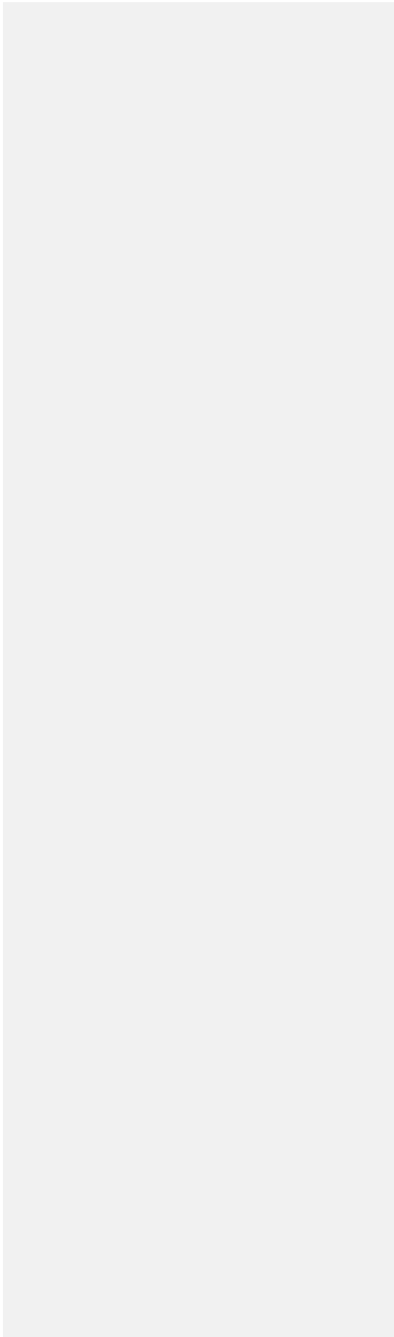
~~7. The allocation committees for both the Single-Year and Multi-Year Community Grants will have a membership of seven, consisting of two elected members and five community representatives selected by the General Manager Community.~~

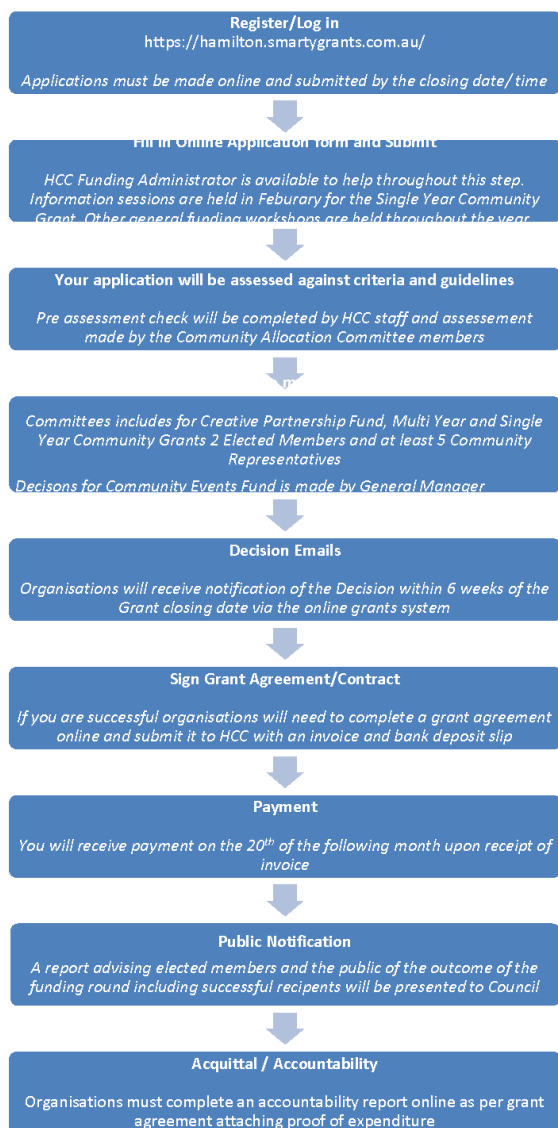
~~8. Council staff will assess and recommend allocation of the Community Events Fund Grants. The General Manager Community will approve the final allocation. Consideration will be given to diversity of events and the spread across the City. On completion a report will be presented to Council.~~

Monitoring and implementation

~~9. Implementation of this policy will be monitored by the General Manager Community. This policy will be reviewed, at the request of the Council, in response to any relevant legislative amendment, or every three years (whichever comes first).~~

Schedule 1 – Community Assistance Funding Process





Schedule 2 – Community Assistance general criteria and guidelines

What funding is available?

This Community Assistance Policy covers the following contestable funding rounds:

- a. Community Event Fund – see schedule 3 below
- b. Multi-Year Community Grants – see schedule 4 below
- c. Single-Year Community Grants – see schedule 5 below
- d. Creative Partnerships Fund – see schedule 6 below

Who can apply?

Generally Council funds community organisations which:

1. a. are legally constituted not-for-profit community organisations (charitable trust or incorporated society).
The applicant organisation must have a Trust Deed or Constitution with a minimum of three board or committee members. The applicant organisation must have been operating for a minimum of 12 months.
2. b. have good record keeping and operating practices eg; annual accounts, minutes, 2 bank signatories.
3. c. provide services, programmes, activities or events within the Hamilton City boundary.
4. d. have the capacity to deliver the project as outlined in their application.
5. e. contribute to the social, arts, economic, cultural and environmental well-being of Hamiltonians.
6. f. agree to provide further information on request.
7. g. agree to the terms and conditions of any potential grant as outlined in their grant agreement.
8. h. agree to provide accountability for any funds received.
9. i. have accounted for any previous grants before any new grant application will be processed.

1. What are the funding Considerations?

Funding consideration will be given to community organisations which:

- a. Strengthen participation across diverse communities
- b. Build the capability of communities to become sustainable
- c. Work collaboratively across the community sectors.

2. How must applications be made?

- a. All applications must be made through the Hamilton City Council online system.
www.hamilton.govt.nz/communityfunding
- b. No paper applications will be accepted.

3. What will not be funded?

- a. Projects or operational costs already substantially funded by Hamilton City Council.
- b. Retrospective funding, i.e. Projects that have already started or have been completed.
- c. Political organisations or social clubs.
- d. Repayment of debt, Loan, mortgage repayments or investments of any kind.
- e. Project costs that will be directly paid back to Hamilton City Council.

d.

4. What must accompany the application?

- a. The applicant's annual financial accounts.
(The annual accounts should comply with current NZ GAAP (Generally Accepted Accounting Practice in New Zealand) as outlined in the Charities Amendment Act 2014)
- b. The applicant's statement of financial position showing year to date income and expenditure, this needs to be no greater than six months old.
- c. A current bank statement showing the bank balances of all the organisations bank accounts.
- d. A budget for the project being applied for.

Page 7 of 10

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- ~~c. Accountability must have been received for previous grants before any new grant application will be processed.~~
- ~~d. Current proof of bank account in the name of the applicant group for each account held.~~
- ~~e. A printed bank deposit slip with the name and account details of the applicant group.~~

Will the application be successful?

Each application submitted will be assessed on its fit to the criteria of the fund, the need for the project in the community and the likelihood of the project taking place and being successful. Not all funding applications submitted will be funded. This is often due to the large number of applications being submitted and the limited pool of funding available to distribute. It is simply not possible to fund every request.

Once the application is assessed, the allocation committee will meet to decide on the outcome. The organisation will be notified of the results via the online grant system. This process will take approximately six weeks from the closing date of each funding round.

If successful, what requirements will have to be met?

a. Prior to payment of any grant, all successful organisations will be required to complete an online grant agreement form. The organisation will need to attach

1. a printed bank deposit slip or bank statement in the name of their organisation (as outlined in the application) showing bank account details (name and bank account number).

2. a tax invoice with their organisation name, grant amount, GST number and grant code.

b. Successful applicants must adhere to the funding reporting requirements as set out in the grant agreement.

c. Recipients that fail to submit acquittal/ accountability reports, or that have not spent the money in accordance with the application/contract shall not be eligible for any further Council grants until: i. Accountability conditions have been met and/or grant monies returned and;

ii. the organisation can demonstrate their ability to meet Council's eligibility criteria for a grant;

iii. and the organisation is capable of delivering the project outcomes of which they are making an application for.

5. What are the requirements that have to be met?

a. All successful applications will be required to complete a grant agreement prior to payment of the grant.

b. Successful applicants must adhere to the funding reporting requirements as prescribed by Council.

c. All recipients of community grants will provide periodic accountability reports documenting how their activities have contributed to the objectives for which the funding was allocated.

d. Recipients that fail to submit acquittal reports, or that have not spent the money in accordance with the application/contract shall not be eligible for any further Council grants until:

i. Accountability conditions have been met and/or grant monies returned and;

ii. the organisation can demonstrate their ability to meet Council's eligibility criteria for a grant;

iii. and the organisation is capable of delivering the project outcomes of which they are making an application for.

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Schedule 3 – Community Event Fund criteria and guidelines

1. Background Purpose

Hamilton City Council's Community Event Fund supports not-for-profit community organisations that host inclusive, free or low-cost events with a high profile in our community. The fund aims to activate common, shared gathering places and spaces within our community.

Application process:

How much is available?	\$50,000 per annum
How much can I apply for?	Maximum grant \$5,000 No Limit
When can I apply?	Fund opens (annually) 1 July Fund Closes (annually) 31 July

How can I apply? All applications must be made through an online grants system.
www.hamilton.govt.nz/communityfunding

Administration and Allocation Administered by Council staff, allocation recommended by staff (minimum of 3) and approved by General Manager Community.

Grant decision Applicants will be advised by 11 in September

Who can apply?

a. Organisations that are legally constituted not-for-profit community organisations (charitable trust or incorporated society) or other legal entities such as limited liability companies, sole traders (proprietorship), or partnerships.

2-b. Organisations which meet the criteria as outlined in schedule 2 "Who can apply" (points b-i)

What Costs will be funded?

Community Event Funds will ~~assist~~ fund organisations for costs associated with organizing and delivering high profile community events in Hamilton. The fund will not cover costs that are returned to Council, eg Council venue hire.

Please note, this fund is for projects and activities taking place from September to June.

3-1. Who will be given priority?

- a. Organisations which meet the criteria as outlined above in "Who can apply" and,
b. Host community events or cultural celebrations open to wide community participation with a target audience of 1000 people or more. If you are holding a series of events, audience numbers can be totaled across the series.
c. Events that activate community places and spaces within Hamilton eg parks, facilities, gathering places like the lake, Garden Place etc.
~~Small community-led events or cultural celebrations open to wide community participation with a target audience of 1000 people or more.~~

4-1. Application process:

How much is available?	\$50,000 per annum
How much can I apply for?	Maximum grant \$5,000
When can I apply?	Fund opens (annually) 1 July Fund Closes (annually) 31 July
Grant decision	Applicants will be advised by 11 September

5. Who can apply?

a. Applicants must be a legally constituted not-for-profit community group (charitable trust or incorporated

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- ~~society). The applicant group must have a Trust Deed or Constitution with a minimum of four board or committee members. The applicant group must have been operating for a minimum of 12 months.~~
- ~~b. Events must take place within the Hamilton city boundaries.~~
- ~~c. Organisations must have the capacity to deliver outcomes.~~

6.2. What are the requirements that have to be met?

In addition to the general requirements in schedule 1, successful applicants will also;

- a. All recipients of community event fund will provide accountability report documenting how their activities have contributed to the objectives for which the funding was allocated. This report is due in June.

Schedule 4 – Multi-Year Community Grant criteria and guidelines

1. Background Purpose

Hamilton City Council's Multi-Year Community Grant supports the operational management of community organisations which provide infrastructure. The community gathering spaces or build capacity, to deliver services, programmes and activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

Application process:

How much is available? <u>can I apply for</u>	Maximum funds available \$850,000 per annum <u>No Limit</u>
When can I apply? <u>Note: This grant is only open for applications once every 3 years</u>	Next Round: Fund opens <u>November 2017</u> <u>October 2020</u> Fund Closes <u>December 2017</u> <u>November 2020</u>
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Council staff, allocated by a community committee (minimum of 5) and two elected Council members for a 1-year term.
Grant decision	Applicants will be advised <u>in February 2018</u> <u>December 2020</u>

2. What Costs will be funded?

Multi-Year Community Grants will fund organisations for operating costs delivering:

- A multi-purpose space available for the community to utilise.
- Opportunities for the wider community to increase social connection.
- Programmes and activities delivered in the facility that addresses the needs of the local community.
- d. Capacity building organisations of specific communities of place, identity or interest within Hamilton.

e.

3. Who will be given priority?

- Organisations which meet the criteria as outlined in schedule 2 "Who can apply" and,
 - and are registered with Charities Services and,
 - provide or manage community spaces/ facilities used by the community and/or other organisations.
- These organisations may also provide a range of services to the community.
- Emphasis for Multi-Year Community Grants will be given to groups who provide or manage community spaces/ facilities used by the community and/or other groups. These organisations may also provide a range of services to the community.

4. Application process:

How much is available?	Maximum funds available \$850,000 per annum
When can I apply?	Fund opens <u>November 2017</u> Fund Closes <u>December 2017</u> <u>This grant is only open for applications every 3 years</u>
Grant decision	Applicants will be advised <u>in February 2018</u>

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5. Who can apply?

- ~~a. Applicants must be a legally constituted community group or organisation registered with charities services (not for profit, charitable trust, incorporated society), which:~~
- ~~b. Are located in Hamilton~~
- ~~c. Are sustainable and have the capacity to deliver agreed outcomes~~
- ~~d. The word 'community' is used in its broadest sense: it signals that our multi-year grants programme will support the social, cultural, arts and environmental wellbeing of Hamilton people and neighbourhoods.~~

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6. What are the requirements that have to be met?

In addition to the general requirements in schedule 21, successful applicants will also;

- a. Provide six-month reports, documenting how their activities have contributed to the objectives for which the funding was allocated.
- b. A Hamilton City Council staff member will visit and meet with all multi-year community grant recipients on an annual basis. The purpose of the visit is to build a relationship between Hamilton City Council and the grant recipient as well as inform on progress and development.
- c. All multi-year grant recipients will be invited to an annual network meeting hosted by Hamilton City Council. The purpose of this meeting is to build collaboration and cohesion among multi-year community grant recipients and provide an opportunity for feedback on Council processes and systems.

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Schedule 5 – Single-Year Community Grant criteria and guidelines

1. Background Purpose

Hamilton City Council's Single-Year Community Grant supports not-for-profit community organisations that deliver services, programmes and activities that benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

Application process:

How much is available?	Minimum funds available \$260,000 per annum
How much can I apply for?	Maximum grant \$8,000 \$10,000
When can I apply?	Fund opens (annually) 1 February Fund closes (annually) 1 March
How can I apply?	All applications must be made through an online grants system. www.hamilton.govt.nz/communityfunding
Administration and Allocation	Administered by Council staff, allocated by a community committee (minimum of 5) and two elected Council members for a 3-year term.
When will I know?	Applicants will be advised by 12 April

2. What Costs will be funded?

Single-year grants will fund organisations for:

- Operating and administrative costs.
- Programme development and implementation.
- Community events and cultural festivals.
- Equipment and resources that support the project or organization.

Please note; this fund is for projects and activities taking place from April to January.

3. Who will be given priority?

- Organisations which meet the criteria as outlined in schedule 2 "Who can apply" and,
- Consideration will be given to the number of volunteer hours contributed and any in kind donations toward the project.
- Preference will be given to organisations that have a total annual income under \$500,000.

4. Application process:

How much is available?	Minimum funds available \$260,000 per annum
How much can I apply for?	Maximum grant \$8,000
When can I apply?	Fund opens (annually) 1 February Fund closes (annually) 1 March
When will I know?	Applicants will be advised by 12 April

5. Who can apply?

- Applicants must be a legally constituted not-for-profit community group, (charitable trust or incorporated society).
- The applicant group must have a Trust Deed or Constitution and operate with a minimum of four trustees or committee members.
- The applicant group must have been in operation for a minimum of 12 months.
- Projects must take place within the Hamilton city boundaries.
- Organisations must have the capacity to deliver outcomes.
- The word 'community' is used in its broadest sense: it signals that our single-year community grants programme will support the social, cultural, arts and environmental wellbeing of Hamilton people and neighbourhoods.

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6. What will not be funded?

- a. ~~Groups-Organisations~~ who already receive a Hamilton City Council Multi-Year Community Grant.

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Can I request a multi-year grant?

If your organisation has previous received a single-year community grants from Council and is requesting a grant toward general operating costs, then you could be eligible for a multi-year grant. Multi-year grants will be considered for organisations who provide programmes or services that:

- a. Closely align to the four well-beings of Council – social, economic, cultural or environmental
- b. Are considered by the allocation committee to be a close fit to the purpose of this fund
- c. Are considered by the allocation committee to be of high benefit to Hamiltonians, and
- d. The request fits within the budget allocation of this fund.

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7. What are the requirements that have to be met?

In addition to the general requirements in schedule 1, successful applicants will also;

- a. All recipients of single-year community grant will provide accountability report documenting how their activities have contributed to the objectives for which the funding was allocated. This report is due in January.

Schedule 6 – Creative Partnerships Fund

Purpose

Hamilton City Council's Creative Partnerships Fund provides support to enable the Hamilton Arts Community to deliver arts activities, projects and initiatives within the Hamilton City boundaries.

Application process:

How much can I apply for?

No limit

When can I apply?

Fund opens (annually)

-

How can I apply?

All applications must be made through an online grants system.

www.hamilton.govt.nz/communityfunding

Administration and Allocation

Administered by Creative Waikato, allocated by a community committee which includes one elected Council member

When will I know?

Applicants will be advised within 6 weeks of the closing date

Who can apply?

a. Organisations which meet the criteria as outlined in schedule 2 "Who can apply"

What will be funded?

a. Operating, programme or service costs.

b. Arts development and implementation.

c. Installation and/or performance costs

Who will be given priority?

a. Organisations which meet the criteria as outlined above "Who can apply" and

b. Are a close fit to the purpose of this fund as outlined in this schedule

c. Organisations who can match the grant request with funds from other sources

Council Report

Item 14

Committee: Community Committee

Date: 29 September 2020

Author: Amy Viggers

Authoriser: Becca Brooke

Position: Governance Team Leader

Position: Governance Manager

Report Name: Open Information only reports

Report Status	<i>Open</i>
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Purpose - *Take*

1. The following reports are for information purposes only:

- Hamilton Central City Safety Strategy - 2020 Update;
- Social Housing Including Accessible Properties Update; and
- Consultation Plan or Matters of Cultural Significance Work Programme.

Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Community Committee receives the following information only reports:

- a. Hamilton Central City Safety Strategy – 2020 Update;
- b. Social Housing Including Accessible Properties Update; and
- c. Consultation Plan or Matters of Cultural Significance Work Programme.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hamilton Central City Safety Strategy - 2020 Update

Attachment 2 - Social Housing Sector Update Report - 2020

Attachment 3 - Consultation Plan or Matters of Cultural Significance Work Programme

Council Report - Information Only

Committee: Community Committee **Date:** 29 September 2020
Author: Andy Mannering **Authoriser:** Lance Vervoort
Position: Social Development Manager **Position:** General Manager Community
Report Name: Hamilton Central City Safety Strategy - 2020 update

Report Status

Open

Purpose - *Take*

1. To inform the Community Committee on the progress of the Hamilton Central City Safety Strategy.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community Committee receives the report.

Executive Summary - *Whakaraapopototanga matua*

3. The Council approved the [Hamilton Central City Safety Strategy](#) (the Strategy) 2018-21 at the 15 March 2018 Council meeting ([Minutes](#)) with a requirement for an annual monitoring report.
4. The Strategy is monitored through three mechanisms; business perceptions of safety, public perceptions of safety and NZ Police data.
5. Results for the 2019/20 year indicate an improved perception of safety and an indicative reduction of crime in the central city.
6. An annual Action List is compiled outlining the work occurring across the organisation to support the ongoing implementation of the Strategy.
7. Staff consider the matters in this report to have a low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

8. The Hamilton Central City Safety Strategy was presented to the 27 February 2018 Community and Services Committee ([Agenda](#), [Minutes](#)) and was approved by the Council on 15 March 2018 ([Minutes](#)).
9. A 12-month Action List for 2019/20 was presented to the Council at the 22 August 2019 Community, Services and Environment Committee meeting ([Agenda](#), [Minutes](#)).
10. This report includes the measures within the plan, outcomes from the 2019/20 actions and proposed 2020/21 Action List.

Discussion - *Matapaki*

11. The Strategy is designed to direct the work of the organisation and articulates three goals to be progressed:
 - We all work together to improve safety: The Council, partner organisations and the community
 - The central city is designed to be a vibrant, welcoming and safe public place
 - Council policies and bylaws enable community safety in the central city.
12. Actions that progress each of these goals are determined annually and developed with each relevant business unit.
13. The Central City Transformation Plan is currently being refreshed and will establish a vision, outcomes and spatial plan that align with the goals of the Central City Safety Strategy.
14. The Central City Safety Strategy is set to expire in 2021; it is anticipated the aspirations and outcomes will be picked up within the reporting of the Central City Programme.

Measures

15. The Strategy outlines four measures to be reported on annually:
 - The number of people and businesses that perceive the central city is safe
 - Reported crime within the central city
 - Reported anti-social behaviour
 - Intervention by Police in the central city.
16. Two annual perception surveys are conducted to understand the level of perceived safety by respondents. Hamilton Central Business Association runs a targeted survey with its members to understand the business community's view, while the Council coordinates an open community survey.
17. Both surveys were undertaken in July 2020 with 32 responses to the business survey and 498 responses to the community survey. In 2019, 40 responses were received for the business survey and 515 responses for the community survey.
18. **Attachment one** shows the level of perceived safety captured through both surveys each year since they were first conducted in 2014 when they commenced. In summary the Community survey results indicate an increased sense of safety in the central city from last year during both the day and night. The Business survey had an increase of people responding neutrally with a reduction in those thinking that the CBD is unsafe in the day but an increase in those thinking that the CBD is unsafe at night.
19. Results for both daytime and night-time perceptions are the highest rating of perceived safety since surveys were introduced in 2014. The community survey used a four-point agreement scale around "how safe do you feel in the central city during the day and at night."
 - Daytime positive perception of safety result was 89.5%, the following table shows the safe results by gender for the last two years.

	2020	2019	Difference
Everyone (Day)	89.5%	86.2%	+3.3%
Female (Day)	88.5%	83.9%	+4.6%
Male (Day)	91.2%	90.8%	+0.4%

- Night-time positive perception of safety result was 64.1%, The following table shows the safe results by gender for the last two years.

	2020	2019	Difference
Everyone (Night)	64.1%	55.5%	+8.6%
Female (Night)	57.5%	48.0%	+9.5%
Male (Night)	74.1%	69.5%	+4.6%

20. The format of the community survey was the same as last year, people were asked to give comments to help explain their responses. 246 people choose to give feedback relating to their feeling of safety during the day, the top six recurring themes are:

Reason	2020	2019
The overall acknowledgement of feeling safe	120	133
The visibility of begging	43	76
Antisocial Behaviour, including fights, gang presence and intimidation	34	n/a
The positive contribution of City Safe	29	32
General feelings of being unsafe	26	15
Traffic concerns as cyclists and pedestrians, not including scooters on Footpaths (4 additional comments)	21	9

21. The overall acknowledgment of feeling safe was the largest response and contributed to 49% of the free text comments, however 17% attributed their feelings of safety to being asked for money or cigarettes and 14% to the visibility of antisocial behaviour indicating more work is needed to address behaviours and activities within our public space.
22. 230 respondents provided additional comments to help us understand people's rating around night-time feelings of safety. Several items were raised by people, the top six recurring themes this year are:

Reason	2020	2019
The overall acknowledgement of feeling safe	85	95
General feeling of being unsafe and not wanting to be alone	46	41
Poor lighting, dark spaces (mainly carpark buildings and alleyways)	46	38
Presence of drunks and people consuming alcohol	37	37
Antisocial Behaviour, including fights, gang presence and intimidation	25	n/a
The visibility of begging	17	55

23. Comments were varied, and individuals often mentioned several different concerns within their answer. 37% acknowledged an overall feeling of safety, while 20% had an overall feeling of being unsafe.
24. Although the perception survey results indicate that people are feeling safer than last year in the CBD at night, it is acknowledged that there are still improvements needed to meet people's aspirations of a safe CBD. Comments highlight the need for continual work around upgrading lighting, particularly in carparking areas, as well as addressing the culture of alcohol consumption and anti-social behaviour.
25. The work undertaken by the Council over the previous year to deliver on the Strategy is detailed in attachment two. Multiple comments were received articulating the positive change noticed over previous year, including the establishment of the Peoples Project, the visibility of City Safe, the improved lighting, the addition of public art and the increased activation of public space.
26. The targeted survey to the Hamilton Central Business Associations membership used a seven-point agreement scale around the CBD being a safe place to be in the day and at night.
 - Results in attachment 1 show disagreement with the CBD being a safe place to be during the day to be at the lowest since surveys were introduced in 2014, however the neutral response has increased significantly this year at the expense of overall agreement.
 - Results around the CBD being a safe place to be at night show the highest responses this year disagreed with the statement, with a significant increase in those who were neutral and a significant decrease in those that agreed.
27. Businesses were asked if they have noticed any problem behaviour in the central city and their perception around that behaviour getting better or worse over the previous 6-months. The results showed 52.2% thought there had been no change, 30.4% saw behaviour had improved, 17.4% thought behaviour had worsened.
28. NZ Police data is provisional only, as annual results are not confirmed until October each year. Overall reported crime in the CBD has indicatively decreased on last year's results.

Action Plan

29. **Attachment Two** outlines progress against the 2019/20 Action Plan. Significant projects and actions to highlight include:
 - City Safe operations including the operation of cameras, positive physical presence and graffiti removal activity
 - The ongoing partnership with the People's Project including being part of their governance, supporting their operational costs and community outreach activity
 - Civic Square and Garden Place lighting upgrade
 - Investment in CCTV analytics by Council through the procurement of a solution called "BriefCam" to provide data collection and insights from CCTV cameras. Intended uses are for transport counting (including pedestrian and cyclist), public space usage (such as Garden Place), and pedestrian dwell times (e.g. the central library). The initiative requires setting up a dedicated computer server to process video footage and is anticipated to be operational in September 2020.
30. **Attachment Three** is the 2020/21 Action Plan outlining the work that is programmed to occur this year, with key projects including:
 - Adoption of the Central City Transformation Plan.
 - Continued provision of City Safe response which includes monitoring CCTV, active patrols, working with NZ Police on antisocial and criminal activity and supporting the People's Project work.

- Pedestrian and cycle friendly tactical urbanisation project on Ward and Rostrevor Streets.
- Improved lighting and install of CCTV cameras on Claudelands and Whitiora bridges.

Financial Considerations - *Whaiwhakaaro Puutea*

31. This is a regular operating activity funded through the Long-Term Plan.
32. Unless otherwise stated all the actions identified are funded within existing budgets.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

33. Staff confirm that the matters in this report comply with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

34. 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').
35. 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.
36. The recommendations set out in this report are consistent with that purpose.

Social

37. The Strategy was created as a response to the community's desire to have a safer central city. The goals within the Strategy and actions committed to are aligned with the community's aspirations for a safer central city.

Economic

38. Although it is difficult to draw a direct correlation between people's perceptions of safety and the generation of wealth and employment, it is acknowledged that businesses and individuals' decisions around where to locate and where to shop are influenced by their perceptions of safety. When individuals feel safer in the central city, the CBD experiences increased activity and individuals enjoy a more positive experience.

Environmental

39. Goal 2 of the Strategy is that the central city is designed to be a vibrant, welcoming and safe public space which talks to the physical environment being safe due to design, layout and lighting.
40. An example of this is the upgrade to lighting that has occurred in Civic Square, Garden Place, the bridges and under verandah lights in the CBD. More efficient and lower maintenance LED streetlights have been progressively rolled out across the whole city. The upgrade to LED lights has reduced power and maintenance costs to the city, bringing savings over the life of the lights. The LED bulbs are less harsh on the eyes and are considered better for nocturnal animals.

Cultural

41. The development of the Matters of Cultural Significance [work programme](#) demonstrates Council's commitment to cultural wellbeing by ensuring that decisions of cultural significance are considered in a careful and measured way, including community engagement and any redevelopment of public space within the central city.

42. The City Safe team are recognised by the community for their way of working with and respecting the many cultures represented in Hamilton and continue to work with closely with the NZ Police and Maaori Wardens to ensure that all our people feel an increasing perception of safety.

Risks - *Tuuraru*

43. There are no known risks associated with this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

44. Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report to have a low significance.

Engagement

45. Community views and preferences are already known to the Council through ongoing public commentary and targeted annual surveying.
46. Given the low level of significance determined, the engagement level is low. No further engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Central City Safety Strategy - 2020 Infographic - how will we know if the plan works

Attachment 2 - Central City Safety Strategy - 2019-20 Action List July 2020 Update

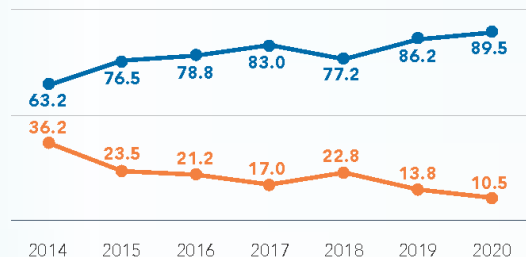
Attachment 3 - Central City Safety Strategy - 2020-21 Action List

HAMILTON CENTRAL CITY SAFETY STRATEGY 2018-21

How will we know if the plan works?

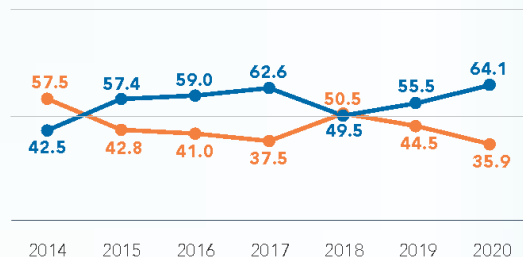
Q How safe do you feel in the central city during the daytime?

Perceptions of safety during the day



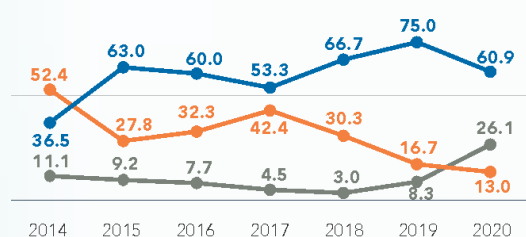
Q How safe do you feel in the central city in the evening/at night (6pm - 4am)?

Perceptions of safety during the night



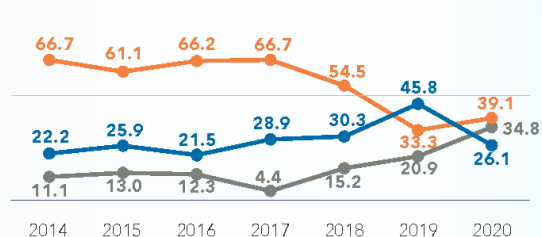
Q Please indicate your agreement with the following statement - Hamilton CBD is a safe place to be during the day

Business perceptions of safety during the day



Q Please indicate your agreement with the following statement - Hamilton CBD is a safe place to be at night

Business perceptions of safety during the night



● SAFE ● NEUTRAL ● UNSAFE



The NZ Police have indicative 2019/20 results of a 7% decrease in reported crime in the Hamilton CBD.



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

2019/20 CENTRAL CITY SAFETY ACTION LIST (JULY 2020 UPDATE)

No	Activity / Action	Unit Responsible	Status <i>Complete/Ongoing/ In-Progress/On-Hold</i>	Notes <i>(Kindly add notes / comments)</i>	Expected Completion Date	Current Update
1.1	Continue to provide city safe response including working with People's Project on the Outreach Programme – emergency housing/homelessness	City Safe	Completed and ongoing	City Safe Operations continue to support the People's Project Outreach programme by accompanying them and providing intelligence	Ongoing	July 2020
1.2	Continue a permanent City Safe presence in Garden Place Library and Garden Place to increase customer engagement and reduce unsafe incidents.	City Safe	Completed and ongoing	The permanent presence of Safety Officers in the Library and Garden Place has hugely reduced incidents, particularly in the Library	Ongoing	July 2020
1.3	Trial the Suburban Response Team	City Safe	Completed	This has had a great response from the public and shop owners who are claiming they feel safer knowing that we are there, and they can call/text us when they need us. We have daily tasks along with reactive work.	June 2020	July 2020
1.4	Tagbusters team implement their engagement and education plan to increase public awareness of tagging.	City Safe	Ongoing	Two neighbourhood events attended and one Everyday Heroes event. Each time show casing Tagbusters.	Ongoing	July 2020
1.5	Implement installation of murals in highly tagged areas.	City Safe	Completed and ongoing	City Safe Operations completed a large mural in Bader street shop area to combat the graffiti which was taking place. This was completed by a local artist.	Ongoing	July 2020
1.6	Continue 'Your Help May Harm', anti-begging campaign.	City Safe Comm Dev	Completed	City Safe Operations have continued to hand out pamphlets and engage in education	June 2020	July 2020
1.7	Provide leadership and work collaboratively with key agencies and organisations on central city issues.	City Safe Comm Dev	Completed and ongoing	City Safe Operations worked with The People's Project, Businesses, HCBA to support Outreach programmes and drop in sessions. Workshops and information sessions were held in the Genesis Operations Centre. All these initiatives continue to be provided and refined.	Ongoing	July 2020
1.8	Continue to work with Waikato Regional Council to identify improvements to public transport services, including routes within the CBD.	Transportation	Completed and ongoing	New Comet Service commenced in 2019.	Ongoing	ongoing

No	Activity / Action	Unit Responsible	Status <i>Complete/Ongoing/ In-Progress/On-Hold</i>	Notes	Expected Completion Date	Current Update
2.1	Fund Hamilton Central Business Association (HCBA) to activate Civic Square, Garden Place, Embassy Park and Victoria on the River. - \$100,000 p.a. 2018/19 – 2020/21	Comm Dev	Completed and ongoing	HCBA has received their \$100,000 for 2020/21 activation	June 2021	July 2020
2.2	Support HCBA events and other activation in the CBD with consents, equipment and access to relevant council assets.	Comm Dev City Events Communications	Completed and ongoing		June 2021	July 2020
2.3	Implement Smart City initiatives - The Computer Vision Project, CCTV data collection and analysis.	Infrastructure Operations	In Progress	Council has invested in CCTV analytics through the procurement of a solution called “BriefCam” to provide data collection and insights from CCTV cameras. Intended uses are for transport counting (including pedestrian and cyclist), public space usage (such as Garden Place), and pedestrian dwell times (e.g. the central library). The initiative requires setting up a dedicated computer server to process video footage.	August 2020	July 2020
2.4	Improve lighting and install CCTV cameras on Claudelands, Whitiara, Fairfield and Pukete Bridges (2019/20).	Transportation City Safe	In Progress	Full review and report completed. The following work has been identified and will be progressively rolled out as funding allows: Victoria Bridge (Anzac Parade) - CCTV in on western side and LED complete – another CCTV being planned for eastern side Claudelands Bridge – CCTV in place on western side, LED to be done and invest CCTV eastern site Whitiara Bridge (Boundary Road) – LED complete, CCTV either end planned Fairfield – lighting to improve and camera eastern end planned Pukete – lighting to improve and then camera each	June 2021	July 2020

				end Sewer Bridge (Braithewaite) – lighting upgrade (onto poles – currently under handrails) and cameras. Additional funding may need to be obtained to get full implementation – which would be beyond 2021		
2.5	Investigate footpath upgrades and new pedestrian crossings on Alexandra Street.	Transportation	On-hold	Pending outcome of discussions in Central City Transformation Plan refresh	June 2020	July 2020
2.6	Transportation Centre Refurbishment and Upgrade (2019-21).	Transportation	In-progress	Business case underway. Funding for physical works proposed for delay as part of Annual Plan 2020/21 proposal.	June 2021	July 2020
2.7	Continue daily Lunchtime Litter collection (London – Hood)	Transportation	Completed and ongoing	Ongoing	Ongoing	July 2020
2.8	Continue the 2-Hour Free Parking Trial.	Transportation	Complete	Continuation of the trial is considered in the 2020/21 Annual Plan	June 2020	July 2020
2.9	Continue to work with developers on major commercial and industrial developments occurring within the Central City.	City Growth	In progress	Staff from both City Planning and Planning Guidance continue to work with developers on major development occurring in the Central City.	Ongoing	July 2020
2.10	Upgrade lighting in Garden Place and Civic Square.	Transportation	Complete	Lighting upgrade occurred in February 2020	June 2020	July 2020

No	Activity / Action	Unit Responsible	Status <i>Complete/Ongoing/ In-Progress/On-Hold</i>	Notes	Expected Completion Date	Current Update
3.1	Development of a Central City Plan	Community Business and Planning	In Progress	The Central City Transformation Plan is currently being reviewed and will be reported back to Council in October 2020.	June 2020	July 2020
3.2	Development of a Hamilton Arts and Culture Strategy.	Community Business and Planning	In Progress	The Arts and Culture Strategy will be developed later in 2020 and presented to Council in 2021.	April 2020	July 2020
3.3	Rollout of Personal Hire Devices (PHD) - E-Scooters and E-Bicycles	Transportation	Complete and ongoing	LIME already in operation. Additional opportunities for other operators to also apply.	Ongoing	July 2020

2020/21 Central City Safety Action list – D-3411133

	Activity/Action	Council Unit Responsible
1.1	Continue to provide city safe response including working with People's Project on the Outreach Programme – emergency housing/homelessness.	City Safe
1.2	Continue a permanent City Safe presence in Garden Place Library and Garden Place to increase customer engagement and reduce unsafe incidents.	City Safe
1.3	Continue to ensure there is full integration between City Safe patrollers and the City Safe Suburban Response Team in 2020/21	City Safe
1.4	City Safe Weekly/Monthly community engagement at community centres to increase collaboration and discuss safety concerns.	City Safe Community and Social Development
1.5	Tagbusters team implement their engagement and education plan to increase public awareness of tagging.	City Safe
1.6	Provide leadership and work collaboratively with key agencies and organisations on central city issues.	City Safe Community and Social Development
1.7	Continue to work with Waikato Regional Council to identify improvements to public transport services, including routes within the CBD	Transportation

	Activity/Action	Council Unit Responsible
2.1	Fund Hamilton Central Business Association (HCBA) to activate Civic Square, Garden Place, Embassy Park and Victoria on the River. - \$100,000 pa 2018/19-2020/21	Community and Social Development
2.2	Support HCBA events and other activation in the CBD with consents, equipment, and access to relevant Council assets.	Community and Social Development City Events Communication
2.3	Innovating Streets – Pedestrian and cycle friendly tactical urbanisation for Ward St and Rostrevor St.	Transportation
2.4	Improve lighting and install CCTV cameras on Claudelands and Whitiara Bridges	Transportation City Safe
2.5	Investigate footpath upgrades and new pedestrian crossings on Alexandra Street.	Transportation
2.6	Transportation Centre Refurbishment and Upgrade (2019-21)	Transportation
2.7	Continue daily Lunchtime Litter collection (London-Hood)	Transportation
2.8	Continue the 2-Hour Free Parking Trial	Transportation

2.9	Continue to work with developers on major commercial and industrial developments occurring within the Central City	City Growth
2.10	Regional Theatre building (2021)	City Growth
2.11	Civic Square paving renewal (2020/21) - Tiles directly in front of the Municipal Building	Facilities
2.12	CBD Bike connections and facilities	Transportation

	Activity/Action	Council Unit Responsible
3.1	Development of a Central City Transformation Plan	Community Business and Planning
3.2	Development of a Hamilton Arts and Culture Strategy	Community Business and Planning
3.3	Rollout of Personal Hire Devices (PHD) - E-scooters and E-bicycles	Transportation

Projects scheduled beyond 2020/21	
Create a street furniture plan for the central city (rubbish bins) - Unfunded in 10-year plan	River Plan Cultural Precinct Implementation – dependant on third party funding
South End Precinct (unfunded)	LED lighting – Filling in Gaps project (Walkways)
Speed Management review	Central City placemaking activations
Ferrybank Bridge (unfunded)	

Council Report - Information Only

Committee: Community Committee **Date:** 29 September 2020
Author: Andy Mannering **Authoriser:** Lance Vervoort
Position: Social Development Manager **Position:** General Manager Community
Report Name: Social Housing Sector update report 2020

Report Status

Open

Purpose - *Take*

1. To inform the Community Committee on the Social Housing Sector within Hamilton.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community Committee receives the report.

Executive Summary - *Whakaraapopototanga matua*

3. The latest six-monthly Accessible Properties Limited report was presented to Council in February 2020 and Elected Members expressed their desire to hear about the wider social housing sector as part of future reports.
4. This report outlines updates from key organisations who operate in the emergency and social housing part of the housing continuum within Hamilton City.
5. Staff consider the matters in this report have a low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

6. This report addresses Elected Members desire to hear about the wider social housing sector as part of future six-monthly Accessible Properties Limited reports.

Accessible Properties

7. Accessible Properties is a registered charity and a class one Registered Community Housing Provider. They supply affordable rental homes for people with social support needs, and have expertise in the housing needs of people with disabilities or mobility difficulties or who are elderly. They also provide housing management services for community organisations.
8. Accessible Properties operates nationwide and manages New Zealand's largest non-government social housing portfolio of approximately 2,700 household units. They also manage over 100 commercial properties used by community organisations and have been involved with social housing in Hamilton since 1954 (with the opening of Christopher House), and 105 homes are in the Waikato region. Accessible Properties have close links with social support agencies in Hamilton.
9. Accessible Properties purchased Hamilton City Council's Pensioner Housing Portfolio of 344 units on 7 March 2016 for \$23,000,000.

10. The conditions of sale require Accessible Properties to provide six-monthly reports until no original tenant (in occupation at sale date 7 March 2016) is in occupation of any part of the land.
11. As at 30 June 2020 there were 173 units occupied by original tenants.
12. Information contained in the reports include:
 - i. the number of units occupied during the period,
 - ii. how many units were occupied by original tenants and how many utilised for social housing purposes,
 - iii. the rental paid for each unit during the period,
 - iv. any rent increases made during the period, and the basis on which such rent increases were calculated,
 - v. the maintenance spent on the properties during the period.
13. Council staff have reviewed the 6-monthly report (Attachment 1) for the period ending 30 June 2020 and confirm that the reports show compliance with the agreed encumbrances and other clauses in the agreements between the Council and Accessible Properties.

Discussion – *Matapaki*

14. The Waikato Plan Joint Committee has identified housing as one of five priority areas as the most important priorities facing the Waikato Region, with the greatest opportunity to make demonstrable, positive change.
15. Council has heard through the ongoing wellbeing conversations with our community that Hamilton should be a home for everyone. That is, a community that is inclusive and celebrates our differences, but also is a city with a range of choice for housing from a range of providers.
16. The 2018 Census indicated that 46.1% of our community do not own their home (personally or in a family trust) compared to 35.6% nationally. That figure was 42.8% in 2013.
17. The housing sector has been working to promote well informed, comprehensive and collaborative discussions knowing this approach will lead to creative and enduring solutions.
18. The following updates are from significant community partners in the Emergency and Social housing sector working to address the regions housing stress.

Waikato Regional Housing Initiative

19. The [Waikato Regional Housing Initiative \(RHI\)](#) has provided increased focus on addressing housing issues within the Waikato.
20. Membership exists of representatives across the housing spectrum and across the Waikato region. It is not a closed group and membership will be flexible.
21. The RHI has a vision that every person and every family in the Waikato is [well-housed](#), living in sustainable, flourishing, and connected communities. To achieve this vision the RHI uses cross-sector collaboration to connect stakeholders across the “housing system”, with the aim of enabling housing across the housing continuum, from emergency housing to market-priced housing.
22. Staff and Elected Members attend regular RHI working group meetings. The Council is also part of the Waikato Plan; Mayor Paula Southgate is a member of the [Waikato Plan Leadership Committee](#).
23. The [Waikato Region Housing Initiative – 2018 Housing Stocktake](#) presents the RHI’s findings regarding the Waikato Region’s existing and future housing stock, supply, demand, affordability, quality, demographics, and housing types/descriptors.

24. The RHI are actively building an affordable and social housing project pipeline. There continues to be good engagement with the Ministry of Housing and Urban Development and Kāinga Ora, with their aligned interests in the delivery of affordable and social homes across the region.
25. The goal of the RHI is the foundations for a structure that can provide at least 200 affordable homes over the next 2 to 3 years. Work is occurring to establish a framework of funding to help deliver affordable housing outcomes, with the goal of attracting at least \$100 million to fund appropriate projects. A vehicle of this nature serves two purposes in these challenging times. It addresses wellbeing and also activates needed economic activity. As the Minister for Housing, Megan Woods recently said for “every dollar spent in the construction sector it has a 1 to 3 multiplier effect in the wider economy”.
26. The provision of affordable and social housing is a key action in the plan. The action plan is with key stakeholders for feedback and will be circulated to Elected Members once it has been updated. The themes of work include but are not limited to:
 - Housing Data Lake (i.e. data warehouse) – e.g. quantifying, visualising current housing need and capacity information
 - Council policy – e.g. Inclusionary zoning, concessions for affordable housing, consistent Papakainga policy across the region
 - Healthy homes – e.g. insulation, heat pumps, major repairs, etc.
 - Master and Urban planning affordability to housing
 - Special purpose vehicles – e.g. Housing fund, Community Lands Trust
 - Tool-kits e.g. shared tools for stakeholders i.e. housing models, legal templates, etc.

Waikato Tainui

27. A Waikato-Tainui housing initiative for first home buyers in the heart of Hamilton is the Te Kaarearea Housing Development:
 - The area that Te Kaarearea is situated used to be known as Jebson Place (Hamilton East).
 - It was a state housing complex that was built in the early 1960's. The last tenant moved out in 2017.
 - Waikato-Tainui entered negotiations with Kāinga Ora to purchase the land back under the First Right of Refusal clause that was part of the tribe's 1995 Raupatu settlement with the Crown.
 - Initially intended for subdivision into sections to be sold on the open market, Waikato-Tainui recognised this would be a good opportunity to provide housing and land packages for first home buyer tribal members.
 - The vision for Te Kaarearea is a neighbourhood that is home to 50 Waikato-Tainui whaanau who own their own whare and that will lead the way for other tribal members striving to achieve home ownership. Waikato-Tainui have also adapted a 'Shared Ownership' model to enable progressive home ownership.
 - Most whaanau who have purchased within Te Kaarearea are the first in their whaanau to own a home, showing their whaanau, haapu, and lwi that home ownership is possible.
 - 30 additional whare were also developed for public housing and are owned and operated by Kāinga Ora.

Ministry of Social Development

28. As at 21 August 2020 the key statistics for emergency housing in the Waikato were:
 - 479 adults and 568 children are housed across 413 motel/campground units/backpackers.

- 70.7% are Maaori.
 - 10 client/families have been in Emergency Housing for 12 plus months.
29. For the same time period key statistics for Public Housing in the Waikato were:
- The Public Housing waitlist total for Waikato is 2,084.
 - 277 are for transfers from one Kāinga Ora home to another.
 - 1,350 (64.78%) of the people on the waitlist are Maaori.
30. Approximately 85% of the Emergency and Public Housing figures for the Waikato pertain to Hamilton City.

Kāinga Ora

31. Kāinga Ora's new organisational structure will be confirmed in September 2020; the structure will reflect a place-based approach with an increase in resourcing to deliver on the commitment to development and partnering with increased community engagement.
32. The Ministry of Housing and Urban Development is currently confirming development targets for the next four years; Kāinga Ora will then be working on where in the Waikato those developments will be.
33. Planning of community engagement on the Lakeside Development in Te Kauwhata, where Kāinga Ora has purchased 1300 sites for market housing is underway.
34. The [updated plans](#) for the Endeavour Ave development have been confirmed and communicated to stakeholders and the community in early September.

Te Runanga o Kirikiriroa

35. Te Runanga o Kirikiriroa housing service (Korowai Manaaki) has increased their team to 13 FTE located at 59 Higgins Road. Korowai Maanaki covers a wide range of housing services such as:
- Emergency Housing, working across multiple motels located in the city.
 - Navigational Housing services including 14 x 3-bedroom houses located in Hamilton East.
 - Navigation of young parents - 15 units Gardena Motel.
 - Public Housing Stock includes 14 homes (Kaumatua Village Rifle Range Road) owned and operated by Te Runanga.
 - Kāinga Ora transitional homes leased to Te Runanga from September 2020.
 - Partnering with Pragma for additional Transitional Housing stock.
36. The Korowai Manaaki housing navigators work with approximately 170 whaanau and individuals at any one time.
37. Planning is underway for the 9,000sqm development on Shakespeare Ave, Enderley. Te Runanga is working with Habitat for Humanity, Deloitte and PCM Consulting Ltd.
38. Te Runanga is participating in the "Building Better Homes Towns and Cities Research Project" alongside Ngati Ruanui (Taranaki) and Awarua Synergy (Bluff) and mentoring providers in building Kaumatua Villages by sharing their knowledge and experience.
39. Te Runanga has a delegate on the Community Housing Aotearoa Board.

Habitat for Humanity

40. [Habitat for Humanity](#) is supporting people in the region with a decent place to live by utilising three main programmes; Social Rental, Progressive Home Ownership and Home Repair.
41. Habitat for Humanity operate 20 Social Rental properties in Hamilton City and another 70 in the immediate vicinity.

42. Partnerships exist with Whare Ora, Te Puni Kokiri and Tainui that enabled Habitat for Humanity to deliver 200+ healthy housing and home repair interventions in Hamilton and its environs last financial year.
43. Development of 12 new progressive ownership properties at Te Karearea is underway and will be delivered by April 2021.
44. Habitat for Humanity is working with the RHI to identify and manage the delivery of 200+ social and affordable properties over the next 3 years.
45. Habitat for Humanity has a delegate on the Community Housing Aotearoa Board.

LinkPeople

46. LinkPeople is a community housing provider (CHP) that provides housing and support for people who are experiencing housing instability or homelessness - with a focus on those with mental health/addiction issues.
47. LinkPeople are contracted by Waikato DHB to deliver the Ahikaaroa service, which addresses housing needs of people receiving Waikato DHB or Hauora Waikato Mental Health and Addiction Services. The Ahikaaroa service works with community residential providers to support people to move into residential homes and ensures that people who are ready to move into the community are supported to do so.
48. Since January, 684 people have been supported through this service.
49. LinkPeople also work with people who are referred from Work and Income and other agencies, via Ministry of Housing and Urban Development contracts, with a focus on transitioning people from emergency housing into permanent housing or sustaining existing tenancies to reduce the risk of homelessness.
50. During the COVID-19 lockdown, a small number of people were supported who were living in emergency accommodation (motel).
51. The Waikato service has four transitional houses funded by the Ministry of Housing and Urban Development and over 120 (and growing) houses managed as a social landlord, providing support to tenants.
52. A key focus of work is housing case work, where people are supported to reduce barriers to attaining and retaining a tenancy. This support to develop skills to sustain a tenancy include financial management, looking after their property, applying for the social housing register, and understanding the Residential Tenancies Act, as well as helping them to connect with wider supports.
53. LinkPeople is continually working with landlords and developers to increase and improve access to appropriate housing. LinkPeople employ property procurement specialists who walk alongside others to identify properties and socially conscious landlords and developers.
54. The focus over the next 6-12 months is to work with the DHB around specific mental health housing and grow existing relationships with other agencies involved in the housing space, including Work and Income, Kāinga Ora and other community organisations, which will allow LinkPeople to provide the best support to people.

The People's Project

55. The People's Project has been operating in Hamilton since August 2014 and believes everyone must have a home to live in and the right to live their best life, and that homelessness is rare, brief, non-recurring, and never a way of life.

56. The People's Project use the internationally-proven Housing First approach to help chronically homeless people in Hamilton and Tauranga get the services they need, with housing being the first priority. People are then supported to get access to the income, health, wellbeing, employment services they need to maintain their tenancy and live independently in their community.
57. Since August 2014, 873 housing outcomes have been achieved, with 89% still housed. The People's Project currently have 175 active clients.

Salvation Army

58. The Salvation Army manages two Social housing properties alongside support individuals and families who have emergency housing or transitional housing needs.
59. The property in Nawton consists of 5 standalone houses, varying from 2 – 3 bedrooms. These houses are used for people in the residential parenting programme. Families live in these units for a period 6 months whilst attending programmes aimed at strengthening the family. Programme activities include financial mentoring, in-house parent coaching, the parenting dynamic families course, the positive lifestyle programme, social work support, life skills, and personal development classes. Most families are referred by Oranga Tamariki due to a need for wrap around support.
60. Within the past year 13 families were supported within this programme.
61. The property in Frankton consists of a block of flats with 4 units and 1 standalone house. This property is used for families who do not have housing and receive social work support through the Salvation Army centre. Support services mainly include social work support whilst also accessing other services such as financial mentoring, the positive lifestyle programme, and any other service that might be beneficial to the family. The goal is to provide a space for families to live whilst they work towards accessing long term housing.
62. Within the past year the property accommodated 7 families.
63. The Salvation Army are trying to explore options to facilitate a process for families to access housing when they complete the residential parenting programme. The greatest challenge currently is that once a family completes the programme they often have nowhere to live, so they end up moving into emergency housing whilst waiting on social housing. Many families find it difficult to maintain the progress they have made when faced with emergency housing. Enabling a quicker transition into permanent housing will ensure a smooth transition for families who have completed programme.

Hamilton Christian Nightshelters Trust

64. The Hamilton Christian Nightshelters Trust operate two emergency shelters in Hamilton City: A Men's shelter within the central city area and a Women's shelter in Hamilton East. They refer men and women to other community services, depending on the need of the individual.
65. The two shelters can sleep 10 women and 27 men a night. During the month of August 2020, 25 new guests were inducted and an increase in bed nights was provided (1088 bed nights, up 149 from August 2019).
66. The Nightshelters turned away over 80 potential guests in August - a sad reality for staff, volunteers, and other guests of the shelters.
67. A relationship has been developed with the Rapid Relief Trust who provide blankets, socks, and hygiene packs for people that have been turned away. The NZ Police have also gifted several sleeping bags.

68. The Nightshelters is observing a significant increase in referrals of people with mental health issues who have needs that are not being met by the existing support services. Although not properly equipped to cater for these complex needs, the Nightshelters continue to offer and maintain a place of safety, with a sense of comradery amongst guests.

Te Whakaruruhau Maaori Women's Refuge

69. [Te Whakaruruhau Maaori Women's Refuge](#) first opened in 1986, through the efforts of a group of local Maaori women, to save lives and reduce the harm caused by domestic violence. In those early years, the service provided a 24-hour crisis response team and safe housing. Te Whakaruruhau safe housing has grown from a one bedroom flat into the largest women's refuge in New Zealand with five safe houses across Hamilton City.
70. The service comprises three main areas: Crisis, Residential and Community. The Crisis intervention team provides a 24/7 service, responding to approximately 5000 calls per year.
71. The Residential service is made up of 5 safe houses at sites around Hamilton, including a 10-bedroom purpose built safe house complex. Women and children who are considered at high risk of further harm are accommodated here where staff are on site 24/7. Staff help nurture and support the women and children who often carry high levels of trauma.
72. This support includes help with goal setting and ongoing assistance with achieving those goals. Support and advocacy with external agencies the women are engaged with - including WINZ, Kāinga Ora, lawyers, courts, Oranga Tamariki, children's schools and early childhood education centres, doctors, and counsellors. They also provide guidance with day-to-day tasks as required - such as cooking on a budget, parenting advice, help with newborns, and personal care and wellbeing. All work occurs within a framework of aroha, whanaungatanga and manaakitanga.
73. The safe houses usually operate at full capacity, between the period of July 2019 – June 2020, a total of 93 women and 97 children were supported with emergency accommodation.
74. The Community team provide support and advocacy to families who can safely stay in their homes and to those who have successfully transitioned out of our Residential service.

Waikato Community Lands Trust

75. At the 17 September 2019 Council meeting ([Agenda](#), [Minutes](#)) the Council established the Waikato Community Lands Trust (The Trust).
76. The Trust aims to reduce housing stress by removing the cost of land from Iwi and community housing providers' developments. The Trust will purchase and retain ownership of land for these developments.
77. Hamilton City Council allocated \$2,000,000 of funding over the 2019/20 and 2020/21 financial years, to be used for land purchases, as well as supporting the establishment of the Trust through staff support and legal costs.
78. To support the Trust, \$50,000 of operational funding was approved in the 2020/21 Annual Plan at the 23 July 2020 Council meeting ([Agenda](#), [Minutes](#)).
79. As at 8 September 2020, the Trust's application to Charities Services had been initially assessed with additional information requested of the Trust to progress registration.
80. The Trust's current focus is on developing their strategic plan.

Financial Considerations - Whaiwhakaaro Puutea

81. At the 20 August 2020 Strategic Growth Committee ([Agenda](#), [Minutes](#)) approval was given to develop a housing strategy funded from existing operational budgets.

82. Hamilton Christian Nightshelters Trust and Te Whakaruruhau Maaori Women's Refuge currently each receive an operational grant from the Multi-Year Community Grant of \$20,000.
83. The Wise Trust's Garden Place offices (\$70,000) are funded through the Community and Social Development long term plan operational budget.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

84. Staff confirm that these matters comply with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

85. 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').
86. 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.
87. The recommendations set out in this report are consistent with that purpose.

Social

88. Housing is both an important determinant of the standard of living and a significant portion of household's budgets. The UN Rights to Adequate Housing are legally binding and demonstrate international recognition of the importance of housing.
89. Specifically targeting the improvement of housing outcomes for Hamiltonians (such as reducing housing stress) improves the Council's ability to have a positive impact on the housing ecosystem when compared to an ad hoc approach. Individuals and families experiencing housing stress spend significant time addressing immediate needs, rather than investing their time and energy into the local community.
90. As well as being important for individuals, housing is an important component of community wellbeing and directly affects key aspects such as education, health, the strength of community networks, safety and connectedness.

Economic

91. As noted in the Waikato Regional Housing Initiative's Housing Stocktake report, housing affordability is a significant issue in the Waikato. Hamilton is the third least affordable housing market in New Zealand, behind Auckland and Tauranga. Housing costs are often a significant portion of household spending, with 30% or less of income spent on housing viewed as one threshold for affordability.
92. Housing affordability is also recognised as important in the 2021-31 LTP Community Engagement, Shape our City's Future, Feedback on Wellbeing document. In the document it was noted *"people think having an affordable city is important. They would like the city to have affordable housing options for renters and homeowners and social housing for the community."*
93. Increasing the affordability of housing in Hamilton will have a significant positive effect on housing prices, which are a significant portion of household's budgets.

Environmental

94. Several of the Council objectives encourage and facilitate an increase in sustainable housing in Hamilton, for example a specific focus on healthy sustainable homes. Intensification also typically enables walkability and encourages public transport use.

Cultural

95. It is acknowledged that Maaori are over-represented in social statistics relating to inadequate housing.
96. Regarding the link between housing and health, the Waikato DHB notes in its 2019 Housing Position Statement ([Page 30-35](#)):

“The high cost of housing is leading to household crowding, increased risk of infectious disease transmission, and increased rates of homelessness... In particular, we acknowledge the effects that pressures on housing can have on Maaori and other groups at higher risk of poor and inequitable health outcomes. These groups are likely to have higher negative health impacts related to housing e.g. higher rates of rheumatic fever. This could be in part due to Maaori being more commonly affected by issues related to housing insecurity and overcrowding.”

Risks - *Tuuraru*

97. There are no known risks associated with this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

98. Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report have a low significance.

Engagement

99. Community views and preferences are already known to the Council through the ongoing partnership work and participation within the Waikato Regional Housing Initiative.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Accessible Properties Activity Report 30 June 2020

REPORT

On
MANAGEMENT OF THE HAMILTON
PENSIONER HOUSING PORTFOLIO
From
1 January 2020
to
30 June 2020

ACCESSIBLE PROPERTIES NEW ZEALAND LTD



Figure 1 new communal landscape and setting area at Graham Street complex

1. Background

Accessible Properties acquired the Housing for Older Persons portfolio from Hamilton City Council on 7 March 2016. This comprises 344 units of predominantly one-bedroom configuration units that are in 17 complexes distributed throughout the city. These units are made available as with a focus on meeting the needs of older person's and providing social support.

The terms of the sale and purchase agreement require Accessible Properties to report six-monthly on the use of the properties to enable the Council to verify that terms of encumbrance are met.

This report provides the Council the use of the properties for the period 01 January 2020 to 30 June 2020, under the Accessible Properties Hamilton Pensioner House portfolio.

2. About Accessible Properties

Accessible Properties is a registered charity and a class one Registered Community Housing Provider supplying affordable rental homes for people with social support needs, with particular expertise in the housing needs of people with disabilities or mobility difficulties or who are elderly. It also provides housing management services for community organisations.

Accessible Properties operates nationwide and manages New Zealand's largest non-government social housing portfolio of approximately 2,700 household units. It also manages over 100 commercial properties used by community organisations. It has been involved with social housing in Hamilton since 1954 (with the opening of Christopher House), and 105 homes are in the Waikato region. It has close links with social support agencies in Hamilton.

3. Progress in the period 01 January 2020 – June 2020

The first six months of 2020 being punctuated by the Covid-19 lockdown, resulted in some planned works either being postponed or delayed. Namely the exterior painting of the Bankwood Road complex that is now planned for the coming summer of 2020/21 and the Graham Street communal patio and landscaped area was delayed over the lockdown period, however has since been completed.

A spike in vacant units following the initial lockdown period allowed us to upgrade these units during the first six month of 2020. Upgrades included internal redecoration and floor coverings as well as three new kitchens being installed, and five bathrooms upgraded. All vacant units also had bathroom and kitchen ventilation (rangehoods) installed, in line with the new Healthy Homes Standards.

Some highlights during this time include:

- The completion of additional carparking and manoeuvring at the 187 Clarkin Road complex. Along with significant tree maintenance work throughout the complex.
- Work commenced and is now complete on the landscaping, outdoor seating and communal area at 13-19 Graham Street. Residents were very pleased with the outcome and early signs are that this new shared space will be well frequented and an asset for this community. Line-marking work is also about to get underway to better set out and identify carparks within this complex.
- Three further roofs were replaced and upgraded at the Comries Road complex, which is part of an ongoing programme to replace and upgrade roof and problematic internal gutters.

4. Actions Proposed in the Next Six Months

Property Condition and Healthy Homes Assessment surveys across the entire portfolio are continuing, some of which were delayed due to not wanting to access tenanted units over heightened Covid Alert levels. This work will be completed over the coming months and will provide necessary data to inform both our Healthy Homes interventions work along with ongoing planned maintenance programmes.

With the completion of the communal outdoor area for the tenants at 13-19 Graham Street, our focus is now shifting to the Crosher Place complex where a similar communal outdoor seating, barbeque and landscaped area is planned. Design work is expected to be completed by the end of 2020 with construction complete in the first half of 2021.

Exterior painting is planned over the coming months, with Bankwood, Peachgrove and Stokes Road complexes to be painted by the end of summer.

A further 3 roofs are to be replaced in continuation of the planned roof and gutter replacements at Comries Road complex.

With the recent change in refuse collection and the introduction of multiple wheelie bins for every unit, we are beginning investigations and discussions on how we best store and provide access to these for residents and refuse collectors.

Further reports will include a section on Tenant engagement.

5. Use of Properties in the period January 2020 to June 2020

Responses below are numbered as in the encumbrance instruments on titles.

- ***Number of Units Occupied During the Period:***
As at 30 June 2020: 341 of 344 units were occupied (3 vacancies, 99% occupancy).
- ***Number of Units Occupied by Original Tenants:***
As at 30 June 2020: 168 original tenants remain. There were 23 new tenant placements in the period.
- ***Maintenance Expenditure:***
The total maintenance expenditure including capital spends on the portfolio for period January 2020 to June 2020 was \$454,959.
- ***Rent Increases During the Period:***
For non-IRR (Income Related Subsidy) tenancies, increase in rent was prohibited due to Covid-19 during this period. IRR tenancies rent increase was proposed to Ministry of Housing and Urban development, but not yet approved at the end of June 2020.

6. Activity report for the Period January 2020 – June 2020**1. Use of Properties:**

Responses below are numbered as in the encumbrance instruments on titles:

- ***Number of Units Occupied During the Period:***
As at 30 June 2020: 6 of 6 units were occupied (0 vacancies, 100% occupancy)
- ***Number of Units Occupied by Original Tenants:***
As at 30 June 2020: 5 original tenants remained (tenants at time of hand-over).
There was 1 new tenant placement.
- ***Rental Paid for Each Unit:***
Attached is a schedule of rentals charged for units as at 30 June 2020.
 - There have been no increases in rental during this period.
- ***Maintenance Expenditure:***
The total maintenance expenditure including capital spends on the portfolio for the six months to 30 June 2020 was \$3,322.

Council Report

Item 14

Committee: Community Committee **Date:** 29 September 2020
Author: Lauradanna Radesic **Authoriser:** Sean Hickey
Position: Team Leader - Great River City **Position:** General Manager Strategy and Communications
Report Name: Consultation Plan for Matters of Cultural Significance Work Programme

Report Status	Open
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Purpose - *Take*

1. To inform the Community Committee on the proposed engagement process for various items of the Cultural Significance Work Programme.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community Committee receives the report.

Background - *Koorero whaimaarama*

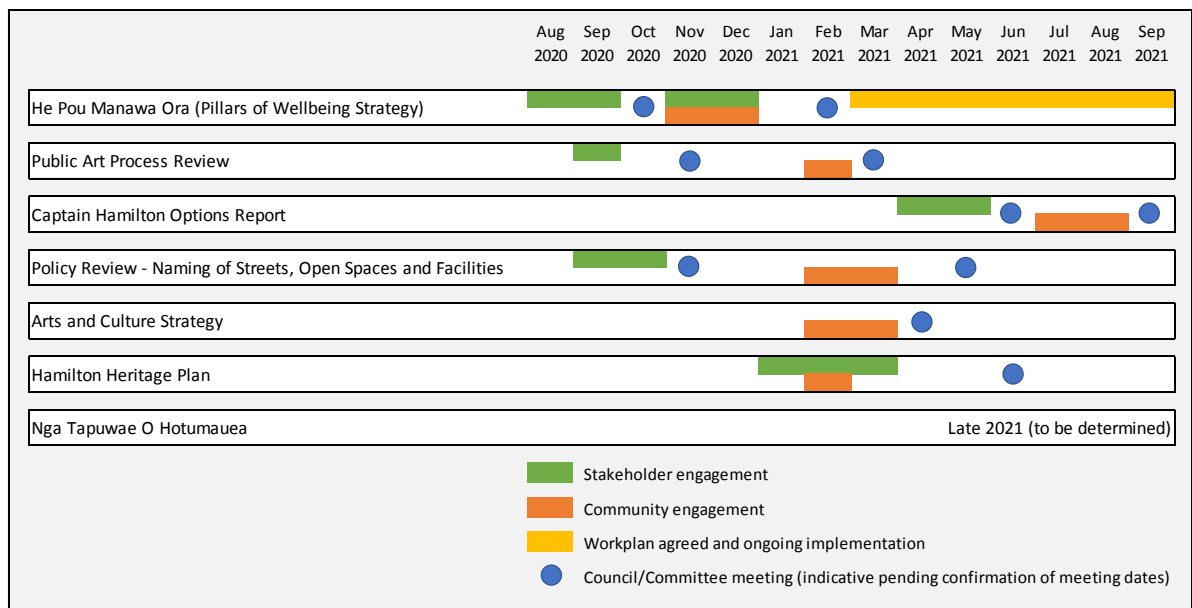
3. Following the removal of the Captain Hamilton statue on 12 June 2020, staff presented a report to the 13 August 2020 Community Committee meeting, noting that any decision on the future of the statue needed to be considered in context alongside a number of related matters.
4. These matters included:
 - He Pou Manawa Ora (Pillars of Wellbeing Strategy)
 - The Public Art Process Review
 - Policy Review – Naming of Streets, Open Spaces and Facilities Policy
 - Arts and Culture Strategy
 - The Hamilton Heritage Plan
 - Nga Tapuwae O Hotumauea; Maori Landmarks on Riverside Reserves Management Plan
5. At that meeting, the Committee asked staff to provide an outline of the public consultation process relating to these matters for presentation to the 29 September 2020 Community Committee meeting.

Discussion - *Matapaki*

6. Although each of the items noted above have a degree of connectedness (including informing a decision on the future of the Captain Hamilton statue), they are each separate projects with differing requirements for consultation and engagement.

Attachment 3

7. An overview of the proposed timeline for engagement on these various items is shown below:



8. Staff recommend that Council should consider options on the future of the Captain Hamilton statue following the adoption of the He Pou Manawa Ora Strategy and the updated Public Art Process.
9. Staff also note that, having further considered the engagement requirements for each project, the proposed completion dates of some items have been extended from those indicated in the previous report to the Community Committee 13 August 2020.
10. The table below represents a summary of the potential communication and engagement approach for each item. More comprehensive engagement planning for each item will be undertaken on a case-by-case basis and reported to the appropriate Council or Committee meeting in due course.

Item	Engagement Approach/Notes
He Pou Manawa Ora (Pillars of Wellbeing)	<p>Targeted stakeholder engagement has started. Stakeholders include:</p> <ul style="list-style-type: none"> Maangai Maaori Waikato-Tainui Te Haa o te Whenua o Kirikiriroa Te Rūnanga Ō Kirikiriroa. <p>Wider community engagement to start November 2020. Key stakeholders will also work with their communities to facilitate engagement.</p> <p>Citywide engagement (high interest)</p> <p>Tactics:</p> <ul style="list-style-type: none"> Digital 'Have your say' form Hard copies available at Council libraries, facilities, offices 'Our Hamilton' stories Boosted posts on social media Onsite signage Two to three open days Small giveaway item (flyer) Video Radio, print and digital advertising campaigns Bilingual communications.

Public Art Process Review	<p>Targeted stakeholder engagement has started. Where appropriate, key stakeholder engagement is being paired with He Pou Manawa Ora (Pillars of Wellbeing). Stakeholders identified include:</p> <ul style="list-style-type: none"> • Waikato-Tainui • Te Ngaawhaa Whakatupu Ake • MESH Sculpture Hamilton (an independent charitable arts trust) • TOTI (Theatre of the Impossible Charitable Trust, involved in projects related to arts and culture, business and industry, and ecology) • The Riff Raff Public Arts Trust • Hamilton Arts Trust • The Friends of Waikato Museum • Wintec • The University of Waikato. <p>Citywide engagement (medium interest) Tactics:</p> <ul style="list-style-type: none"> • Letter or email to directly affected people • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices • 'Our Hamilton' story • Boosted posts on social media • Onsite signage • Small open day • Video • Information collateral.
Options report for Captain Hamilton	<p>Targeted stakeholder identification and engagement will be carried out as part of the options analysis.</p> <p>Citywide engagement (high interest) Tactics:</p> <ul style="list-style-type: none"> • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices • 'Our Hamilton' stories • Boosted posts on social media • Onsite signage • Two to three open days • Small giveaway item (flyer) • Radio, print and digital advertising campaigns.
Policy Review – Naming of Streets, Open Spaces and Facilities Policy	<p>The purpose of the Policy is to provide a process for naming (and renaming) roads, open spaces and Council facilities in Hamilton. This is an existing policy that is scheduled for review.</p> <p>Targeted stakeholder engagement has started for this piece of work.</p> <p>Citywide engagement (medium interest) Tactics:</p> <ul style="list-style-type: none"> • Letter or email to directly affected people • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices

Item 14

Attachment 3

	<ul style="list-style-type: none"> • 'Our Hamilton' story • Boosted posts on social media • On site signage • Small open day • Video • Information collateral.
Arts and Culture Strategy	<p>Targeted stakeholder identification and engagement will be carried out early 2021.</p> <p>Citywide engagement (high interest) Tactics:</p> <ul style="list-style-type: none"> • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices • 'Our Hamilton' stories • Boosted posts on social media • Onsite signage (as necessary) • Two to three open days • Small giveaway item (flyer) • Video • Radio, print and digital advertising campaigns.
Hamilton Heritage Plan	<p>The existing Heritage Plan, adopted in 2016, was identified to be reviewed after 3 years.</p> <p>Targeted stakeholder identification and engagement will be carried out early 2021.</p> <p>Citywide engagement (medium interest) Tactics:</p> <ul style="list-style-type: none"> • Letter or email to directly affected people • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices • 'Our Hamilton' story • Boosted posts on social media • Onsite signage • Small open day • Video • Information collateral.
Nga Tapuwae O Hotumauea; Maori Landmarks on Riverside Reserves Management Plan	<p>The Management Plan was developed in 2008 and is due for review.</p> <p>Targeted stakeholder identification and engagement will be carried out in 2021.</p> <p>Citywide engagement (high interest) Tactics:</p> <ul style="list-style-type: none"> • Digital 'Have your say' form/social pinpoint • Hard copies available at Council libraries, facilities, offices • 'Our Hamilton' stories • Boosted posts on social media

	<ul style="list-style-type: none"> • Letter to key stakeholders • Onsite signage • Two to three open days • Small giveaway item (flyer) • Video • Radio, print and digital advertising campaigns. 	Item 14
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Financial Considerations - *Whaiwhakaaro Puutea*

11. The costs in producing this report are limited to staff time. Any costs related to engagement for individual projects will be reported to the appropriate Council or Committee meeting.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

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

Wellbeing Considerations – *Whaiwhakaaro-aa-oranga tonutanga*

13. The purpose of Local Government changed on 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').
14. 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.
15. The recommendations set out in this report are consistent with that purpose.

Social

16. Having a robust consultation process ensures that the community has opportunities to participate in decision-making at a high level, contributing to a sense of inclusion and community ownership.

Economic

17. No specific economic benefits have been identified through the development of the consultation process.

Environmental

18. Although individual items in the work programme may contribute to environmental wellbeing, no material environmental effects have been identified as a result of the consultation process.

Cultural

19. Through the development of the consultation process, the Council is showing a stronger commitment to a more inclusive and considered decision-making approach. This includes the responsibility to take appropriate account of the Principles of the Treaty of Waitangi in its decision-making; in particular, the Principle to 'act in good faith and partnership'.
20. Council recognises the special relationship that Iwi and mana whenua have to Hamilton/Kirikiroa and through this process has actively promoted opportunities for Iwi and mana whenua to participate in decision-making at all levels of Council.

Risks - *Tuuraru*

21. Given the high level of public interest in the Captain Hamilton Statue, there is a small risk that consultation could result in an increase in tension between factions in the community. The Council can help mitigate these risks by ensuring that the everyone in the community has the opportunity to have their say on the issues raised.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui***Significance**

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

Engagement

23. Each item noted in this report will go through a separate process to identify and address the views and preferences of the community.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Community Group Legal Matter) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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 maintain legal professional privilege	Section 7 (2) (g)
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