

Notice of Meeting:

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

Date: Thursday 13 August 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	Cr A O'Leary
Deputy Mayor G Taylor	Cr R Pascoe
Cr M Forsyth	Cr S Thomson
Cr M Gallagher	Cr M van Oosten
Cr R Hamilton	Cr E Wilson
Cr D Macpherson	Maangai Te Pora Thompson-Evans & Olly Te Ua

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

6 August 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
7. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
8. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
9. 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.
10. 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: 13 August 2020

Author: Carmen Fortin

Authoriser: Amy Viggers

Position: Governance Advisor

Position: Governance Team Leader

Report Name: Confirmation of the Open Community Committee Minutes - 24 June 2020

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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Community Committee Open Unconfirmed Minutes - 24 June 2020

Community Committee

OPEN MINUTES

Minutes of a meeting of the Community Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 24 June 2020 at 10.01am.

PRESENT

Chairperson	Cr M Bunting
Deputy Chairperson	Cr K Naidoo-Rauf
Members	Mayor P Southgate
	Deputy Mayor G Taylor
	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 O Te Ua

In Attendance:	Richard Briggs - Chief Executive
	Lance Vervoort – General Manager Community
	Sean Hickey – General Manager Strategy and Communications
	Sean Murray – General Manager Venues, Tourism and Major Events
	Louise Lukin – Director of the Chief Executive's Office
	Kelvin Powell – City Safe Unit Manager
	Rebecca Whitehead – Business and Planning Manager
	Maria Barrie – Parks and Recreations Manager
	Karen Kwok - Recreation & Community Facilities Senior Advisor
	Lee-Ann Jordan – Visitor Destination Manager
	Andy Mannering – Manager Social Development
	Amanda Banks – Policy and Strategy Advisor
	Lauradanna Radesic – Team Leader Great River City Communications
	Tracey Lowndes – Communications and Engagement Advisor
	Helen Paki – Community Services Manager
	Nick Chester – Social Development Advisor
	James Clarke – Director of the Mayor's Office
	Shane Drury - Programme Manager

Governance Staff:	Becca Brooke – Governance Manager
	Amy Viggers – Governance Team Leader
	Carmen Fortin and Rebecca Watson – Governance Advisors

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Cr Thomson took part in the meeting and voted remotely via Audio Visual Link.

1. Apologies

Resolved: (Cr Bunting/Cr Wilson)

That the apologies for absence from Cr Forsyth and Maangai Thompson-Evans, for partial attendance from Mayor Southgate, Cr Thomson, Cr van Oosten, and Maangai Te Ua are accepted.

2. Confirmation of Agenda

Resolved: (Cr Bunting/Cr Gallagher)

That the agenda is confirmed noting the following:

- a) Item 7 (Hamilton Age Friendly Plan Annual Update) will be taken after Item 4 (Public Forum) to accommodate external presenters;
- b) Item 16 (Chair's Report) will be taken after Item 5 (Confirmation of the Community Committee Minutes – 19 May 2020);
- c) Item 10 (Municipal Pool Demolition) and Item 15 (Captain Hamilton Statue) will be taken after lunch which is to be 1.00pm to 1:45pm; and
- d) that the agenda order will be flexible to accommodate availability.

3. Declarations of Interest

Cr Gallagher noted that he had an interest in item 15 (Captain Hamilton) and that he was not conflicted. He would take part in the discussion and vote on the item.

4. Public Forum

Katherine Luketina (representing Sink or Swim) spoke to item 10 (Municipal Pool Demolition) against the demolition of the municipal pools. She noted that many Hamilton residents are not able to access facilities within 20 minutes in order to comply with the 20 minute city initiative.

Isabella and Christina Campbell spoke to item 10 (Municipal Pool Demolition) in support of retaining the land and rebuilding a new outdoor facility in that space. They highlighted the health and wellbeing implications of not opening up another facility in the area.

Alex Wilkison and Yasmin Davis (representing Waikato Society of Potters) spoke to item 6 (Community Occupancy Applications) in support of the community occupancy application for the Waikato Society of Potters. They outlined the number of users of the site, and the benefits of working with clay.

Robin Hood spoke to item 10 (Municipal Pool Demolition). He spoke in support of retaining the municipal pool location and stabilizing the current pool. He highlighted the aquatic history and feats of Hamilton residents that used the municipal pool in the past.

David Platts and Charlie Cooper (representing Hamilton Astronomical Society) spoke in support of item 6 (Community Occupancy Applications). They highlighted how the changes to the current occupancy application will benefit both them and the other residents of Hamilton.

Judy Patterson spoke to item 10 (Municipal Pool Demolition) in support of additional aquatic facilities. She promoted the idea of the 20 minute city and the prospect of a water quarter.

Gail Jonson spoke to item 10 (Municipal Pool Demolition) in support of additional aquatic facilities. She spoke to the lack of available facilities, the lack of outdoor swimming pools, and the waitlists at the various pools in Hamilton.

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Mayor Southgate left the meeting (10.33am) during the discussion of the above item.

Item 7 (Hamilton Age Friendly Plan Annual Update) was taken after Item 4 (Public Forum) to accommodate external presenters.

7. Hamilton Age Friendly Plan Annual Update

The Social Development Advisor introduced Dame Peggy Kooperman-Boyden who spoke to the report. They responded to questions from Members concerning how the community was effected by Covid-19 lockdown, how the Age Friendly Plan could be further promoted, and accessibility needs of the older person and disability community.

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Community Committee:

- a) receives the report; and
- b) requests staff reports back to the Community Committee by the end of 2020 on options for reviewing the Age Friendly Plan.

5. Confirmation of the Open Community Committee Minutes - 19 May 2020

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Committee confirm the open Minutes of the Community Committee meeting held on 19 May 2020 as a true and correct record.

16. Community Committee Chairs Report - 24 June 2020

The Chair took the report as read.

Resolved: (Cr Bunting/Cr Naidoo-Rauf)

That the Community Committee receives the report.

The meeting was adjourned 11.14am to 11.32am.

6. Community Occupancy Applications

The Recreation & Community Facilities Senior Advisor introduced the report and responded to question from Members concerning the lease agreement details and clauses, and the Community Occupancy Policy. Staff noted that the clauses within the Waikato Society of Potters Incorporated agreement was a clause noting the Hamilton Westtown Belt Masterplan indicative project and giving Council ability to terminate the lease without liability. Members asked questions in regard to the lease length and notice should we need to provide it.

Resolved: (Cr Wilson/Cr Bunting)

That the Community Committee:

- a) approves a new *community group lease*, under s54(1)(b) of the Reserves Act 1977, to **Claudlands Rovers Sports Club Incorporated** for land area of 473m² (clubhouse footprint) at Galloway Park, being Part Allot 412 Town of Hamilton East, subject to the following terms and conditions:
 - i. Term – fifteen years;
 - ii. Rent - \$352.47 plus GST per annum, in accordance with the Community Occupancy

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Policy;

- iii. The lease includes approval to operate a commercial activity (bar); and
 - iv. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- b) approves a new *community group lease* to **Hamilton Astronomical Society Incorporated** for land area of 822m² (building plus immediate surrounds) at Hamilton Zoo, being Lot 1 DP 429730, subject to the following terms and conditions:
- i. Term – ten years;
 - ii. Rent - \$553.00 plus GST per annum, in accordance with the Community Occupancy Policy; and
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- c) approves a new *community group lease*, under section 601 of the Local Government Act 1974, to **The Waikato Society of Potters Incorporated** for part building area (category 3) of 310m² in Ward Arts Centre at Norris-Ward Park, being Pt Allot 11 Hamilton West Town Belt and Lot 3 DPS 61909, subject to the following terms and conditions:
- i. Term – ten years;
 - ii. Rent - \$2,131.25 plus GST per annum, in accordance with the Community Occupancy Policy; and
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.

Cr Thomson left the meeting (11.42am) during the discussion of the above item. She re-joined the meeting (11.52am) at the conclusion of the above item. She was not present when the matter was voted on.

7. Quarterly Civil Defence Update

The City Safe Unit Manager provided a verbal report to the Committee noting the support cost in relation to Covid-19 was \$1.6million excluding staff salaries. He outlined the various successes achieved by Civil Defence Team, organisations involved and the community during Covid-19 emergency response event. Staff respond to questions from Members concerning the cost of the event, the recovery of the 1.6 million spent, long term sustainability if it was needed, and learnings from the emergency response.

Staff Action: *Staff undertook to provide an update to Members via the Finance Committee concerning the spend and then reimbursement of the \$1.6m spent during Covid-19 civil emergency.*

Resolved: (Cr Bunting/Deputy Mayor Taylor)

That the Community Committee receives the verbal report.

8. Community and Social Development Outcomes

The Community Services Manager outline the report and responded to questions from Members concerning the alignment of the group with regional initiatives, the makeup of the Community and Social Development Team, Community surveys and how the framework will be reported in the future.

Motion: (Cr Bunting/Cr Naidoo-Rauf)

That the Community Committee:

- a) receives the report; and
- b) approves the reporting and monitoring framework outlined in sections 39 to 42 of the staff report.

Amendment: (Cr Hamilton/Maangai Te Ua)

That the Community Committee receives the report.

The Amendment was put.

Those for the Amendment: Councillors Gallagher, Macpherson,
O'Leary, Pascoe, Taylor, Hamilton, Wilson
and Maangai Te Ua.

Those against the Amendment: Cr Bunting, Councillors Southgate,
Naidoo-Rauf and Thomson.

The Amendment was declared CARRIED.

The Amendment as the Substantive Motion was then put and declared CARRIED unanimously.

Resolved: (Cr Hamilton/Maangai Te Ua)

That the Community Committee receives the report.

Cr van Oosten left the meeting (12.35pm) during the discussion of the above item. She was not present when the matter was voted on.

Mayor Southgate re-joined the meeting (12.38pm) during the discussion of the above item. She was present when the matter was voted on.

Item 11 (Te Inuwai Park Naming) was taken following item 9 (Community and Social Development Outcomes) to accommodate availability.

9. Te Inuwai Park Naming (Recommendation to the Council)

The report was taken as read.

Resolved: (Cr Macpherson/Cr Bunting)

That the Community Committee:

- a) receives the report; and
- b) recommends that the Council approves Te Inuwai Park as the name for the neighbourhood park located on Lot 400 DP 527758 and Lot 211 DP 527758.

The meeting is adjourned 12.53pm to 1.47pm.

Cr Thomson and Maangai Te Ua left the meeting during the above adjournment.

10. Municipal Pool Demolition

The Community Services Manager introduced the report and noted that the municipal pool funding had been deferred to the 2021-31 Long Term Plan, and that the funding did not include any development of the area post-demolition. Staff responded to questions concerning the project timeline, site restoration and Interpretation Plan, costs, implication of rebuilding and costs of

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reusing aspects, the Commissioner decision, strategy for swimming facilities in CBD, staff process, impacts of delays, community consultation, existing facilities available, safety and stability risk of the current buildings, resource consent process, and safety considerations prior to demolition.

Resolved: (Cr Macpherson/Cr Wilson)

That the Community Committee:

- a) notes that the development of the Municipal Pool site along with the future aquatic provision will be considered as part of the 2021-31 Long Term Plan;
- b) following a) above, approves the development of a Site Restoration and Interpretation Plan and detailed design for the demolition of the current Municipal Pool in 2021/22; and
- c) notes that the future of the Municipal Pool site also be referred to the Central City and River Plan Advisory Group for input.

Cr van Oosten re-joined the meeting (1.50pm) during the discussion of the above item. She was present when the matter was voted on.

Maangai Te Ua joined the meeting (2.43pm) at the conclusion of the above item. He was not present when the matter was voted on.

Item 15 (Captain Hamilton Statue) was taken following item 10 (Municipal Pool Demolition) to accommodate availability.

11. Captain Hamilton Statue

The Chief Executive spoke to the report noting that the decision to remove the statue was an interim decision and the final decision on the matter would be made by the Council in the coming months. Staff responded to questions from Members concerning the decision making process followed prior to the temporary removal of the statue, threats to public safety, communication with Elected Members in regard to the decision to remove the statue, the inclusion of the Public Arts Panel and Na Mana Toopu o Kirikiriroa in the decision to install the statue originally, process of researching cultural implications, and the proposed work programme

Members requested further information be provided by staff at an upcoming Briefing concerning previous consultation with Tainui and local iwi advisors concerning the Captain Hamilton Statue, previous reports on the matter and the history of the site.

Resolved: (Cr Bunting/Cr Pascoe)

That the Community Committee:

- a) receive the report; and
- b) requests the Chief Executive report to the Community Committee on 13 August 2020 with a work programme relating to matters that will inform a future decision on the Captain Hamilton statue.

Cr Thomson re-joined the meeting (2.46pm) during the discussion of the above item. She was present when the matter was voted on.

Cr van Oosten retired from the meeting (3.19pm) during the discussion of the above item. She was not present when the matter was voted on.

The meeting was adjourned 3.55 to 4.03pm

Item 13 (Covid-19 Community Response Fund - Revised Criteria and Guidelines) was taken following the above adjournment to accommodate availability.

12. Covid-19 Community Response Fund - Revised Criteria and Guidelines

General Manager Community introduced the report. Staff responded to questions from Elected members concerning the criteria of applications, transparency of allocations, ability of organisations to request assistance from other funds, and intended community benefits of the funding recipients.

Resolved: (Cr Bunting/Cr Wilson)

That the Community Committee:

- a) approves the broadened criteria and application process for the Covid 19 Community response fund as outlined in attachment 2 of the staff report with the following additions in section 5 – What are the requirements that must be met:
 - i. Applicants must provide financial accounts for the 2 year period prior to 1 March 2020 and be available to answer questions about the financial effects Covid 19 has caused from 1 March 2020 onwards;
 - ii. Applicants need to provide in their application information outlining whether they have received the government wage subsidy and/or other government Covid 19 relief funding; and
- b) requests weekly reports be provided to Elected Members and Maangai Maaori concerning funding allocations.

13. Fenced Dog Exercise Area

The Parks and Recreations Manager introduced the report, noting the scope of a wider engagement process. Staff responded to questions from Members concerning the suitability of the proposed areas, cost due to defer, and the engagement process.

Resolved: (Cr O'Leary/Cr Wilson)

That the Community Committee:

- a) receives the report;
- b) approves 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
- c) notes that the feedback from the community will be brought back to the Community Committee for consideration and decision.

Mayor Southgate retired from the meeting (4.42pm) at the conclusion of the above item. She was present when the matter was voted on.

14. General Managers Report

The General Manager Community introduced the report and outlined the purpose of members working with the Rototuna Village Programme Project team. Staff responded to questions from Members concerning the amount of funding received by Creative Waikato Trust, oversight of the amendment by the Trust to the trust deed, Council's involvement with the Trust, and opportunity for Members to provide input to the trustee appointment panel.

Resolved: (Cr Bunting/Cr Wilson)

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That the Community Committee:

- a) receives the report; and
- b) approves Cr Mark Bunting, Cr Kesh Naidoo-Rauf, Cr Rob Pascoe, and Cr Dave Macpherson to work alongside the Rototuna Village Programme project team on the Rototuna Village Programme.

Resolved: (Cr Bunting/Maangai Te Ua)

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.

The meeting was declared closed at 4.56pm.

Council Report

Item 6

Committee: Community Committee

Date: 13 August 2020

Author: Carmen Fortin

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

That the Community Committee receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

Thank you for a great six weeks in the committee as we tie up the annual plan and turn immediately to the LTP discussions.

It was encouraging to hear so many councillors voicing their support for the community area during the discussions and I look forward to that support continuing as we look towards strengthening our community infrastructure in the ten-year plan discussions.

Many of our community houses are crying out for increased or better buildings, the job of providing play spaces is growing as our city grows while renewing our existing ones is an art in itself and if we really want the city to be the vibrant and attractive place that retains people we will need to address how our creative sector is supported.

I am grateful to our incredible teams within the community teams who are working very hard to maintain and grow our city.

Kesh and I are also working to better engage with our communities. For example, last week we met with one of our inspiring community team Dujon Cullingford about the best way to engage with the diverse and massive youth sector - do we have a 'youth council' or do we use existing networks? Kesh is leading work on a diversity and inclusion strategy for council as we speak.

We will be embarking on a strong aquatic plan in time for LTP as well.

Congratulations to staff who worked very hard on the second phase of the Gardens management plan. Responses were aplenty and we'll be ready to make a decision in the September Community Committee meeting.

Thanks to Lance, Lee-Ann, Rebecca, Helen and Maria for their superb leadership and as always to Deputy Kesh Naidoo Rauf for her energy, sense of humour and tremendous support.

Chair's Recommendation

That the Community Committee receives the report.

Councillor Mark Bunting
Chair, Community Committee
Hamilton City Council

Council Report

Item 7

Committee: Community Committee **Date:** 13 August 2020
Author: Lance Vervoort **Authoriser:** Lance Vervoort
Position: General Manager Community **Position:** General Manager Community
Report Name: General Managers Report

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

1. To seek retrospective approval from the Community Committee of an application for funding to Creative New Zealand and inform of the application outcome.
2. To inform the Community Committee of the review of the External Funding Applications Policy.
3. To provide an update to the Community Committee on the approach to community engagement for the 2020/21 playground programme and to seek approval to carry out the renewal of Tauhara Park playground in 2020/21 rather than the renewal of Claudelands Park playground.
4. To update the Community Committee on the Momentum's Vital Signs Report.
5. To update the Community Committee on the Kaute Pasifika Agreement to Lease and seek approval to defer to 17 September Council meeting
6. To inform the Community Committee on the community stakeholder consultation the Ministry of Education is undertaking in relation to South West Hamilton Schools and seek approval for an Elected Member to be appointed to work alongside the Ministry as part of their consultation working party.

Staff Recommendation - *Tuutohu-aa-kaimahi*

7. 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;
 - e) approves Cr XX, 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.

Executive Summary - *Whakaraapopototanga matua*

8. This report is to inform the Community Committee of topical issues, areas of concern and items which need to be brought to the member's attention, but which do not necessitate a separate report.

Background - *Kooreo whaimaarama*

Creative New Zealand Funding Application

9. Creative NZ announced a short term funding round named Arts Continuity Grant 2020 to support the impacts of COVID-19 in May 2020.
10. Waikato Museum Te Whare Taonga o Waikato identified an opportunity to apply to support the long term exhibition E Hina E! E Hine E! The response to the round grew overwhelming and the deadline for applications was brought forward in an attempt to avoid oversubscription.
11. This short timeframe did not provide the opportunity to seek approval to apply before the application was submitted.
12. Staff confirmed this application had no impact on any other planned application or External Revenue Generation Plan and the Museum was the most aligned to make applications to this fund.
13. On 10th July 2020 Creative NZ announced the application was successful and awarded \$21,385 to Waikato Museum Te Whare Taonga o Waikato to create online and print publication content.

External Funding Applications Policy Review

14. The External Funding Applications Policy is due for renewal.
15. Staff have started a review of the policy and have identified two areas to address in the renewal; increasing the GM delegated authority level and updating schedules to reflect current process.
16. Staff recognise as the review progresses, there may be other areas of the policy to address.
17. Once the review is completed, staff will seek feedback from Elected Members and Maangai Maaori before the renewed policy is presented for approval.

Playgrounds Programme Engagement an Claudelands Park Renewal

18. Community engagement, concept design timeframes and equipment manufacture times for the playground programme have been impacted by Covid-19.
19. In response to this and in order to deliver the playground programme within expected timeframes, the community engagement for the 2020/21 playground programme has been revised.
20. Community engagement has moved to a targeted approach for many of the projects, utilising existing information and building on existing stakeholder relationships. This approach will include conversations with key stakeholders, including THaWK, throughout the design process.
21. The 2020/21 programme currently includes upgrade and renewals of Hayes Paddock, Hammond Park, Glenview Park, Claudelands Park and Elliot Park playgrounds.
22. Staff are in early discussions around an opportunity for a universal design playground within the Hamilton City Playground network. The aim is to deliver a fully accessible playground in Hamilton. Claudelands Park has been identified as a potential location for the development of the playground.

23. To allow conversations to progress through to a point where a proposal can be considered by council, staff seek approval to carry out the renewal of Tauhara Park playground this financial year (2020/21) rather than Claudelands Park playground.
24. Delaying the renewal of Claudelands Park playground will allow the universal design playground concept to be developed further and align future funding opportunities if the concept progresses.
25. The Playgrounds Plan currently programmes Tauhara Park playground for renewal in 2021/22. Claudelands Park and Tauhara Park playgrounds are of similar size and scale and the renewal of Tauhara Park playground can be completed within the budget currently allocated to Claudelands Park playground in 2020/21. This would address the current performance and condition issues at Tauhara Park playground.
26. The method of engagement for each project is outlined in the table below:

Project	Method of engagement
Hayes Paddock – neighbourhood upgrade	Engage with key stakeholders Inform local community
Hammond Park – neighbourhood upgrade	Engage with key stakeholders Inform local community
Glenview – neighbourhood upgrade	Engage with key stakeholders Engage with wider community on draft concept design Inform local community
Tauhara Park – destination renewal	Engage with key stakeholders Inform local community
Nawton/Elliot Park skate upgrade <i>Community engagement is complete, construction has begun.</i>	Engage with key stakeholders Engage with wider community on draft concept design Inform local community

27. Media advisory, letter drops, onsite signage and social media will be used to ensure the local community continue to be well informed of projects and their timeframes. This approach will allow the 2020/21 playground programme to be delivered as planned and completed during 2020/21.

Momentum's Vital Signs Report

28. The Waikato Vital Signs® 2020 report, titled 'Welcome to Waikato – The Beating Heart of New Zealand', is now available for download from momentumwaikato.nz/vital-signs, as both a full report and in ten sections for easy on-screen reading.
29. The original intent for this year's project was to seek community input by presenting the region's latest data, gathered by the National Institute of Demographic and Economic Analysis (NIDEA) at the University of Waikato and the Waikato Regional Council, to engagement workshops during March and April, so locals could discuss it and provide collective responses.
30. The COVID-19 crisis cancelled most of the workshops and forced a switch to an online survey run over late April and early May, which received responses from 161 people. The result is a solid and detailed report, but a different one than would have come out of workshops only. The mostly individual responses, rather than group brainstorming, means views and concerns were more strongly expressed, often with more specific detail and suggested solutions, but possibly without the insights that come from the synergy of conversation.
31. The new report will be referenced by Momentum Waikato and other local community funders in both policy making and delivery decisions, as well as guiding philanthropists when Momentum Waikato is assisting them to target their giving for the greatest impact.

Kaute Pasifika Update

32. At the 20 February Community Committee meeting, the Committee approved an Agreement to Lease with K’aute Pasifika Trust for part of the proposed reclassification area at Hinemoa park, being part of Section 1 SO 57622; subject to the following conditions:
 - a) reclassification of part of Hinemoa park from recreation to local purpose (community facility), pursuant to the Reserves Act 1977;
 - b) K’aute Pasifika being able to meet all relevant regulatory, compliance and policy matters;
 - c) K’aute Pasifika working with Orchestra Central for shared use of the proposed facility;
 - d) K’aute Pasifika to undertake fundraising for the project;
 - e) Open Spaces and Facilities staff being included in the design of the Pan Pasifika Hub to ensure consistency with the West Town Belt Masterplan;
 - f) a total lease term of no more than 30 years maximum;
 - g) K’aute Pasifika provide a detailed business plan including and staged development programme, which is satisfactory to Council;
 - h) notes that the proposal is based on the current Stadium Bowling Club building ownership transferring to K’aute Pasifika;
 - i) notes that the current proposed financial modelling includes sub-leasing components at a commercial rate for the purposes of servicing the bank debt which enables the facility build; and
 - j) notes that the final proposal and lease agreement will be reported back to the Community Committee by August 2020 for approval.
33. During Covid 19, Kaute Pasifika Trust staff turned their focus to supporting the community, particularly in lockdown levels 4 and 3, which has caused a delay in the completion of the detailed work required to fully satisfy all of the conditions above.
34. Since lockdown, work to secure funding and inform detailed design of the Hub have progressed. On 14 July 2020 it was announced that Kaute Pasifika have secured a further \$1,020,000 of investment funding from Ministry of Education NZ for the Pan Pacific Community Hub and they are also awaiting news of a PGF fund application.
35. A Community Fono was held and attended by over 250 people on 22 July 2020 to ensure the needs of the community are understood and met.
36. Staff have met with Kaute Pasifika who advise they are not yet in a position to supply all the information to satisfy the conditions noted in the Agreement to Lease but are on track to do so in time for staff to bring this matter back to the 17 September 2020 full council meeting.
37. Staff recommend the matter be deferred to the 17 September 2020 Council meeting.

Ministry of Education Community Stakeholder Consultation

38. In August 2019 the Melville Intermediate and Melville High School Boards of Trustees approached the Minister of Education to ask for permission to consult with the community about a reorganisation of the year 7—year 13 Education in their area.
39. In March 2020 staff from the Ministry presented to a Council briefing on the Ministry’s approach to growth, both Nationally and within the Waikato, and signalled that there would be an upcoming consultation on the future provision of schools in the south west of the city. At this session elected members indicated that they would like to be part of these discussions.
40. The Ministry of Education has progressed this matter and Community Hui’s commence in August , with the first phase of consultation focusing on the desires of community and stakeholders for education provision into the future. This feedback will inform the formal proposals developed in the next phase.

41. The Ministry have requested representation from HCC on their consultation working party giving Council an avenue for direct 2 way communication throughout the process. Due to levels of interest expressed by Elected Members at the March briefing, staff recommend that this role is undertaken by an elected member

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

42. 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').
43. 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.
44. The recommendations set out in this report are consistent with that purpose.

Social

45. As this report is not seeking a decision on the matter, there have been no social considerations identified/.

Economic

46. As this report is not seeking a decision on the matter, there have been no economic considerations identified.

Environmental

47. As this report is not seeking a decision on the matter, there have been no environmental considerations identified.

Cultural

48. As this report is not seeking a decision on the matter, there have been no cultural considerations identified.

Risks - *Tuuraru*

49. If the change to the programme is not approved, the opportunity to progress with a universal design playground concept at the preferred location of Claudelands Park will be lost.

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

Significance

50. 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

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

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Committee: Community Committee **Date:** 13 August 2020

Author: Karen Kwok **Authoriser:** Maria Barrie

Position: Recreation and Community Facilities Senior Advisor **Position:** Parks and Recreation Manager

Report Name: Community Occupancy Application - Hamilton Multicultural Services Trust (Waikato Settlement Centre)

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

1. To seek the Community Committee's approval to grant a new community occupancy agreement to Hamilton Multicultural Services Trust (trading as Waikato Settlement Centre) for the community building at Claudelands Park;
2. to seek the Community Committee approval to 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; and
3. to inform the Committee of Hamilton Multicultural Services Trust plans to extend the building and leased area to support their expanding services.

Staff Recommendation - *Tuutohu-aa-kaimahi*

4. 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; and
- 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.

Executive Summary - *Whakaraapopototanga matua*

5. The Hamilton Multicultural Services Trust have been based at the former Marist Rugby Clubrooms at Claudelands Park since 2004.
6. HMS Trust wish to remain in their current location and have plans underway to extend and upgrade the current building to enable them to have a more fit-for-purpose building to expand their services.
7. Staff have undertaken a reclassification process for part of the reserve from recreation reserve to Local Purpose (Community Facility) reserve classification to allow the Council to grant a lease to Hamilton Multicultural Services Trust and enable a possible future expansion of the current facility and services.
8. Staff recommend granting a 10-year lease for the current Council owned community building at Claudelands Park, being the maximum term under the [Community Occupancy Policy](#) (Policy).
9. Staff recommend approval of 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 for office space within the building.
10. Security of lease will assist Hamilton Multicultural Services Trust in applying for grant funding for the proposed building extension project.
11. Staff consider the decisions in this report have medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

12. The Hamilton Multicultural Services Trust (HMS Trust) operate the Waikato Settlement Centre (former Migrant Resource Centre) at Claudelands Park. They have been based at the former Marist Rugby Clubrooms since 2004.
13. Council granted a 15-year lease (5+5+5) to HMS Trust in 2004, after an expression of interest for the former Marist Rugby clubrooms. The lease expired on 30 September 2019 and has been on a rolling monthly lease since this time.
14. HMS Trust expressed their desire to remain in this central accessible location as it contributes to the success of the centre. The Trust has been working with staff over the past couple of years around plans to extend and upgrade the current building to enable them to have a more fit-for-purpose building to expand their services.
15. Claudelands Park was classified as recreation reserve under the Reserves Act 1977 (the Act) and as such the activities undertaken at Waikato Settlement Centre did not align with the classification and fit more appropriately under a Local Purpose (Community Facilities) reserve classification.

16. Following a public notification process and hearings as detailed in the **Engagement** section of this report, the Council resolved on 19 March 2020 that:

pursuant to section 24 of the Reserves Act 1977, the Hamilton City Council hereby changes the classification of that part of Claudelands Park described in Schedule One, to local purpose (community facilities) subject to the provisions of the Act.

Schedule one

<i>Reserve Name</i>	<i>Approximate area subject to survey (ha)</i>	<i>Legal Description</i>	<i>Computer Freehold Register</i>
Claudlands Park	0.3894	Lot 1 DP 386843	347695

17. The change in reserve classification for part of Claudelands Park to Local Purpose (Community Facility) enables the Council to grant a new lease to the HMS Trust.
18. As part of the community consultation for the reclassification, The Waikato Show Trust (who have an encumbrance on the park) raised concerns about the reclassification area impacting on total available space for the A&P show and other events. Following discussions with staff a revised reclassification area was agreed to, as shown in **Attachment 1**.
19. The area reclassified includes the Waikato Settlement Centre building (574m²) and space for the proposed building extension, the total reclassification area being 3,894m². The remainder of Claudelands Park will continue to be classified as recreation reserve.
20. The new classification area has been surveyed to define the boundary between Local Purpose (Community Facility) reserve and the recreation reserve as per survey title plan shown in **Attachment 2** and recorded by Gazette notice.

Discussion - *Matapaki*

Community Occupancy application

21. The HMS Trust's purpose is to pave the way for successful settlement, for new migrants and former refugees to Hamilton and the wider Waikato region. The centre is open Monday to Friday 8.30am to 5pm and serves three key functions;
- Operational space for HMS Trust – oversight of all services and agencies, coordinates venue bookings and users, events and celebrations, information service and facility management. Services include;
 - transport programmes - passport 2 drive, refugee driver and cycle training programmes;
 - language services - decypher interpreting and translation, Info Now - Information in first language Interpreter training;
 - projects and services - information/front desk, affordable energy programme, healthy home assessments, computers in homes, ethnic football festival, migrant employment solutions and flourish - leadership development for ethnic women.
 - Community venue hire – two community rooms, kitchen and meeting room, which is utilised by more than 40 groups annually.
 - Hub for not-for-profit settlement sector agencies - English Language Partners Waikato Incorporated, Waikato Refugee Forum Incorporate and Migrant Youth and Training Services Limited operate from the centre.
 - English Language Partners** - English classes to migrants and refugee's conversation classes, work ready classes, driver licence classes, new English learners, advanced learners, home tutor training.

- b) **Migrant Youth and Training Services** - funded by Ministry of Social Development to help migrant and refugee youth access employment or further training.
 - c) **Waikato Refugee Forum** - coordinate advice and assistance clinics, are part of the governments strengthening voices forum, participate in refugee settlement discussions both at a local and national level. They work with key stakeholders to enhance positive resettlement for communities.
- 22. The shared model is recognised nationally by settlement sector centres and cities as a model for effective resource management. Operating in this shared space, provides centralised support for the migrant community, the ability to engage more effectively with clients and to connect and collaborative on issues as the arise.
- 23. HMS Trust have approximately 750 to 800 new migrant and refugee clients registering with the centre and 3,000 to 3,500 people engaging in their services annually. The centre is operated by three managers and 18 FTE staff, approximately 100 casual interpreters, 20 Info Now assistants and 40 volunteers.
- 24. Programme and service numbers: groups/users of centre (63), Driving lessons delivered (2,253), Bike training (39), Immigration clinic service appointments (304), migrant employment support (107), interpreting jobs (6,353), translation jobs (315).
- 25. The proposed lease area of 574m² is for the Council owned building at Claudelands Park, as shown in **Attachment 3**.
- 26. HMS Trust lease area is classified Local Purpose (Community Facility) Reserve under the Reserves Act 1977. The HMS lease is consistent with the Claudelands Park Management Plan (2007). The reclassification public notification included reference to the intention to lease the relevant area of the reserve (refer to Engagement section).
- 27. The site is zoned Destination Open Space under the Operative District Plan 2017. The HMS Trust activities are permitted.
- 28. The proposed lease rent is \$8,610.00 plus GST per annum, based on a building (category 1), area of 574m², in accordance with the Policy.
- 29. Staff recommend granting a community group lease for a term of 10 years, which is the maximum term under the Policy.
- 30. Staff recommend approving the continuation of the sub-leases (by way of rental agreements) to English Language Partners Waikato Incorporated, Migrant Youth and Training Services and Waikato Refugee Forum for office space.
- 31. HMS Trust is a strong sustainable organisation that provides an essential service. The hub of services provided significantly improves the wellbeing of migrant and refugee communities by assisting them in assimilating into New Zealand way of life and the Hamilton community.
- 32. If the community occupancy agreement is not approved by the Committee, HMS Trust will not be able to continue to operate and may not be eligible to apply for funding to extend the building.

Next Steps - Facility Development Proposal

- 33. HMS Trust has plans to extend the existing building within the reclassification area. The current space is operating at capacity. The proposed building refurbishment and extension of approximately 550m² is expected to cost approximately \$3 million and is to be staged.

Stage 1

- a) refurbish the current centre space to provide additional community spaces, service facilities and amenities; and
- b) new build to provide office space for HMS Trust, agency services and new reception

Stage 2

- a) extend the building to provide larger community meeting room, social, event spaces and storage; and
 - b) extend outdoor veranda, landscaping and create new access points.
34. Prior to any approval to HMS Trust to extend the building the existing dog exercise area will need to be revised, which will be addressed at the time the Dog Control Bylaw is reviewed.
 35. Open Spaces and Facilities staff will continue to work with HMS Trust around the facility development design to ensure their proposal is consistent with the Claudelands Park Management Plan and Open Spaces Plan. This includes ensuring that building and surrounding landscaping opens up to Claudelands Park to create a strong physical and visual connection to adjacent public spaces.
 36. HMS Trust are considering requesting from Council that ownership of the existing building is transferred to the Trust. Major alterations to the exterior and some interior modifications to the existing building, plus a major extension is proposed. The Council's current net book value for the building is \$688,943.
 37. The facility development proposal and leased area extension will be reported back to the Community Committee for approval within the next 24 months. Staff are anticipating that it would be in the form of a Variation to the Lease and will include consideration of extending the lease term in recognition of the significant investment into the centre.
 38. The HMS Trust hope to complete the project within the next 3 to 5 years.

Options

39. **Option 1** is to approve the community occupancy agreement to HMS Trust and sub-leases as per the recommendation.
40. **Option 2** is to approve the community occupancy agreement to HMS Trust, but amend terms recommended.
41. **Option 3** is to not approve the community occupancy agreement to HMS Trust and/or sub-leases recommended.
42. Staff recommend **Option 1** to provide security of tenure and continued operation of community activities. If the agreement in this report is not approved, the community group will be unable to operate. The decision would be inconsistent with Council's prior resolution to change the reclassification of part of Claudelands Park to allow HMS Trust to continue and expand their lease at this location.

Financial Considerations - *Whaiwhakaaro Puutea*

43. In accordance with the Policy, rental is calculated by first determining the market rate and then applying the applicable rental subsidy. The market rate value for the building at Claudelands Park is \$68,880 plus GST per annum.
44. HMS Trust meets the standard rental subsidy of 87.5%, the rental amount is outlined in the staff recommendation.
45. In addition to rent HMS Trust are responsible for repairs and maintenance, rates, utility and operational costs.
46. HMS Trust are considering requesting Council gift ownership of the building as part of the facility development proposal. The Council's current net book value for the building is \$688,943.

47. In accordance with the Policy review in 2018, new rental rates for all occupancy groups where implemented by the end of 2019. Community Occupancy revenue is currently estimated at \$142,859 plus GST per annum, inclusive of the lease application contained in this report.

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

48. Staff confirm that HMS Trust is eligible for community occupancy and their application has been assessed in accordance with the Policy and [Community Occupancy Guidelines](#). Granting of the lease is in accordance with the Policy.
49. Under the Policy any subletting of the lease requires approval by Council. Granting of the sub-leases to the not-for-profit community groups is in accordance with the Policy.
50. The HMS Trust lease aligns with the 10-Year Plan objectives;
- *A Great River City- the Centre is a community facility which supports newcomers to the city to help them live, work and play.*
 - *A City that Embraces Growth - the Trust has operational oversight of the centre and provides support for other settlement agencies which deliver services from the centre which encourages growth of the city.*
51. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

52. 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').
53. 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.
54. The recommendations set out in this report are consistent with that purpose.

Social

55. Granting of the lease provides HMS Trust with the opportunity to continue to provide social support to migrants, a place to provide a sense of belonging and wellbeing. The facility also acts as a focal point for the local community and offers a location to host a range of inclusive events for all.

Economic

56. Granting of the lease supports HMS Trust to provide services and activities that increase vibrancy and diversity in the city and will attract families to live here. The centre provides economic opportunities by provide refugees and new migrants with key skills that support their participation in the wider community and life of the city.

Environmental

57. Granting of the lease encourages Waikato Settlement Centre users to utilise Claudelands Park and open spaces for recreating and social events, in a way that enables our green spaces and our environment to be treasured by the community.

Cultural

58. Staff discussed the reclassification proposal with Waikato-Tainui and Te Haa o te whenua o Kirikiriroa (THaWK) and that the intention being to enable Council to grant a new lease and

consider a building extension. Further meetings will be held in due course in regard to the building extension proposal.

59. Granting of the lease will enable HMS Trust to continue to provide the opportunity for individuals and communities to participate in recreational, cultural and social wellbeing support services and activities.

Risks - *Tuuraru*

60. There is minimal risk to the Council in granting the community occupancy agreement in this report.
61. If the recommendations are not approved there is a reputational risk to the Council and risk to the group in terms of security of tenure. Security of tenure is required to assist HMS Trust in applying for grant funding for the proposed building extension project.

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

Significance

62. 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 medium level of significance.

Engagement

63. The reclassification process for part of Claudelands Park included a one-month public notification period between August and September 2019 and a letterbox drop to immediate neighbours inviting them to make a submission.
64. Public notification outlined the purpose was to allow the Council to grant a new lease to HMS Trust to continue to provide its services from the Waikato Settlement Centre building and enable a future building expansion. The Local Purpose classification more appropriately aligns with the services offered by HMS Trust.
65. A total of 41 submissions were received, with 38 supporting the proposed reclassification. Two submissions opposed the reclassification, and one opposed in part.
66. The Councils Hearings and Engagement Committee considered these submissions at their meeting on 5 February 2020.
67. Submissions in support of the reclassification were largely focussed on the additional benefits that the community and city would enjoy from improvements to the centre, and the ability for the centre to better interact with its surroundings including Claudelands Park.
68. Submissions in opposition of the reclassification raised concerns around the loss of green space that would result from the centre being redeveloped and the importance of Claudelands Park to the local community and the wider Hamilton public. The Waikato Show Trust who have an encumbrance on the park, raised concerns about the reclassification area impacting on space available for the A&P show and other events. Following discussions with staff a revised reclassification area was agreed to as shown in **Attachment 1**.
69. The Council subsequently resolved on the 19 March 2020 to approve the reclassification for part of Claudelands Park from Recreation to Local Purpose (Community Facilities).

70. There is no statutory requirement to publicly notify the lease under section 61 of the RA (local purpose reserve). Nevertheless, the public notification of the change of classification included reference to the intention to lease the relevant area of the reserve (once reclassified) to HMS Trust. As a result, there does not need to be further public consultation prior to the grant of the lease.
71. Staff have consulted directly with HMS Trust through the community occupancy application process.
72. Given the medium level of significance determined, the engagement level is medium. No engagement is required.

Attachments - Ngaa taapirihanga

Attachment 1 - Reclassification area - Claudelands Park

Attachment 2 - Claudelands Park - reclassification land survey title plan

Attachment 3 - HMS Trust - leased area map





Title Plan - SO 550895

Survey Number	SO 550895
Surveyor Reference	2944 HCC
Surveyor	Edward Doig Letford
Survey Firm	Align Surveyors
Surveyor Declaration	

Survey Details

Dataset Description	SECTION 1 AND 2		
Status	Initiated		
Land District	South Auckland	Survey Class	Class A
Submitted Date		Survey Approval Date	
		Deposit Date	

Territorial Authorities

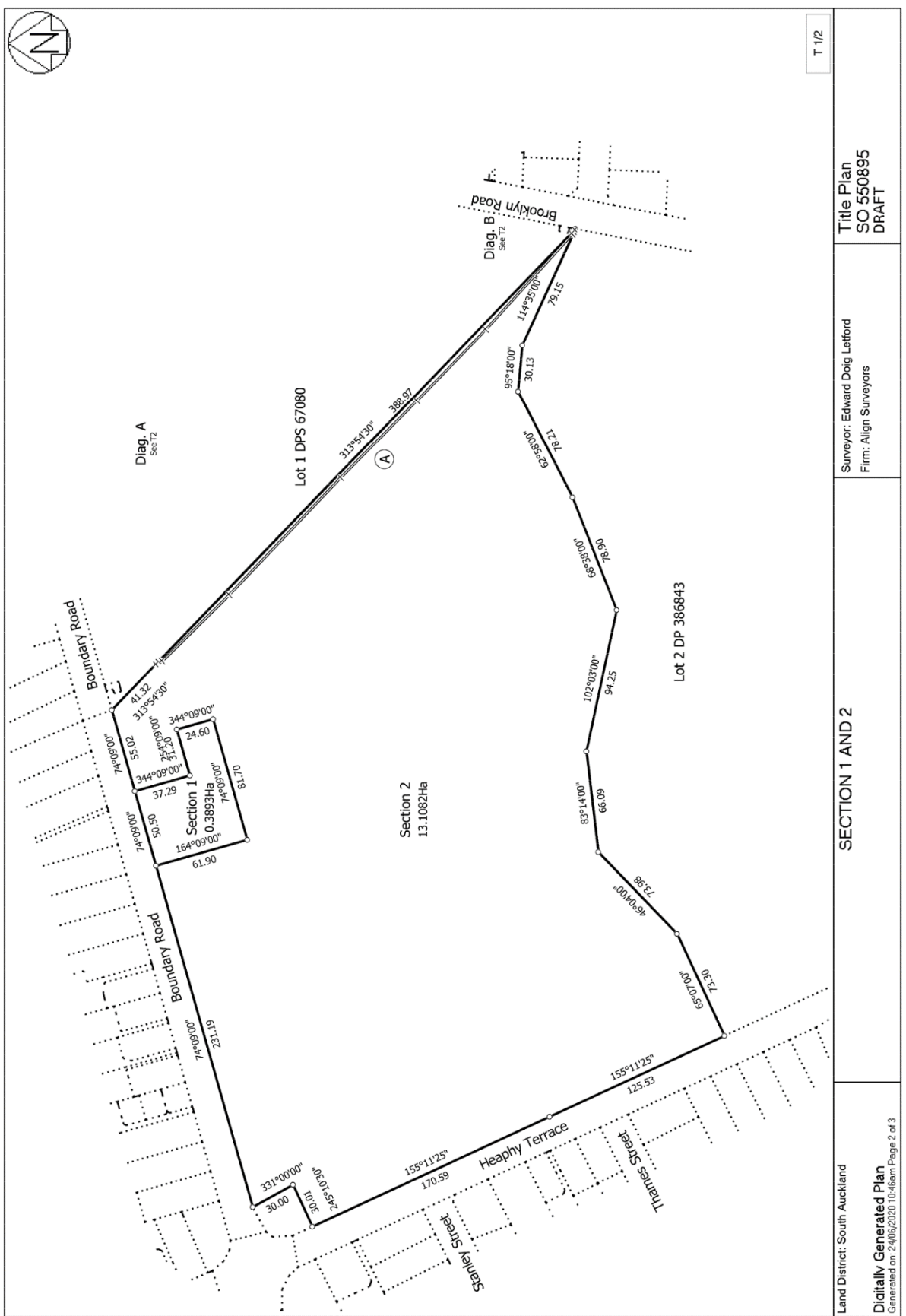
Hamilton City

Comprised In

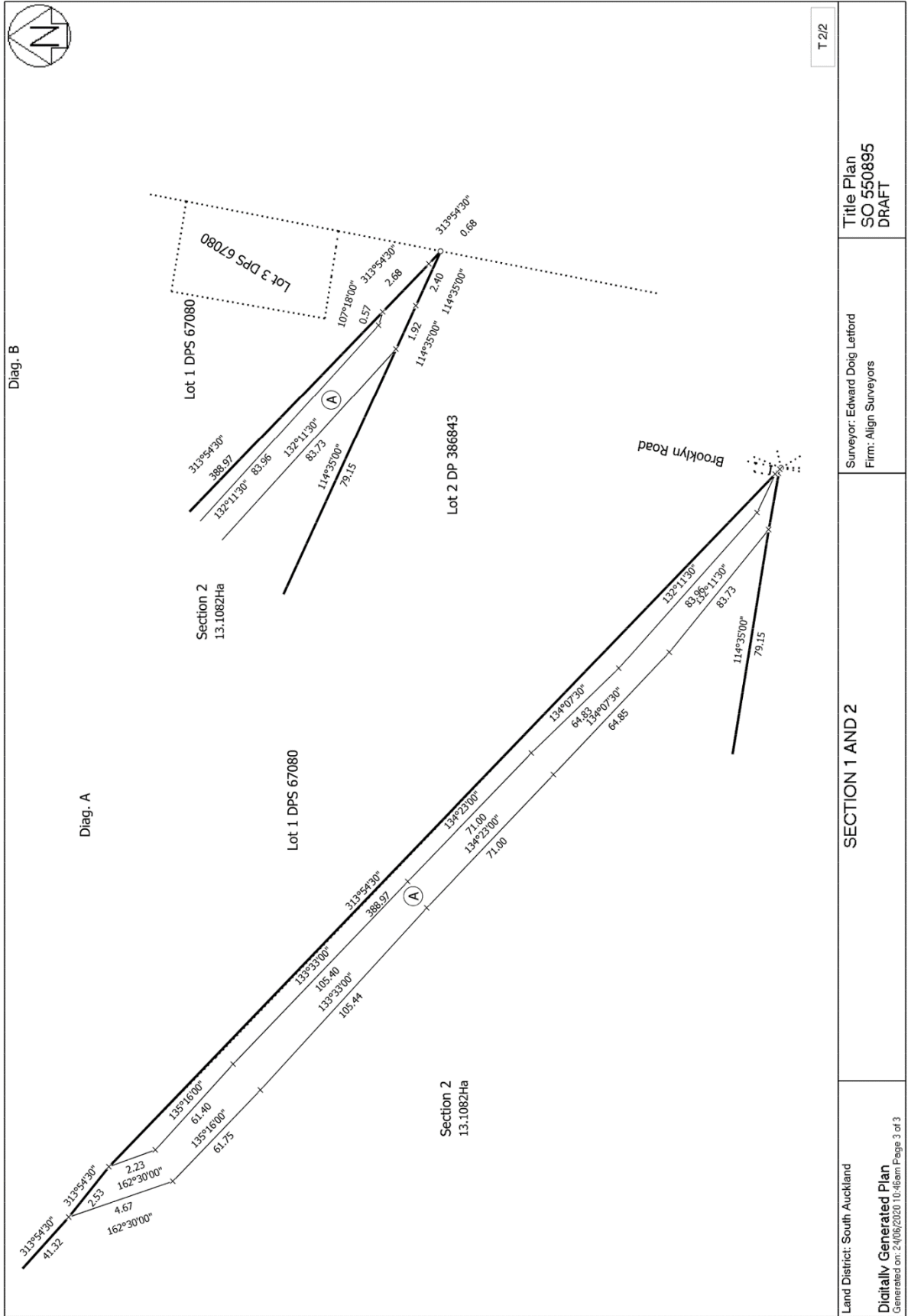
RT 347695

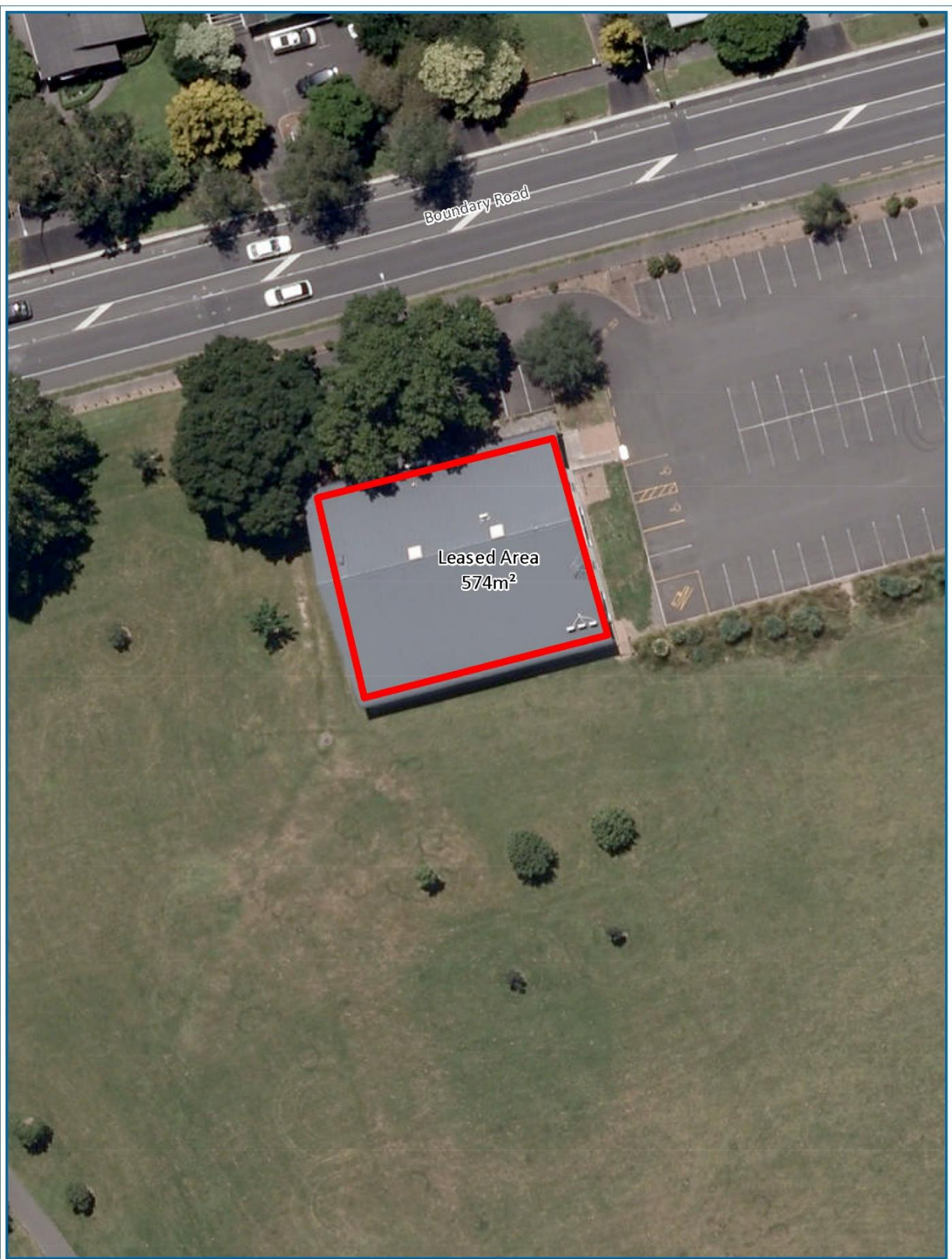
Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Section 1 Survey Office Plan 550895	Legalisation	0.3893 Ha	
Section 2 Survey Office Plan 550895	Legalisation	13.1082 Ha	
Area A Survey Office Plan 550895	Easement		
Total Area		<hr/> 13.4975 Ha	



T 1/2	Title Plan SO 550895 DRAFT	Surveyor: Edward Doig Letford Firm: Align Surveyors	SECTION 1 AND 2	Land District: South Auckland Digitally Generated Plan Generated on: 24/06/2020 10:46am Page 2 of 3
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**Hamilton City Council**
Te kaunihera o Kiriakiroa

Trim No. **D-1576901**

**HAMILTON** version
1

Hamilton Multicultural Services Trust – Claudelands Park

GIS & CAD Services

Council Report

Item 9

Committee: Community Committee

Date: 13 August 2020

Author: Daan Blokker

Authoriser: Lance Vervoort

Position: Senior Parks Planner

Position: General Manager Community

Report Name: Korikori Park Easement - WEL Networks Ltd

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

1. To seek the Community Committee's approval of an easement in favour of WEL Networks Ltd over part of Korikori Park, Rototuna.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. 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.

Executive Summary - *Whakaraapopototanga matua*

3. WEL Networks Ltd (WEL) has requested an easement over part of the Korikori Park land which is owned by the Council in a fee simple title.
4. The easement which is for existing WEL equipment was installed during the development of Korikori Park and should have been registered on the Record of Title at that time.
5. Council's approval is required as staff do not have delegated authority to approve easements on Fee Simple land owned by Council.
6. Staff consider the decision in this report has low significance and that the staff recommendations comply with the Council's legal requirements.
7. The location of the proposed easement is shown in **Attachment 1** to this report.

Background - *Kooreo whaimaarama*

8. WEL installed electrical equipment, at the request of Council, as part of the Korikori Park development.

9. On reviewing its records, WEL discovered that there was no easement registered for its equipment located in/on the Korikori Park land.
10. The easement was never registered on the Record of Title for the Korikori Park land subject to the WEL equipment, this should have been done at the time that the WEL equipment was installed.
11. The easement is for existing WEL equipment which is located on the boundary of the site in an area used by the public. The location of the easement will not impact upon the functionality of the park.
12. Staff do not have delegated authority to approve easements on Council's Fee Simple land, and therefore requires Council's approval to delegate authority to the Chief Executive.

Discussion - *Matapaki*

13. Korikori Park's underlying titles are held in Council's ownership as Fee Simple. These titles are not held as a reserve under the Reserves Act 1977.
14. Korikori Park was acquired from Kirkdale Investments Limited in August 2018. The property is not crown derived and therefore Rights of First Refusal do not apply.
15. The title subject to the easement is 849m² in size with vehicle and pedestrian access from Kimbrae Drive.
16. The easement will define the legal obligations of Council and WEL relating to the areas affected by the easement.
17. If the recommendation is not approved by Council, WEL's obligations will not be legally recorded on the title subject to the easement and the areas affected by WEL's equipment will not be identified on a survey plan.

Options

18. The Community Committee can approve or not approve the easement.
19. Staff recommend that the Community Committee approves the easement over the land in question to enable the separate legal obligations to be defined.

Financial Considerations - *Whaiwhakaaro Puutea*

20. The estimated cost to implement the easement is \$10,000.
21. As the WEL infrastructure located on Korikori Park was installed at our request to provide electricity to the sports field to power the lighting, clubrooms and other infrastructure located on the park, it was agreed that Council will cover this cost.
22. This is a regular operating activity funded through the 2018-28 Long Term Plan.

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

23. Staff confirm that the staff recommendations in this report comply with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

24. 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').

25. 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.
26. The recommendations set out in this report are consistent with that purpose. The easement will continue to ensure the park can be used as intended and protect the wellbeing of all users.
27. There have been no environmental, social, economic, or cultural considerations identified during the development of this report.

Risks - *Tuuraru*

28. If an easement is not granted, then the legal obligations of WEL and Council will not be formalised as they will not be recorded on the Record of Title.

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

Significance

29. 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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Korikori Park WEL Easement Map



Attachment 1

Item 9

Council Report

Item 10

Committee: Community Committee

Date: 13 August 2020

Author: Nick Chester

Authoriser: Lance Vervoort

Position: Social Development Advisor

Position: General Manager Community

Report Name: Smokefree Outdoor Areas Policy Review

Report Status	Open
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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 approval from the Community Committee to recommend that the Council adjust the policy to include vaping and new smokefree areas surrounding Waikato DHB buildings.

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

2. That the Community Committee receives the report.
3. That the Community Committee recommends that the Council approves that the Smokefree Outdoor Areas Policy is amended to:
 - a) include vaping alongside smoking as a prohibited activity in smokefree areas;
 - b) re-introduce areas around the Waikato Hospital to be included in the smokefree/vapefree policy; and
 - c) extend the policy to include areas around the Waikato DHB Waioara 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 Waioira CBD building be included as smokefree and vape-free areas
14. Elected 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. Elected 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 Government introduced the Smokefree Environments and Regulated Products (Vaping) Amendment Bill in February 2020. The Bill was not adopted prior to the 2020 elections. If passed, the Bill will create stronger regulations for the sale, supply and marketing of vaping products and include vaping in all indoor smokefree policies.

23. Outdoor Policies will not be covered by the Bill in its current form.

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 Waiora 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 Waiora 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 vapefree 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 vapefree 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 vapefree 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 Vaprefree Outdoor Areas Policy 2020 - tracked changes

Attachment 2 - Proposed Smokefree and Vapefree 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 Waiora 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. Waiora / 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 Waiora 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

Committee: Community Committee **Date:** 13 August 2020
Author: Sandra Murray **Authoriser:** Jen Baird
Position: Consultant **Position:** General Manager City Growth
Report Name: (Trading in) Public Places Policy Review

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

1. To inform the Community Committee of the review of the *Public Places Policy* (proposed to be renamed the *Trading in Public Places Policy*).
2. To seek the Community Committee's approval to consult on the proposed *Trading in Public Places Policy* in compliance with the Local Government Act 2002 and the Council's Significance and Engagement Policy.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. 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) notes that public submissions will be heard by the Hearings and Engagement Committee prior to the matter being referred back to the Community Committee for deliberations and decision.

Executive Summary - *Whakaraapopototanga matua*

4. The Council has an existing Public Places Policy (the policy) which is due for review as part of the three-yearly review process set out in the Significance and Engagement Policy.
5. In general, staff consider that the existing policy is fit for purpose.
6. At the Community Committee meeting on 20 February 2020, Committee Members considered a proposed policy and requested the issue of food trucks be discussed further.
7. At an Elected Member Briefing on 13 May 2020, Members requested additional research and stakeholder feedback on the issue of food trucks, for inclusion in the policy review.
8. Following stakeholder feedback and additional research, changes to the policy have been proposed to clarify where food trucks may operate; and seek feedback on the area in the Central City where restrictions may apply. The 'Central City' is defined by the map in Schedule 4 of the policy (**Attachment 1 & 2**). Three variations to this area are proposed for consultation.
9. It is also proposed to change the name of the policy to the *Trading in Public Places Policy* to clarify the purpose of the policy.

10. Based on the feedback received from stakeholders, staff recommend consulting the public on four options – the status quo and the following proposed changes to the policy:
 - Including a new, broad definition for ‘food truck’
 - Continuing a restricted Central City – with possible boundaries to be consulted on (includes 3 map options)
 - Permitting food trucks to operate in the Central City only as part of an event or market (which will ensure appropriate waste minimisation)
 - Retaining existing hours of operation for standalone mobile shops across the city (between 6am and 10pm) and (in addition) specifying that, if part of an event or market, mobile shops/food trucks may operate to the same hours as the event or market is permitted to operate.
11. Staff consider the matters in this report have medium significance and the recommendations comply with the Council’s legal requirements.
12. Staff recommend undertaking public consultation so that views can be captured on the options presented for consideration by the Council.
13. Staff also recommend ensuring consultation information is available in a variety of languages to cater to the business owners in the Central City for whom English is a second language.

Background - *Kooreo whaimaarama*

14. The Council’s Public Places Policy (the policy) is due for review as part of the three-yearly review process, as consistent with the Council’s standard practice.
15. The policy provides for businesses, groups and individuals to apply to use public places for trading activities.
16. The purposes of this policy are to:
 - a) protect the public from nuisance
 - b) protect, promote, and maintain public health and safety
 - c) minimise the potential for offensive behaviour in public places
 - d) regulate trading in public places
 - e) regulate, control, or prohibit signs
 - f) ensure public spaces are safe and used in ways that positively contribute to the city’s identity and people’s enjoyment of public spaces.
17. Food trucks (categorised as mobile shops in the existing policy) are currently able to operate in a permitted manner across Hamilton, excluding the Central City.
18. In general, staff consider that the existing policy is fit for purpose, although some changes to the permitting of food trucks in the Central City may be appropriate.
19. Currently, mobile shops do not distinguish between food trucks and mobile shops primarily selling non-food goods/services.
20. There are currently 48 mobile shops permitted in Hamilton (44 Hamilton-based, and 4 Auckland-based). Of these, 43 are food trucks, 4 are direct retail shops (Auckland-based) and one provides tech repair.
21. At the Community Committee meeting on 20 February 2020, Committee Members considered a proposed policy and requested the operation of food trucks in the Central City be discussed further.

22. At a briefing on 13 May 2020, Committee Members requested additional research and stakeholder feedback on the issue of food trucks, for inclusion in the policy review.
23. Staff contacted the Hamilton Central Business Association (HCBA), Hamilton Food Truck Collective and The Lawrenson Group to discuss a range of high-level options. Based on their feedback, a shortlist of options was developed and taken to individual businesses in the Central City for feedback.

Aims of any changes

24. The issue of food trucks in the Central City raises issues that may be viewed as positive or negative, depending on the point of view of different stakeholders. This report has outlined some of the known issues experienced by other municipalities.
25. At a briefing on 13 May 2020, Elected Members identified that the aim of any changes to the (Trading in) Public Places Policy must be to ensure that:
 - the food truck industry can be successful, vibrant and innovative in Hamilton, while operating for a purpose and for a time; and
 - changes do not discourage restaurants from opening and expanding, cause restaurants to end their leases, or force restaurants to fire employees.

Discussion - *Matapaki*

26. This section covers requests from Committee Members for additional research and stakeholder feedback and includes:
 - The food truck trend
 - A general discussion on competition and fairness
 - Current policy
 - What is a food truck?
 - Do we need a restricted zone?
 - Should food trucks be operating in the Central City at all?
 - Static food truck locations and specified food truck parking spots
 - Events
 - Organisational mechanisms for managing food trucks at events
 - Times of operation
 - Council processes and support
 - Waste issues
 - References.

The Food truck trend

27. In recent years there has been an increasing international trend for food trucks to operate situated in static locations, moving from location to location or as part of an event. In New Zealand, the food truck trend is less prevalent but growing.
28. Food truck rallies and food truck parks are growing in popularity in the US. At rallies, many food trucks gather in one place and provide opportunities for a variety of diverse cultures to come together.
29. Websites and social media pages provide ways to find food trucks and food truck tourism is a growing opportunity.

30. In Auckland, food trucks play a role in the local community, with some citing the potential for them to become a viable and thriving addition to food tourism in Auckland, and a potential draw for visitors, provided offerings are high quality, locally sourced and have a differentiation in the product delivery.
31. In Hamilton, there is a recently established food truck collective who are working together to deal with challenges and issues faced by food trucks in the city. There is potential for this group, or a similar association, to act to enhance the quality and types of food that are available for consumption and provide appealing points of interest that could consequently boost the overall industry.

A general discussion on competition and fairness

32. On-line articles and research papers have been reviewed by staff to identify key issues related to mobile shops and food trucks internationally. There appears to be very little structured research to draw upon, although much has been written via opinion pieces and news articles. These have been used to pose discussion points below. A selection of these readings is listed in section 104.
33. The issue of food trucks may be viewed from several different perspectives:
 - Existing businesses may view food trucks as competition and may therefore seek to stifle their ability to operate. Some commentators argue that there is no threat to existing businesses as, if their offerings are good enough, they will be able to fend off the new competition. For example, brick and mortar premises may need to increase marketing strategies, change their menu, host events or expand catering. This line of thought argues that if food trucks don't serve quality products, their followers will stop showing up, in the same way they stop frequenting restaurants that serve inferior products.
 - Food trucks have fewer fixed overheads and some commentators argue they have an unreasonable advantage over brick and mortar premises which have higher fixed overheads. Food trucks may choose to operate only at peak times (e.g. lunchtimes) whereas brick and mortar premises are open longer, and the reduction in peak customers can impact their profitability over the day. However, internationally, some existing premises (such as restaurants) choose to set up their own food trucks to extend the range of their sales. Such businesses then have an advantage over standalone food trucks as they have a commercial kitchen close by to provide food to their supplementary food truck.
 - Food trucks are cheaper to set up (lower capital investment), but most food truck business owners are likely to move into a brick and mortar business when they can afford to do so. Some commentators suggest brick and mortar premises are easier to manage than a food truck, and that food trucks should be viewed as a stepping stone to a larger business. Trucks offer the flexibility to try new menu items and find new potential customers with continuous roving advertising. But those perks become increasingly less desirable when compared to the benefits that come with a brick and mortar location. For example, brick and mortar shops don't require operators to be up as early in the morning, and they don't break down at 3am on the way to an event.
 - Food trucks, when managed well, can invigorate areas where they operate by bringing people into the area or better utilising public areas. International best examples seem to favour grouping food trucks together to offer choice, limiting them to 'gourmet meals' (rather than poor quality quick food) and promoting the food truck areas.

- Poor management of food trucks is likely to encourage rule-breaking and increase the need for enforcement measures. It appears that areas which have introduced strict measures to protect existing brick and mortar businesses experience more issues than those with fairer restrictions. An appropriate level of regulation should allow food trucks with quality offerings to reasonably trade, preferably grouped together, without placing unnecessary restrictions in place.
- Some communities may be concerned food truck operators from out of the region do not have the same stake in the long-term wellbeing of the local community as brick and mortar food providers.

34. Regulatory issues to consider in the management of food trucks include:

- Poor regulation or enforcement may result in issues such as serving food in unsanitary conditions, treating workers poorly, not paying appropriate taxes or breaking zoning regulations.
- Some cities have had a boom and bust cycle of food trucks, where unlimited permits resulted in many food trucks, some of which became unprofitable and relinquished their permit. This suggests there is a 'maximum load' of food trucks for an area.
- If strict regulations are created alongside an unlimited permit system, such as limits on where and when trucks can sell their food, competition may become heated. For example, if certain parking spots are available for food trucks, prime parking spots will be a premium and some truck companies may send out cars early in the morning to 'hold' places.
- Limiting permit numbers may lead to other issues, such as creating long waiting lists which may force entrepreneurs to turn to operate without a permit and take the risk of enforcement action.

Current Policy

35. The current Hamilton Public Places Policy states:

Mobile shops

67. Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for an event or street market, or as a stand-alone permit.

68. Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4).

69. Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.

70. The following conditions apply to all mobile shops:

- No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.*
- The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any Bylaw or traffic legislation.*
- Permits may include permission to have tables and chairs in close proximity to the mobile shop for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.*
- Mobile shops selling, preparing and handling food must comply with food hygiene regulations.*
- Mobile shops selling alcohol must hold the necessary alcohol licences.*
- Hours of operation are only permitted between 6am and 10pm.*
- The permit must be displayed at all times.*

36. Definition of mobile shop (current policy): *Means a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call; it does not include any vehicle used to transport goods that have been ordered for delivery.*

What is a food truck?

37. The current policy does not have a definition for 'food truck'. Food trucks are 'mobile shops'. If the policy is to be amended to provide specific provisions for a 'food truck' to operate, a definition will be required.
38. The term 'food truck' may potentially cover many types of vehicle and offerings. Different definitions will create different customer experiences. For example:
- Does a food truck include vehicles that sell pre-packaged food among other merchandise (e.g. a packet of crisps among clothes or electronic items)?
 - Does a food truck offer only authentic New Zealand, or traditional dishes - or should it also cover a truck selling 'hot chips and a sausage on a stick'?
 - Is a coffee cart providing only tea/coffee/hot drinks a 'food truck'?
39. The food truck collective suggested the definition of food truck should be: *any trailer/truck that sells food that is prepared on board, using kitchen facilities.*
40. The HCBA suggested a food truck should be limited to: *trucks which only have food/drink 'on-board'.*
41. Based on international information, there may be merit in defining food trucks as those providing authentic New Zealand or traditional dishes (and exclude lower-quality food such as just 'hot chips and a sausage on a stick', or packets of crisps). Such a definition would help to embed food trucks as part of the city's overall culinary identity, if food truck tourism were a consideration.
42. However, this is a more limited definition and the 'chips and sausage on a stick' trucks may be considered a valuable addition at events and markets.
43. In addition, a prescriptive definition may lead to interpretation arguments about what is 'authentic' or 'traditional'. Some may argue that chips or sausage on a stick is typical New Zealand food and/or 'authentic American'. In this case, it would be possible to subvert the policy intent, if it were intended to exclude foods of low quality/nutritional value.
44. Draft definitions:

Draft definitions	
Mobile shop (current definition)	Means a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call; it does not include any vehicle used to transport goods that have been ordered for delivery. Notes: 1: A mobile shop is not a stall. 2: A food truck is a sub-group of mobile shop
Food truck (Definition 1 - broad) <i>Recommended</i>	Means a type of mobile shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food trucks may only offer food/beverage related items. A food truck is a subcategory of mobile shops.
Food truck (Definition 2 - limited)	Means a type of mobile shop entirely equipped to cook, prepare, serve, and/or sell authentic New Zealand or traditional dishes. May have on-board kitchens and prepare food from scratch or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food trucks may only provide food/beverage related items.

45. Food truck (Definition 1) is a broad definition that will include 'chips and a sausage on a stick' type trucks and ice cream trucks. This is the recommended option.
46. Food truck (Definition 2) is a narrower definition that sets food trucks as a gourmet experience, limiting the category to authentic New Zealand or traditional dishes.

Do we need a restricted zone?

47. If there is a preference for the Central City to have different 'rules' to elsewhere in the city, then a clearly-defined area is the simplest and clearest way to communicate this.
48. If there is a preference for the whole city to operate under the same rules (for mobile shops and food trucks) then there is no purpose to a restricted area.
49. If the preference is to have the same 'rules' across the city, other restrictions can be utilised to regulate mobile shops. These include:
- setting aside specific locations where mobile shops can operate
 - specifying specific times when mobile shops can operate
 - utilising the permit process to allocate locations or times when specific mobile shops to operate.
 - placing other restrictions such as the type of mobile shop, limiting mobile shops to operating only at events or markets, restrictions to limit mobile shops to private property only, etc.
50. These restrictions can be used in zones or where there are no zones; or may be applied to all mobile shops, or just for some types of mobile shops.
51. Stakeholders were asked for feedback on options including:
- not having a zone
 - keeping the existing zone
 - extending into the space between Garden Place and Victoria Street by the river, or
 - extending to the river and further towards Anzac Parade.
52. Both the HCBA and the food truck collective supported retaining mobile shop/food truck restrictions within a Central City; and extending the restriction zone into the space between Garden Place and the river – from London Street to Anzac Parade Bridge.
53. The food truck collective supported the inclusion of the zone down to the river and down to Anzac Bridge in anticipation of the development of the new theatre. They envisaged a regular changing pop-up environment would allow rotation of trucks, creating a varied dining experience that would invigorate the area and give a reason for patrons to return time and again to enjoy the atmosphere.
54. Staff also visited 240 retailers in the Central City and asked for informal feedback on options for the food truck restricted zone. Sixty-eight responses were received.
55. Feedback was as follows (not all businesses responded to all questions):

Existing area only	10
Between Victoria Street and the river only	18
Ferrybank area only	22
Between Victoria Street and the river; and to Anzac Parade (excludes current area)	9
Between Anglesea Street and the river; and to Anzac Parade (includes current area)	3
None (no food trucks allowed)	1

56. Feedback from businesses indicated 39 supported food trucks being able to operate in the Central City at times other than as part of an event or market; 28 opposed (one business did not respond to the question). Comments fell into the following main themes:

Opposed:

- Not in Central Business area – only out-skirts of city
- Not on the streets – Garden Place and Victoria on the River
- Trade by the river is acceptable to some
- Existing business would suffer/not fair on existing food businesses
- After a certain time only (after 5:30 or after 7:30 or after 10pm were suggested)
- Issues with waste and rubbish – better to be as part of a market.

Supportive:

- More variety/more options
- More of a food culture
- Opportunities – existing shops can have own food truck as well
- The more the merrier
- More jobs.

57. Based on the feedback received from all stakeholders, staff recommend consulting on four options – the status quo and three options for the Central City; public consultation to include maps of the proposed areas.

Should food trucks be operating in the Central City at all?

58. The Lawrenson Group strongly opposed the idea of allowing food trucks to operate in the Central City, and do not believe this will achieve the goal of bringing 'vibrancy' to the city. They raised the following issues:
- Many commercial tenancies in the CBD are already empty, with many hospitality businesses struggling to survive.
 - Food trucks in the central city would put venues and other hospitality businesses at a significant disadvantage.
 - Businesses pay rates, rent and have many other fixed costs involved in their operations that mobile food trucks do not. Consequently, lower overall costs lead to food truck food being cheaper and difficult to compete with.
 - There are already issues in the central city during summer due to events such as 'Gourmet in the Gardens' and the night markets.
59. The Lawrenson Group suggested the Council would not achieve vibrancy by allowing food trucks to 'cherry pick' customers on busy nights while they pay none of the costs of operating in the Central City that are borne by inner-city tenants. They also suggested alternative ways to bring vibrancy to the Central City including:
- supporting longstanding hospitality businesses already in the CBD;
 - addressing the district plan to stop commercial development on the fringes; and
 - supporting the creation of new buildings that would house many employees/customers through strategies like removing development contributions.
60. Of the 68 retailers in the affected area who provided feedback to staff, 21 expressed concern about food trucks being in the Central City, either preferring a complete ban or strict restrictions to avoid competition.

61. Businesses who were not food vendors, and people who also lived in the Central City, were more supportive of food trucks being in the Central City.

Static food truck locations and specified food truck parking spots

62. Internationally, static food truck locations are common. In these designated locations, a group of food trucks can set up and provide a food truck speciality dining area.
63. The HCBA did not support designated food truck locations within the Central City area, either as standalone parking spots or locations where a group of trucks could operate.
64. Food truck collective feedback included the following:
- If there were designated spots for food trucks to park around the city, food truck collective would rather that they were managed by an organisation/agency and trucks were rostered into the spots allowing fairness to all trucks.
 - Food trucks may struggle to prosper in regular (single) spots and bigger groups of trucks in park settings would be more viable. Having an organisation advertising them and supporting the rotation could be helpful.
 - Regular spots that are not large could be challenging for some trucks to get into position, given some are removed from their vehicles and pushed, some need more room for access and some serve from different sides of the trailers.
 - Carparks were suggested for food truck pop-up areas in the CBD at the end of the workday. Patrons would be able to grab dinner and depart the CBD easily once they have finished work.
 - There are mixed views on areas assigned to trucks. Vendors wanted the opportunities to be equal for all.
65. If the Council is to consider making static locations available for food trucks, staff suggest it may be preferable for an association of food truck operators to work with the Council to identify specific, static locations that will maximise their profile and to work with such an organisation to assist with promotion of the location(s).
66. Based on feedback from stakeholders, staff do not recommend the creation of static food truck locations at this time, although this could be reconsidered later.
67. Food trucks are still able to create food truck events in static locations via the existing event permit process, for example for an evening food experience or to cater to theatre patrons.

Events

68. Under the current policy, mobile shops may not operate in the Central City as part of an event.
69. The HCBA supports food trucks being allowed in the Central City only as part of an event or market.
70. However, it was noted some HCBA members support broader food truck availability while others do not.
71. The food truck collective suggested events work best for food trucks where they add value. The food truck collective did not want to impact negatively on any bricks and mortar businesses.
72. Based on the feedback received, staff recommend permitting food trucks in the Central City only as part of an event or market.

Organisational mechanisms for managing food trucks at events

73. Issues to consider:

- If food trucks are only able to operate in the Central City as part of an event, issues of fairness may arise. This issue has already been raised as a concern. Currently event organisers select which food trucks can operate at an event. This may lead to a perceived lack of variety for customers or a perception of unfairness regarding who is able to operate.
- Alternatively, if a system or agency controlled who was able to operate at permitted events (e.g. some sort of roster system), event organisers may be denied control of the 'flavour' or 'style' of the event. An example may be an event celebrating Chinese New Year not being able to have authentic Chinese food offerings as those food trucks were not next on the roster system.

74. Both the HCBA and the food truck collective could potentially have a part to play in managing food truck selection for events and it is possible that the Council could broker an arrangement for managing food truck access to events. However, as the Council is the permitting agency, staff would be cautious about being actively involved in the relationship between event organisers and food truck operators.

75. HCBA proposed that food truck ability to operate as part of an event or market should be controlled by the event organiser i.e. no Council or other agent involved in the decision as to which food trucks were at an event.

76. HCBA has also suggested it could be the permitting agency for the Council. However, there are legal concerns regarding a third party taking a permitting role on behalf of the Council. This option is not recommended.

77. HCBA and the food truck collective could potentially develop a voluntary arrangement to maintain fair rotation of permitted food trucks at events in the Central City, independent of the Council.

78. Food truck collective referenced Utah where regular food truck night events are managed independently of the trucks and the Council. Private event organisers can create these events and pick trucks without prejudice and without duplicating products.

79. Of the 68 retailers in the affected area who provided feedback to staff, 4 indicated a preference for food trucks to be part of events – some citing waste management issues for this view.

80. Based on the feedback from stakeholders, staff recommend event organisers should be responsible for arranging which food trucks attend their events with minimal oversight or intervention from the Council.

81. Staff also recommend any rostering of food trucks at events be managed in a voluntary manner between event organisers and food truck organisations such as the food truck collective.

82. Staff note that both the HCBA and the food truck collective may organise events where Food Trucks can be present.

Times of operation

83. The current policy states that mobile shops are only permitted to operate between 6am and 10pm. This time frame may not be suitable for food trucks that (either as part of an event or otherwise) are providing food and beverages at night events.

84. HCBA provided feedback on changes to the hours of operation for food trucks. Their feedback was predicated on the preference for food truck operation to be *only* via permitted events or markets. HCBA:
- suggested any change in the hours of operation for food trucks (within the Central City) were as per the event or market for which a permit was required (as opposed to extending the hours of operation for all mobile shops or food trucks).
 - does not proposed food trucks should be able to be in the Central City Mon-Fri 9-5.
 - provided examples of appropriate food truck operation such as:
 - a pub without catering facilities being able to have a food truck on a regular basis e.g. a food truck present for 8 weeks every Friday - "Food Truck Friday".
 - a regular time where food trucks could be allowed such as Saturday afternoons, when few food premises are open. This would not be an event but some sort of ability to trade in a public place at a specific time.
85. The food truck collective indicated late night trading was not currently of interest, although members were aware of some night trading such as the Good George pub that ran a single food truck along Hood Street which operated until approximately 10pm.
86. Of the 68 retailers in the affected area who provided feedback to staff, 52 (77%) agreed food trucks operating as part of an event or market in the Central City should be able to operate to the same hours as the event or market; and 12 (18%) did not. Four businesses did not respond to this question.
87. Based on stakeholder feedback, staff recommend the policy retains the existing time limits for mobile shops across the city (between 6am and 10pm) *and* also specifies that, if part of an event or market, food trucks may operate to the same hours as the event or market is permitted to operate.

Council processes and support

88. HCBA raised concerns regarding the amount of information needing to be supplied with a permit and whether ongoing events could be catered for via the permit application form.
89. Staff note that the current permit is designed to gather the information needed by the Council, Police, emergency services and contractors to be able to manage risk and plan for each event – including to ensure waste management occurs as required under the *Waste Management and Minimisation Bylaw 2019*.
90. Currently, there are no limits on the number or type of food trucks able to operate at a market or event. These details are at the discretion of the event organiser.
91. In addition, staff note that there is no limit on the number of reoccurring events able to be applied for in a single permit. It is currently possible for a recurring event to have one event permit application e.g. Food Truck Friday every Friday for 12 weeks during summer.
92. The [full permit application form](#) is four pages and comprised predominantly of check boxes. The permit application process is also supported by [website information](#) to assist applicants.
93. [Existing permit fees](#) are notified on the Council website.
94. Some HCBA members suggested an additional fee should be charged (food truck fee) to ensure food trucks contributed to the costs of maintaining the CBD, i.e. to mitigate costs such as litter bin collections and contribute to CBD activities/beautification. Staff will continue to assess whether the fees are appropriate and ensure that all permit holders are charged fairly.

Waste issues

95. The event permitting process allows the Council to require waste minimisation occurs in alignment with the [Hamilton Waste Management and Minimisation Bylaw](#).
96. The [Waste Management & Minimisation Plan](#) and supporting bylaw both include measures to encourage better waste minimisation at events, including the requirement for event waste plans. Event waste requirements are also set out in the District Plan.
97. Before any changes to the way food trucks are managed through the policy, the Council should consider whether the changes align with the *Waste Management and Minimisation Plan* and related Bylaw.
98. Allowing food trucks in the Central City outside of events / markets may result in waste management issues such as:
 - a likely additional burden on street litter and street litter bins. Customers purchasing food from a food truck may walk some distance to eat the food and are likely to place the rubbish in the nearest bin (or simply leave it as litter). This can already be seen outside the Council buildings where customers of the Old English Baked Potatoes food truck place rubbish from their meal in the litter bins provided
 - the limited extent to which street litter bins encourage recycling
 - whether it is appropriate for a food truck to utilise publicly-funded waste management systems for private benefit
 - how feasible it is to expect food trucks to manage waste from their enterprise and the extent to which additional enforcement measures are likely to be effective and at what cost.
99. While it is possible to place restrictions on food trucks via the truck permitting process (such as a requirement to use compostable packaging or collect their waste), the additional enforcement burden may make such measures impractical if many trucks are operating in the Central City.
100. The food truck collective suggested:
 - Waste could be managed by all trucks by simply taking an individual bin along to the site, and anything over this could be collected by the Council;
 - At events, waste was managed by the event organiser and part of the event permit;
 - Food truck permits should not specify packaging. In most cases trucks used compostable containers but trucks have ranges of food and products and sometimes compostable packaging was not always available. The food truck collective suggested a recommendation to use compostable products was enough.
101. Of the 68 retailers in the affected area who provided feedback to staff, 3 raised concerns about waste management from food trucks if they were permitted to operate in the Central City.
102. The existing event-permitting process has robust mechanisms for ensuring waste is managed according to the [Waste Management & Minimisation Bylaw 2019](#).
103. Staff suggest the best option to ensure waste is managed appropriately is for food trucks to only operate as part of an event or market in the Central City.


References



104. Additional reading:
 - <https://patch.com/massachusetts/somerville/opinion-phantom-gourmet-ceo-on-food-trucks>
 - <https://www.facebook.com/pg/aucklandfoodtruckcollective/posts/>
 - https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=12059882


- <https://www.bnefoodtrucks.com.au>
- <https://www.metafilter.com/119206/Brickandmortar-restaurants-vs-food-trucks>

Options

105. Staff suggest public consultation on a proposed policy with four options – the status quo and three options for the restricted Central City. Public consultation will include maps of the proposed areas.
106. This assessment reflects the level of significance and initial feedback from business and food truck stakeholders. The options are set out in the table below.

Option 1	<p>PROPOSED POLICY WITH CURRENT CENTRAL CITY RESTRICTED AREA</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate • Continue with a restricted Central City as it currently is. 	
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Option 2	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river, between London Street and Knox Street. 	 <p>The map shows the Central City area with a red outline indicating the restricted zone. The zone extends from the riverbank up to Knox Street, between London Street and the river. A legend in the top right corner identifies the red outline as 'Central City'.</p>
Option 3	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER; AND BETWEEN CLAUDELANDS BRIDGE AND ANZAC PARADE BRIDGE)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' Definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river between London Street and Anzac Parade. 	 <p>The map shows the Central City area with a red outline indicating the restricted zone. The zone extends from the riverbank up to Anzac Parade, between London Street and the river. A legend in the top right corner identifies the red outline as 'Central City'.</p>

Option 4	<p>CONTINUE THE CURRENT POLICY AND CURRENT RESTRICTED AREA WITHOUT THE PROPOSED CHANGES</p> <p>The policy will continue to be called the Public Places Policy, which may not indicate the purpose as clearly as the Trading in Public Places Policy.</p> <p>The restricted Central City area will be the same as it currently is.</p>	
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Financial Considerations - *Whaiwhakaaro Puutea*

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

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

109. 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').

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

Social

111. Allowing food trucks to operate in the Central City during street markets and events may mean a wider selection of food and drink is available to people attending social events and street markets.

112. Any increase in low-cost options for eating out may be popular in the current economic climate as the options are generally more affordable for people/families who may be in financial difficulty. This may enable more people/families to participate in the social aspects the city has to offer.

Economic

113. The proposed amendments to the Public Places Policy will benefit some food trucks who will be able to participate in street markets and events they are currently excluded from.

114. Additional employment or business opportunities may arise from greater allowance for food trucks to operate in the Central City area.

115. While the policy is expected to have minimal impact on existing shops, the timing coincides with more difficult economic times for existing businesses.

Environmental

116. The continuation of food truck operation as part of a permitted event or market will ensure waste is appropriately managed and meets the objectives of the Hamilton [Waste Management and Minimisation Plan](#) and the supporting bylaw.

Cultural

117. Food is a unifying and shared activity that is important in many cultures. Food trucks may offer opportunities for people to experience food from different cultures or their own culture, fostering greater acceptance of different cultures in Hamilton.
118. Enabling people to provide and enjoy food from their own culture may foster a greater sense of cultural pride and acceptance in the city.

Risks - *Tuuraru*

119. While care has been taken in the development of the proposed changes, staff note that increased access to the Central City by food trucks may have an adverse impact on existing brick and mortar businesses.
120. Staff recommend businesses in the Central City are specifically consulted on the proposals and their views be considered as part of the policy review process.

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

Significance

121. 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 medium level of significance.

Engagement

122. Some community views and preferences are already known to the Council through pre-consultation engagement with key stakeholders including the Hamilton Central Business Association, the food truck collective and individual businesses within the CBD area.
123. Staff will invite stakeholders to provide formal feedback through the public consultation so that their views can be captured on the options presented for consideration by the Council, in conjunction with the wider community's views.
124. A Special Consultative Process is not required for consultation as the amendments to the policy do not meet the requirements in the Council Significance and Engagement Policy.
125. Businesses in the City Centre will be notified of the opportunity to provide formal feedback on the amendments to the proposed Trading in Public Places Policy through the Council's website and newsletters, via the Hamilton Central Business District and via direct email from the Council's database of businesses.
126. Submitters have an opportunity to present their views in a spoken form at the Hearings and Engagement Committee in November 2020.
127. Given the medium level of significance determined, the engagement level is medium. Engagement is required.

Attachments

Attachment 1 - Trading in Public Places Policy - Tracked Changes

Attachment 2 - Trading in Public Places Policy - Clean

Attachment 3 - Statement of Proposal - (Trading In) Public Places Policy

First Adopted	25 February 2009
Revision Dates / version	17 February 2016 / Version 4 August 2020 / Version 5
Next review date	In conjunction with Public Places Bylaw 2016
Engagement required	In conjunction with Public Places Bylaw 2016
Document number:	D-2049849
Related documents	D-1965487
Sponsor/Group:	General Manager City Growth

Trading in Public Places Policy

Purpose and Scope

1. This Policy provides for businesses, groups and individuals to apply to use public places for trading activities that are consistent with the purpose of this Policy.
2. The purposes of this Policy are to:
 - a. Protect the public from nuisance.
 - b. Protect, promote, and maintain public health and safety.
 - c. Minimise the potential for offensive behaviour in public places.
 - d. Regulate trading in public places.
 - e. Regulate, control, or prohibit signs.
 - f. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
3. In applying these purposes, Council decisions will take into account the following principles. Public spaces should:
 - a. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
 - b. Be attractive, clean and safe.
 - c. Promote a welcoming image of Hamilton to residents and to visitors.
 - d. Facilitate easy access for pedestrians and cyclists.
 - e. Provide spaces for people to gather for activities or social engagement and interaction.
 - f. Strengthen the existing function of public space locations.

Definitions

Definition	Detail
Busker	Means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	Means Hamilton City Council.
<u>Food Truck</u>	<u>Means a type of Mobile Shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food-, or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food Trucks may only offer food/beverage related items. A Food Truck is a subcategory of Mobile Shops.</u>
Enforcement Officer	Means a person appointed by Council to exercise the powers of an Enforcement Officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council Bylaws.
<u>Event</u>	<u>A temporary or infrequent activity in a public place that does not require the construction of a permanent building, the installation of permanent infrastructure or services, or works such as vegetation clearing or other operational work. Events often involve large groups of people and include carnivals, parades, concerts, markets, food truck rallies, craft or trade fairs, field days, open days, displays and the like.</u>
Hawker	Means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous

	order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	Areas of special heritage character as defined in the District Plan.
Heritage buildings	Buildings of special heritage character as defined in the District Plan.
Mobile shop	Means a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call; it does not include any vehicle used to transport goods that have been ordered for delivery. <u>Includes Food Trucks. A mobile shop is not a stall.</u>
Market	Any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls <u>or mobile shops or Food Trucks</u> grouped together. <u>A market is a type of event.</u>
Merchandise display	A display located in a public place outside a premise from which goods are offered or exposed for sale.
Public place	Includes any place or space that is not private property, and which is open to the public but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 and any amendments to that Bylaw.
Road	Means: <ul style="list-style-type: none"> • a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not; • any bridge, culvert, ferry, ford forming part of a road or street or motorway or place to which the public have access whether as of right or not; • all sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and • any service land or mall forming part of a road.
Road frontage	The front/s of a premise that face out onto a public place.
Shade awning	Means a single free-standing or cantilevered shade or protective covering that may also be fixed to a building or that extends out over the footpath. It does not include a gazebo, marquee or tent.
Sign	Means any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
Stall	Includes any stationary but moveable stand or similar structure on or at or from which goods are sold or exposed for sale. <u>A mobile shop or food truck is not a stall.</u>
Trade or trading	Includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

Policy

Outdoor Dining Areas

4. Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit from Council.
5. Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.

6. An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol licence or a variation of the area to which their alcohol licence applies.

General conditions that apply to Outdoor Dining Permits

7. There must be a continuous 2.0-metre-wide clearway maintained on all footpaths at all times with the exception of Victoria Street within the area contained in the map in Schedule 4 which must be a continuous 1.7 metre wide clearway.

~~8. Existing permit holders at the adoption of this Policy are exempt from clause 7 of this Policy until the renewal of their permit on 1 July 2016.~~

~~9.8.~~ The outdoor dining area must not cause any damage to any ornamental verge or kerbing.

~~10.9.~~ Use of fixed furniture is not permitted.

~~11.10.~~ All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this Policy and as provided for in the permit.

~~12.11.~~ No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.

~~13.12.~~ Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.

~~14.13.~~ No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.

~~15.14.~~ An outdoor dining permit must be either displayed or be available for inspection by an Enforcement Officer if requested.

~~16.15.~~ The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.

~~17.16.~~ The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6pm until the end of the trading day.

~~18.17.~~ Between 1am and the end of the trading day all outdoor dining furniture on the kerbside of the clearway must be removed and secured so that it cannot be accessed or used by customers or the public.

~~19.18.~~ Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.

~~20.19.~~ Permit holders must comply with Council requests to remove some or all of the street furniture used in outdoor dining areas during normal business hours during a special event.

~~21.20.~~ Ashtrays must be provided, except where smoking is prohibited.

Layout of outdoor dining areas

~~22.21.~~ All outdoor dining areas must observe the layout requirements set out in Schedules 1 and Schedule 3.

Café umbrellas and shade awnings

~~23.22.~~ Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.

~~24.23.~~ Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

Planter boxes

~~25.24.~~ Planter boxes must not be fixed to the footpath and must be strong, durable and wind resistant. The planter boxes and plants must be well maintained.

Heaters

~~26.25.~~ Heaters may be free standing or fixed to verandas.

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~~27,26.~~ Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

~~28,27.~~ Free standing patio heaters should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.

~~29,28.~~ All heaters must be located away from combustible materials and used in accordance with the operating instructions. They must not be placed where they pose a safety or fire hazard.

~~30,29.~~ Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

Pull-down blinds and screens

~~31,30.~~ Requests to include screens and/or pull-down blinds in outdoor dining areas will be assessed on a case-by-case basis. Consideration will be given to the potential for the screen/pull-down blind to obscure surveillance by Council CCTV cameras and to safety issues for pedestrians, cyclists and motorists caused by obscured sight lines.

~~32,31.~~ If an applicant wishes to use screens and/or pull-down blinds this information must be included with the permit application and Outdoor Dining Area Plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.

~~32.~~ All pull-down blinds and screens must be rolled up or removed from the footpath outside of the hours specified in the outdoor dining area permit.

Barriers

33. Barriers may be used to define the boundaries of an outdoor dining area.

34. Barriers shall not exceed a maximum height of 0.9m.

35. Clearance from the ground is required to allow stormwater run-off.

36. Barriers must be of stable construction to prevent blowing over in strong wind.

Signs

37. Signs in public places are regulated under this Policy. The District Plan regulates signs on zoned land.

38. This Policy does not apply to:

- a. signs erected for or on behalf of Council; and
- b. billboards and overhead street banners (note: contact Strategy and Communication's Group, Hamilton City Council).

39. A person wishing to erect a sign in or over a public place must obtain a permit.

40. No Council-owned land is to be used to erect election signs for Parliamentary Elections or local body elections.

General conditions that apply to signs

41. All signs must be maintained in good order and condition. An Enforcement Officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.

42. A maximum of one sign per road frontage is permitted.

43. The footpath sign must not obscure road user's visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.

44. The permitted size for signs is set out in Schedule 2.

45. A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.

46. The footpath sign must not resemble a warning sign or road traffic sign.

47. The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.

48. The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.

49. An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.

50. Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.

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51. All signs are to be removed from the footpath outside of hours of business.
52. Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.
53. Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.
54. Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.
55. Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.
56. Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

Signs in Heritage Areas

57. The design and location of signs in a public place in a heritage area or outside a heritage building (as defined or listed in the District Plan) must be compatible with the heritage significance of the area or the building so that they do not detract from that significance.
58. Signs in heritage areas or outside heritage buildings will be assessed on a case-by-case basis and special consideration may apply to signs approved for use to ensure that signs do not materially affect the heritage value of the area and/or building.

~~Markets, stalls and merchandise displays~~

~~Street m~~Markets, events and stalls

- 58.59. A ~~street~~ market ~~or other event~~ is not permitted to operate without a permit ~~from Council~~.
~~Permits may be for a single date or for recurring dates.~~
- 59.60. Council's general policy is to encourage stalls to be part of managed ~~street~~ markets ~~or events~~, however permits for individual stalls will be considered on a case-by-case basis. An applicant wishing to operate a stand-alone stall is not permitted to operate without a permit.
- 60.61. Applicants must provide the information in Schedule 3 when applying for a permit to operate a ~~street~~ market, ~~event~~ or an individual stall.
62. A ~~market~~ ~~or event~~ operator granted a permit is responsible for each individual ~~mobile shop or~~ stall owner complying with permit conditions and for having the necessary ~~food and~~ alcohol licences.
63. ~~The type and number of mobile shops / food trucks present at a market or event is at the discretion of the permit holder.~~
- 61.64. ~~A permit shall not be given to any market or event consisting predominantly of food trucks, that intends to operate in the Central City (see the map in Schedule 4) between the hours of 8am – 5pm weekdays (excluding public holidays).~~
65. ~~Waste minimisation and c~~leaning arrangements following the business hours of the market ~~or event~~ will be included in the permit conditions.
- 62.66. ~~The management and minimisation of waste at a market or event must comply with the Hamilton Waste Management and Minimisation Bylaw 2019.~~
67. The following conditions will apply to stalls ~~and mobile shops~~, including ~~stalls trading within in a street market or event~~:
~~Stalls and Mobile Shops (including Food Trucks):~~
 - a. ~~Stalls~~ must not sell offensive material.
 - b. ~~Stalls~~ must not obstruct or hinder the flow of pedestrians in any public place.
 - c. ~~Stalls~~ selling, preparing and handling food must comply with food hygiene regulations ~~and hold the necessary food licenses.~~
 - d. ~~Stalls~~ selling alcohol must hold the necessary alcohol licences.

Merchandise display

- 63.68. The following conditions will apply to merchandise displays:
 - a. Merchandise should be placed up against the façade of the shop it belongs to.
 - b. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.

- c. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
- d. Merchandise displays must not contain any form of offensive material.
- e. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

Mobile shops (includes Food Trucks)

~~64,69.~~ Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for a market or event~~n-event or street market~~, or as a stand-alone permit.

~~65.~~ Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) other than a Food Truck operating as part of a street market or event.

~~66,70.~~ Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.

~~67,71.~~ The following conditions apply to all mobile shops (including food trucks):

- a. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
- b. The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any Bylaw or traffic legislation.
- c. Permits may include permission to have tables and chairs in close proximity to the mobile shop a food truck for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
- d. Mobile shops selling, preparing and handling food must comply with food hygiene regulations requirements.
- e. Mobile shops selling food or alcohol must hold the necessary food or alcohol licences.
- f. Hours of operation:
 - i. are Standalone Mobile Shops are only permitted to operate between the hours of 6am and 10pm.
 - ii. Mobile Shops operating as part of a market or event may operate for the same hours as the market or event is permitted to operate.
- ~~f.g.~~ The permit must be displayed at all times.

Busking, hawking and charitable collections

~~68,72.~~ Buskers, hawkers and charitable collectors are not permitted to operate without a permit from Council. Applicants must apply for a busking permit before commencing trading.

Busking conditions

~~69,73.~~ The following conditions apply to buskers:

- a. No busker will impede or inconvenience the flow of pedestrians and customers.
- b. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- c. Busking is permitted between the hours of 8.30am and 8.30pm but no busker is permitted to remain in a single location for longer than two continuous hours.
- d. Buskers must not enter any premises unless authorised by a person having control of those premises.
- e. Buskers are to carry a copy of the permit at all times and must produce a copy of to any Enforcement Officer if requested.
- f. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailer, unless they are part of an event approved by Council.
- g. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- h. Permits will be issued for a period of no more than six months.

Hawkers conditions

~~70,74.~~ The following conditions apply to hawkers:

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- a. Hawkers are not permitted to operate within the area shown in the map in Schedule 4.
- b. Hawkers must not enter premises which display a written notice prohibiting their entry.
- c. Shop doorways must be kept clear.
- d. When visiting premises, a hawker must leave immediately if requested to do so by the owner or occupier of the premises.
- e. Identification must be worn at all times.
- f. The flow of pedestrians must not be impeded or inconvenienced in any way.
- g. Hawkers are only permitted to trade during the hours of 8.30am and 8.30pm.

Charitable collections

- ~~71.75.~~ No one is permitted to collect charitable donations in a public place without a permit.
- ~~72.76.~~ Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.
- ~~73.77.~~ Approval may include conditions such as location and hours permitted for the activity.

Other Activities on Footpaths

- ~~74.78.~~ Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.
- ~~75.79.~~ Applications will be considered on a case-by-case basis taking into account:
- a. The impact the activity could have on existing approved activities already occurring in or around the location.
 - b. Public health and safety and public nuisance.
 - c. Proposed hours for the activity to operate.
 - d. Whether the activity is a one-off event or reoccurring.
- ~~76.80.~~ Any application will take into account any other permits granted for the space that is the subject of the application.

General conditions

- ~~77.~~ Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted; unless permitted as part of an event.
- ~~78.81.~~ A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- ~~79.82.~~ The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- ~~80.83.~~ The activity must not interfere in traffic visibility. General Permit Conditions
- ~~81.84.~~ All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.
- ~~82.85.~~ Approval may be withheld if the applicant has previously breached approval conditions.
- ~~83.86.~~ Permits under this Policy are issued by the City Safe Unit.
- ~~84.87.~~ Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
- ~~85.88.~~ Permits automatically expire when a business holding a permit is sold.
- ~~86.89.~~ Permits issued under this Policy are not transferable.
- ~~87.90.~~ A permit may be cancelled or amended if:
- a. if permit conditions are breached.
 - b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.
- ~~88.91.~~ Council reviews fees annually changes are notified by public notice.
- ~~89.92.~~ The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

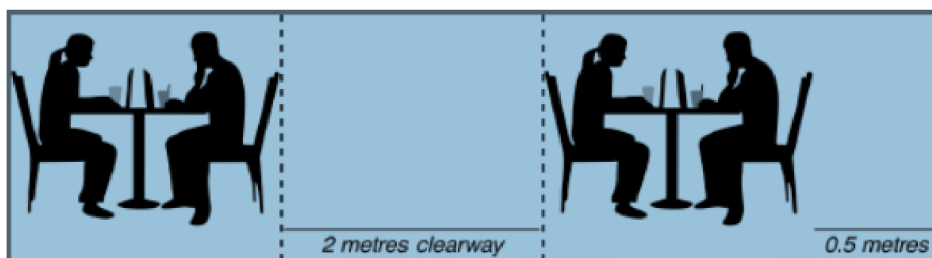
Enforcement

- ~~90.93.~~ Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:
- a. First breach: verbal notification of the breach and request to rectify.

- b. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - c. Failure to remedy: the Council will consider revoking the permit.
- ~~91,94.~~ Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.
- ~~92,95.~~ If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.
- ~~93,96.~~ The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

Schedule 1: Footpath layouts

1. There must be a continuous 2.0-metre-wide clearway maintained on all footpaths at all times.
2. The 2.0 metre clearway must exist when the tables and chairs are in use.
3. The continuous clearway must be in the middle of the footpath.
4. The vertical height permitted under this policy is a maximum height of 2.2 metres.
5. The minimum distance from the kerb must be 0.5 metres.
6. The minimum setback from all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops must be 1 metre.



Schedule 2: Signs dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
 - No larger than .75m wide.



- No larger than 3.2m high.
3. The maximum approved dimensions for any other sign is:
 - No larger than 600mm wide.
 - No larger than 750mm high.
 - The maximum base area is 0.45 square metres.



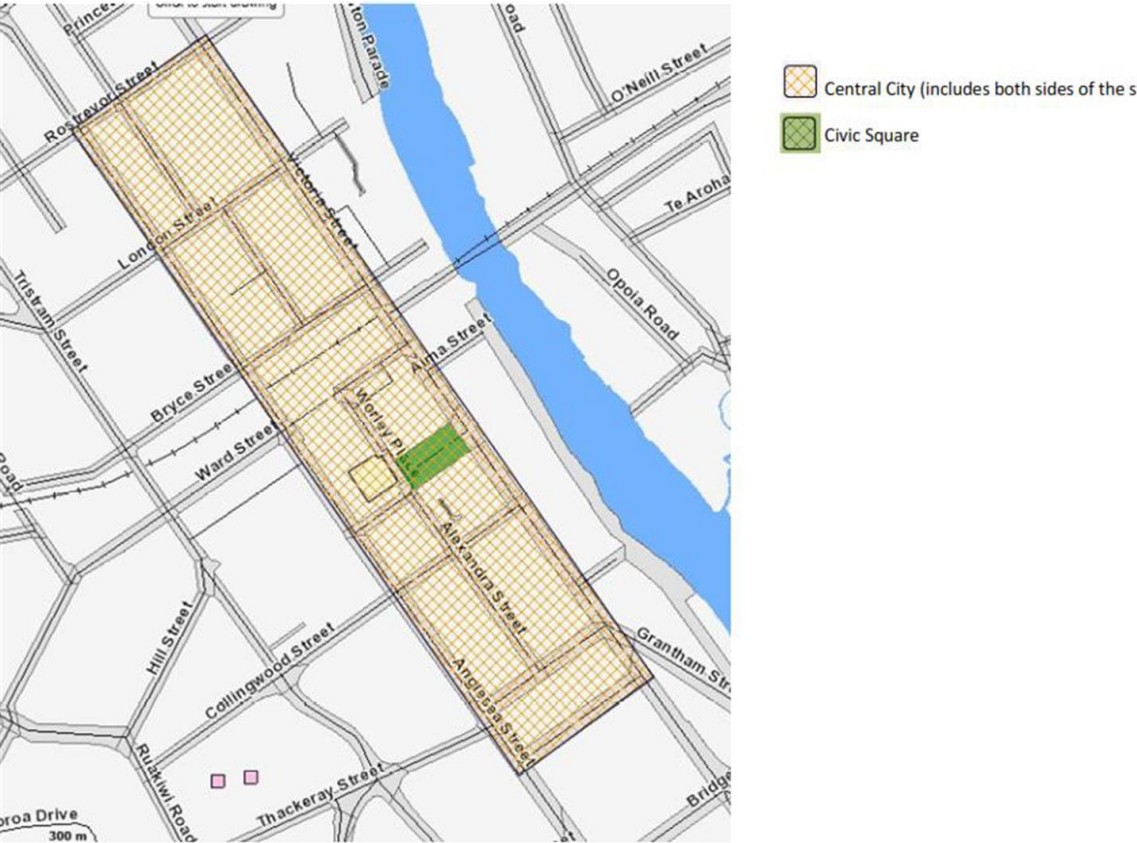
Schedule 3: Application requirements for certain permits

1. General requirements
 - 1.1. All applications must be in the prescribed format and contain the information requested.
 - 1.2. Applications not complying with these requirements will not be processed.
 - 1.3. All applications must include the prescribed fee.
2. Information required for Outdoor Dining Permit
 - 2.1. Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
 - i. The location and dimensions of the proposed outdoor dining area.
 - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
 - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
 - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.
3. Information required for ~~Street~~ Market Stalls Permit and Individual Stalls Permit
 - 3.1. Applications for a ~~Street~~ Market Stall must include:
 - i. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - iii. A Traffic Management Plan showing:
 - the location of ingress and egress to the market
 - any parking provided, any temporary measures to control traffic to and from the market site
 - measures for loading and unloading of market goods and stall set up and pack down
 - the contact details for a person responsible for implementing the Traffic Management Plan.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. The name, address and contact details of the applicant and market operator.
 - vi. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
 - vii. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.

- viii. Evidence that all market stalls selling alcohol hold the necessary alcohol licence.
- 4. Information required for Charitable Collections Permit
 - 4.1. Applications for approval to collect charitable donations must include:
 - i. The date, time and location of the intended donation collection.
 - ii. Approval from the charity to collect donations.
- 5. Information required for Mobile Shops Permit (includes Food Trucks)
 - 5.1. Applications for a Mobile Shop Permit must include:
 - i. The intended location and trading hours.
 - ii. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
 - iii. If tables and chairs are intended to be provided:
 - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:5.
 - Photographs of the tables and chairs to be provided.
 - ~~iv.~~ Evidence of public liability insurance to a minimum of \$2 million cover.
 - ~~iv.~~ For Mobile Shops selling food, evidence of appropriate food safety / alcohol licences or approvals

Schedule 4: Central City map

[Map to be confirmed after public consultation]



First Adopted	25 February 2009
Revision Dates / version	August 2020 / Version 5
Next review date	In conjunction with Public Places Bylaw 2016
Engagement required	In conjunction with Public Places Bylaw 2016
Document number:	
Related documents	D-1965487
Sponsor/Group:	General Manager City Growth

Trading in Public Places Policy

Purpose and Scope

1. This Policy provides for businesses, groups and individuals to apply to use public places for trading activities that are consistent with the purpose of this Policy.
2. The purposes of this Policy are to:
 - a. Protect the public from nuisance.
 - b. Protect, promote, and maintain public health and safety.
 - c. Minimise the potential for offensive behaviour in public places.
 - d. Regulate trading in public places.
 - e. Regulate, control, or prohibit signs.
 - f. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
3. In applying these purposes, Council decisions will take into account the following principles. Public spaces should:
 - a. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
 - b. Be attractive, clean and safe.
 - c. Promote a welcoming image of Hamilton to residents and to visitors.
 - d. Facilitate easy access for pedestrians and cyclists.
 - e. Provide spaces for people to gather for activities or social engagement and interaction.
 - f. Strengthen the existing function of public space locations.

Definitions

Definition	Detail
Busker	Means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	Means Hamilton City Council.
Food Truck	Means a type of Mobile Shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food, or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food Trucks may only offer food/beverage related items. A Food Truck is a subcategory of Mobile Shops.
Enforcement Officer	Means a person appointed by Council to exercise the powers of an Enforcement Officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council Bylaws.
Event	A temporary or infrequent activity in a public place that does not require the construction of a permanent building, the installation of permanent infrastructure or services, or works such as vegetation clearing or other operational work. Events often involve large groups of people and include carnivals, parades, concerts, markets, food truck rallies, craft or trade fairs, field days, open days, displays and the like.
Hawker	Means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous

	order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	Areas of special heritage character as defined in the District Plan.
Heritage buildings	Buildings of special heritage character as defined in the District Plan.
Mobile shop	Means a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call; it does not include any vehicle used to transport goods that have been ordered for delivery. Includes Food Trucks. A mobile shop is not a stall.
Market	Any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls or mobile shops or Food Trucks grouped together. A market is a type of event.
Merchandise display	A display located in a public place outside a premise from which goods are offered or exposed for sale.
Public place	Includes any place or space that is not private property, and which is open to the public but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 and any amendments to that Bylaw.
Road	Means: <ul style="list-style-type: none"> • a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not; • any bridge, culvert, ferry, ford forming part of a road or street or motorway or place to which the public have access whether as of right or not; • all sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and • any service land or mall forming part of a road.
Road frontage	The front/s of a premise that face out onto a public place.
Shade awning	Means a single free-standing or cantilevered shade or protective covering that may also be fixed to a building or that extends out over the footpath. It does not include a gazebo, marquee or tent.
Sign	Means any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
Stall	Includes any stationary but moveable stand or similar structure on or at or from which goods are sold or exposed for sale. A mobile shop or food truck is not a stall.
Trade or trading	Includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

Policy

Outdoor Dining Areas

4. Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit from Council.
5. Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.

6. An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol licence or a variation of the area to which their alcohol licence applies.

General conditions that apply to Outdoor Dining Permits

7. There must be a continuous 2.0-metre-wide clearway maintained on all footpaths at all times with the exception of Victoria Street within the area contained in the map in Schedule 4 which must be a continuous 1.7 metre wide clearway.
8. The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
9. Use of fixed furniture is not permitted.
10. All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this Policy and as provided for in the permit.
11. No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
12. Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
13. No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
14. An outdoor dining permit must be either displayed or be available for inspection by an Enforcement Officer if requested.
15. The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.
16. The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6pm until the end of the trading day.
17. Between 1am and the end of the trading day all outdoor dining furniture on the kerbside of the clearway must be removed and secured so that it cannot be accessed or used by customers or the public.
18. Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.
19. Permit holders must comply with Council requests to remove some or all of the street furniture used in outdoor dining areas during normal business hours during a special event.
20. Ashtrays must be provided, except where smoking is prohibited.

Layout of outdoor dining areas

21. All outdoor dining areas must observe the layout requirements set out in Schedules 1 and Schedule 3.

Café umbrellas and shade awnings

22. Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.
23. Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

Planter boxes

24. Planter boxes must not be fixed to the footpath and must be strong, durable and wind resistant. The planter boxes and plants must be well maintained.

Heaters

25. Heaters may be free standing or fixed to verandas.
26. Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

27. Free standing patio heaters should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.
28. All heaters must be located away from combustible materials and used in accordance with the operating instructions. They must not be placed where they pose a safety or fire hazard.
29. Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

Pull-down blinds and screens

30. Requests to include screens and/or pull-down blinds in outdoor dining areas will be assessed on a case-by-case basis. Consideration will be given to the potential for the screen/pull-down blind to obscure surveillance by Council CCTV cameras and to safety issues for pedestrians, cyclists and motorists caused by obscured sight lines.
31. If an applicant wishes to use screens and/or pull-down blinds this information must be included with the permit application and Outdoor Dining Area Plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.
32. All pull-down blinds and screens must be rolled up or removed from the footpath outside of the hours specified in the outdoor dining area permit.

Barriers

33. Barriers may be used to define the boundaries of an outdoor dining area.
34. Barriers shall not exceed a maximum height of 0.9m.
35. Clearance from the ground is required to allow stormwater run-off.
36. Barriers must be of stable construction to prevent blowing over in strong wind.

Signs

37. Signs in public places are regulated under this Policy. The District Plan regulates signs on zoned land.
38. This Policy does not apply to:
 - a. signs erected for or on behalf of Council; and
 - b. billboards and overhead street banners (note: contact Strategy and Communication's Group, Hamilton City Council).
39. A person wishing to erect a sign in or over a public place must obtain a permit.
40. No Council-owned land is to be used to erect election signs for Parliamentary Elections or local body elections.

General conditions that apply to signs

41. All signs must be maintained in good order and condition. An Enforcement Officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.
42. A maximum of one sign per road frontage is permitted.
43. The footpath sign must not obscure road user's visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.
44. The permitted size for signs is set out in Schedule 2.
45. A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.
46. The footpath sign must not resemble a warning sign or road traffic sign.
47. The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.
48. The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.
49. An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.
50. Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.
51. All signs are to be removed from the footpath outside of hours of business.
52. Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.

53. Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.
54. Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.
55. Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.
56. Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

Signs in Heritage Areas

57. The design and location of signs in a public place in a heritage area or outside a heritage building (as defined or listed in the District Plan) must be compatible with the heritage significance of the area or the building so that they do not detract from that significance.
58. Signs in heritage areas or outside heritage buildings will be assessed on a case-by-case basis and special consideration may apply to signs approved for use to ensure that signs do not materially affect the heritage value of the area and/or building.

Markets, events and stalls

59. A market or other event is not permitted to operate without a permit from Council. Permits may be for a single date or for recurring dates.
60. Council's general policy is to encourage stalls to be part of managed markets or events, however permits for individual stalls will be considered on a case-by-case basis. An applicant wishing to operate a stand-alone stall is not permitted to operate without a permit.
61. Applicants must provide the information in Schedule 3 when applying for a permit to operate a market, event or an individual stall.
62. A market or event operator granted a permit is responsible for each individual mobile shop or stall owner complying with permit conditions and for having the necessary food and alcohol licences.
63. The type and number of mobile shops present at a market or event is at the discretion of the permit holder.
64. A permit shall not be given to any market or event consisting predominantly of food trucks, that intends to operate in the Central City (see the map in Schedule 4) between the hours of 8am – 5pm weekdays (excluding public holidays).
65. Waste minimisation and cleaning arrangements following the business hours of the market or event will be included in the permit conditions.
66. The management and minimisation of waste at a market or event must comply with the Hamilton Waste Management and Minimisation Bylaw 2019.
67. The following conditions will apply to stalls and mobile shops, including trading within a market or event:

Stalls and Mobile Shops:

- a. must not sell offensive material.
- b. must not obstruct or hinder the flow of pedestrians in any public place.
- c. selling, preparing and handling food must comply with food hygiene regulations and hold the necessary food licenses.
- d. selling alcohol must hold the necessary alcohol licences.

Merchandise display

68. The following conditions will apply to merchandise displays:
 - a. Merchandise should be placed up against the façade of the shop it belongs to.
 - b. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
 - c. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
 - d. Merchandise displays must not contain any form of offensive material.
 - e. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

Mobile shops (includes Food Trucks)

69. Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for a market or event, or as a stand-alone permit.
70. Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) other than a Food Truck operating as part of a market or event.
71. Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
72. The following conditions apply to all mobile shops:
- No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any Bylaw or traffic legislation.
 - Permits may include permission to have tables and chairs in close proximity to a food truck for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
 - Mobile shops selling, preparing and handling food must comply with food hygiene requirements.
 - Mobile shops selling food or alcohol must hold the necessary food or alcohol licences.
 - Hours of operation:
 - Standalone Mobile Shops are only permitted to operate between the hours of 6am and 10pm.
 - Mobile Shops operating as part of a market or event may operate for the same hours as the market or event is permitted to operate.
 - The permit must be displayed at all times.

Busking, hawking and charitable collections

73. Buskers, hawkers and charitable collectors are not permitted to operate without a permit from Council. Applicants must apply for a permit before commencing trading.

Busking conditions

74. The following conditions apply to buskers:
- No busker will impede or inconvenience the flow of pedestrians and customers.
 - Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
 - Busking is permitted between the hours of 8.30am and 8.30pm but no busker is permitted to remain in a single location for longer than two continuous hours.
 - Buskers must not enter any premises unless authorised by a person having control of those premises.
 - Buskers are to carry a copy of the permit at all times and must produce a copy of to any Enforcement Officer if requested.
 - Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailer, unless they are part of an event approved by Council.
 - A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
 - Permits will be issued for a period of no more than six months.

Hawkers conditions

75. The following conditions apply to hawkers:
- Hawkers are not permitted to operate within the area shown in the map in Schedule 4.
 - Hawkers must not enter premises which display a written notice prohibiting their entry.
 - Shop doorways must be kept clear.
 - When visiting premises, a hawker must leave immediately if requested to do so by the owner or occupier of the premises.

- e. Identification must be worn at all times.
- f. The flow of pedestrians must not be impeded or inconvenienced in any way.
- g. Hawkers are only permitted to trade during the hours of 8.30am and 8.30pm.

Charitable collections

- 76. No one is permitted to collect charitable donations in a public place without a permit.
- 77. Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.
- 78. Approval may include conditions such as location and hours permitted for the activity.

Other Activities on Footpaths

- 79. Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.
- 80. Applications will be considered on a case-by-case basis taking into account:
 - a. The impact the activity could have on existing approved activities already occurring in or around the location.
 - b. Public health and safety and public nuisance.
 - c. Proposed hours for the activity to operate.
 - d. Whether the activity is a one-off event or reoccurring.
- 81. Any application will take into account any other permits granted for the space that is the subject of the application.

General conditions

- 82. Voice enhancement equipment, including microphones, amplifying equipment and loud hailer are not permitted; unless permitted as part of an event. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- 83. The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- 84. The activity must not interfere in traffic visibility. General Permit Conditions
- 85. All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.
- 86. Approval may be withheld if the applicant has previously breached approval conditions.
- 87. Permits under this Policy are issued by the City Safe Unit.
- 88. Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
- 89. Permits automatically expire when a business holding a permit is sold.
- 90. Permits issued under this Policy are not transferable.
- 91. A permit may be cancelled or amended if:
 - a. if permit conditions are breached.
 - b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.
- 92. Council reviews fees annually changes are notified by public notice.
- 93. The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

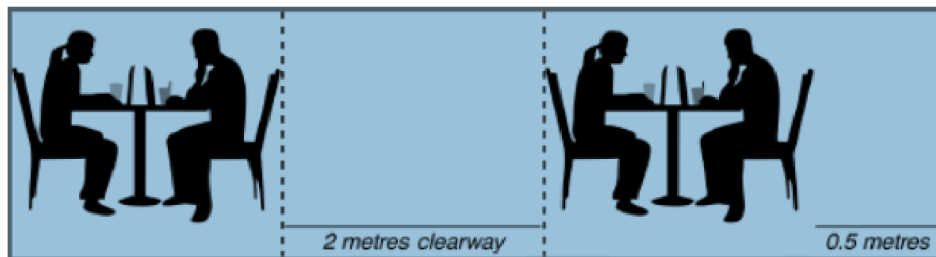
Enforcement

- 94. Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:
 - a. First breach: verbal notification of the breach and request to rectify.
 - b. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - c. Failure to remedy: the Council will consider revoking the permit.

95. Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.
96. If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.
97. The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

Schedule 1: Footpath layouts

1. There must be a continuous 2.0-metre-wide clearway maintained on all footpaths at all times.
2. The 2.0 metre clearway must exist when the tables and chairs are in use.
3. The continuous clearway must be in the middle of the footpath.
4. The vertical height permitted under this policy is a maximum height of 2.2 metres.
5. The minimum distance from the kerb must be 0.5 metres.
6. The minimum setback from all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops must be 1 metre.



Schedule 2: Signs dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
 - No larger than .75m wide.



- No larger than 3.2m high.

3. The maximum approved dimensions for any other sign is:
 - No larger than 600mm wide.
 - No larger than 750mm high.
 - The maximum base area is 0.45 square metres.



Schedule 3: Application requirements for certain permits

1. General requirements
 - 1.1. All applications must be in the prescribed format and contain the information requested.
 - 1.2. Applications not complying with these requirements will not be processed.
 - 1.3. All applications must include the prescribed fee.
2. Information required for Outdoor Dining Permit
 - 2.1. Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
 - i. The location and dimensions of the proposed outdoor dining area.
 - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
 - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
 - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.
3. Information required for Market Stalls Permit and Individual Stalls Permit
 - 3.1. Applications for a Market Stall must include:
 - i. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - iii. A Traffic Management Plan showing:
 - the location of ingress and egress to the market
 - any parking provided, any temporary measures to control traffic to and from the market site
 - measures for loading and unloading of market goods and stall set up and pack down
 - the contact details for a person responsible for implementing the Traffic Management Plan.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. The name, address and contact details of the applicant and market operator.
 - vi. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
 - vii. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.

- viii. Evidence that all market stalls selling alcohol hold the necessary alcohol licence.
- 4. Information required for Charitable Collections Permit
 - 4.1. Applications for approval to collect charitable donations must include:
 - i. The date, time and location of the intended donation collection.
 - ii. Approval from the charity to collect donations.
- 5. Information required for Mobile Shops Permit (includes Food Trucks)
 - 5.1. Applications for a Mobile Shop Permit must include:
 - i. The intended location and trading hours.
 - ii. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
 - iii. If tables and chairs are intended to be provided:
 - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:5.
 - Photographs of the tables and chairs to be provided.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. For Mobile Shops selling food, evidence of appropriate food safety / alcohol licences or approvals.

Schedule 4: Central City map

[Map to be confirmed after public consultation]



HAMILTON (TRADING IN) PUBLIC PLACES POLICY


STATEMENT OF PROPOSAL

August 2020

FURTHER INFORMATION

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

 haveyoursay@hamilton.govt.nz

 07 838 6699

 hamilton.govt.nz/haveyoursay

 [/hamiltoncitycouncil/](https://www.facebook.com/hamiltoncitycouncil/)



Hamilton City Council (the Council) is seeking feedback on the review of the *Public Places Policy*.

WHY ARE WE DOING THIS?

Hamilton City Council are proposing changes to the Hamilton City Council *Public Places Policy*.

PUBLIC PLACES POLICY

The Public Places Policy was first adopted in 2009 as per the Local Government Act 2002 requirements. The Council is required to review the existing policy every three years as per the *Hamilton Significance and Engagement Policy*.

PROPOSED CHANGES

Hamilton City Council (the Council) is seeking feedback on the review of the *Public Places Policy* from 1 – 30 October 2020.

Name of policy

The Council proposes to change the name of the policy to the *Trading in Public Places Policy*. This will clarify the purpose of the policy.

New proposed definition of 'Food Truck'

The current policy does not have a definition for 'Food Truck'.

A Food Truck is proposed to be defined as "*a type of Mobile Shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food Trucks may only offer food/beverage related items. A Food Truck is a subcategory of Mobile Shops.*"

Food Trucks to be allowed in the Central City area

A change is also proposed to allow Food Trucks to operate in the Central City only as part of a market or event. Currently, mobile shops are not specifically allowed to operate in this manner, limiting options during markets and events.

Allow Food Trucks to operate for the same hours as any market or event they are part of

Currently, Mobile Shops (including Food Trucks) are only allowed to operate between 6am and 10pm. If a Mobile Shop or Food Truck are part of an event of market that is happening outside of those hours, they must stop operating. It is proposed to allow the hours of operation to be the same as for any market or event they are part of.

Options for a change in the Central City area where Mobile Shop restrictions will apply

The Council proposes to extend the size of the area where Mobile Shops (including Food Trucks) are restricted from operating. There are three options:

- The current area which has a restricted area covering the Central City area.
- An extension of the current area down to the river
- An extension of the current area down to the river and extending further down the river to Anzac Bridge.

OPTIONS

The Council wants to consult on its intention to continue the current Policy with changes. If you do not think the Policy should be continued with changes, then the Council would like to know why. Tell us your views either way in the feedback form attached.

There are four options to consider.

OPTION 1: PROPOSED POLICY WITH CURRENT CENTRAL CITY RESTRICTED AREA

- Change the name of the policy to the *Trading In Public Places Policy*
- New Food Truck Definition
- Food Trucks to be permitted to operate in the Central City as part of an event or market
- If part of an event or market, allow Mobile Shops / Food Trucks will be able to operate to the same hours as the event or market is permitted to operate.
- Continue with a restricted Central City as it currently is.



OPTION 2:**PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER)**

- Change the name of the policy to the *Trading In Public Places Policy*
- New Food Truck Definition
- Food Trucks to be permitted to operate in the Central City as part of an event or market
- If part of an event or market, allow Mobile Shops / Food Trucks will be able to operate to the same hours as the event or market is permitted to operate.
- Extend the restricted Central City area down to the river, between London Street and Knox Street.



OPTION 3:**PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER; AND BETWEEN CLAUDELANDS BRIDGE AND ANZAC PARADE BRIDGE)**

- Change the name of the policy to the *Trading In Public Places Policy*
- New Food Truck Definition
- Food Trucks to be permitted to operate in the Central City as part of an event or market
- If part of an event or market, allow Mobile Shops / Food Trucks will be able to operate to the same hours as the event or market is permitted to operate.
- Extend the restricted Central City area down to the river between London Street and Anzac Parade.



OPTION 4:**CONTINUE THE CURRENT POLICY AND CURRENT RESTRICTED AREA *WITHOUT* THE PROPOSED CHANGES**

The policy will continue to be called the *Public Places Policy*, which may not indicate the purpose as clearly as the *Trading in Public Places Policy*.

The restricted Central City area will be the same as it currently is.



TELL US YOUR THOUGHTS ON THE POLICY

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

You can give us feedback from 1 October to 30 October 2020 using the feedback form below.

HOW TO GIVE FEEDBACK:

- Fill out a feedback form online at hamilton.govt.nz/haveyoursay
- Fill out the feedback form included in this Statement of Proposal and send to: Hamilton City Council, Communication and Engagement team, Private Bag 3010, Hamilton, 3240.
- Fill out the feedback form and deliver to the Municipal Building Reception or any branchy of Hamilton City Libraries.

Feedback forms and the proposed Policy changes are available from all Hamilton City Libraries, and from the Ground Floor reception of the Council's Municipal Building in Civic Square.

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

NEXT STEPS

Staff will collect and analyse all feedback at the close of the submission period.

The analysis of this feedback will be presented to the November 2020 meeting of the Hearings and Engagement Committee. At this meeting, submitters who want to speak to their written submission will be able to do so.

The Council will then consider all the views and make a decision on the Bylaw.

FEEDBACK FORM

HAMILTON PUBLIC PLACES POLICY – 1-30 OCTOBER 2020

Hamilton City Council has reviewed the *Public Places Policy*.

FEEDBACK FORMS CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, Hamilton City Council, Communication and Engagement team, Hamilton Safety in Public Places Bylaw, Private Bag 3010, Hamilton, 3240.
- Emailed to: haveyoursay@hcc.govt.nz

Name: _____

Organisation (if responding on behalf of an organisation) _____

Privacy statement:

The Local Government Act 2002 requires submissions to be made available to the public. Your name will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied will be used for administration and reporting purposes only. Please refer to Council's Privacy Statement at hamilton.govt.nz for further information.

☐ I would like my submission published with my name.

☐ I would like my submission published without my name.

WOULD YOU LIKE THE OPPORTUNITY TO TALK TO US ABOUT YOUR SUBMISSION IN PERSON?

Yes ☐ No

Verbal submissions will take place in November 2020 and we will contact you to arrange a time.

YOUR FEEDBACK:

1. WHICH OPTION DO YOU PREFER?

☐ OPTION 1 ☐ OPTION 2 ☐ OPTION 3 ☐ OPTION 4

Reasons (Please print clearly):

Run out of room? Feel free to attach additional pages.

ABOUT YOU: (Please print your details clearly)

This section tells us a bit more about you. By capturing this information, we will be able to better understand who is, and isn't, providing feedback. This information will not be used in a way which may identify you.

WHERE DO YOU LIVE?

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

I live outside Hamilton city:

☐ Waipa ☐ Waikato ☐ Elsewhere in New Zealand ☐ Overseas

CONTACT DETAILS

We will use this to get in touch with you if you would like the opportunity to talk to us about your submission in person.

Phone: (day) _____ (evening) _____

Email: _____

WHAT IS YOUR AGE GROUP? (at your last birthday)

☐ Under 16 ☐ 16-19 ☐ 20-24 ☐ 25-29 ☐ 30-34
☐ 35-39 ☐ 40-44 ☐ 45-49 ☐ 50-54 ☐ 55-59
☐ 60-64 ☐ 65-69 ☐ 70-74 ☐ 75-79 ☐ 80+

WHICH ETHNIC GROUP DO YOU IDENTIFY AS?

☐ NZ European ☐ Maaori ☐ Indian ☐ Chinese ☐ Samoan
☐ British ☐ Filipino ☐ Tongan ☐ South African ☐ Cook Island Maaori
☐ Other _____

WHICH LANGUAGE(S) DO YOU PREFER TO COMMUNICATE IN? (tick all that apply)

☐ English ☐ Te Reo Maaori ☐ Hindi ☐ Sinitic ☐ North Chinese
☐ Tagalog ☐ French ☐ Afrikaans ☐ Yue ☐ Punjabi
☐ Samoan ☐ Spanish
☐ Other _____

WHICH OF THE FOLLOWING BEST DESCRIBES YOUR HOUSEHOLD SITUATION?

☐ Living alone ☐ Living with others that are not family
☐ Family or couple with dependants (children or other family) ☐ Family or couple with no dependants

Please get your feedback to us by 30 OCTOBER 2020.

Council Report

Committee: Community Committee **Date:** 13 August 2020
Author: Lance Vervoort **Authoriser:** Lance Vervoort
Position: General Manager Community **Position:** General Manager Community
Report Name: Hamilton City Council / Sport Waikato Partnership Proposal

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

1. To seek approval from the Community Committee for Council to enter into a resourcing partnership with Sport Waikato in regards to delivering enhanced outcomes for active recreation, play and sport in Hamilton.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community Committee:
 - a) receives the report;
 - b) approves 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.

Executive Summary - *Whakaraapopototanga matua*

3. Sport Waikato has recently announced that to have a greater impact they are changing the way they operate. This will include working in partnership and collaboration with key stakeholders in the play, active recreation and sport system of the Waikato region - including Hamilton City Council and 9 other Council's in the Waikato region.
4. Sport Waikato seeks HCC funding for a shared resource that works across the Waipa District, Hamilton City and Waikato District areas.
5. It is proposed that Hamilton City Council would provide \$50,000 per annum for this resource with Waipa DC and Waikato DC contributing the same. It is proposed the agreement would be reviewed after 3 years.
6. In the first year of the agreement Sport Waikato will provide \$85,000 (grant money from Sport NZ to support a resource to drive implementation of HCC's Play Strategy.

7. Staff recommend that Hamilton City Council enter into this agreement which would provide dedicated resource in a cost-effective way to enhance achieving a wide range of outcomes related to active recreation, play and sport. A recent structural review of the Parks and Recreation Unit has identified this need and freed up some resource for such a role.
8. Staff consider the matters in this report to be of low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

9. Sport Waikato has recently announced that to have a greater impact on systems that influence activity levels, and subsequently, positive health and wellbeing outcomes for our people, they are making changes to the way they operate.
10. Sport Waikato are currently consulting with their staff on a proposal that will see them shift from a hybrid delivery/leadership organisation to one that will focus on leading and influencing positive system change within sport, active recreation and play across the regional network.
11. This approach focuses on the implementation of a working model that replaces a large delivery-based workforce, with a smaller team of highly capable and strategic influencers who will work in partnership and collaboration with key stakeholders in the play, active recreation and sport system of the Waikato region - including Hamilton City Council and 9 other Council's in the Waikato region.
12. In recent years Hamilton City Council has also moved to a more partnership and collaboration focused way of working to deliver on its draft community outcomes including Hamilton "being a great city to be active in" and one "that supports people to be healthy and happy".
13. This approach includes doing things a little differently and HCC not always directly delivering services or outcomes to our community. Good examples are the award winning Play Strategy, The Peak indoor recreation centre, partner pools arrangements and the shared playground at Deanwell School.
14. Staff have recognised that there are further partnership opportunities and ways of working that can be pursued to deliver on our desired community outcomes.
15. Under Sport Waikato's proposed new way of working it will:
 - Implement a boundaryless model consisting of 4 Regional Connectivity Coordinators who work across district clusters (e.g. Waipa District/Hamilton City/Waikato District; Taupo/South Waikato; Waitomo/Otorohanga; Thames Coromandel/Hauraki/Matamata-Piako).
 - Work in partnership with Councils to develop (where required) and implement strategic approaches to play, active recreation and sport – in this case the Hamilton City Council Play Strategy.
 - Ensure duplication across Councils is avoided and that partners are working in the most effective/cost efficient way, while supporting and facilitating increased cross boundary planning and collaboration. e.g. Waikato Regional Sports Facilities Plan.
 - Provide high value, strategic leadership to the play, active recreation and sport system with an emphasis on building capability to meet the needs of participants. This includes supporting clubs and organisations in the city to be strong and vibrant, innovative and united in their vision and approach to offering a range of opportunities for people of all abilities, activity levels, ages, genders and ethnicity.

- Connect Councils with subject matter expertise including in research and data collection, sport development, health and education.

Discussion - *Matapaki*

16. Sport Waikato's proposal seeks Hamilton City Council funding for a shared resource that works across the Waipa District, Hamilton City and Waikato District areas. This resource would facilitate the following:
 - Development of a clear set of priorities (action-plan) for the Hamilton City Council Play Strategy to be driven collaboratively between Sport Waikato and Hamilton City Council
 - Increased hubbing and facility optimisation initiatives to maximise facility use and decrease inefficiencies and duplication of facilities (e.g. school grounds and recreation facilities being open to the public; increased joint use of facilities; floodlight installation etc).
 - Pressure relief on key sport infrastructure via a collaborative season transition planning between schools, Councils and sports codes
 - Increases in sport and recreation sector capability, including in diversity and inclusion
 - Increased collaborative cross-sectorial partnerships between key organisations – e.g. sport, recreation, education, health, iwi, local government – with key areas being facility development and opportunities for access to active recreation for vulnerable people.
 - Pursuit of different funding opportunities/sources
 - Brokering of cross-boundary partnerships
17. Currently, Hamilton City Council does not currently have dedicated resource for this type of work and in a current review of the Parks and Recreation Unit within Council's Community Group, this need has been identified.
18. The Sport Waikato proposal provides a cost-effective solution to providing this resource in a way that provides a number of benefits:
 - It gives HCC boundaryless planning, co-ordination, collaboration, capacity building, project formulation and insights resource similar to work already being undertaken in regards to growth and spatial planning through Futurepoof/Metro Spatial Plan initiatives.
 - There is flexibility – an annual work programme would be formed, agreed and reported on each year and be aligned with Council's and sub-regional needs.
 - There will be closer alignment between the two organisations, ensuring that outcomes are leveraged for maximum impact and long-term sustainable change.
 - Relationships and collaboration between HCC, Waikato District Council and Waipa District will be enhanced in regards to active recreation, sport and play initiatives.
 - There will be no duplication in either projects or resource.

- Further funding opportunities will be able to be leveraged through the relationships that Sport Waikato has with MoH, Sport NZ and the Waikato DHB. In recent years, Sport Waikato has brought Sport NZ money to the table for the Regional Sports Plan, Eastlink Hub work, Play Strategy development; and they have been able to secure funding from Sport NZ for the implementation of HCC's Play Strategy. Sport Waikato has also been able to obtain funding for an expansion of the Healthy Active Learning programme in Hamilton and the Waikato which has a focus of growing primary teacher capability to deliver the Health and Physical Education curriculum – this is the first programme of this breadth nationally.
- A key part of role is brokering partnerships in facility development and use/activation; gathering and distributing insights to Hamilton City Council, Waikato District Council and Waipa District Council to help with decision making; building relationships with National Sporting Organisations, Regional Sporting Organisations and clubs; and bringing innovative ways of achieving outcomes.
- Sport Waikato will work with Hamilton City Council on mutually aligned advocacy matters to government e.g. partnership opportunities in development of recreation facilities and access to and use of current facilities (such as schools).
- Hamilton City Council will not have to employ a staff member.

Proposed agreement

19. It is proposed that this arrangement would be formalised in an outcome-based partnership agreement between the two parties. It would have an annual set of outcome and output based KPI's with annual reporting back to Hamilton City Council, the Sport Waikato Board and where appropriate Sport NZ.
20. It is proposed that Hamilton City Council would provide \$50,000 per annum for this resource with Waipa DC and Waikato DC contributing the same. It is proposed the agreement would be reviewed after 3 years.
21. In the first year of the agreement Sport Waikato will provide \$85,000 (grant money from Sport NZ) to support a resource to drive implementation of HCC's Play Strategy.

Options

22. The Community Committee has 3 options in relation to this proposal:
23. **Option 1.** Don't enter into this agreement and not resource such a cross-boundary capacity building role – this would mean that opportunities for delivering the desired outcomes of such work as outlined in the report would not be achieved;
24. **Option 2.** Don't enter into this agreement but resource such work in-house – this would mean that HCC would employ a part-time role which would provide complexity in how things would work with Sport Waikato and our two neighbouring Councils;
25. **Option 3.** Enter into the agreement.
26. Staff recommend **option 3** that HCC enter into this agreement which would provide dedicated resource in a cost-effective way to enhance achieving a wide range of outcomes related to active recreation, play and sport. A recent structural review of the Parks and Recreation Unit has identified this need and freed up resource for such a role.

Financial Considerations - *Whaiwhakaaro Puutea*

27. The proposal would cost \$50,000 per annum and this can be accommodated in the current Parks and Recreation Unit budget.
28. Sport Waikato will, via \$85,000 of funding that has been invested in them by Sport NZ, recruit a Local Play Advocate role for 2020/21 to work in and with HCC. The position will be employed by Sport Waikato (to meet Sport NZ funding criteria) but will reside with HCC. HCC will be involved in the recruitment of the person to carry out the role.

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

29. Such an agreement and the work that is provided by it complies with Council's legal and policy requirements and it would deliver on several of HCC's draft community outcomes including Hamilton "being a great city to be active in" and one "that supports people to be healthy and happy".

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.

Social

33. Participation in sport, recreation and physical activity in Hamilton City remains lower than is required to ensure high levels of health (physical and mental) and social connectedness amongst our communities. More specifically, recent Active NZ (2018) data reveals that only 58% of adults and 57% of young people (5-17 years) do enough physical activity to positively impact their health, despite an overall desire among people to be more involved (73% of adults and 64% of young people would like to do more). Barriers to participation include a lack of quality coaching, inequitable sporting systems and structures (e.g. difficulties with access), opportunities not meeting identified needs and a lack of quality facilities.
34. The work that the agreement provides for is directly aimed at increasing physical activity levels of Hamiltonians and all the benefits that accrue from this.

Economic

35. No economic considerations identified during the development of this report.

Environmental

36. No environmental considerations identified during the development of this report.

Cultural

37. Key focus areas for the work that the resource would be involved includes some of the particular parts of our community where attention is needed in relation to physical activity: children and young people (tamariki and rangitahi); women and girls; Maaori; and, deprived communities.

Risks - *Tuuraru*

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

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

39. 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

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

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Committee: Community Committee **Date:** 13 August 2020
Author: Andy Mannering **Authoriser:** Lance Vervoort
Position: Social Development Manager **Position:** General Manager Community
Report Name: Disability Action Plan 2020/21

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

1. To inform the Community Committee on the achievements related to Council's annual Disability Action Plan.
2. To seek a recommendation from the Community Committee to the Council to stop charging for prams, wheelchairs and electric mobility scooters at Council facilities.

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

4. That the Community Committee:
 - a) receives the report; and
 - b) recommends that the Council removes the fees and charges related to prams, wheelchairs and mobility scooters at Council facilities.

Executive Summary - *Whakaraapopototanga matua*

5. Council is committed to improving the wellbeing of all Hamiltonians and to ensure people with disabilities have equity of access enabling them to participate fully in and contribute to community and civic life in the city.
6. The Council has a Disability Policy that provides guidelines that enable the organisation to comply with its regulatory function in relation to maintaining quality standards, safety and access.
7. As part of the ongoing implementation of the Disability Policy, an annual Action Plan is created to highlight programmed works and improve the Council's response around accessibility.
8. The Council employs a Disability Advisor to provide robust advice on disability issues that is in-line with international best practice. This is a key position that is a conduit between the Disability sector and the Council while ensuring the Policy and Action Plan are implemented.
9. Staff have considered the issue of charging fees for use of prams, wheelchairs and mobility scooters at Council facilities, and recommend continuing to provide equipment without the previous user fees.
10. The removal of fees may lead to increased use and the need for additional equipment to meet customer expectations and demand. This will need to be monitored and managed as costs of the business through normal budgeting processes.

11. Staff consider the matters in this report to have a low significance and that the recommendations comply with the Council's legal requirements.

Background - *Kooreo whaimaarama*

12. The Council adopted a [Disability Policy](#) (the Policy) in 2012, which is regularly reviewed. The current version was adopted by the Council at the 14 May 2019 Community, Services and Environment Committee ([Agenda](#), [Minutes](#)).
13. The purpose of the Policy is to outline high level guidelines for the Council to ensure disabled people have equity of access enabling them to participate fully in and contribute to community and civic life in Hamilton City.
14. The Council is committed to working progressively towards ensuring that all information intended for the public is accessible to everyone and that everyone can interact with our services in a way that meets their individual needs and promotes their independence and dignity.
15. Accessibility is a high priority for all our work. The implementation of the Policy is monitored by Council's Disability Advisor Judy Small, supported by a cross Council Access Advisory group that includes representatives from the disability community.
16. The Access Advisory group meet bimonthly to provide staff with feedback on projects and update staff on what is happening in the disability community.
17. Specific and targeted engagement occurs with the Disability community through the Council's Community and Social Development Advisors. This includes regular community forums and partnerships with organisations to build a stronger and more inclusive community.

Discussion - *Matapaki*

18. An Action Plan is developed annually to ensure that the Policy is being embedded into Council practice. It is a mix of short term, and longer-term projects and business as usual items that allow the Council to measure what is happening in the disability and accessibility space.
19. Significant projects to highlight within the [2019/20 Action Plan](#) includes:
 - Successful communication and engagement happened over the year around the local body elections, the change in rubbish and recycling services and the Bryce/Angelsea Street intersection upgrade.
 - The ongoing engagement and development of accessibility as a key part of our transport projects, with noticeable outcomes around the construction of 11 raised platform crossings throughout the city to slow cars and improve access for pedestrians, cyclist and micro mobility device users.
 - The inclusion of accessibility needs at the front end of projects which will result in a fully accessible toilet being part of the Rotokauri Transport hub.
 - The design of the tree top walk at the Hamilton Gardens has been raised as an exciting opportunity to improve access to the site combating the steep and challenging terrain.
20. **Attachment 1** provides a more detailed update on the 2019/20 Action Plan.
21. The New Zealand Institute of Skills and Technology (IST) has selected Hamilton to be the location of its new headquarters. It was noted in the assessment that one of the strengths of our application was "it was apparent that diversity was critical to Hamilton and they showcased examples of integration and initiatives to support and drive equity outcomes. This location was also the only one to provide the opportunity to engage with a representative of learners with disabilities – highlighting to the panel that they understood the breadth of the vision, mandate and outcomes that IST must deliver."

22. Attachment 2 is the 2020/21 Action Plan outlining the work that is programmed to occur this year, with the key projects identified including:
- The construction of the fully accessible toilet at the Rotokauri Transport hub, and possibility of planning further developments across the city.
 - Ongoing progress in the understanding and implementing of Universal Design philosophy by working with other Councils to establish a collective.
 - The continued support of our community partners in developing the leadership of the sector.

Council fees

23. At the 28 May 2020 Council meeting ([Agenda](#), [Minutes](#)) the Council approved the removal of new fees in relation to Council facilities for the hiring of prams and wheelchairs, with the request that staff report to a future meeting of the Community Committee concerning all prams, wheelchairs and mobility scooters fees at Council facilities.
24. The following table outlines the number of items and charges that were applied in the 2019/20 financial year across Council's facilities.

Council Facility	Type of Equipment	2019/20 Fees and Charges	2019/20 Revenue
Hamilton Gardens	2 Mobility Scooters 3 Wheelchairs 1 Pushchair Pram	\$8 per hour \$5 per hour	\$6,221 (\$7,665 in 2018/19)
Hamilton Zoo	1 Mobility Scooter 1 Wheelchair 1 Mountain Buggy 4 Pushchair Prams	\$15 per 3hour \$10 per visit \$10 per visit No charge	\$2,000
Waikato Museum	2 Wheelchairs	No charge	\$0
Hamilton Libraries	1 Wheelchair at Central Library	For emergency purposes, not general use	\$0
H3 Venues	Wheelchairs at each venue	No charge	\$0

25. The Access Advisory group members looked at the issue of charging for the use of prams, wheelchairs and mobility scooters at the Council community facilities, including the Hamilton Gardens, the Hamilton Zoo and the Waikato Museum.
26. Hamilton Gardens staff advise the equipment is heavily booked in summer and most people who hire the equipment either have a temporary disability (such as a broken leg) or have an older family member who can't manage to walk the entire way around the gardens.
27. Hamilton Zoo experiences high demand for their equipment and currently has only one operational mobility scooter as their second unit is no longer serviceable.
28. The Committee of the Friends of Hamilton Gardens have outlined their position in not supporting the removal of any hire fees. They anticipate that if an hourly fee is not charged

users will feel that they can have the equipment for an unspecified time preventing their use by other visitors, and that more equipment will be needed.

29. Members from the disability community understand that while fees are reasonable and helped pay for the maintenance and replacement of the vehicles, they all thought fees should be removed.
30. It is anticipated that the removal of fees at the Hamilton Zoo and Hamilton Gardens will increase the demand for the equipment. Increased use will have additional maintenance costs and accelerate the need for replacement of assets. These impacts are currently not budgeted for.
31. The issue around increased use and the need for additional equipment to meet customer expectations and demand will need to be monitored and managed as costs of the business through normal budgeting processes.

Financial Considerations - *Whaiwhakaaro Puutea*

32. The projects and activities identified in the annual Action Plan are funded through the specific operating activity of multiple units of the Council, funded through the Long-Term Plan.
33. The removal of fees and charges for use of prams, wheelchairs and mobility scooters at the Hamilton Zoo and Hamilton Gardens will result in a decreased revenue of approximately \$10,000 per annum.
34. Servicing and maintenance cost for the equipment in 2019/20 at the Hamilton Zoo was \$1,175, and the Hamilton Gardens was \$2,000.
35. Replacement of Mobility Scooters is scheduled every 3-5 years at an approximate cost of \$4,500 per Scooter.

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

36. Staff confirm that this work complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

40. The Community Profile Survey is conducted in line with the national Census, giving the possibility to track changes over time.
41. In 2018 over 1,500 people completed the Council's Community Profile Survey, with 19% of respondents identified with having some form of impairment.
42. **Attachment 3** shows experiences of living in the city for this group compared to the wider population.
43. Outcome 6 of the NZ Disability Strategy, 'attitudes', emphasises the importance of treating people with dignity and respect, and of disability being understood and accepted as part of the diversity of human experience. Feeling safe is also an important aspect of Outcome 4 of the NZ Disability Strategy, 'rights protection and justice'.

44. In communities with a sense of connection and inclusiveness, disabled people feel safe, there are high levels of trust and understanding, and there is a shared sense of pride in being part of a culturally rich and vibrant community.

Economic

45. One in 5 people in New Zealand identify as having a disability. Accessibility through universal design makes sense for everyone, making things easier and more enjoyable. If Hamilton is known to be safe, accessible and enjoyable for everyone, then people will want to visit, live and work here.

Environmental

46. Hamiltonians with a disability are regular users of our built environment and therefore it is critical that this environment supports their ability to move freely around the city.
47. Hamiltonians with a disability have a right and expectation to experience our natural environments, and it is important that these environments (such as river paths and visitor destinations like Waiwhakareke NHP) consider the access needs of all residents and visitors to ensure an equitable experience.

Cultural

48. Hamiltonians with a disability have a right to be able to express their cultural identity. This means that it is important that facilities and services that provide opportunities for cultural expression are fully accessible and allow everybody to participate at their chosen level.

Risks - *Tuurarau*

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

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

Significance

50. 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

51. Community views and preferences are already known to the Council through regular partnership meetings with the Disability Sector.
52. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - 2019-20 Disability Action Plan update on Actions - July 2020

Attachment 2 - Disability Action Plan 2020-2021

Attachment 3 - Community Profile Survey 2018 Quickstats - Disability

2019/20 Disability Action Plan – update of actions undertaken in 2019/20

	Project	2019-20 Update
1	Smart Hamilton will engage with the disability community on the Smart Hamilton programme and projects and actively seek out collaboration opportunities with this community. Universal Design principles and standards will be considered in the development and assessment of Smart Hamilton projects	<ul style="list-style-type: none"> Many discussions have been held around different ways to use technology to make signs accessible to disabled pedestrians. WRC has five bus stop displays that are both visual and audio and in Real Time. The audio only speaks following the press of a button. A voice activated device (Hazel) in the Smart Hamilton space was popular while on display. Hazel could learn to recognise faces and remember them. She could answer basic questions. More of this kind of technology is looked forward to by the vision impaired community, print disabled and people with learning disabilities. Waste Management have worked out that a Smart speaker can be set up to know which week different bins need to go to the curb side. Software options and testing of iBeacons are currently under discussion.
2	Work with the disability sector (community leaders and service providers) to establish ways to grow capacity of the disability community of Hamilton by mentoring and upskilling its members.	<ul style="list-style-type: none"> This is an ongoing project as part of the Disability Advisor's work programme. The community have had more opportunities via Zoom to meet with elected members to discuss many ideas and become better acquainted with the roles of elected members.
3	Ensure processes for candidates and voters in the 2019 local government elections are accessible. Post-election feedback will be sort on: a. Were all candidates encouraged to make their information accessible b. Whether Hamilton City Council processes were accessible for disabled voters.	<ul style="list-style-type: none"> Participation in the 2019 Local Body election increased. Accessibility for voters was considered by Council in its processes and by candidates. Council provided voting boxes in many places in the community, such as disability organisations and rest homes. Some candidates provided information in New Zealand Sign language which received positive feedback from the Deaf community. Communications are regularly monitoring their documents for accessibility; "Have your say" survey are checked also for access and the web team are achieving an AA under the Web Content Accessibility Guidelines.
4	Ensure accessibility around delivery of waste services, and work with community to provide clear messages education of managing disposal of waste, particularly the 2020 Rubbish and Recycling service.	<ul style="list-style-type: none"> A range of methods of accessible communication have been deployed to get its messages to the wider community. Fightthelandfill.co.nz has received positive feedback as being user friendly with documents that are easy to read and understand. An assistive service for the curb side collection is available and to date around 100 people have applied for this service. This is more people than what was anticipated. The service and the bins have been showed to the disability community in a recent meeting.

5	The Council will have Be Accessible undertake a minimum of two comprehensive assessments on Council sites and provide recommendations on facility usage, maintenance and development in the 2019/20 year	<ul style="list-style-type: none"> • Be Accessible (Now Be Lab) scheduled audits and reports on the last FY Audits were delayed. • The St Andrews Library has received its audit and Chartwell Library will be audited once its renovations are complete. Reports are still to come. • Waterworld and the Central Library were audited in the 2018/19 year and Be Lab will do a follow-up report on improvements (warrant a fitness) will be carried out soon.
6	Continue to work on recommendations identified in completed Be Accessible assessments to improve accessibility for all users.	<ul style="list-style-type: none"> • Recommendations identified in completed assessments to improve accessibility are being incorporated in the Asset Management Plans across the Council that are currently being refreshed.
7	Hamilton Gardens and City Transportation will work with Waikato Regional Council on upgrades to physical and public transport access to the Hamilton Gardens. This will continue to be reviewed and progress will be reported annually in relation to the 10-Year Plan.	<ul style="list-style-type: none"> • The Gardens Development plan for new car parks and associated changes to entrances includes a tree top walk way which will significantly address accessibility. Although a longer walk from the car parks to the gardens the steep gradient is less and early comments from the disability community are favourable.
8	Transportation Centre Refurbishment and upgrade will meet the needs of those with impairments.	<ul style="list-style-type: none"> • Project has been deferred, but the views of users with impairments have been sought at each point of the project to date. This has included participation of disabled people in focus groups and stakeholder workshops.
9	Work with Waikato Regional Council to investigate, where, what, when, and how, technology will assist disabled people use public transport. Uptake of free travel initiative will be monitored.	<ul style="list-style-type: none"> • 2,400 Accessibility Concession cards have been provided to transport disabled (people who do not drive due to impairment or a medical reason) since the beginning of the scheme on 1 August 2019. • The transfer for that group to the new Bee Card has gone seamlessly. • HCC and WRC worked with Life Unlimited and provided training to Go Bus and WRC customer Service staff.
10	Develop a section on the Council's website showing examples of Universal Design and a guide to creating spaces with Universal Design principles, and report on its development by May 2020.	<ul style="list-style-type: none"> • Project has been delayed. This is a collaborative piece of work with Tauranga and Auckland City Councils to develop a Universal Design collective for Local Government staff to increase with width and breadth of how Universal Design principles can be applied to all aspects of Council's work, not just access environments and information. Adopting universal design will mean a significant shift to designing a world for everyone to produce better outcomes for the community.

	<p>Key developments on the Business as usual work undertaken across the Council</p>	<ul style="list-style-type: none"> • The Transport Unit are consulting with the community in early planning stages around accessibility with very positive results and feedback. • The Anglesea/Bryce Street upgrade provided an opportunity to promote the benefits and explain the improvements to the intersection to the Deaf community. An audio/visual video included New Zealand Sign Language which was a first for the City. received positive action from the Deaf community. • Transport Unit has constructed 11 raised platform crossings throughout the city to slow cars and improve access for pedestrians, cyclist and micro mobility device users. This design of crossing provides safety and security for disabled pedestrians making them more confident. • The introduction of Lime eScooters to the city for a trial last year caused much speculation around footpath safety for disabled citizens. Council consulted with the community receiving feedback and being able to educate the disability community as well as driver of eScooters and other micromobility devices. • Staff training sessions have been provided in partnership with Life Unlimited. Staff have found the work books useful to refer to in their everyday work. Staff from the Communications Unit and Pool facilities both did their training in their teams which worked well. • City Libraries have a strong focus on community participation and the Auaha (Place Making space) hosted several groups of disabled people to experience using the recording, 3D printing equipment just after it opened in December. • Frequent discussions around accessibility and Universal Design principles are being included across Council projects, development of business cases and long-term planning. • There is a closer alignment of disability and age friendly practices within the Council and in the wider community. The overlap between the needs and concerns of these two groups is large and is being more widely acknowledged. The Hamilton Age Friendly Group now has several members with lived experience of disability and the Waikato DHB is considering including an older person on its consumer council.
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DISABILITY ACTION PLAN 2020-21

NEW PROJECTS

- 1 Fully accessible toilet installed in Rotokauri Transport Hub.

Responsible Business Unit:
Strategic Development

- 2 Ensure accessibility around delivery of waste services, and work with community to provide clear messages education of managing disposal of waste, particularly the 2020 Rubbish and Recycling service.

Responsible Business Unit:
City Waters

- 3 Ensure governance processes for disabled people are inclusive and accessible enabling them to:
- respond to surveys in any way they choose
 - participate in public forum and meetings with appropriate support

Feedback will be sought on:

- a. Were all online surveys and information accessible?
- b. Were all meeting and public forum processes accessible?
- c. Were submission processes accessible?

Responsible Business Unit:
Governance

- 4 Support disability community to explore the social, economic and environmental benefits of having universal designed accessible and affordable housing.

Responsible Business Unit:
Community and Social Development

- 5 The Transformation Unit will engage with the disability community and actively seek out collaboration opportunities. Universal Design principles and standards will be considered in the development and assessment of projects.

Responsible Business Unit:
Transformation

LONG-TERM PROJECTS

- 6 The Council will have Be Lab undertake a minimum of two comprehensive assessments on Council sites and provide recommendations on facility usage, maintenance and development in the 2020/21 year.

Responsible Business Unit:
Community and Social Development

- 7 Continue to work on recommendations identified in completed Be Lab assessments to improve accessibility for all users.

Responsible Business Units:
Hamilton Pools, Hamilton Libraries, Hamilton Gardens, Waikato Museum

- 8 Hamilton Gardens and City Transportation will work with Waikato Regional Council on upgrades to physical and public transport access to the Hamilton Gardens. This will continue to be reviewed and progress will be reported annually in relation to the 10-Year Plan.

Responsible Business Units:
Hamilton Gardens, City Transportation

- 9 Transport Centre rejuvenation - A business case is underway to review the needs of customers. If funding is approved, design will be informed by universal design principles and community input. The focus will be on designing an environment that offers accessibility, safety and customer satisfaction.

Responsible Business Units:
City Transportation

ONGOING PROJECTS

- 10 Work with Waikato Regional Council to investigate, where, what, when, and how, technology will assist disabled people use public transport.

Uptake of free travel initiative will be monitored.

Responsible Business Units:
City Transportation
Waikato Regional Council

- 11 Universal design is currently under discussion and becoming embedded into Council policies, planning, business development cases and some designing of projects.

Responsible Business Unit:
Communication and Engagement

- 12 Work with the disability sector (community leaders and service providers) to establish ways to improve the wellbeing and grow capacity of the disability community of Hamilton by mentoring and upskilling its members.

Responsible Business Unit:
Community and Social Development

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**Hamilton
City Council**
Te kaunihera o Kirikiriroa

THE THINGS WE DO AND REPORT ON ANNUALLY

- 1 All new staff will have disability training in their induction, and frontline staff will have regular disability training. Disability training sessions are offered to all staff, and a current list of disability trainers will be updated annually on the intranet.
- 2 The Council's recruiting processes and feedback from the Employment Tool Kit on the Intranet will be reviewed annually.
- 3 Regular items promoting staff work in the disability area will occur.
- 4 Emergency and evacuation processes at all the Council's facilities are accessible. After each evacuation the evacuations and processes will be reported on and any identified issues will be addressed.
- 5 The Council will work with Waikato Regional Council and the Waikato District Health Board to ensure its processes in an emergency respond to the needs of the disabled community.
- 6 Disabled people will be informed about what to do in an emergency and where to find relevant information for managing an emergency.
- 7 City Safe education programmes include people with impairments.
- 8 The Council's websites and all hardcopy information are reviewed for its accessibility and improved based on feedback.
- 9 Council's A to Z Services and Hamilton Online Disability Facebook Group, will be reviewed and updated regularly with disability information.
- 10 Disabled people will be given opportunity to provide comments on the Council's plans, policies and strategies.
- 11 Swimming facilities, Hamilton Cemetery, Hamilton Zoo, Hamilton Gardens and Waikato Museum will continue to review access possibilities and provide guides for visitors with disabilities by appointment.
- 12 To ensure disabled members of the community can make use of our playgrounds, planning for future playgrounds will include assets, access and equipment that is considered accessible/inclusive.
- 13 Local research and user feedback on footpath usage, entry to buildings, mobility car parks and access to public transport infrastructure will be used to monitor accessibility in these areas and be considered in future reports.
- 14 The Access Advisory group will meet regularly to provide staff with feedback on projects and update staff on what is happening in the disability community. Its Terms of Reference will be reviewed annually.
- 15 An Action plan will continue to be developed annually.



COMMUNITY PROFILE SURVEY

2018 QUICKSTATS - DISABILITY

In early 2018, more than 1,500 Hamiltonians completed Hamilton City Council's Community Profile Survey, telling us about their experiences of living in our city.

We will be releasing a comprehensive range of Community Profiles later in 2019 once Census information is available from Statistics New Zealand. In the meantime, we can provide some interesting insights we gathered from our own survey.

19% OF PEOPLE SAID THEY IDENTIFIED WITH AT LEAST ONE OF THE FOLLOWING

- Difficulty seeing, even if wearing glasses.
- Difficulty hearing, even if using a hearing aid.
- Difficulty walking or climbing steps.
- Difficulty remembering or concentrating.
- Difficulty (with self-care such as) washing all over or dressing.
- Difficulty with communication when using your regular language, for example understanding or being understood.

STANDARD OF LIVING

People who rated their standard of living as "high" or "fairly high":

HAMILTON
51%



PEOPLE WITH
IMPAIRMENTS
46%

People who did not have enough income to meet their everyday needs:

HAMILTON
10%



PEOPLE WITH
IMPAIRMENTS
16%

People who were satisfied with their lives.

HAMILTON
74%



PEOPLE WITH
IMPAIRMENTS
68%

THE CURRENT HOME

People who said their home was too cold or difficult to heat/keep warm:

HAMILTON
12%



PEOPLE WITH
IMPAIRMENTS
14%

People who said their home was damp:

HAMILTON
10%



PEOPLE WITH
IMPAIRMENTS
10%

People who perceived no problems with the house they live in:

HAMILTON
67%



PEOPLE WITH
IMPAIRMENTS
57%

PHYSICAL ACTIVITY

People taking part in two or more hours of physical activity a week:

HAMILTON
51%



PEOPLE WITH
IMPAIRMENTS
42%

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SAFETY AND NEIGHBOURHOODS

People who reported they had been a victim of crime in the last 12 months:

HAMILTON
16%



PEOPLE WITH
IMPAIRMENTS
16%

People who perceived no problems* in their neighbourhood:

HAMILTON
61%



PEOPLE WITH
IMPAIRMENTS
56%

People who felt safe in their own neighbourhoods during the day:

HAMILTON
97%



PEOPLE WITH
IMPAIRMENTS
96%

People who felt safe in their neighbourhoods at night:

HAMILTON
67%



PEOPLE WITH
IMPAIRMENTS
61%

*Noise or vibration, barking dogs and problem neighbours were the biggest concerns.

SOCIAL CONNECTIONS

People who saw family members they didn't live with at least once a week:

HAMILTON
48%



PEOPLE WITH
IMPAIRMENTS
48%

People who saw friends they didn't live with at least once a week:

HAMILTON
59%



PEOPLE WITH
IMPAIRMENTS
58%

People who felt isolated at least some of the time:

HAMILTON
53%



PEOPLE WITH
IMPAIRMENTS
64%

People who said they had someone who could help them if they became sick or injured:

HAMILTON
83%



PEOPLE WITH
IMPAIRMENTS
77%

VOLUNTEER WORK

In the final four weeks leading up to completion of the survey:

People did some volunteer work for an organisation.

HAMILTON
43%



PEOPLE WITH
IMPAIRMENTS
45%

Did some unpaid work for people not living with them.

HAMILTON
51%



PEOPLE WITH
IMPAIRMENTS
49%

KEY

↑ ↓ Negative result when compared to the city as a whole

↑ → Positive or neutral result when compared to the city as a whole

For more data and information on your community go to
www.hamilton.govt.nz/understanding-your-community

Hamilton.govt.nz



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Hamilton
City Council
Te kaunihera o Kiriikiriroa

Council Report

Committee: Community Committee **Date:** 13 August 2020
Author: Kelvin Powell **Authoriser:** Jen Baird
Position: City Safe Unit Manager **Position:** General Manager City Growth
Report Name: Civil Defence Emergency Management (CDEM) Quarterly Update

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

1. To inform the Community Committee of the progress on the shared service arrangement with Waikato Regional Council for delivering Civil Defence Emergency Management (CDEM) activity on behalf of Hamilton City Council.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community Committee receives the report.

Executive Summary - *Whakaraapopototanga matua*

3. A condition of the service delivery contract for delivery of CDEM services is that CDEM report quarterly to the Community Services and Environment Committee (now the Community Committee) on the performance and delivery of the workplan and updates on other deliverables.
4. The attached report by the Waikato Group Emergency Management Office covers the quarterly period from April to June 2020 and outlines achievements in the yearly workplan (see Attachment 1).
5. The Hamilton City Council Emergency Operations Centre (EOC) was activated on 26 March 2020 in support of the national Covid-19 response. It operated for 69 days before closing on 5 June 2020.
6. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Discussion – *Matapaki*

Covid-19 Response

7. A declaration of a national state of emergency was made by the Central Government in response to the developing Covid-19 situation on 26 March 2020.
8. At the direction of the Civil Defence Group Controller, Hamilton and Waikato District combined to create the Waikato Northern EOC. The combined operation continued until the country entered Alert Level 2 on 13 May 2020.
9. From 13 May 2020 until 5 June 2020 the Hamilton EOC was the centre for CDEM operations across the Thames Coromandel, Matamata Piako, Hauraki, Waikato District and Hamilton.

10. The immediate actions for CDEM were welfare focused and centred on providing food for vulnerable people in the community and providing emergency accommodation for people who were unable to stay at their usual place of residence or who had no means of self- isolating. As the demand continued to increase, greater focus was placed on providing financial support to food banks and community organisations providing community-based support.
11. A CDEM Welfare Helpline was set up and operated 12 hours each day. The service was intended to enable affected community members to obtain support and assistance to meet their accommodation needs, secure immediate food and clothing assistance, secure psychosocial support and to also obtain food for their companion animals.
12. The Helpline received 1,613 calls for service from Hamilton residents during this period. The greatest level of demand received for was for immediate food support followed by accommodation support.
13. At national direction, financial support for food banks continued through until 1 July and financial support for foreign nationals continued until 15 July 2020.
14. EOC deliverables included:
 - immediate delivery of 157 emergency food parcels
 - immediate delivery of 80 supermarket vouchers
 - funding for preparation and delivery of 62,042 frozen meals
 - funding for preparation and delivery of 8,100 food parcels
 - providing 201 nights of accommodation
 - providing freezers and chiller units for food banks.
15. There was a total expenditure of \$1.6 million by CDEM in providing welfare support services (see Financial Considerations section).
16. Fifty-nine (59) Hamilton City Council staff worked in the EOC during this operation. Staff worked a total of 8,098 hours in the EOC in support of the Covid-19 response; a further 5 staff were deployed in the Regional Group Emergency Coordinating Centre for varying periods.
17. Positive outcomes from this CDEM response include:
 - identifiable impact on meeting immediate needs of vulnerable people in the community
 - strengthened relationships across councils, with service providers and iwi
 - successful introduction of Pou Aarahi concept - an Iwi/ Cultural Advisor to Controller. This ensured that Maaori were represented in the response and decision making
 - thorough testing of our contingency plans including working remotely and working from our alternate EOC
 - staff gained significant real event experience which in turn will provide confidence to be able deliver professional responses to future emergencies.
18. Opportunities for strengthened performance include:
 - developing further maturity in relationship with partner agencies (data sharing)
 - social distancing in an EOC response
 - increasing the numbers of staff who are CDEM trained.

Yearly work plan

19. With a total focus on Covid-19 related responses, there has been no investment in workplan activities during the reporting period.

Financial considerations - *Whaiwhakaaro Puutea*

20. The cost of our Hamilton CDEM response to Covid-19 was \$1.6 million. This was principally spent in providing emergency food, accommodation and foodbank support. Costs incurred in providing welfare support during an emergency can be reimbursed from central government; applications for reimbursement of \$1.55 million have been lodged.
21. Hamilton City Council staff worked a total of 8,098 hours in the direct provision of CDEM services during the Covid-19 response, equating to approximately \$809,000 in staff costs. Staff costs incurred in a CDEM response are not able to be reimbursed by central government.
22. The total cost of the shared service contract approved by the Council in 2016 was \$3.1 million spread over the six years and nine-month life of the contract at an annual contract cost of \$460,000.

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

23. Hamilton City Council is obligated by Section 64 of the Civil Defence and Emergency Management Act to 'plan and provide for civil defence within its district'.

Risks - *Tuuraru*

24. The shared service contract arrangement with the Group Emergency Management Office for the method of service delivery does not release the Council from its obligations and accountability for the implementation and integration of civil defence.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

25. 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').
26. 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. The recommendations set out in this report are consistent with that purpose.

Social

27. CDEM activity is intended to build resilience within communities and to assist in developing preparedness within the community to be able to respond to an emergency and therefore has a direct benefit to the social wellbeing of the city.

Economic

28. An emergency event of significance does have a significant impact upon the economic wellbeing of the city. The investment in reduction and readiness activity and a continued focus on developing resilience across all groups within our city could help to lessen the potential economic impact of such an event. A principle focus of this work is to encourage the development and testing of business continuity plans within business community.

Environmental

29. CDEM activity is premised upon understanding the environmental wellbeing of the city and how emergency events – both natural and manmade – could significantly impact on and change that future wellbeing state. Reduction activity is designed to lessen or minimise the impact of such events.

Cultural

30. The planned application of emergency management activity is focused across all cultures and groups within the city. Emphasis is placed on working closely with Tangata Whenua and migrant groups to enhance the understanding and application of emergency management at individual, family (whanau) and group (hapuu and iwi) level and how to prepare for and respond to an emergency event.

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

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - HCC CDEM 4th Quarter Report Apr-Jun 2020 final



To: Hamilton City Council (HCC)

Authorised by: Kelvin Powell, Controller, HCC Civil Defence Emergency Management (CDEM)

Author: Justin Douglas, Coordinator, HCC Civil Defence Emergency Management (CDEM)

Date: 20 July 2020

Subject: HCC Emergency Management Quarterly Report (4th Quarter, April-June 2020)

Priority Work Programme Summary:

On the 16th of March 2020 the Hamilton City Council Emergency Operations Centre (EOC) at the Genesis building was activated to support the National State of Emergency for Covid-19. On the 23 March the Hamilton City Council EOC was joined by Waikato District Council staff establishing the *North West Emergency Operations Centre*. The Controllers and staff shared roles and responsibilities across the two local authorities. From 1st June 2020 the *North Emergency Operations Centre* was established with the addition of Thames Coromandel, Hauraki and Matamata Piako District Council staff working both in the Hamilton EOC and remotely.

The response was led by the two Hamilton Civil Defence Controllers and supported by both Civil Defence Emergency Management Officers and up to up to sixty Hamilton City Council staff. Two ex-Hamilton City Council staff volunteered to work in the EOC and participated in roles in Logistics and Operations.

The yearly training and exercise programme was suspended for the period of the response; however, the response did provide significant opportunity for a number of staff to gain very valuable practical experience in Civil Defence work. Staff who worked in the EOC had varying levels of CDEM knowledge and experience and included a number of staff who had not had any previous exposure to CDEM. Subsequently, a process has been initiated where untrained staff who worked in the EOC are able to be accredited with Emergency Management qualifications commensurate with their recent experience.

During the response the entire EOC was moved to the Duke Street Alternative EOC where it operated for a period of two days. This was a good opportunity to test the alternative facility and our I.T infrastructure which supported it. All systems worked as planned, including the generator and EOC layout, WIFI and the use of a range of desk top applications necessary to manage the response.

Social distancing limitations meant that a range of video conferencing platforms were used daily to communicate at a local, regional and national level. These worked well and ensured that our business delivery was not interrupted. Our EOC set up was able to be fully tested and proved to be very effective and operational hub for the response and allow us to concentrate on effectively supporting the vulnerable people in our communities.

Following the close of the EOC, left over food parcels and unused blankets were gifted to the Hamilton Settlement Centre for their use.



Welfare staff conducting a team briefing



Logistics team staff



Donated goods post response delivered by our Local Controller and received with thanks by staff at the Settlement Centre Waikato



Thursday 9th July Celebration morning tea organised by the Mayor and Acting CEO with many of the staff who activated able to come together and be thanked for work well done and the collaborative and caring manner in which it was done

PRIORITY WORK PROGRAMME:

Figure 1. Key for work programme status

Stages	Status			
Planning	Completed	On Plan	Off Plan	Help Needed
Implementation				
Functional				
Optimal				

Figure 2. Work Programme Status

RECOMMENDATION	Planning	Implementation	Functional	Optimal	PROGRESS
Enhancing capability to recover from emergencies					
Review of HCC Local Recovery Plan to comply with the latest amendments conducted in 2017. Recovery to be included in all exercises.					Aligning with Group Recovery Manager's research around Strategic Planning for Recovery
Welfare: Enhancing HCC capability to manage emergencies					
Confirmation of terminology associated with Recovery Coordination Centres/Civil Defence Centres (CDC) /Recovery Assistance Centres to prevent confusion on any activation of the revised Local Recovery Plan					As above
Welfare: Enhancing HCC capability to manage emergencies					
Any outcomes of the CDC project to be included in all CDEM documentation for standardisation, the revised Hamilton City Response Plan					
Increasing Community Resilience through understanding and participation in CDEM					
Development of a Community Resilience Strategy					Covid-19 processes created during activation to be reviewed and included into current strategy
Development of a public education programme					Covid-19 public education programmes created during activation to be reviewed and included
Develop a Volunteer Coordination Plan for pre-screened and spontaneous volunteers					HCC CDEM is aligned with the Group Volunteer Coordination Plan and we have representation on the Volunteer Coordination Advisory Group
Increasing Community Resilience through understanding and participation in CDEM					
Maintaining capability and capacity through implementing a training and exercise programme and tracking development					HCC CDEM training and exercise internal tracking system in place for all training & exercise courses, including drills and activation. Individuals (and HCC CDEM) also track their own development through use of the national online training portal called 'Takatu'

RECOMMENDATION	Planning	Implementation	Functional	Optimal	PROGRESS
Integration and coordination between CDEM coordinators and the HCC Community Development team for development of resilience, social capital and neighbourhood response plans tailored to specific communities					HCC community profile(s) being reviewed to focus on geographic areas of Hamilton communities to undertake appreciation studies to incorporate but not limited to hazards and risks, known resources and facilities, lifeline utilities
Review of the current Community Response Plan and the promotion of CDEM information to public					Post Covid-19 learnings to be incorporated with considerations of accessibility to information for specific communities such as but not limited to disability and elderly sectors
Priority development of the relationship between HCC Communications team and the CDEM coordinators for coordination of Public Information Management (PIM) activities					During activation relationships are optimal and BAU and readiness work to be reviewed and strengthened
Operations: Enhancing HCC CDEM training and exercise programme					
Rewrite of HCC CDEM Initial Response Plan					
Development of HCC CDEM training and exercise programme					Programme completed and training ongoing
Review and update HCC Emergency Operating Centre (EOC) Guidelines with regional and national best practice					Best practice guidelines created during Covid-19 activation to be reviewed and included
HCC integration: Increasing Readiness through participation in CDEM activities					
HCC Human Resources (HR) CDEM collaboration to develop a training programme: increasing EOC staffing sustainability beyond the initial stages					
Review the effectiveness of current and alternate EOC sites and corrective actions for any Information Communications Technology (ICT) issues					Completed and corrective actions register in place as required
HCC/WRC SLA building an environment of success for the embedding of CDEM staff on a 24/7 basis including the resolution of connectivity issues					Review to be put in place
Hamilton City Council CDEM Training Numbers for 4th Quarter					
<i>Due to Covid-19 response an accreditation course has been created for those who have worked in the EOC. This accreditation covers both Foundation and Intermediate course requirements.</i>					
Activation Accreditation Course	New course with 20 participants lined up for first accreditation in July				
ITF Foundation					
ITF Intermediate					
CIMS 3					
Function Specific (Logistics)					
Function Specific (Welfare)					
Function Specific (PIM)					
Welfare in CDC					

Welfare in CDC Supervisor	
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