

Notice of Meeting:

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

Date: Thursday 28 August 2025
Time: 9:30 am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Council Kaunihera OPEN AGENDA

Membership

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O'Leary
Heamana Tuarua

Members	Cr Maxine van Oosten	Cr Geoff Taylor
	Cr Moko Tauariki	Cr Sarah Thomson
	Cr Ewan Wilson	Cr Emma Pike
	Cr Tim Macindoe	Cr Maria Huata
	Cr Louise Hutt	Cr Anna Casey-Cox
	Cr Andrew Bydder	Cr Kesh Naidoo-Rauf
	Vacancy	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Amy Viggers
Mana Whakahaere
Governance Lead

20 August 2025

Telephone: 07 838 6699
Governance@hcc.govt.nz
www.hamilton.govt.nz

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council¹:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Council's Governance Statement.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council does not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act 1991.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

¹ [Clause 32, Schedule 7, Local Government Act 2002](#)

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- j) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- k) Approval of Activity Management Plans.
- l) Sister City relationships.

Oversight of Strategies, Plans and Reports:

- Long Term Plan
- Annual Plan
- Annual Report
- Shaping Hamilton Kirikiriroa Together
- Our Climate Future
- He Pou Manawa Ora

Oversight of Policies and Bylaws:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to officers specific to the Resource Management Act 1991*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*
- *Climate Change Policy*
- *Any Community Engagement Policies*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Council 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 Mayor.

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

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

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6699.

Council Report

Item 5

Committee: Council

Date: 28 August 2025

Author: Amy Viggers

Authoriser: Michelle Hawthorne

Position: Governance Lead

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Council Open Minutes 31 July 2025

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

That the Council confirms the Open Minutes of the Council Meeting held on 31 July 2025 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Open Unconfirmed Minutes - 31 July 2025

Council *Kaunihera* OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 31 July 2025 at 9:31 am.

PRESENT

Chairperson <i>Heamana</i>	Mayor Paula Southgate
Deputy Chairperson <i>Heamana Tuarua</i>	Deputy Mayor Angela O’Leary
Members	Cr Maxine van Oosten Cr Moko Tauariki Cr Ewan Wilson Cr Tim Macindoe Cr Louise Hutt Cr Andrew Bydder Cr Geoff Taylor Cr Sarah Thomson (via Audio-Visual) Cr Emma Pike Cr Maria Huata Cr Anna Casey-Cox Cr Kesh Naidoo-Rauf

The meeting was opened by Kaumatua Tame Pokaia.

1. Apologies – *Tono aroha*

Resolved: (Mayor Southgate/Deputy Mayor O’Leary)
That the Council accepts the apologies for partial attendance from Councillor Pike (Council Business).

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Mayor Southgate/Cr van Oosten)
That the Council confirms the agenda.

3. Declarations of Interest – *Tauaakii whaipaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *AAtea koorero*

There were no members of the public present for the Public Forum.

5. **Confirmation of the Council Open Minutes 26 June 2025**

Resolved: (Mayor Southgate/Cr Wilson)

That the Council confirms the Open Minutes of the Council Meeting held on 26 June 2025 as a true and correct record.

6. **Confirmation of the Elected Member Open Briefing Notes 18 June 2025**

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council confirms the Open Notes of the Elected Member Briefing held on 18 June 2025 as a true and correct record.

7. **Council Submission to Packages 1, 2 and 3 of RMA National Direction**

The Urban and Spatial Team Lead spoke to the report highlighting discussion points including difference between Council and Civil Defence submissions and responses driven by Plan Change 12. Staff responded to questions from Elected Members concerning the Natural Hazard National Policy Statement matrix, individual property rights, council investment and high density zoning.

Motion: (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) approves the **Draft 1** submission (**Attachment 1**) to the three Packages of RMA National Direction:
 - i. Package 1: Infrastructure and Development;
 - ii. Package 2: Primary Sector; and
 - iii. Package 3: Freshwater;
- c) approves that the Mayor or Chief Executive has authority to sign and submit Council's final submission, incorporating the feedback from this meeting; and
- d) notes that staff will lodge a draft submission with the Ministry for the Environment by the official 27 July 2025 closing date; however, staff have been given an extension until Monday 4 August 2025 to allow the submission to be finalised after this meeting.

Amendment: (Cr Bydder/Cr Pike)

That the Council:

- a) receives the report;
- b) approves the **Draft 1** submission (**Attachment 1**) to the three Packages of RMA National Direction:
 - i. Package 1: Infrastructure and Development;
 - ii. Package 2: Primary Sector; and
 - iii. Package 3: Freshwater;
- c) approves that the Mayor or Chief Executive has authority to sign and submit Council's final submission, incorporating the feedback from this meeting, and the below:
 - i. amend the Draft submission NES for Granny Flats to delete 33, reference to setbacks in 34, 35, and 36;
 - ii. amend the Draft submission NES for Papakaainga to be more explicit about the types of definitions and details to enable more opportunities for Papakaainga;

- iii. amend the Draft submission NPS for Highly productive land to delete part of 51 “while recommending its retention for rural lifestyle areas”; and
- iv. amend the Draft NPS for Freshwater Management to delete 63 and 72;
- d) notes that staff will lodge a draft submission with the Ministry for the Environment by the official 27 July 2025 closing date; however, staff have been given an extension until Monday 4 August 2025 to allow the submission to be finalised after this meeting.

Those for the Amendment: Councillors Bydder, Taylor and Macindoe.
Those against the Amendment: Mayor Southgate, Deputy Mayor O’Leary, Councillors Hutt, Pike, Casey-Cox, Naidoo-Rauf, van Oosten, Thomson, Tauariki, Wilson and Huata.

The Amendment was declared LOST.
The Motion was then put and declared CARRIED.

- Resolved:** (Mayor Southgate/Deputy Mayor O’Leary)
That the Council:
- a) receives the report;
 - b) approves the **Draft 1** submission (**Attachment 1**) to the three Packages of RMA National Direction:
 - i. Package 1: Infrastructure and Development;
 - ii. Package 2: Primary Sector; and
 - iii. Package 3: Freshwater;
 - c) approves that the Mayor or Chief Executive has authority to sign and submit Council’s final submission, incorporating the feedback from this meeting; and
 - d) notes that staff will lodge a draft submission with the Ministry for the Environment by the official 27 July 2025 closing date; however, staff have been given an extension until Monday 4 August 2025 to allow the submission to be finalised after this meeting.

8. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

Resolved: (Mayor Southgate/Cr Macindoe)
That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 26 June 2025) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Closed Briefing Notes 10 June) Official Information and Meetings Act 1987	

-
- 2025
 - C3. Confirmation of the
Elected Member Closed
Briefing Notes 18 June
2025
 - C4. Local Water Done Well:
Contract Arrangements

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

- | | | |
|----------|--|-------------------|
| Item C1. | to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C2. | to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C3. | to prevent the disclosure or use of official information for improper gain or improper advantage | Section 7 (2) (j) |
| Item C4. | to enable Council to carry out negotiations | Section 7 (2) (i) |

The meeting moved into Public Excluded session at 10.10am.

The meeting was declared closed at 11.14am.

Council Report

Item 6

Committee: Council

Date: 28 August 2025

Author: Stephanie Goss

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Elected Member Open Briefing Notes 30 July 2025

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

That the Council confirms the Open Notes of the Elected Member Briefing held on 30 July 2025 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes 30 July 2025

Elected Member Briefing Notes – 30 July 2025 – Open

Time and date:	9.30am, 30 July 2025
Venue:	Committee Room 1, Hamilton City Council
In Attendance for all of the below sessions:	Deputy Mayor O’Leary, Cr Naidoo-Rauf, Cr Hutt, Cr Casey-Cox, Cr Wilson, Cr Pike, Cr Taylor and Cr Macindoe
In Attendance for part of the below sessions:	Cr Thomson and Cr van Oosten

Minor Transport Improvement Programme

Staff explained the purpose of this session was to present the two project reports that were a part of the Minor Transport Improvement Programme. Members asked questions in relation to the following matters:

- Advanced stop boxes;
- Costing /Funding;
- Safety;
- Different types of crossings;
- Raised platforms; and
- Cycle Paths.

Costing Minor Transport Improvement Programme

Staff explained the purpose of this session was to provide Members with an overview of the processes used for development and delivery of the minor transport improvement programme, in particular the costs. Members asked questions in relation to the following matters:

- Costing breakdown;
- Safety audits;
- Consultants;
- Cost savings;
- Funding;
- Encouraging public to log jobs; and
- Traffic management.

Council Report

Item 7

Committee: Council

Date: 28 August 2025

Author: Stephanie Goss

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Elected Member Open Briefing Notes 6 August
2025

Report Status	Open
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirms the Open Notes of the Elected Member Briefing held on 6 August 2025 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Elected Member Open Briefing Notes 6 August 2025

Elected Member Briefing Notes – 6 August 2025 – Open

Time and date:	9.30am, 6 August 2025
Venue:	Committee Room 1, Hamilton City Council
In Attendance for all of the below sessions:	Cr Huata, Cr Bydder, Cr Casey-Cox, Cr Naidoo-Rauf, Cr van Oosten, Cr Macindoe, Cr Pike and Cr Wilson
In Attendance for part of the below sessions:	Mayor Southgate, Deputy Mayor O’Leary, Cr Taylor, Cr Thomson, Cr Hutt and Maangai Kana

Wastewater Capacity

Staff explained the purpose of this session was to outline future roles in wastewater and water management and discuss criteria to prioritise the reactive wastewater network upgrade fund.

Members asked questions in relation to the following matters:

- Strategic positions;
- Delivery timeframes;
- Affordability in these areas;
- Developer plans;
- Potential mechanisms to contact developers regarding constraints;
- Funding;
- Cooperation with developers;
- Interim solutions;
- IAWAII Flowing Waters involvement;
- Risks;
- Overflows in residential developments; and
- Network conditions.

Staff Action: *Staff undertook to provide Members with an overlay map of wastewater constrained areas that aren’t currently affected by developers but still constrained.*

Minor Transport Improvement Programme – Macroscopic Approval

Staff explained the purpose of this session was to present the two project reports that were a part of the Minor Transport Improvement Programme. Members asked questions in relation to the following matters:

- Parking over cycle lanes;
- Long-term parking;
- Alignment with Eastern Link project;
- Data around the use of other entrances (Hamilton Boys High School);
- Shared path markings; and
- School travel plans.

Council Report

Item 8

Committee: Council

Date: 28 August 2025

Author: Amy Viggers

Authoriser: Michelle Hawthorne

Position: Governance Lead

Position: Governance and Assurance
Manager

Report Name: Chair's Report

Report Status	<i>Open</i>
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Recommendation – *Tuutohu*

That the Council receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

Public Spaces

Safe and attractive public spaces are issues this Council has been keenly focused on. We recognise that unwanted public behaviour in these spaces is a complex issue, not easily solved and requires social, legal and physical responses. However, we are committed to playing our part to improve the current situation.

It is good to see a start to some of the CBD space improvements. I was pleased to take a walk around with staff and colleagues last week to better understand some of the physical improvements planned (such as seating, planting and lighting). It is great to see children and families enjoying the new garden in Garden Place.

One aspect that has gained a lot of attention has been “anti-social”, criminal and unwanted activities around the CBD. Today we have two relevant reports requested by Council to consider concerning social interventions and the proposed Bylaws. At the time of writing this report I have not seen the recommendations, but my hope is we have a few actions that Council can implement to increase the use and enjoyment of public space while minimising the unwanted behaviours.

Events Policy Review

The draft events policy is also up for debate today. This item resulted from a 2024-34 Council Long-Term Plan resolution requesting that staff develop a draft events policy that reduces red tape and enables arts and events to happen. The draft policy has been canvassed in workshops and targeted consultation with event organisers has occurred. I think we would all agree that engaging and well-run events are great for our city; making it easier for event organisers to hold events in a responsible way is a sensible move.

Local Government Systems Improvement Amendment Bill

In the last two terms, there have been huge Government-led changes to the way Local Government works. Two of the most substantial are Local Waters Done Well and reforms to the Resource Management Act. Most recently, the Government has released the draft Local Government Systems Improvement Amendment Bill. Here is a link to Minister Watts recent media release : [Refocusing local government to deliver for Kiwis | Beehive.govt.nz](#)

The Bill's overarching goal is to improve council efficiency and public accountability while focusing resources on essential services. It modernises mandates, increases transparency, eases certain

administrative burdens, and injects more central oversight - especially through regulations and standardisation - for local governance in New Zealand. The key areas of focus are:

1. Performance & Reporting: Improves council performance reporting and allows benchmarking through new regulations.
2. Core Services Focus: Prioritises essential services in financial planning and decision-making.
3. Governance & Conduct: Mandates standard codes of conduct and boosts transparency.
4. Reduced Red Tape: Cuts outdated requirements and simplifies council operations.
5. Flexible Regulation: Expands regulatory powers for easier updates and smoother transitions.

This will lead to fundamental changes to the way councils operate across the country. In my view it is time to consider what fit-for-purpose Local Government looks like; this is the time for us to begin to shape the future. This will no doubt include further discussion on “core” functions. However, it was heartening to see parks, libraries and pools included in the thinking - these are very much appreciated by our community.

In my opinion a bolder conversation needs to happen around scale and efficiency that allows us to fund the core infrastructure needed for our aging and growing city. Greater use of shared services, public private partnerships and levies must form part of that along with the potential for voluntary amalgamations in some places. I look forward to hearing your feedback on the submission today.

Mayoral Engagements

The last month has been busy and productive in the Mayor’s Office. I recently attended the Air New Zealand Mayoral Forum. At that event Air NZ announced their support for tourism and Hamilton was lucky enough to be one of the first two places to benefit, through in-kind sponsorship support for the wonderful Hamilton Arts Festival. While I was unaware of the announcement before attending, I was able to express thanks on behalf of Hamilton. CEO Greg Foran (who is stepping down soon), was pleased with progress in the face of some big pressures. He noted cheap fares are not viable in this time of cost increases and supply issues but explained that the focus was on reliability and “brilliant basics”, including predictive maintenance. Air NZ also places a strong emphasis on digitisation to make the passenger experience easier and quicker, and their digital re-booking system was mentioned. Greg brought us up to date with the Auckland Airport development, the development and rollout of sustainable fuels, future fleet (more 787s next February and in 2027 – although these will not provide services in and out of Hamilton Airport), and good progress made with pilot and engineer training. Lastly, I note with pleasure that fact that the new “beta all electric” planes are to be tested from Hamilton, likely very early in 2026.

I also had excellent conversations with Corrections NZ, visiting their new supported accommodation for those being released, and their Tai Aroha ‘Transition to Releases’ programme. I am grateful to Corrections for their update and have suggested that they brief the new council once it is in place.

I was pleased to attend the new documentary *A Museum of Humanity: The Time Traveller's Guide to Hamiton Gardens* hosted by the Hamilton Gardens Development Trust behalf of Hamilton Gardens on Sunday 10 August. It was fabulous and I am pleased to share the link to the 3-minute preview below. My thanks to the sponsors and all those who contributed to such a wonderful resource. Not only are we fortunate to have the vision of Peter Sergel, the support of the Hamilton Gardens Trust, and Friends of the Gardens, we also have amazingly skilled and passionate staff. The film, directed by Grant

Sheehan, will be used to raise revenue and increase the understanding of the stories of the Enclosed Gardens.

[A MUSEUM OF HUMANITY - the time traveller's guide to Hamilton Gardens - documentary trailer - YouTube](#)

Attached Reports

Finally, I would like to acknowledge Cr Anna Casey-Cox and Cr Maria Huata for their leadership of two important working groups convened during this Council term - the Affordable Housing Working Group chaired by Cr Anna and He Pou Manawa Ora Working Group chaired by Cr Maria. Reports on both working groups' activity over the triennium are appended. They make for interesting reading, and I would encourage you to review them.

Recommendation:

That the Council receives the report.

Paula Southgate

Mayor of Hamilton City

Appendix 1

Affordable Housing Working Group November 2023 - August 2025

Report by Chair, Councillor Anna Casey-Cox

Members:

Councillor and Chair, Anna Casey-Cox, Mayor Paula, Councillor Sarah, Councillor Moko, Councillor Mark, Maangai Jaydene, Lale Ieremia and Thomas Gibbons (Waikato Housing Initiative). Supported by staff including Dr Mark Davey, Steve Denize, Mark Roberts, Kiri Crossland, Laura Galt and others.

This term, the Affordable Housing Working Group has worked alongside the Waikato Housing Initiative (WHI) and housing providers to progress practical solutions for increasing housing affordability in Kirikiriroa Hamilton. Our progress has been driven by strong advocacy, cross-sector collaboration, targeted investment in infrastructure and partnerships, and excellent, diligent staff.

The Working Group began the term with high hopes of advancing an Inclusionary Zoning plan change. However, challenges faced by Queenstown Lakes Council, who initiated a similar plan change, prompted a pivot toward achieving similar affordability outcomes through Private Development Agreements. With input and guidance from the Working Group, Council adopted commercial terms requiring all new greenfield developments to include at least 10% affordable homes, priced at no more than five times the median household income for the housing type. Continuing this policy commitment will help ensure affordability remains embedded in future growth.

Council's main strategy for enabling affordable housing is through intensification and a broader mix of housing type in the CBD walkable catchment, Chartwell and Five Crossroads town centres, and along key transport routes. This is supported by Plan Change 12. Water infrastructure investment has been guided by our strategic planning approach, and the Infrastructure Acceleration Fund (IAF) remains critical for enabling affordability. Of the 4,000 homes expected in the CBD by 2034, close to 25% are projected to meet Kāinga Ora affordability thresholds. Development Contributions remissions up to \$1M were provided to the 6 developers (total \$6M) that signed Housing Outcome Agreements, provided the developments were specified in the agreement. The Working Group has consistently highlighted that affordability should remain a guiding principle when applying zoning, infrastructure provision, and remissions.

In addition to championing a broader range of housing typologies, the Working Group has consistently supported and influenced investment in Fairfield–Enderley. Through combined advocacy, alongside Kāinga Ora, Council supported an additional \$10.3

million for wastewater infrastructure in the area, to be delivered through IAWAI, enabling hundreds of additional affordable housing. This highlights the importance of treating wastewater delivery as a core affordability issue and targeting infrastructure investment where it can unlock housing.

Work with Te Puni Kōkiri, led by Maangai Jaydene and coordinated through the Working Group, has aimed to strengthen Council's support of papakaainga development. However, this was impacted when Te Puna Kōkiri's funding was reduced. Through the 2024–34 LTP, a remission of up to 50% for purpose-built papakaainga was introduced, alongside up-to-100% remissions for Community Housing Providers. The Working Group's advocacy has helped ensure ongoing support for papakaainga, CHPs, and charitable trusts who make a critical contribution to increasing housing options and affordability.

Tangible progress has also been made through Area Q and Hinemoa developments. In late 2024, Council sold land at Area Q to Jones Lands Ltd, delivering 67 relatively affordable homes, with a portion retained for long-term affordability. The Working Group played a key role in the assessment process. Meanwhile, a \$10 million low-interest loan to Bridge Housing Trust through the MEF fund is enabling 42 affordable units at Hinemoa. These examples show the value of targeted partnerships and innovative financing and suggest that balancing quick wins with a small number of strategic, high-impact projects is an effective approach for future councils.

While the Working Group has largely focused on market affordability, public housing remains a cornerstone of the housing continuum. Kāinga Ora has delivered more than 1,000 new homes in Hamilton since 2023, rehousing many people previously in emergency accommodation. Over the past year, however, Kāinga Ora's build pace has slowed significantly, while homelessness has risen fourfold between June 2024 and July 2025. The Working Group, primarily through Mayor Paula, continues to advocate for central government investment in public housing, highlighting the critical need for action.

Community Housing Providers (CHPs) charitable trusts have contributed significantly to affordable housing in our city. As Chair, I have attended numerous openings, including those with Te Rūnanga o Kirikiriroa, Habitat for Humanity, and the Salvation Army. Council's efficient consenting processes have been widely acknowledged as making a real difference. Building on this by exploring fast-track pathways and reduced consent fees for CHPs and charities could further strengthen delivery.

Partnerships have been a consistent strength of the Working Group. Our close relationship with WHI has supported cross-sector alignment, data sharing, and advocacy across the housing continuum. Future councils may wish to continue endorsing WHI as the lead place-based body for housing and affordability, with strong

staff and governance representation. Ensuring alignment with a Council, through regular updates, shared membership, or potentially integrating the Working Group's functions into a Council committee, could help streamline governance and reduce duplication.

Finally, monitoring and measurement remain crucial. This term, the Working Group has supported Council in tracking affordable housing delivery, including price points and pipeline yield. Continuing to refine affordability measures, using WHI's definitions as a base, and maintaining focus on a small number of priority initiatives each term will help ensure results are visible and measurable.

In conclusion, the Affordable Housing Working Group has demonstrated that collective advocacy, strategic investment, and strong partnerships can deliver tangible results for Kirikiriroa Hamilton. While many challenges remain, the progress made over this term shows that Council, alongside government, housing providers, and community partners, can make a real difference. Embedding affordability as a guiding principle in our growth and infrastructure decisions will be critical for future councils, and we leave this work with a strong foundation for the years ahead.

Appendix 2

He Pou Manawa Ora Highlights 2025

Together, through He Pou Manawa Ora, Kirikiriroa is not only achieving but leading the way in its vision for a city that celebrates its whole history, including its unique Maaori heritage, and ensures everyone has a voice in developing its future.

The HPMO strategy included 45 actions to be achieved. To date 29 actions have been delivered, with remaining 16 actions to be delivered over the next 3 years.

Celebrating Culture and Community

This year delivered three successful events that powerfully celebrated our shared heritage: Waitangi Day, Maanawatia a Matariki, and the Waikato River Festival. Each event deepened community connections and affirmed our commitment to honouring our unique identity in partnership with iwi and the wider community.



Maanawatia a Matariki



Maanawatia a Matariki



Waitangi Day Festival



Waitangi Day Festival



Waitangi Day Festival



Waitangi Day Festival

Leading with Policy and Te Tiriti

Council's Te Tiriti o Waitangi Management Policy was collaboratively drafted with iwi partners, key staff, and the Executive Leadership Team. Currently under organisational review, the policy is on track for formal adoption in 2025, reflecting our continued progress toward authentic Tiriti partnership.

Over the past year, councillors and senior leaders completed Tiriti o Waitangi training tailored to Hamilton City Council's needs. Ongoing Tiriti training will continue for councillors and staff to strengthen the organisation's cultural capability.

Manaakitanga and International Manuhiri

Council has lifted its manaakitanga and approach to international delegations by embedding Te Aao Maaori authentically into its international programme. In May this year, a specially commissioned puumoana 'Te Whitinga o te raa' translated as 'a new beginning' was made by artist James Webster for gifting to sister city Chengdu.

On the return visit of the Chengdu delegation to Kirikiriroa, Council with support from Te Wharekura o Nga Taiatea honoured the roopu (delegation) with a poowhiri and cultural experience at their kura, including insight into kaupapa Maaori education.



Puumoana 'Te Whitinga o te raa' blessing ceremony

Empowering with Maatauranga Maaori

The completion of Council's Maatauranga Maaori Framework, He Paa Waananga Ora, represents a significant achievement in embedding Maaori perspectives across Council operations. This year saw the successful pilot of He Paa Waananga Ora training for staff, fostering deeper understanding and capability, while elected members were equipped through a comprehensive briefing in February 2025.

Strengthening Collaboration through Wai Waananga

Council, in collaboration with mana whenua and Waikato-Tainui staff, has convened monthly Wai Waananga to support all water-related infrastructure projects. These mana-enhancing forums empower iwi and mana whenua to shape citywide outcomes, ensuring projects are grounded in respect for tikanga and shared aspirations.

Visibility and Connection

Council's presence at two significant Kiingitanga Poukai events reinforced its strong standing within Kiingitanga and enabled the proactive promotion of Council services, including our museum, libraries, and Amorangi Maaori services. These connections strengthen mutual visibility and partnership.

Robust Collaboration with Mana Whenua

Council's partnership with mana whenua, including Te Haa o te Whenua o Kirikiriroa and Ngaati Wairere, has led to results in resource consents, policy advice, and cultural guidance. In 2025, they reviewed over 100 consent applications and gave input on design, naming, hapuu concerns, and events like the Hamilton Gardens entranceway opening.

Mana whenua have offered expertise for projects such as the Transport Centre redesign and the Southern Wastewater and citywide water storage projects, helping these efforts reflect cultural values and support community wellbeing.

With mana whenua guidance cultural storytelling now features in public infrastructure, with artistic designs celebrated at locations like Te Ara Pekapeka and Taurapa bridges, Hamilton Gardens, museum upgrades, and Te Kete Aronui (Rototuna library).



Bolmuir Park playground blessing ceremony



Taupara Bridge Design



Blessing and opening of Te Ara Pekapeka



Paataka blessing ceremony



Pukete Community House sod-turning ceremony

Measuring Success: Positive Partnerships and Growing Satisfaction

The introduction of a new measure in the 2024-34 Long-Term Plan—capturing Tiriti o Waitangi partners' satisfaction—demonstrates our commitment to transparency and accountability. This year, the satisfaction measure is 67%. 10 of 15 surveyed partners reported being satisfied or very satisfied with Council's partnership.

The He Pou Manawa Ora framework was widely recognised by Māori stakeholders as a catalyst for positive policy development and engagement, while also highlighting

opportunities for greater transparency and wider application to further enhance outcomes.

- Stakeholders recognise Council's investment in skilled Maaori staffⁱ, which has improved collaboration and trust.ⁱⁱ The relationship between Hamilton City Council and Maaori is increasingly aligned and focused on shared goals.
- The He Pou Manawa Ora framework is seen as vital for engagement, though iwi stakeholders seek more consistent application across Council leadership and projects. Council notes opportunities to further streamline engagement, strengthen frameworks, and support procurement and environmental partnerships.
- Council will continue investing in Maaori leadership, partnerships, and efficient engagement to promote co-governance and deliver shared outcomes.

Four Priority Projects Delivered with Waikato-Tainui

- Developed a joint communication strategy on issues of mutual interest including rate rebates and the local government elections.
- Collated data on current Kirikiriroa street names i.e., number, number of Maaori street names and history of street names if known to support Waikato-Tainui to identify a list of potential offensive colonial road, street, parks and facilities names.
- Documented a list of WT rights and interests applicable to Kirikiriroa.
- Collated a list of physical council or govt sites/properties that may trigger the Rights of First Refusal mechanism.
- Undertaken a review of Council's procurement policy to enable better inclusion of Maaori and iwi businesses.

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New roles in council:

- General Manager Maaori
- Pou Arahi Whare Taonga(museum)
- Pou Arahi whare pukapuka (libraries)
- Maatauranga Maaori role in 2023-24
- Amorangi Maaori Unit manager

Council Report

Committee: Council **Date:** 28 August 2025

Author: Erin Bates **Authoriser:** Janet Carson

Position: Head Of Community Partnerships, Funding & Events **Position:** General Manager Partnerships, Communication & Maaori

Report Name: Social support initiatives to reduce antisocial behaviour in the CBD

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

1. To seek approval from the Council for potential social support initiatives that will reduce antisocial behaviour in the Central City.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report
 - b) requests that staff partner with community groups to develop and deliver a series of whanau based events during summer 2025/26, with an evaluation report back to the Community and Natural Environment Committee (or equivalent committee) in June 2026;
 - c) requests that staff work with service providers to investigate an expanded community outreach model for the city;
 - d) notes that on 1 July 2025, Te Whare Korowai opened the Te Rito Awhi (The Hub) drop in service, piloting the first stage of their aspiration to develop a multi-service space for those 18 plus who are housing vulnerable;
 - e) requests that staff work with the Ministry of Social Development and service providers to ascertain interest in piloting a Street Guardians programme in Hamilton Kirikiriroa; including funding options;
 - f) notes that the multi-agency individual support service for the street community is being progressed;
 - g) requests that staff increase promotion of available Council grants to social providers, and encourage applications from those that can demonstrate an impact on antisocial behaviours; and
 - h) requests that staff facilitate a city-wide social sector hui in March 2026 to co-design a collaborative response to address homelessness and issues associated with homelessness, with a report back to the Community and Natural Environment Committee (or equivalent committee) in June 2026.

Executive Summary - *Whakaraapopototanga matua*

3. This report seeks the Council's determination on any social initiatives it wishes to support to reduce antisocial behaviours in the central city.
4. While this report was prompted by concerns about antisocial behaviour in Garden Place, these issues are linked to broader challenges across Hamilton Kirikiriroa. These include addiction, mental health and homelessness.
5. The scope of this report focusses purely on initiatives that have a grounding in community and social support through facilitation, funding and partnering; and that meet Council's request to demonstrate a correlation to reducing antisocial behaviour in the Central Business District. It complements current and future work in regulation (bylaws), provision and advocacy.
6. Feedback was sought from the CBD Interagency group in the development of this report.
7. Options have been determined to be within Council's existing funding envelope.
8. Staff consider the matter/decision have low risk associated with the decision(s) required for this matter as outlined in the report.
9. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

10. This matter was first raised as a staff action at the [20 February 2025 Strategic Growth and District Plan Committee](#) meeting, followed by:
 - i. A presentation at the [19 March 2025 Information session](#);
 - ii. Inclusion in Item 6 of the [Community and Natural Environment Committee](#) (Chair's report, Page 13)
 - iii. Discussion in Item 10 of the [Council meeting](#) (Bylaws Review Determination report, Page 24)
 - iv. A further paper tabled at the 5 June 2025 Community and Natural Environment Committee on support for the Street Community in Kirikiriroa [add link]
11. At the 5 June 2025 Community and Natural Environment Committee meeting, the Committee resolved to provide social support and reduce antisocial behaviour in the CBD via funding. The Committee also requested that staff report back to this meeting with a list of projects that will reduce antisocial behaviour in the CBD, developed in consultation with the interagency working group.
12. This paper builds on the 5 June 2025 report, which:
 - i. Identified opportunities to support the Kirikiriroa street community
 - ii. Presented statistics on antisocial behaviour
 - iii. Outlined Council's role and current social services
 - iv. Recommended potential responses
13. In developing this further report, staff met with Auckland Council's Homelessness Advisor, the Wellington City Missioner, and visited Wellington City Council and Whakamaru (Wellington City Mission) to gain insights into the initiatives these cities have underway in the safety and social support spaces.

14. The views of the CBD interagency group were sought in the development of this report; including at a meeting held on 10 July 2025. Members of the group represent Corrections, Hamilton Central Business Association, Hamilton Methodist Social Services, City Safe, Hamilton City Council Community Partnerships (Facilitators), Kāinga Ora, Ministry of Health (Te Whatu Ora), Ministry for Social Development, Police, Salvation Army, Te Whare Korowai, The Peoples Project and The Serve.

Discussion – *Matapaki*

15. Identifying projects that sat within the specific scope requested by the Council - in demonstrating a direct and measurable correlation between social support initiatives and a reduction in antisocial behaviour significantly narrowed down the number of identified opportunities.
16. It is important to acknowledge that while there is a willingness for cross organisational collaboration, all groups have a core kaupapa, which drives their delivery, and often their geographical and demographic focus. This can limit opportunities for working together.
17. At time of writing, at its meeting on 21 August 2025 the grants subcommittee were to consider a number of applications with proposals that were complementary to the kaupapa of this paper – including for The Serve and Salvation Army.
18. The projects identified in this paper as meeting the remit provided by Council can be delivered within Council's current funding envelope.

CBD Whanau Days

19. More regular community led events would complement and enhance the work that Council is currently undertaking to make the Central City space more safe and welcoming. Activated spaces foster a sense of community and ownership among residents and visitors. When people feel connected to their environment, they are more likely to be respectful and less likely to engage in disruptive behaviour.
20. Through work programme reprioritisation, Council's Community Development Team could work alongside and partner with community groups to develop and deliver a series of whanau based events and programmes during summer 2025/26.
21. This series of programmes could also present an opportunity to include the promotion of social service provision that is of interest to the CBD and wider Hamilton Kirikiriroa community. It is recommended that an evaluation report be provided to the June 2026 Community and Natural Environment (or equivalent) Committee.

Social support – Street outreach and service navigation

22. There is an opportunity to expand the current street community outreach efforts; noting that The People's Project provide a government funded outreach service. There is interest from CBD service providers to collaborate on an expanded service with other social service organisations, Maaori providers, and those with lived experience of homelessness.
23. The recommendation is for Council to provide facilitation support. The impact of this project is to connect people to long term solutions to address their immediate issues (mental health and addiction for example) and to support them into housing.
24. It should be noted that work on a multi-agency individual support service will support the proposed extended outreach programme. The individual support service approach is a Police initiative with the group to be chaired by Council's Head of Community Partnerships, Funding and Events. The Group will use a range of approaches to provide this support, including:
 - i. facilitating coordination and collaboration of services among agencies in relation to specific members of the street connected community.

- ii. identifying and addressing needs and drivers of the antisocial behaviour of these members of the street connected community who are behaving in antisocial ways, ensuring that services are accessible, culturally appropriate, and responsive to their needs.
- iii. monitoring and assessing the effectiveness of existing services and service provision and identify areas for improvement.

Provision of day space

- 25. Provision of a supported day space within the central city for the street community has been raised as an opportunity to reduce congregation and loitering around city businesses, support wellbeing and connect the community with wrap around services.
- 26. On 1 July 2025, Te Whare Korowai opened the Te Rito Awhi (The Hub) drop in service; a piloting of the first stage of their aspiration to develop a multi-service space for those 18 plus who are housing vulnerable. In the first week of opening 51 people signed into the service.
- 27. The Salvation Army has provided collaboration and koha through body products for showers, supplies of hot beverage, porridge, soup and spread for toast and sandwiches during the day. The Progress to Health community garden in Caro Park is able to provide a harvest of fruit and vegetables weekly. Along with shower and ablution facilities, a free community op shop is available to access clothing and bedding.
- 28. Te Whare Korowai's long term vision is to create a central services hub that pulls together external support services such as social work, counselling, housing navigation, support workers and occupational therapists.

Street Guardians initiative

- 29. Street guardians is the most enduring programme in the homelessness space for Tamaki Makaurau Auckland and there is opportunity to explore its benefits if undertaken in a Kirikiriroa Hamilton context.
- 30. The programme provides a bridge to employment alongside building trust to enable connection to social service assistance.
- 31. Initially funded through Heart of the City, alongside Ministry of Social Development, it is now run by Auckland City Mission and funded through the city centre targeted rate.
- 32. Mission clients spend the day supporting community organisations as kaitiaki - protectors of the natural environment.
- 33. Interest in participation currently outweighs placements. It is currently attended by 30 participants per day (10 participants a day, 3 days a week), and the guardians receive a cooked breakfast, packed lunch, transport to and from site and \$80 a day.
- 34. Staff recommend that they work with Ministry of Social Development, service providers and potential funders around the viability of piloting a Street Guardians type programme in Hamilton.

City wide response

- 35. In researching both this paper, and the one provided to the Community and Natural Environment Committee on 5 June 2025; the need for availability of information, and a coordinated social sector response city wide has come to the fore.
- 36. While the focus of these two papers has been the support needed in the central city, the issues expressed are apparent across Kirikiriroa Hamilton. Moving people from the CBD without providing substantive support simply moves the associated issues to another part of the city.

37. For this reason, it is strongly recommended that Council staff hold a social sector hui in late March 2026 with a report back to the Community and Natural Environment Community (or equivalent) in June of that year. This would be focussed on a co-designed and collaborative approach to dealing with homelessness and issues associated with homelessness.
38. At a high level the objectives of this hui would be to:
- i. Strengthen Cross-Sector Collaboration
 - A. Explore opportunities for joint initiatives, funding partnerships, and shared resources.
 - B. Define roles and responsibilities across government, NGOs, iwi/Māori organisations, and community stakeholders.
 - ii. Develop Community-Centred Solutions
 - A. Co-design interventions that are culturally responsive, trauma-informed, and inclusive.
 - B. Prioritise lived experience voices in shaping policy and service delivery.
 - iii. Set Measurable Goals and Next Steps
 - A. Agree on short-term actions and long-term strategies.
 - B. Establish a framework for monitoring progress and accountability.
 - iv. Foster a Safe and Constructive Dialogue
 - A. Create space for open discussion, respectful discussion, and innovative thinking.
 - B. Ensure all participants feel heard and valued.

Options – *Koowhiringa*

39. The options are set out below:

Option 1		
Details	Advantages	Considerations
Receive the report and undertake no further work in this area.	No impact on work programme prioritisation	Council retains its current community support through advocacy, funding, facilitation and partnership A missed opportunity to pilot new initiatives that have a social and safety benefit
Option 2		
Details	Advantages	Considerations
Partner with community groups to develop and deliver a series of whanau-based events and programmes during summer 2025/26; with an evaluation report back to the Community and Natural Environment	Provides community led events that promote inclusive social and wellbeing initiatives Activates the Garden Place precinct	Will require reprioritisation of Community Development Team's work programme; the events team will also provide support Approaches to community groups will be required as

Committee (or equivalent) in June 2026.	Provides activity over the summer months when antisocial behaviour has been observed as most prevalent.	soon as possible to ensure a summer programme is in place.
Work with service providers to investigate an expanded community outreach model for the city.	Provides an opportunity to support people to services available.	Can be facilitated within current resourcing.
Work with Ministry of Social Development and service providers to ascertain interest in piloting a Street Guardians programme in Kirikiriroa Hamilton; including funding options.	Provides a proactive means of providing purpose and long term change for streeties. A proven model in Tamaki Makaurau- Auckland.	Availability of funding for this type of programme is unknown at this time; but maybe be part of a Social Investment Fund in relation to rangatahi.
Increase promotion of available Council grants to social providers; and encourage applications from those that can demonstrate an impact on antisocial behaviours	Provides a clear indication of Council's priority in this area Encourages innovative ideas that can benefit issues not only in the city but in other pockets of the city where these may be migrating	Minimal impact on staff work programme
Facilitate a city wide social sector hui in March 2026 to co-design a collaborative response to homelessness, with a report back to the Community and Natural Environment Committee (or equivalent) in June 2026	Provides an opportunity for the sector to co-design a response together utilising their knowledge of the current landscape for Kirikiriroa – collaboration on these issues city wide is crucial.	Can be funded through current community development budget Has the potential to “move the dial” for the city

40. Staff recommend **Option 2** or a combination of the suggested outcomes as this would meet both the social support and reduction in antisocial behaviour remit requested by the Council and Committees.

Financial Considerations - *Whaiwhakaaro Puutea*

41. The options provided can be delivered within existing budget allocations. Predominantly the option in the report require staff resourcing support which can be covered through existing budgets funded through the 2024-34 Long-Term Plan.

Legal Considerations - *Whaiwhakaaro-aa-ture*

42. Staff confirm that options presented comply with Council's legal requirements.

Risks – *Tuuraru*

43. There are no known risks associated with the decisions sought in this report.
44. There is a risk that not committing to some action/advocacy as expressed by community, business and the Hamilton CBD Interagency Group could indicate a lack of commitment from the Council to the street community and service providers.

45. It could also jeopardise Council's ability to collaborate with and support key organisations in Hamilton (including through its interagency groups), which could negatively impact on the outcomes the street community, business and wider community.

Strategic Considerations - *Whaiwhakaaro-aa- rautaki*

46. Everything we do is aimed at improving the wellbeing of Hamiltonians. Council has been working alongside our community to understand what people in our city want the future of Hamilton Kirikiriroa to look like as represented by our five priorities.
47. The promotion of the social, economic, environmental, and cultural wellbeing of communities in the present and for the future is expressed through Council's key strategies.
48. The proposed recommendation will align with Council key documents, as identified in the Governance Structure, in the following ways.

Significance and Engagement Policy	<p>Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.</p> <p>The views of the CBD Interagency group informed the 5 June 2025 Community and Natural Environment Committee on Support for the Street Community; and this resulting report.</p>
He Pou Manawa Ora - Pillars of Wellbeing	<p>POU ONE: He Pou Manawa Koorero Pillar of History</p> <p>In identifying social support that will alleviate antisocial behaviour, it responds to the acknowledgement and respect for people's uniquely different values and qualities; with the proposed community led summer events providing an opportunity to celebrate whanau; within garden place which has historic significance.</p> <p>POU TWO: He Pou Toorangapuu Maaori Pillar of Unity</p> <p>The recommendations demonstrate a commitment to inclusivity and unity through identifying and supporting initiatives that support diverse communities with focus at both an individual and community level. The proposed co-design hui will provide an opportunity for all; including Maaori partners to input into the design and delivery of initiatives that can provide real change for those in a vulnerable position; alongside an increased sense of safety for all community.</p> <p>A key outcome of this pou is the utilisation of Maatauranga Maaori to inform community development with support from iwi, mana whenua and maataawaka. An enhanced outreach model, the street guardians proposal, provision of grants and the city wide hui all provide an opportunity to see this "come to life".</p> <p>POU THREE: He Pou Manawa Taurikura Pillar of Prosperity</p> <p>With the He Pou Manawa Taurikura outcomes centred around wellbeing and increased collaboration with community groups, iwi, maataa waaka and social service entities working to enable improved wellbeing outcomes and reduce inequity, the recommendations all serve to provide the right conditions for this to happen.</p> <p>In addition, there is opportunity to realise increased economic outcomes; for businesses where antisocial behaviours are reduced, making the business precinct more inviting; and for individuals where outreach and street guardian initiatives can contribute to a path to better prosperity for them.</p>

	<p>POU FOUR: He Pou Manawa Taiao Pillar of Restoration</p> <p>The street guardian proposal provides a kaitiakitanga opportunity for environmental stewardship by some of the communities most vulnerable; alongside an opportunity to reconnect with the whenua.</p> <p>It should also be noted that The Serve Trustees strongly advocated for Te Tiriti o Waitangi principles to be honoured through true partnership, active protection and equitable outcomes. Embed kaupapa Maaori principles, recognising the role of mana whenua and importance of tikanga, matauranga Maaori and whanau centred approaches. Their suggestions have been incorporated into this report; with a focus on partnerships, co-designed and co-delivered solutions that reflect the mana of all Hamiltonians – especially those most marginalised – and ensure a thriving safe central city for all.</p>
Our Climate Future Te Pae Tawhiti o Kirikiriroa	Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emissions assessment is required.
Community and Social Development Strategy	<p>The options in this paper align with four community and social development outcomes identified in the Community and Social Development Strategy:</p> <ol style="list-style-type: none"> 1. Inclusive Community Engagement 2. Community Capacity 3. Activating Public Spaces 4. Promote Community-Led Development
Housing Strategy	This paper aligns with Goal 3 of Council's Housing Strategy: "Our homes meet the diverse needs of our communities." Our community grants programme supports community organisations addressing homelessness and emergency accommodation provision.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Committee: Council **Date:** 28 August 2025
Author: James Clarke **Authoriser:** Hannah Windle
Position: Corporate Planning & Advocacy Manager **Position:** Unit Director Strategic Planning & Advocacy
Report Name: Council Submission to the Local Government (System Improvements) Amendment Bill

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

1. To seek Council's approval of the submission to the Local Government (System Improvements) Amendment Bill.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves the Council submission to the Local Government (System Improvements) Amendment Bill (**Attachment 1**) for lodging with Parliament's Governance and Administration Select Committee; and
 - c) delegates XXX Elected Member(s) to speak at the Governance and Administration Select Committee hearings in support of Council's submission.

Executive Summary - *Whakaraapopototanga matua*

3. Parliament's Governance and Administration Select Committee is currently calling for submissions on the **Local Government (System Improvements) Amendment Bill** (the Bill). The official submission closing date is 27 August 2025, but staff have arranged an extension until 1 September 2025 given the timing of this Council meeting.
4. The stated objective of the Bill ([refer here](#)) is to reduce pressure on council rates by:
 - i. refocusing the purpose of local government,
 - ii. better measuring and publicising council performance,
 - iii. prioritising core services in council spending,
 - iv. strengthening council accountability and transparency, and
 - v. providing regulatory relief to councils.
5. The Bill does not introduce rate capping, but potentially paves the way for it by defining certain activities as 'core' – the suggestion being that rates funding for 'non-core' activities would be capped. The Minister of Local Government is due to present a proposal on rate capping to Cabinet later this year, with legislation expected next year.

6. Notwithstanding the ambitions listed above, staff have several concerns about the Bill's provisions, many of which are also outlined in the local government sector representative submissions made by Taituarā and Local Government New Zealand. The submission (**Attachment 1**) primarily focuses on concerns in the following four areas:
 - i. Removal of the Four Well-Beings / New List of 'Core Services' / Rates Rises – Capping.
 - ii. Introduction of Council Profiles.
 - iii. Treaty of Waitangi – Partnership with Maaori.
 - iv. Development Contributions.
7. The submission was circulated to Elected Members and Maangai Maaori for feedback. No feedback was received.
8. The submission notes that representatives from Council wish to speak at the Governance and Administration Select Committee hearings in support of the submission. As well as seeking approval on the content of the submission, this report seeks a decision on which Elected Member(s) will speak at the hearing.
9. Although the issues covered in the Bill are clearly important for the local government sector, staff consider the decisions in this report are of low significance and no known risk, and that the recommendations comply with the Council's legal requirements.

Background - Koorero whaimaarama

10. The Bill's 'General Policy Statement' notes that –

"The Bill is intended to help address cost of living concerns. When councils were consulting on current long-term plans, rates were identified as a driver of household inflation. Rates had risen the fastest in 20 years and were forecast to rise again by an average of 15%.

Rates rises are being driven primarily by rising council costs, particularly for critical infrastructure. However, the Government is concerned that rates rises are being exacerbated by a lack of fiscal discipline among councils, including:

- *Spending on activities that stray from core services.*
- *Spending more than necessary on the basics.*
- *Not taking advantage of the full range of funding and financing tools available."*

11. However, as noted in a 15 July 2025 article by Simpson Grierson –

"While the Government's desire to alleviate rates pressure for communities is admirable, whether the new framing will actually assist to address the underlying issues leading to rates increases is questionable. This is because, as the Bill's explanatory note acknowledges, rates rises have been primarily driven by the rising costs of critical infrastructure. Providing this infrastructure is a core service as defined in the Bill and will be unaffected by the narrowing of the purpose statement. These costs must still be funded, and it is likely that rates pressure will remain unless other cost efficiencies can be achieved."

12. Staff from across the organisation (primarily the Strategy, Growth and Planning and Partnership, Communications and Maaori Groups) have analysed the Bill's provisions and the potential implications that it may have for the Council and Hamilton. Staff have several concerns with the Bill's provisions, many of which are also reiterated in the local government sector representative submissions made by Taituarā and Local Government New Zealand (LGNZ).

13. The submission has been developed to reflect the views of Council. It is based on Council's previous work, including its submissions to the Review into the Future for Local Government under the last government. Council's 3 March 2023 submission can be [accessed here](#).

Discussion - *Matapaki*

14. The submission primarily focuses on concerns in the following four areas:
- i. Removal of the Four Well-Beings / New List of 'Core Services' / Rates Rises – Capping.
 - ii. Introduction of Council Profiles.
 - iii. Treaty of Waitangi – Partnership with Maaori.
 - iv. Development Contributions.
15. The submission also notes that, irrespective of the Bill's focus and provisions, ongoing increases in efficiency, effectiveness, and transparency are key elements that the local government sector is always striving to improve upon.
16. The submission notes that representatives from the Council wish to speak at the Governance and Administration Select Committee hearings in support of the submission. As well as seeking approval on the content of the submission, this report seeks a decision on which Elected Member(s) will speak at the hearing.

Financial Considerations - *Whaiwhakaaro Puutea*

17. There will be no extra costs incurred to develop and prepare the submission. All work will be business as usual for all Hamilton City Council staff involved.

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

18. Staff confirm that the decisions in this report comply with the Council's legal requirements. No legal advice on the submission has been sought.

Risks - *Tuuraru*

19. There are no known risks associated with the decisions required for this matter other than if the submission is not submitted, the views of Hamilton City Council will not be considered.

Strategic Considerations - *Whaiwhakaaro-aa- rautaki*

20. Everything we do is aimed at improving the wellbeing of Hamiltonians. Council has been working alongside our community to understand what people in our city want the future of Hamilton Kirikiriroa to look like as represented by our five priorities.
21. Notwithstanding the proposed removal of 'the four well-beings' from the purpose of local government in the Bill, the promotion of the social, economic, environmental, and cultural wellbeing of communities in the present and for the future is expressed through Council's key strategies.
22. The proposed recommendation will align with Council key documents, as identified in the Governance Structure, in the following ways:

Significance and Engagement Policy	<p>Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.</p> <p>Given the low level of significance determined, the engagement level is low. No engagement is required.</p>
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He Pou Manawa Ora - Pillars of Wellbeing	<p>The submission advocates that the Bill's provisions do not compromise <i>He Pou Manawa Ora – Pillars of Wellbeing</i> – particularly the <i>Pillar of Restoration</i> – <i>He Pou Manawa Taiao</i> outcomes.</p> <p>The submission also notes that some tikanga Maaori competence on a Council Controlled Organisation (CCO) is essential for discharging any Te Tiriti obligations the CCO may have.</p> <p>Overall, the submission emphasises that the Bill's provisions should not result in any negative consequences/implications on the partnership arrangements/agreements that Maaori have with councils throughout the country.</p>
Our Climate Future Te Pae Tawhiti o Kirikiriroa	<p>Staff have considered the key considerations under the Climate Change Policy and determined that there are no specific or relevant outcomes applicable to this report.</p>
Disability Action Plan	<p>Staff have considered the Disability Action Plan and determined that there are no specific or relevant goals applicable to this report.</p>
Other Strategies, Plans and Policies	<p>The potential implications of the Bill, as outlined in the submission, touch on many of Council's community-facing strategies, plans and policies that relate to Council's expenditure, managing finances and setting rates, including the:</p> <ul style="list-style-type: none"> • Long-Term Plan, and the Finance Strategy and Infrastructure Strategy contained within it • Revenue and Financing Policy • Rating Policy • Funding Needs Analysis • Development Contributions Policy • Economic Development Agenda • Transportation Procurement Strategy

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft 1 Council Submission to the Local Government (System Improvements)
Amendment Bill

Hamilton City Council – Draft 1 Submission

Local Government (System Improvements) Amendment Bill

Parliament's Governance and Administration Select Committee

28 August 2025

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the well-being of Hamiltonians through delivering to our five priorities of shaping:

- A city that's easy to live in
- A city where our people thrive
- A central city where our people love to be
- A fun city with lots to do
- A green city

The topic of this Council submission is aligned with all of Hamilton City Council's five priorities.

Council Approval and Reference

This submission was approved by Hamilton City Council at its meeting held on 28 August 2025.

Submission # 812

Key Messages

1. [Introduction](#)
2. Council appreciates the opportunity to make a submission on the **Local Government (System Improvements) Amendment Bill** and acknowledges the considerable amount of work that is currently being undertaken in the local government space by the coalition Government.
3. We have a number of concerns about the Bill, many of which are also outlined in the local government sector representative submissions made by Taituarā and LGNZ. We support/endorse the recommendations and overall content/direction of both submissions.
4. We agree with Taituarā that implementing the Bill immediately after Royal Assent (likely before Christmas 2025) would create unnecessary disruption. Councils would be forced to amend Long-Term Plans (LTPs), consult communities, and undergo audits – all at significant cost. We support their recommendation that if the Bill proceeds in its current format, the implementation of purpose and core service changes should be from 1 July 2027, aligning with the next LTP cycle. Requiring changes before this date will generate exactly the sort of costs to the ratepayer the Bill is intended to reduce.
5. Irrespective of the Bill's focus and provisions, ongoing increases in efficiency, effectiveness, and transparency are key elements that the local government sector is always striving to improve upon.
6. [Removal of the Four Well-Beings / New List of 'Core Services'](#)
7. Councils throughout the country are justifiably frustrated at the removal/reintroduction cycle of the four well-beings since their original inception in the Local Government Act 2002, along with the consequential repurposing of local government. There needs to be a long-term cross-party working arrangement that all parties can agree on regarding the purpose of local government.
8. We support Taituarā's position on the aspect of the Bill outlining a list of 'core services' in clause 7 – [refer here](#): *"Clause seven does not require local authorities to deliver those services or prohibit local authorities from undertaking others. Our understanding of the clause is that requiring local authorities to have particular regard to these services is intended to be a kind of statutory signal that local authorities should focus on these first."*
9. In addition, new clause 6 is proposed to be introduced to the 'Purpose of local Government' ([refer here](#)), which is aimed at supporting local growth and development. However, Council is of the view that economic development in its wider sense needs to form part of the definition of the 'core services' outlined in clause 7 – [refer here](#).
10. Economic development initiatives form a critical component of Hamilton City Council's operation/functions and are imperative for both retaining existing businesses and promoting investment and business attraction opportunities for Hamilton and the greater Waikato Region.
11. [Rates Rises and the Notion of Overspending](#)
12. The Bill's explanatory note acknowledges that rates rises have been primarily driven by the rising costs of critical infrastructure. Providing this infrastructure is a 'core service' as defined in the Bill and will be unaffected by the narrowing of the purpose statement. These costs must still be funded, and it is likely that rates pressure will remain unless other cost efficiencies can be achieved.
13. Taituarā also challenges the narrative that councils are overspending, pointing instead to infrastructure costs as the primary driver of rate increases. Citing research from the New Zealand Infrastructure Commission, their submission highlights that global commodity prices and labour market pressures (especially post-COVID) are largely outside councils' control. Taituarā advocates for investment in supply chain resilience and workforce development rather than legislative restrictions. We support this position.
14. In reality, the main components of a council's annual expenditure are three waters and transport.

15. In addition, over the past 60 years, rates revenue has remained constant at around 2% of Gross Domestic Product (GDP) despite councils taking on significantly more responsibilities in that time. In contrast, over that same time period, central government taxation as a percentage of GDP has increased notably.
16. [Rates Capping](#)
17. Page 3 of the Bill refers to the possibility of rates capping being introduced, presumably through a future Bill. It is expected that this would seek to cap rates increases related to activities that are not defined as 'core' in this Bill.
18. We therefore support Taituarā's position with regard to rate capping, that, in the first instance, that clause 7 (specifying a list of what the 'core services' of a local authority are) be deleted from the Bill entirely.
19. While it is difficult to comment without having seen any detail on what rate capping would look like in practice, we are concerned that rate capping will be a blunt instrument that does not recognise the drivers of the rates rises that councils are facing or the varying contexts in which councils are operating.
20. We are also concerned that stipulations from central government on how much councils can charge in rates to fund local services and facilities goes against the localism agenda that the government has previously supported. If there is clear community support for certain initiatives, demonstrated (for example) through submissions on the Long-Term Plan, it would lead to a democratic deficit if these cannot be delivered because of the rate capping.
21. We also note that if rate capping is to be introduced and to take effect in the next corporate planning cycle (from 1 July 2027), it is essential that the details are clear by mid-2026 at the latest. A long lead-in time is required to develop Long-Term Plans.
22. [Introduction of Council Profiles](#)
23. Council supports any initiatives that improve transparency and public understanding of the crucial role that councils play in their community, so it welcomes the government's decision to make available information regarding council performance.
24. However, we have a number of concerns about the council profiles published on 31 July 2025 by the Department of Internal Affairs, which can be viewed in greater detail at: [DIA Council profiles | Hamilton City Council](#)
25. For example, some of the comparisons that will inevitably be made from the data are misleading due to vast differences in the contexts in which different councils are operating. In particular, the challenges Hamilton faces as the fastest growing city in the country are completely different to the challenges faced by many of the councils in our comparator group.
26. The focus on rates increases does not give any recognition to the **level of rates**. Hamilton had the lowest average residential rates of any major city in New Zealand prior to the commencement of the 2024-34 Long-Term Plan, which, in part, is why we've had significant increases in the last two years. This context is not provided when comparing our rates rise against other councils. We are concerned it will be similarly overlooked if the signalled rate capping is introduced.
27. We note that households in New Zealand pay (on average) \$2,900/year in rates versus (on average) \$37,000/year in taxes – **only 7% of household contributions go to local government**.
28. [Treaty of Waitangi – Partnership with Maaori](#)
29. Clause 16 of the Bill ([refer here](#)) would repeal section 57(3) of the principal Act and thereby remove any requirement to consider whether tikanga Maaori is a relevant skill or knowledge set when appointing members to the boards of Council Controlled Organisations (CCOs).

30. Understanding tikanga Maaori helps build strong relationships with Maaori communities, ensuring that their perspectives and needs are considered in governance decisions. This balanced approach not only enhances the effectiveness of governance but also promotes equity and sustainable development.
31. We agree with Taituarā's position that tikanga Maaori incorporates values of seeking consensus, respect, care, stewardship, intergenerational equity and relationship building that are all directly relevant to the operations of most CCOs.
32. We further submit that some tikanga Maaori competence on a CCO is essential for discharging any Te Tiriti obligations the CCO may have.
33. Council would like to emphasise that the Bill's provisions should not result in any negative consequences/implications on the partnership arrangements/agreements that Maaori have with councils throughout the country.
34. [Development Contributions](#)
35. The current drafting of s200(4A) in the Bill requires the value of works or funding provided by a third party to be deducted from the "portion of costs being funded by development contributions."
36. However, a development contribution (DC) is an aggregate charge made up of many individual projects. If the full value of the third party's works is simply subtracted from the total DC, this will over-credit the developer and underfund other growth infrastructure, ultimately shifting costs to ratepayers. The fair and equitable approach is to remove or reduce only the specific project(s) in the Schedule of Assets that have been funded or delivered by the third party, not to reduce the overall DC by the amount of the third party funding.
37. We recommend that S200(4A) be amended to clarify that the deduction for third party funding or works should be applied only to the specific project(s) in the Schedule of Assets funded or delivered by the third party, not to the total DC charge. The provision should require councils to identify the relevant project(s) and adjust the DC calculation accordingly.

Introduction

38. Hamilton City Council welcomes the opportunity to make a submission to Parliament's Governance and Administration Select Committee on the **Local Government (System Improvements) Amendment Bill** (referred to as the Bill throughout this submission).
39. We note that the overall stated aim of the Bill is to seek to alleviate pressure on council rates, by amending the purpose and role of local government so that councils focus on specific core services and "spending on the basics".
40. Council acknowledges the considerable amount of work that is currently being undertaken in the local government space by the coalition Government.
41. However, we have a number of concerns about the Bill, many of which are also reiterated in the local government sector representative submissions made by Taituarā and LGNZ. We support/endorse the recommendations and overall content/direction of submissions made by both Taituarā and LGNZ.
42. We agree with Taituarā that implementing the Bill immediately after Royal Assent (likely before Christmas 2025) would create unnecessary disruption. Councils would be forced to amend Long-Term Plans (LTPs), consult communities, and undergo audits – all at significant cost. We also support their recommendation that if the Bill is not modified through the Select Committee process, the implementation of purpose and core service changes should be delayed until 1 July 2027, aligning with the next LTP cycle.
43. Irrespective of the Bill's focus and provisions, ongoing increases in efficiency, effectiveness, and transparency are key elements that the local government sector is always striving to improve upon.
44. Hamilton City Council clearly has a vested and ongoing significant interest in the current and future state of local government in New Zealand, with much of the Council's recent thinking in this space (i.e. around greater efficiency, effectiveness and transparency) outlined in our submissions to the:
 - **Review into the Future for Local Government (October 2022 Draft Report): Panel for the Review into the Future for Local Government** (submission lodged on 3 March 2023) – [refer here](#)
 - **Future of Local Government Review: Panel for the Review into the Future for Local Government** (submission lodged on 30 June 2022).
45. Although we acknowledge that the findings/recommendations from the **Review into the Future for Local Government** did not progress after the formation of the National-led coalition government in November 2023, much of the overall sentiment/position outlined in the two submissions referenced above remains highly relevant and is reflected in this submission.
46. This submission primarily focuses on the following four areas, which are of key concern to Council.
 - Removal of the Four Well-Beings / New List of 'Core Services' / Rates Rises – Capping.
 - Introduction of Council Profiles.
 - Treaty of Waitangi – Partnership with Māori.
 - Development Contributions

Removal of the Four Well-Beings / New List of 'Core Services' / Rates Rises – Capping

47. Removal of the Four Well-Beings / New List of 'Core Services'

48. As noted in a recent article on the Bill by Simpson Grierson,¹ *"The Bill is the latest episode in a tug-of-war between successive National and Labour governments about the statutory purpose in section 10 of the LGA. The current framing (put in place by Labour in 2019, replacing that of National in 2012, which in turn had replaced that of Labour in 2002) says the purpose of local government includes promoting the social, economic, environmental, and cultural well-being of communities in the present and for the future. The Bill will remove reference to the 'four well-beings', which the Government considers provides authority for councils to spend money on activities which stray from core services."*
49. Councils throughout the country are justifiably frustrated at the removal/reintroduction cycle of the four well-beings since their original inception in the Local Government Act 2002, along with consequential changes to the purpose of local government. To overcome this, we believe that there needs to be a long-term cross-party working arrangement that all parties can agree on regarding the purpose of local government – otherwise, the ongoing 'flip-flopping' of this particular provision will continue to cause confusion and inefficiency, serving no one's purpose.
50. Taituarā's submission notes that clause 7 – [refer here](#) *"does not require local authorities to deliver those services or prohibit local authorities from undertaking others. Our understanding of the clause is that requiring local authorities to have particular regard to these services is intended to be a kind of statutory signal that local authorities should focus on these first...The range of services councils provide moves over time as community preferences, technology and social norms change. It would be unusual in the modern era for a city of any size not to offer some form of outdoor multipurpose venue (as in a stadium)...Defining a set of core services, no matter how carefully crafted, will always raise questions of definition and shift focus to the activities around the margins."*
51. This Bill proposes to replace the current provision with a revised purpose statement – largely restoring the version used under the previous National government, with one key addition, i.e. the proposed new purpose statement will emphasise the delivery of good-quality local infrastructure and public services in a cost-effective manner, ensuring effective regulatory performance.
52. In line with the Government's emphasis on economic growth, a new clause is proposed to be introduced, which is aimed at supporting local growth and development. However, this new clause is focused on paragraph (b) in clause 10 of the Bill's proposed new purpose statement i.e., *"The purpose of local government is to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses."*
53. At a minimum, Council is of the view that economic development in its wider sense needs to form part of the definition of core services. Economic development initiatives form a critical component of Hamilton City Council's operation/functions and are imperative for the likes of retaining existing businesses as well as promoting investment and business attraction opportunities for Hamilton and the greater Waikato Region.
54. The economic development operations/functions that Council undertakes are extensive and go far beyond the economic development functions envisaged by the Bill.

¹ [Simpson Grierson: Local Government \(System Improvements\) Amendment Bill: The purpose statement pendulum swings again for local government \(15 July 2025\).](#)

55. Hamilton City Council's **Economic Development Committee** is responsible for governing Hamilton's economic agenda and investment development opportunities consistent with Council's vision for the city and to enhance the well-being of Hamiltonians. The Economic Development Committee's 'Terms of Reference' comprise 15 key focus areas ([refer here](#)), highlighting the breadth and relative complexity of what is involved in the economic development arena – far more so than what is proposed in the Bill.
56. The Bill's revised purpose might lead councils to rethink their involvement in certain activities, although this is likely to happen only rarely. The proposed/updated wording highlights the need for "good quality...public services," but this phrase is broad and open to interpretation. Terms such as "good quality", "most cost-effective", and "core services" are vague/ambiguous and could be challenged in court, creating uncertainty in decision-making.
57. Despite the change in language, councils may still be able to consider well-being, just under a different name. Some of the changes in other parts of the Bill may not have much real effect, since the new terms, like using "community interests" instead of "well-being", are still broad enough to cover similar ideas.
58. **Rates Rises and the Notion of Overspending**
59. As noted by Simpson Grierson,² *"While the Government's desire to alleviate rates pressure for communities is admirable, whether the new framing will actually assist to address the underlying issues leading to rates increases is questionable. This is because, as the Bill's explanatory note acknowledges, rates rises have been primarily driven by the rising costs of critical infrastructure. Providing this infrastructure is a core service as defined in the Bill and will be unaffected by the narrowing of the purpose statement. These costs must still be funded, and it is likely that rates pressure will remain unless other cost efficiencies can be achieved."*
60. Although Council notes the government's signalling for local government to have a narrower 'core services' focus with the introduction of clause 7, as well as the removal the four well-beings neither of these aspects is likely to have a significant effect on the government's stated aim of a reduction in council expenditure and, ultimately, rates.
61. Taituarā also challenges the narrative that councils are overspending, pointing instead to infrastructure costs as the primary driver of rate increases. Citing research from the New Zealand Infrastructure Commission, their submission highlights that global commodity prices and labour market pressures (especially post-COVID) are largely outside councils' control. Taituarā advocates for investment in supply chain resilience and workforce development rather than legislative restrictions. We support this position.
62. In reality, the main components of a council's annual expenditure are three waters and transport. The so-called 'nice to haves' that the government is calling into question account for a minor component of a council's overall annual budget.
63. In addition, over the past 60 years, rates revenue has remained constant at around 2% of Gross Domestic Product (GDP) despite councils taking on significantly more responsibilities in that time. In contrast, over that same time period central government taxation as a percentage of GDP has increased notably.
64. **Rates Capping**
65. Page 3 of the Bill refers to the possibility of rates capping being introduced, presumably through a future Bill: *"The Government is investigating tools for limiting council expenditure on certain activities, such as the rate peg (maximum percentage amount by which a council may increase its general income for the year) used in New South Wales. This amendment is intended to encourage local authorities to adopt the sort of financial management principles that a rates capping system in New Zealand would be intended to*

² [Simpson Grierson: Local Government \(System Improvements\) Amendment Bill: The purpose statement pendulum swings again for local government \(15 July 2025\).](#)

foster." It is expected that this would seek to cap rates increases related to activities that are not defined as 'core' in this Bill.

66. Taituarā notes in their submission that the aspect of potential rate capping is inextricably linked to the prescription of core services outlined in clause 7 of the Bill. i.e., *"Clause seven does not require local authorities to deliver those services or prohibit local authorities from undertaking others. Our understanding of the clause is that requiring local authorities to have particular regard to these services is intended to be a kind of statutory signal that local authorities should focus on these first."*
67. We therefore support Taituarā's position on the aspect of potential rate capping, which recommends in the first instance that clause 7 (specifying a list of what the core services of a local authority are) be deleted from the Bill entirely.
68. While it is difficult to comment without having seen any detail on what rate capping would look like in practice, we are concerned that rate capping will be a blunt instrument that – in keeping with some of the provisions of this Bill and the surrounding narrative – does not recognise the drivers of the rates rises that councils are facing or the varying contexts in which councils are operating.
69. We are also concerned that stipulations from central government on how much councils can charge in rates to fund local services and facilities goes against the localism agenda that the government has previously supported. If there is clear community support for certain initiatives, demonstrated (for example) through submissions on the Long-Term Plan (as happened with some spending proposals in the 2024-34 Long-Term Plan that the government might deem 'nice to have'), it would lead to a democratic deficit if these cannot be delivered because of the rate capping.
70. We also note that if rate capping is to be introduced and to take effect in the next corporate planning cycle (from 1 July 2027), it is essential that the details are clear by mid-2026 at the latest. A long lead-in time is required to develop Long-Term Plans. The legislative changes regarding water services that were introduced shortly before 2024-34 Long-Term Plans were due led to significant additional work and costs for councils, which, to its credit, the government recognised by providing significant flexibilities to councils for developing their Long-Term Plans. Similar flexibilities will be required unless the detail on rate capping is made clear in good time.

Introduction of Council Profiles

71. **Making Sense of the Government's New Council Profiles**
72. The new council profiles, which compare key metrics across all councils in New Zealand (including information on council demographics, rates revenue, debt, staffing and expenditure, with benchmarking based on groupings of similar councils) were published by the Department of Internal Affairs (DIA) on 31 July 2025, with the aim being to improve transparency and accountability in local government.
73. The Minister of Local Government, the Hon. Simon Watts, has stated that *"Some ratepayers are getting more and more fed up with rising rates hitting pockets harder than ever. This isn't fair during a cost-of-living crisis where many Kiwis are doing it tough. It is important that ratepayers can see how their council is performing and what it is delivering for their community. That's why the Government is putting clear facts and figures directly into the hands of ratepayers. When ratepayers know more about how their council is performing and where their money is going, they can engage more effectively and ask the tough questions."*³.
74. While supporting transparency and building public understanding, Hamilton City Council has a number of concerns about the council profiles, which can be viewed in greater detail at: [DIA Council profiles | Hamilton City Council](#)

³ Stronger Accountability for your Rates – [Beehive.govt.nz release](#) (31 July 2025).

75. **Our Key Concerns of the Profiles**

- 76. Unless sufficient context is provided, comparisons can be misleading due to vast differences in council services and challenges. In particular, the challenges Hamilton faces as the fastest growing city in the country are completely different to the challenges faced by many of the councils in our comparator group.
- 77. The focus on rates increases does not give any recognition to the **level of rates**. Hamilton had the lowest average residential rates of any major city in New Zealand prior to the commencement of the 2024-34 Long-Term Plan, which, in part, is why we've had significant increases in the last two years. This context is not provided when comparing our rates rise against other councils. We are concerned it will be similarly overlooked if the signalled rate capping is introduced.
- 78. In addition, the rates increase data provided by DIA includes revenue from new properties, which inflates figures for fast-growing cities like Hamilton.
- 79. The Balanced Budget metric used by DIA is less nuanced than Hamilton's own "Balancing the Books" measure – for example, treating capital revenue as if it were everyday revenue.

80. **Council's Financial Strategy and Debt**

- 81. Council uses debt strategically to fund major infrastructure, avoiding the much higher rate increases that would otherwise be necessary, and ensuring those who will benefit from the infrastructure contribute towards its cost. We completed \$909 million in capital projects over three years to June 2024 – nearly four times the annual rates revenue.
- 82. We maintain a debt-to-revenue position well below our 280% cap, and significantly below the Local Government Funding Authority's 350% allowance for high-growth councils.

83. **Staffing and Services**

- 84. Staff numbers vary widely across councils and don't reflect outsourced services or asset responsibilities.
- 85. Council continues to ensure staff levels are appropriate for the services our community wants and needs. In the past financial year, Council has already reduced headcount by 98 FTEs through a series of restructures and reductions of some workstreams.

86. **Household Contributions**

- 87. Households in New Zealand pay (on average) \$2,900/year in rates versus (on average) \$37,000/year in taxes – **only 7% of household contributions go to local government**.

88. **Audit Concerns**

- 89. Provisions around mandatory performance measures and activity groupings may increase audit costs and compliance complexity and therefore introduce ambiguity, especially around terms such as "good quality."
- 90. Councils need clarity on the activities required to be reported on, with a sufficient lead time ahead of Long-Term Plans being developed, to ensure they have the necessary systems and information available.

Treaty of Waitangi – Partnership with Maaori

- 91. Hamilton City Council is committed to honouring the principles of the Treaty of Waitangi through its relationship with Kiingitanga, Waikato-Tainui, mana whenua, and maataa waka within Hamilton Kirikiriroa – [refer here](#)
- 92. In particular, Hamilton City Council and Waikato-Tainui have a strong and mutually beneficial partnership to promote better well-being outcomes through a range of agreed projects.

93. In 2012, Hamilton City Council entered into a Joint Management Agreement (JMA) with Waikato-Tainui to work together on restoring and protecting the health and well-being of the Waikato River for future generations ([refer here](#)).
94. The JMA subsequently led to the establishment of the Waikato-Tainui and Hamilton City Council Co-Governance Forum, which supports Waikato-Tainui and the Council to:
 - Build a strong, mutually beneficial relationship.
 - Provide opportunities for collaboration that promote better well-being outcomes through agreed projects.
 - Meet obligations to restore and protect the Waikato River.
95. We also work with Hapuu Ngaati Maahanga, Ngaati Tamainupoo, Ngaati Wairere, Ngaati Korokii and Ngaati Hauaa to ensure their role as kaitiaki and mana whenua is reflected in decision-making relating to the management of the natural and physical resources of Hamilton Kirikiriroa.
96. Te Rūnanga o Kirikiriroa represent Maataawaka and Pasifika peoples living in Hamilton Kirikiriroa, and provide advice and information, and represent the views of Maataawaka in the development of Council strategies, policies, and plans.
97. In collaboration with our Treaty partners, our strategy **He Pou Manawa Ora Pillars of Wellbeing** ([refer here](#)) was developed/adopted by Hamilton City Council – the vision being that Kirikiriroa celebrates its whole history, including its unique Maaori heritage, and ensures everyone has a voice in developing its future.
98. Such partnerships are of crucial importance for the development of ongoing projects undertaken in Hamilton between Hamilton City Council and Maaori.
99. We recognise that the principles of partnership, participation, and protection also underpin the relationship between the government and Maaori under the Treaty of Waitangi.
100. Clause 16 of the Bill ([refer here](#)) would repeal section 57(3) of the principal Act and thereby remove any requirement to consider whether tikanga Maaori is a relevant skill or knowledge set when appointing members to the boards of Council Controlled Organisations (CCOs).
101. Understanding tikanga Maaori helps build strong relationships with Maaori communities, ensuring that their perspectives and needs are considered in governance decisions. This balanced approach not only enhances the effectiveness of governance but also promotes equity and sustainable development.
102. We agree with Taituarā's position that tikanga Maaori incorporates values of seeking consensus, respect, care, stewardship, intergenerational equity and relationship building that are all directly relevant to the operations of most CCOs.
103. We further submit that some tikanga Maaori competence on a CCO is essential for discharging any Te Tiriti obligations the CCO may have.
104. Council would like to emphasise that the Bill's provisions should not result in any negative consequences/implications on the partnership arrangements/agreements that Maaori have with councils throughout the country.

Development Contributions

105. The current drafting of s200(4A) in the Bill requires the value of works or funding provided by a third-party to be deducted from the "portion of costs being funded by development contributions."
106. However, a development contribution (DC) is an aggregate charge made up of many individual projects. If the full value of the third party's works is simply subtracted from the total DC, this will over-credit the developer and underfund other growth infrastructure, ultimately shifting costs to ratepayers. The fair and

equitable approach is to remove or reduce only the specific project(s) in the Schedule of Assets that have been funded or delivered by the third party, not to reduce the overall DC by the amount of the third-party funding.

107. DCs are calculated as the sum of charges for multiple projects, each with its own cost allocation and growth component.
108. Where a developer funds or delivers a particular project (e.g., a stormwater pond, road, or water main), only the costs relating to that project (or the growth-attributable portion) in the Schedule of Assets should be removed from the DC calculation.
109. Deducting the full value of the works from the total DC would mean the developer is not paying for other growth assets in the DC schedule that they have not funded or delivered, with the shortfall being borne by the general ratepayer.
110. This approach aligns with the project-by-project methodology used in Hamilton City Council's policy and practice, where remissions are calculated only for "eligible projects" materially impacted by the developer's works, not for the entire DC. This was validated in the Judicial Review decision of AGPAC Ltd Versus Hamilton City Council [2021].
111. Removing or reducing only the relevant project(s) from the DC calculation avoids "double-dipping" and ensures fairness for both the developer and the wider community.
112. As an example, in Hamilton, if a developer delivers a stormwater pond, the cost of that specific pond is removed from the development contribution calculation for that development. However, the developer is still required to pay for other growth infrastructure in the catchment—such as roads, water, and wastewater—that they have not funded or delivered. Exempting the developer from paying for these other assets simply because they funded the stormwater pond would be inequitable for both ratepayers and other developers, as it would shift the cost of unfunded infrastructure onto others and undermine the fairness and integrity of the development contributions system.
113. We recommend that S200(4A) be amended to clarify that the deduction for third-party funding or works should be applied only to the specific project(s) in the Schedule of Assets funded or delivered by the third party, not to the total DC charge. The provision should require councils to identify the relevant project(s) and adjust the DC calculation accordingly.
114. The wording could be: "Where a third party has funded or delivered a specific project, the value of that funding or works must be deducted from the development contribution calculation only in respect of that project (or the growth-attributable portion of it), and not from the total development contribution charge. The developer remains liable for the cost of other growth infrastructure included in the development contribution schedule that has not been funded or delivered by the third party."

Further Information and Hearings

- 115.** Should Parliament's Governance and Administration Select Committee require clarification of the submission from Hamilton City Council, or additional information, please contact **James Clarke** (Corporate Planning and Advocacy Manager) on **027 808 9580**, or email James.Clarke@hcc.govt.nz in the first instance.
- 116.** Hamilton City Council representatives **do wish to speak** at the Governance and Administration Select Committee hearings in support of this submission.
- 117.** We would also welcome the opportunity to have ongoing discussions around the key areas of this submission with Parliament's Governance and Administration Select Committee and key government representatives.
- 118.** Thank you for providing Hamilton City Council with an extension to the official 27 August 2025 submission closing date through to 1 September 2025 to lodge our final submission.

Yours faithfully

Lance Vervoort
CHIEF EXECUTIVE

FURTHER INFORMATION

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Council Report

Committee: Council

Date: 28 August 2025

Author: Erin Bates

Authoriser: Janet Carson

Position: Head Of Community
Partnerships, Funding &
Events

Position: General Manager
Partnerships,
Communication & Maaori

Report Name: Adoption of Events Policy

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

1. To seek a resolution of the Council to adopt the Events Policy (2025) following targeted consultation.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report; and
 - b) adopts the Events Policy (**Attachment 1** of the staff report).

Executive Summary - *Whakaraapopototanga matua*

3. Hamilton City Council is committed to attracting and supporting events within the city.
4. An Events Policy has been developed to sit along the Event Enablement work programme to support reducing of barriers (identified by CBD event organisers) to holding events in Hamilton Kirikiriroa.
5. At its 5 June 2025 meeting, the Community and Natural Committee approved the Draft Events Policy for targeted consultation with event organisers who had received a permit within the last two years. A total of five submissions were received.
6. Based on the feedback provided, no changes to the events policy are recommended.
7. Staff consider the decision in this report to have low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

8. This report responds to a 2024-34 Long-Term Plan resolution requesting that staff develop a draft events policy that reduces red tape and enables arts and events to happen easier.
9. On 17 December 2024 staff met with Central Business District (CBD) event stakeholders to understand key barriers. Attendees included Creative Waikato, Seed Waikato, Hamilton Central Business Association, Boon Arts, and others regularly running events in the central city.

10. An Information Session was held on 12 February 2025 to gather feedback on improving the events process. Key areas identified for improvement included:
 - i. Permitting: turnaround times, templates, information clarity, manual systems, and scalability;
 - ii. Noise: need for a consistent approach to complaints and clearer requirements;
 - iii. Youth events: access to appropriate venues and mentoring support; and
 - iv. Public liability insurance: concerns about cost and associated risk.
11. In response to these improvement areas, a two-year events enablement work programme was endorsed by Elected Members and is being progressed by staff.
12. Proposed policy principles (our customer promise) were also presented at the information briefing. Staff received direction to proceed with these to underpin development of the draft Events Policy:
 - i. we will have a “how can we make this happen” approach to every event enquiry we receive;
 - ii. we will enable and facilitate a diverse year-round programme of events;
 - iii. we will have a continuous improvement mindset to make it easy for the community to hold events; and
 - iv. we will promote a range of diverse places and spaces for events across Hamilton Kirikiriroa.

Discussion – *Matapaki*

13. The development of the Draft Events Policy has been informed by feedback from Central Business District (CBD) event organisers at meeting in December 2024 and subsequent feedback invited on the proposed draft in May 2025.
14. Feedback on the Draft Events Policy was received from Hamilton Central Business Association, Creative Waikato and Te Ohu Whakaita Charitable Trust; and presented to the Committee for consideration.
15. The Committee approved the Draft Events Policy for targeted consultation with event organisers who had received an event permit within the last two years. Feedback was invited from 110 permittees.
16. Five submissions were received. The submissions can be found in **Attachment 2**. Respondents supported the policy direction overall and provided key insights:
 - i. financial risk is higher for newer events in cities compared to regions;
 - ii. the Regional Promotions fund has driven strong uptake for regional events;
 - iii. city events could benefit from co-marketing and an event attraction fund to reduce risk and add validation;
 - iv. one felt the policy clarified the process and highlighted the administrative and promotional costs of running events. They were interested in financial support for events that bring vibrancy and economic benefit to the CBD;
 - v. one noted more support is needed for event organisers and called for reduced red tape and barriers; and
 - vi. two welcomed the policy’s aim to make events easier. One of them appreciated the clear, streamlined guidance, alignment with their organisation’s approach, and the opportunity to strengthen relationships with Council.

17. It should be noted that Council has an existing Event Sponsorship Fund valued at \$500,000 and also provides funding for community events through its community grants. Information on these will be included in the events handbook currently under development.
18. If the Event Policy is not adopted, staff will continue to work with key events stakeholders to continue to support and enable actions that will create the right conditions for enabling events in Hamilton Kirikiriroa.
19. The draft Events Policy has alignment with the following Council documents:
 - i. H3 (Destinations Group, Hamilton City Council) venue use requirements;
 - ii. Hamilton City Council Event Sponsorship Policy; and
 - iii. Waikato Arts Navigator 2023.

Options – *Koowhiringa*

20. Staff have assessed that there are three reasonable and viable options for the Council to consider. The options are:
 - i. **Option One:** Approve the draft Events Policy for adoption;
 - ii. **Option Two:** Decline the draft Events Policy for adoption with directions for amendments to be made prior to presenting to the Council at a future date; and
 - iii. **Option Three:** Decline to proceed with the draft Events Policy.
21. Staff recommend **Option One** as this aligns with Council's resolution to enable events to happen in Hamilton Kirikiriroa.

Financial Considerations - *Whaiwhakaaro Puutea*

22. Development of this policy has been covered within existing budgets funded through the 2024-34 Long-Term Plan. There are no unbudgeted implementation costs.

Legal Considerations - *Whaiwhakaaro-aa-ture*

23. Staff confirm that options presented comply with the Council's legal and policy requirements.

Risks – *Tuuraru*

24. There are no known risks associated with the decisions sought in this report. There is a reputational risk for Council if the staff recommendation not decided on, as the consultation process will have created expectations of change from stakeholders.

Strategic Considerations - *Whaiwhakaaro-aa- rautaki*

25. Everything we do is aimed at improving the wellbeing of Hamiltonians. Council has been working alongside our community to understand what people in our city want the future of Hamilton Kirikiriroa to look like as represented by our five priorities.
26. The promotion of the social, economic, environmental, and cultural wellbeing of communities in the present and for the future is expressed through Council's key strategies.
27. The recommendations set out in this report are consistent with that purpose.

Significance and Engagement Policy	<p>Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.</p> <p>Community views and preferences are already known to the Council through working with key CBD event organisers in the development of the draft policy and targeted engagement with event permittees.</p>
He Pou Manawa Ora - Pillars of Wellbeing	<p>POU ONE: He Pou Manawa Koorero Pillar of History This pou focuses on celebrating and supporting cultural identity, expression and inclusion; the events policy supports this through enabling diverse events to be undertaken across the city.</p> <p>POU TWO: He Pou Toorangapuu Maaori Pillar of Unity Partnering with Maaori and ensuring Maaori perspectives has occurred in the development of the policy with Matariki ki Waikato; and the event policy will encourages and enables the delivery of Maaori events. The policy highlights Council support for Kaupapa Maaori events and early engagement in planning and decision making to foster partnership.</p> <p>POU THREE: He Pou Manawa Taurikura Pillar of Prosperity Equitable access to opportunities, services and resources is supported through enabling and providing the right conditions for groups to deliver events for Maaori and the wider community.</p> <p>POU FOUR: He Pou Manawa Taiao Pillar of Restoration The events policy includes a focus on sustainable practices; and a matauranga Maaori focus for waste minimisation.</p>
Our Climate Future Te Pae Tawhiti o Kirikiriroa	Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emission assessment is required.
Disability Action Plan	Guidance for event organisers around disability aspects of event organising will be included in the events handbook currently under development.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft Events Policy

Attachment 2 - Draft Events Policy Responses

First adopted:	XXX 2025
Revision dates/version:	N/A
Next review date:	XXX 2028
Engagement required:	Targeted engagement
Document Number / Location	<i>Insert Tahi SharePoint link for the final Policy</i>
Associated documents:	Our Vision for Hamilton Kirikiriroa; He Pou Manawa Ora; Event Sponsorship Policy; Community Grants Policy; Disability Action Plan.
Sponsor/Group:	General Manager Partnerships, Communication & Maaori

DRAFT Events Policy

Ko te Puutaketanga

Purpose

1. The purpose of this policy is to:
 - a) enable Hamilton to reach its full potential as an event enabling and welcoming city.
 - b) outline the Council's roles and responsibilities relating to city events, with a particular emphasis on:
 - Facilitating event-planning and implementation
 - Making it easy to hold city events while maintaining safety, public health, and accessibility standards, and minimising disruption to local communities and businesses
 - Encouraging and enabling city events generally that contribute to the city's strategic direction and add to the city's vibrancy, community spirit, cultural diversity, and economic potential.

Ko te Whaanuitanga

Scope

2. This Policy applies to all city events whether on council property or more generally that council has a role in facilitating, with the exception of:
 - a) Private events on private land not accessible by the public
 - b) Demonstrations and rallies
 - c) Events held outside the jurisdiction of Hamilton City Council.

Ko ngaa Whakamaaramatanga

Definitions

Term	Definition in this Policy
Event	An organised temporary activity that has some impact on the community.

Ko ngaa Tikanga Whakahaere Kaupapahere

Principles of Policy

3. The guiding principles for this Policy are:

Customer Service

- a) Clear communication and timely customer service will drive the Council's permitting process, and it will make continuous improvements to ensure that the process is as streamlined as it can be for event holders.

Diverse year-round programme of events

- b) The Council will ensure there are a variety of events that are representative of its diverse communities. It will collaborate with community groups, iwi and Maaori, and local businesses to make them happen, communicating and promoting events that support the richness, voice and diversity of Kirikiriroa and grow the audience base.

Health, safety and environmental care will be a priority for all Hamilton city events

- c) The Council prioritises the safety and well-being of event participants and the community, ensuring all events adhere to health and safety standards and other permitting or compliance requirements. This includes mitigating the impact of events on Kirikiriroa Hamilton's environment, climate and supporting waste minimisation plans to protect the city's blue and green spaces.

Ko ngaa Tikanga Policy

4. The Council will ensure streamlined systems and process to:
 - a) Ensure permitting and event enquiries are channelled through one point of contact wherever possible and event organisers will know who to contact and how.
 - b) Provide permit decisions within designated timeframes.
 - c) Provide clear guidelines, timelines, and permitting requirements.
 - d) Provide support for event managers in preparing emergency preparedness plans for high-risk events.
 - e) Conduct risk assessments for high-risk events to determine additional actions.
 - f) Implement continuous improvement in processes and requirements.
5. The Council will provide ready advice and support to anyone holding a city event, whether on the Council's property or generally as needed. Council staff will:
 - a) Offer guidance and resources.
 - b) Provide specific advice on regulatory matters; including but not limited to noise and traffic management requirements.
 - c) Consider additional investment in advice and support through long-term and annual planning.
 - d) Identify suitable public spaces and council venues for hosting events; and provide maps and details to event organisers.
 - e) Invest in improvements or new infrastructure to enhance event hosting capacity.
 - f) Support and advise event organisers on the use of sustainable practices, such as composting, reducing single-use plastics, and promoting public transport and inform them on Mataauranga Maori waste minimisation practices that may be utilised.
 - g) Monitor and review events for compliance, providing feedback and support.

6. The Council will partner with others to deliver city events, and Council staff will:
 - a) Engage with community groups, iwi and Maaori, local businesses, and other stakeholders for input and feedback on city events that the Council holds and encourage their involvement in event planning and execution.
 - b) Support Kaupapa Maaori events and undertake early engagement in planning and decision making with iwi and Maaori led organisations to ensure the partnership pillar and outcomes outlined in He Pou Manawa Ora (Pillars of Wellbeing strategy) are upheld.
 - c) The Council may develop formal partnership agreements outlining roles, responsibilities, and expectations for selected events, and as determined from time to time.
7. The Council will fund and/or sponsor selected events, and Council staff will:
 - a) Promote and provide grants or funding for community-led events that meet identified expectations within the Council's Community Grants Policy.
 - b) Determine grant funding and sponsorship options and levels through the Council's long-term and annual planning.
 - c) Work with community groups and event organisers to support the exploration of additional external funding sources to support event activation.
 - d) Ensure due consideration is given to achieving the Council's core city strategies and plans, including (but not limited to) the Central City Transformation Plan, He Pou Manawa Ora and Rangatahi Action Plan as part of the application for grants and/or sponsorship assessment process.
8. The Council will promote Hamilton city events, and Council staff will:
 - a) Use Council media and social media channels to promote Council-led or sponsored events.
 - b) Offer promotional support for events with wide community reach or interest.
 - c) Maintain partnerships with key stakeholders for major event promotion and activation.

Ko te Aroturukitanga me te Whakatinanatanga **Implementation**

Monitoring and

9. Implementation of the policy will be monitored by the General Manager Partnerships, Communication and Growth, ensuring that all aspects of the policy are effectively implemented.
10. The policy will be reviewed in response to any issues that may arise, every three years, at the request of Council or in response to changed legislative and statutory requirements (whichever occurs first).

Ko ngaa Tohutoro

References

Local Government Act 2002

Major Events Management Act 2007

H3 (Destinations Group, Hamilton City Council) venue use requirements

Hamilton City Council Event Sponsorship Policy

Red tape and barrier feedback from CBD event holders 2025

Waikato Arts Navigator 2023

Item 11

Attachment 1

Have Your Say

Your feedback on the draft Events Policy Results

Jul 01, 2025 - Jul 10, 2025

Project: Draft Events Policy

Form: Your feedback on the draft Events Policy

Tool Type: Form

Activity ID: 110

Exported: 2025-07-21 16:08:27

Exported By: PiperS

Filter By: No filters applied.

Response No:
1

Contribution ID: 5641

Date Submitted: Jul 10, 2025, 12:39 PM

Q1 Do you agree with Council's proposal to create an Event Policy?

Multi Choice

In part

Q2 Tell us the reason for your response

Long Text

There is a lot of work to be done in supporting event organisers. So much redtape and barriers imposed by council for planning and putting together events. Needs be more support by council in making events great and putting our city on the map instead of working against those passionate in bringing people together through events.

Q3 In the last two years, which of the following event types have you applied to permit?

Multi Choice

Medium-impact events

Q4 Do you have any supporting documents?

File Upload

Q5 Name

Short Text

Aaron Woolley

Q8 Are you giving feedback on behalf of an organisation?

Select Box

No, these are my own personal views.

Q9 What is the name of the organisation?

Short Text

Response No:
2

Contribution ID: 5578

Date Submitted: Jul 03, 2025, 04:58 PM

Q1 Do you agree with Council's proposal to create an Event Policy?

Multi Choice

Yes

Q2 Tell us the reason for your response

Long Text

Hamilton has fantastic event facilities and capabilities, however sometimes the financial risk, especially when developing a new event can be higher in the City than in other regions. This is the primary cause of choosing smaller, cheaper regions to develop and deliver something new. The recent Regional Promotions funds saw a huge uptake from events held outside of major Cities, but City events would benefit from this co- marketing support also. Having an Event attraction fund is vital for Hamilton to compete with other regions. Everybody wants to live in a vibrant community and nothing delivers vibrancy like events and other regions recognising this, are aggressively wooing event organisations. Event organisers invest heavily in their events and to partner with Council through funding or co-promotion eliminates a degree of risk and immediately adds a level of validation. Claudelands is an outstanding venue that we are lucky to have along with a number of other venues throughout the City, and those of us passionate about events would love to utilise these more, creating and delivering outstanding events to match.

Q3 In the last two years, which of the following event types have you applied to permit?

Multi Choice

High-impact events
Medium-impact events

Q4 Do you have any supporting documents?

File Upload

https://haveyoursay.hamilton.govt.nz/download_file/497

Q5 Name

Short Text

Michele Connell

Q8 Are you giving feedback on behalf of an organisation?

Select Box

No, these are my own personal views.

Q9 What is the name of the organisation?

Short Text

Response No:
4

Contribution ID: 5560

Date Submitted: Jul 02, 2025, 05:39 AM

Q1
Multi Choice

Do you agree with Council's proposal to create an Event Policy?

Yes

Q2
Long Text

Tell us the reason for your response

I hold a spring event every year and this helps clarify the process somewhat. There is a lot of paperwork required as part of the submission and it is extremely costly for us to run and publicise the event. I am very interested in seeing how we can get financial support for an event that brings a vibrancy to the cbd and benefits numerous other businesses in the area, also.

Q3
Multi Choice

In the last two years, which of the following event types have you applied to permit?

High-impact events

Q4
File Upload

Do you have any supporting documents?

Q5
Short Text

Name

Anna Greentree

Q8
Select Box

Are you giving feedback on behalf of an organisation?

No, these are my own personal views.

Q9
Short Text

What is the name of the organisation?

Response No:
5

Contribution ID: 5552

Date Submitted: Jul 01, 2025, 12:13 PM

Q1

Do you agree with Council's proposal to create an Event Policy?

Multi Choice

Yes

Q2

Tell us the reason for your response

Long Text

The Breast Cancer Research Trust (BCRT) supports the introduction of Hamilton City Council's Event Policy. As organisers of the Pink Walk & Run, an inclusive, family-friendly community event dedicated to raising breast cancer awareness and funding life-saving research, we welcome clear, streamlined guidance for event planning and delivery.

The proposed framework aligns with our goals of creating safe, sustainable, and empowering experiences. We especially appreciate the emphasis on wellbeing, equitable access, and mana whenua engagement-values we already embed in every aspect of our event design.

We see this policy as an opportunity to strengthen relationships with Council, refine our sustainability practices, and continue delivering a beloved annual event that uplifts whānau, fosters community spirit, and contributes to the health of our city.

Q3

In the last two years, which of the following event types have you applied to permit?

Multi Choice

Medium-impact events

Q4

Do you have any supporting documents?

File Upload

Q5

Name

Short Text

Cindy Jacobs

Q8

Are you giving feedback on behalf of an organisation?

Select Box

Yes, I am the official spokesperson for the organisation.

Q9

What is the name of the organisation?

Short Text

Breast Cancer Research Trust (and the Pink Walk & Run)

Response No:
6

Contribution ID: 5551

Date Submitted: Jul 01, 2025, 12:12 PM

- Q1** Do you agree with Council's proposal to create an Event Policy?
Multi Choice Yes
- Q2** Tell us the reason for your response
Long Text Anything that makes it easier and provides more support to event organisers would be welcomed.
- Q3** In the last two years, which of the following event types have you applied to permit?
Multi Choice Medium-impact events
- Q4** Do you have any supporting documents?
File Upload
- Q5** Name
Short Text Brad Dutton
- Q8** Are you giving feedback on behalf of an organisation?
Select Box Yes, I am the official spokesperson for the organisation.
- Q9** What is the name of the organisation?
Short Text NZ Water Ski Racing Association - Bridge to Bridge

Council Report

Committee: Council

Date: 28 August 2025

Author: Joanna van Walraven

Authoriser: Helen Paki

Position: Programme and Planning
Manager

Position: General Manager Customer
and Community

Report Name: Deliberations and Adoption Report - Draft Tree Policy

Report Status	Open
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Purpose - *Take*

1. To inform the Council on further information requested at the Regulatory and Hearings Committee on 22 July 2025 and seek adoption the Draft Tree Policy subject to any changes considered and endorsed by the Council, as the final Tree Policy.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report; and
 - b) adopts the Tree Policy as outlined in **Attachment 2** of the staff report.

Executive Summary - *Whakaraapopototanga matua*

3. Staff have developed a Draft Tree Policy to give clear guidance when engaging with the public over tree related matters, to prevent unnecessary damage or loss to good quality trees, and to improve processes around the developments that effect Council tree assets.
4. The Draft Policy and Statement of Proposal were approved for consultation at the [3 April 2025](#) Community and Natural Environment Committee.
5. During a Regulatory and Hearings Committee meeting on [22 July 2025](#), Elected Members requested further information, which is addressed in Table 1.
6. Having been through a consultation and hearings process, staff recommend that the Council adopts the Draft Policy, subject to amendments recommended by staff and agreed to by the Council.
7. Staff recommend **Option 2**, to adopt the Draft Tree Policy including the changes detailed in the report below.
8. Staff consider the decision has medium risk(s) associated with the decision(s) required for this matter as outlined in the report.
9. Staff consider this has medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

10. The Tree Policy has been prepared in alignment with the Local Government Act 2002.
11. On 3 April 2025, the Community and Natural Environments Committee approved the Draft Policy for public consultation. A link to that meeting agenda [can be found here](#).
12. The purpose of the Draft Policy is to:
 - i. Provide guidance for the planning, planting, maintenance, and retention or removal of Council owned trees.
 - ii. To manage risks resulting from Council owned trees, including risks to health and safety.
 - iii. To protect trees which have high amenity, botanical and ecological value and to encourage, whenever possible, development practices that avoid damage to trees.
 - iv. To ensure Council tree planting and management is appropriate, financially sustainable, and contributes to positive community and environmental outcomes.
 - v. Provide consistency, clarity and transparency around service requests and Council decision making.

Discussion – *Matapaki*

13. Eight verbal submitters were heard at the Regulatory and Hearings Committee meeting. A link to all submissions [can be found here](#).
14. Following verbal submissions staff were asked to provide further information by elected members on the following issues:

Deliberation Topic	Staff Response
Strategic Alignment	
Explain how the Draft differs from the District Plan/Notable Trees and Significant Natural Areas	<ul style="list-style-type: none"> The Draft Policy does not apply to trees that are covered by rules in the District Plan, including notable trees and trees in Significant Natural Areas. This Tree Policy complements but does not override the provisions of the Hamilton City Operative District Plan. The following note has been added to the Draft Policy: <i>Notable trees are trees recognised in District Plans as having special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection, and Significant Natural Areas (SNAs) are sites that are recognised in the Operative District Plan as having significant indigenous vegetation and/or significant habitats of indigenous fauna.</i>
Include how outcomes of He Pou Manawa Ora will be incorporated, including tangible examples of how you will measure matauranga maaori and positive benefits of different native plantings.	<ul style="list-style-type: none"> Monitoring outcomes measuring the positive benefits of mass native species planting is undertaken through Nature in the City. Monitoring currently includes tracking increases in native bird and insect populations in areas with diverse native plantings and recording participation in planting and stewardship programmes.
The relationship between the Draft	<ul style="list-style-type: none"> The focus of the Nature in the City Strategy is large scale ecological restoration, especially in gullies and reserves.

Policy to the Nature in the City Strategy	<ul style="list-style-type: none"> Although the Draft Policy does not apply to trees on Significant Natural Areas, it promotes urban tree canopy retention and growth. The strategy targets 10% native canopy cover, retaining the urban canopy in general supports biodiversity and strengthens people's connection with nature.
Definition of notable trees and Significant Natural Areas.	<ul style="list-style-type: none"> Notable trees are trees recognised in District Plans as having special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection, and Significant Natural Areas (SNAs) are sites that are recognised in the Operative District Plan as having significant indigenous vegetation and/or significant habitats of indigenous fauna.
Planting and the use of appropriate species	
Timing of Planting & Inappropriate Planting	<ul style="list-style-type: none"> Hamilton City Council's annual planting season is between May to September depending on environmental factors (such as soil moisture levels). Tree species are chosen by Council staff based on size at maturity, canopy spread, resilience to disease, maintenance requirements, whether they are deciduous or evergreen. Trees are planted in accordance with recognised aboriginal practices and specifications.
Koowhai Trees - impacts on bees and positive impacts on environment	<ul style="list-style-type: none"> There is some evidence suggesting that nectar from koowhai flowers may intoxicate individual honeybees. However, as hives forage across a wide area (up to 70 km²), it is unlikely that an entire hive would be affected by a single tree. The environmental benefits of koowhai—being native and endemic to the Waikato—are considered to outweigh any minor impacts on honeybees, which are not endangered in New Zealand. In contrast, native bird species may face greater risks due to limited year-round food sources in urban areas. Staff recommend continued support for koowhai planting, recognising its ecological value and contribution to biodiversity in the region.
Managing existing tree problems	<ul style="list-style-type: none"> Staff acknowledge that some legacy plantings have created issues, including the planting of trees that cause problems that cannot be mitigated. The Draft Policy does not prevent the removal of non-notable trees that are hazardous or causing damage. It provides clear guidance on key considerations for tree removal, supporting consistent and transparent decision-making.
How is harakeke (flax) managed in relationship to paths	<ul style="list-style-type: none"> Harakeke are not considered under the Policy as they do not meet the definition of a tree. There are known legacy issues from earlier planting, however staff do not plant harakeke or other strapping plants that may cause hazards near pathways. Staff routinely review new landscaping proposals from developers to ensure appropriate plant placement.

Developments	
What's Working Well	<ul style="list-style-type: none"> • Council staff appreciate the challenges and complexities of housing developments and have worked with developers to create mutually beneficial outcomes by balancing the right trees against maintenance requirements. • The Aurora subdivision in Peacocke promotes the inclusion of trees within the street environment, which helps to increase the amenity of the properties is one example.
Appropriate Timings for Tree Removal Applications	<ul style="list-style-type: none"> • Staff have proposed a timeframe that aligns with the consenting process, as reflected in the proposed amendment to the Draft Policy: <i>Council staff will approve or decline an application within 21 working days of receiving it, unless more information is required from the applicant to make a decision.</i> • The proposal to introduce an application for tree removal is in line with other Councils, such as Auckland City Council, and is intended to streamline the process, reduce staff time and allow for better record keeping. • The process would benefit the applicant by preventing delays from staff having to request further information. • An application to remove a tree could be submitted prior, or in conjunction with a Resource Consent application.
Decision making around the removal of trees	<ul style="list-style-type: none"> • Requests by developers to remove Council owned tree assets are assessed by an arborist on a case-by-case basis. • Health, vitality, species, structural integrity, overall form, growing environment, visual amenity and overall environmental benefits of the tree are considered when assessing the value of a tree to the community. • The Draft Policy sets the framework so Council may approve the removal of Council trees that are causing significant damage, are unsafe, have poor form and poor structural integrity, in an irreversible state of decline or where impacts cannot be practically mitigated in design. • The Draft Policy has been amended to say: <i>Council will assess and allow removal of trees that pose an unacceptable safety risk that cannot be practically mitigated through pruning or other engineering solutions.</i>
Ecological Reports – Internal Capability to carry out assessments	<ul style="list-style-type: none"> • The scope of the Draft Policy includes trees in the streetscape and on Council reserves (except for trees in SNAs). • Council does not have ecologist resource available within current budgets to undertake assessments
Community Engagement	<ul style="list-style-type: none"> • Engagement with local community is usually undertaken if multiple trees are planned for removal and replacement. This may include temporary signage or a letter drop. • Staff engage with mana whenua if trees are located on a significant site. Felled or fallen trees are returned to mana whenua for carving or other cultural practices as appropriate.

	<ul style="list-style-type: none"> • Council is not currently resourced to carry out a more comprehensive engagement (i.e. focus groups) for operational activities of this sort.
Policy Implementation	
Current Levels of Service	<ul style="list-style-type: none"> • The Draft Policy does not propose an increase in service levels. In 2011, Council reduced funding for tree maintenance to support reactive work only. Since 2018, modest funding increases and operational efficiencies have enabled a partial return to scheduled maintenance. • Currently, street tree maintenance is prioritised and aligned with industry best practice. Trees are inspected annually or biennially, depending on species and location, with maintenance tasks logged for completion. Staff also collaborate with the Transport team to address conflicts between trees and infrastructure. • Park trees are maintained reactively, with service requests logged by the public or staff, then inspected and programmed for action. Risk assessment tools such as VALID are used to prioritise safety-related work and removals. • Recent technology improvements will allow staff to collect accurate data on park trees, including species, condition, and numbers, enhancing asset management. Urgent works beyond existing budgets are escalated to Council as needed.
Operationalising the Policy: Tangible Changes with Existing Budgets	<ul style="list-style-type: none"> • The Draft Policy underpins the establishment of operational guidelines for planting, maintenance, and removal of public trees, including risk management, biodiversity targets, and amenity value. • It would remove the onus on developers to replace and/or plant trees on berms in new developments, which creates resource cost for Council, inconvenience for the developer, and results in ad hoc tree planting. • Any increase in maintenance costs through a two for one replacement of trees would be minimal, particularly because the policy promotes the “right tree in the right place”, reducing the need for longer term reactive maintenance. • It would provide the public with consistency, clarity and transparency around decision making, including a clearer understanding around Council’s position on requests for maintenance and requests for removal of trees. • It would raise public awareness of benefits of trees • Ensures that the “right tree, right place” approach when selecting and planting trees is understood as standard Council practice. • The “two for one” approach to replacing trees has the potential to improve the overall Council tree network by planning and prioritisation for underserved areas of the city.
Examples of Policies Working Well in other Cities	<ul style="list-style-type: none"> • Other Local Authorities that have adopted tree policies include Waikato District Council, Queenstown Lakes District Council, Central Otago District Council and Christchurch City Council, with Christchurch City Council’s policy being the most widely recognised.

	<ul style="list-style-type: none"> • Staff consulted with Christchurch City Council staff during the development of the Hamilton City Council Draft Policy. • Feedback from Christchurch City Council staff was that factors in successful implementation included: <ul style="list-style-type: none"> - Ensuring there are supporting documents to help with operational matters - Ensuring there are clear process around tree removals, for example applications to renew or remove a tree.
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Table 1: Requests for further information at the 22 July 2025 Regulatory and Hearings Committee meeting.

15. If the staff recommendation is not approved the Draft Policy will not be approved at this point, and a new proposal will need to be brought to the new Council.

Options - *Koowhiringa*

16. There are 2 reasonable and viable options for the Council to consider. The options are set out below:
- Option 1:** Council does not approve the Draft Tree Policy.
- Option 2:** Council approves the Draft Tree Policy with the proposed amendments.
17. Staff recommend **Option 2** because it will allow for the Draft Policy to be adopted and enacted in a timely manner.

Financial Considerations - *Whaiwhakaaro Puutea*

18. The costs incurred to date (including consultation costs) are covered within current operational budgets. These costings include 350 staff hours to progress the work, engagement and consultation costs (\$5,000), which include design, public notice, media placements, and printing.
19. The Draft Tree Policy requires developers to fund two replacement trees for each tree removed. Council will select planting sites based on areas with the greatest need for canopy cover. This approach is not expected to incur additional direct costs to Council.
20. To help address the decline in tree numbers resulting from development, the draft policy introduces a two-for-one planting approach. This is intended to gradually restore tree numbers, though it is unlikely to return them to previous levels. Because the new trees are replacing those that previously existed, this is not expected to result in higher overall costs. The policy direction to select suitable tree species will also improve tree health and reduce reactive maintenance.
21. While the financial impact is difficult to quantify due to the variables involved in managing living assets, the cost recovery provisions in clauses 39 and 40 of the Draft Tree Policy are expected to streamline processes, improve cost efficiency, and reduce staff hours. These provisions will also support better quality control in tree planting, contributing to improved long-term outcomes.
22. Costs to Council could arise if the level of service changes—for example, if proactive maintenance is extended to park trees (currently undertaken only for street trees). The financial impact of such a change cannot be determined until the level of service is defined, which is outside the scope of this policy.
24. Additional costs may also occur as the city grows and new trees are planted to support urban expansion. These costs will be driven by the scale of growth rather than the policy itself.

Legal Considerations - *Whaiwhakaaro-aa-ture*

25. Staff confirm that the staff recommendation complies with the Council's legal requirements.

Risks – *Tuuraru*

26. The Policy addresses the following risks: SR5 Failure to deliver growth outcomes, SR4 Failure to respond to climate change, OR1 Failure to maintain trust in Iwi and Maaori, and SR1 Failure to maintain trust, and failure to respond to disaster, crisis or emergency.
27. If the Draft Tree Policy is approved for adoption Council will be:
- i. better positioned for climate resilience, by promoting tree planting and canopy expansion, which helps absorb carbon dioxide, reduce urban heat, manage stormwater, and act as preparedness mitigation for possible disaster or emergency events;
 - ii. able to centralise tree replacement responsibilities (e.g., developers paying Council for replanting), which will ensure cost-effective and consistent tree management. This reduces financial unpredictability and improves long term outcomes; and
 - iii. taking steps to manage the risk of trees interfering with infrastructure due to the “right tree in the right place” proposal.
28. The Draft Tree Policy prioritises safety as a key outcome. It also promotes community wellbeing through the provision of greener, cooler environments and mental health benefits.
29. If the Draft Policy is not approved for adoption, the opportunities for risk mitigation relating to management of tree removal and replacement in development areas would not be addressed. These include:
- i. support for sustainable urban growth while preserving green infrastructure, and
 - ii. the formalisation of processes around trees will help streamline processes and ensure consistency.
30. If the Draft Tree Policy is not adopted, the Council will miss the opportunity to mitigate these risks.

Strategic Considerations - *Whaiwhakaaro-aa- rautaki*

31. Everything we do is aimed at improving the wellbeing of Hamiltonians. Council has been working alongside our community to understand what people in our city want the future of Hamilton Kirikiriroa to look like as represented by our five priorities.
32. The promotion of the social, economic, environmental, and cultural wellbeing of communities in the present and for the future is expressed through Council's key strategies.
33. The proposed recommendation will align with Council key documents, as identified in the Governance Structure, in the following ways.

Significance and Engagement Policy	Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance. Community views and preferences are already known to the Council through the Hearing process.
He Pou Manawa Ora - Pillars of Wellbeing	The staff recommendation addresses the following Pou: POU ONE: He Pou Manawa Koorero Pillar of History

	<p>The policy recognises the cultural significance of trees and in particular the importance of native and indigenous planting where appropriate.</p> <p>POU THREE: He Pou Manawa Taurikura Pillar of Prosperity Trees are recognised as supporting community wellbeing, climate resilience, and economic vitality. The policy encourages equitable distribution of tree canopy across all communities, especially in underserved areas.</p> <p>POU FOUR: He Pou Manawa Taiao Pillar of Restoration The policy emphasises native tree planting, biodiversity enhancement, and ecological connectivity. It includes strategies for climate adaptation, such as increasing urban canopy cover to mitigate heat and flooding. The policy aligns with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River), supporting the health of the awa and its ecosystems.</p>
Our Climate Future Te Pae Tawhiti o Kirikiriroa	Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. An adaptation assessment has been undertaken and the project adequately responds to climate change risk. An emissions assessment has been undertaken, and the project reduces greenhouse gas emissions.
Disability Action Plan	<p>GOAL 3 Council services will be responsive to the diverse needs of disabled people and GOAL 4 People can get around the city independently and safely.</p> <p>There may be some instances where tree roots could create accessibility issues on footpaths, and this has been raised through the submission process. Council staff will work with the disability community to address those issues as they arise and seek solutions to ensure people can get around the city independently and safely.</p>

Attachments - *Ngaa taapirihanga*

Attachment 1 - Tree Policy Final Draft with Tracked Changes

Attachment 2 - Tree Policy Final Draft Clean Copy

First adopted:	August 2024
Revision dates/version:	
Next review date:	August 2027
Engagement required:	
Document Number	D-
Associated documents:	
Sponsor/Group:	Parks Services Manager

~~Draft~~ Tree Policy

Trees are an essential part of the landscape and natural infrastructure of Kirikiriroa Hamilton. In addition to aesthetic and cultural values, trees provide a range of benefits including cooling through shade, carbon sequestering, wellbeing support, improving air quality, supporting wildlife and resilience to effects of extreme events.

~~Ko te Puutaketanga~~ Purpose

The purpose of this policy is to:

1. Provide guidance for the planning, planting, maintenance, and retention or removal of Council owned trees.
2. To manage risks resulting from Council owned trees, including risks to health and safety.
3. To protect trees which have high amenity, botanical and ecological value and to encourage, whenever possible, development practices that avoid damage to trees.
4. To ensure Council tree planting and management is appropriate, financially sustainable, and contributes to positive community and environmental outcomes.
5. Provide consistency, clarity and transparency around service requests and Council decision making.

~~Ko te Whaanuitanga~~ Scope

6. This Policy applies to trees:
 - a) On Council owned and/or managed open spaces (including transport corridors (roads and the road reserve), parks, reserves, cemeteries, Council facilities, and service corridors).
 - b) Managed through the Hamilton Gardens Management Plan, Stadia Reserve Management Plan and Te Kaaroro (Hamilton Zoo and Waiwhakareke).
7. This Policy does not apply to:
 - a) Trees on private land or outside of HCC boundaries (except for the Hamilton Park Cemetery, Taitua Arboretum, and any other HCC owned land).
 - b) Notable Trees listed in Schedule 9D of the Hamilton City Operative District Plan and trees in Significant Natural Areas listed in Schedule 9C of the Hamilton City Operative District Plan.

Note: Notable trees are trees recognised in District Plans as having special value to the community or are outstanding specimen examples and individually or collectively are

[worthy of protection, and Significant Natural Areas \(SNAs\) are sites that are recognised in the Operative District Plan as having significant indigenous vegetation and/or significant habitats of indigenous fauna.](#) Rules and standards pertaining to Notable Trees and Significant Natural Areas are provided in the Hamilton City Operative District Plan.

- c) Planting and maintenance of other vegetation in the transport corridor, which is covered by the 'Streetscape and Gateways Policy'.

Ko ngaa Tikanga Whakahaere Kaupapahere

Principles of Policy

8. The guiding principles of this policy are:
 1. The tree canopy of Hamilton Kirikiriroa is essential to community, economic and environmental wellbeing, and Council owned trees are managed and prioritised as critical, long-term public assets.
 2. Council will prioritise public health and safety over the amenity, ecological or historical value provided by individual trees.
 3. Council will take a balanced approach to tree management to achieve the best possible community, economic and environmental outcomes.
 4. Council will seek opportunities to plant new trees of appropriate types in suitable locations to maximise the canopy cover of the city and deliver ongoing benefits.
 5. Tree planting and management is future focussed, financially sustainable and provides value for money in the long-term.

Ko ngaa Tikanga Policy

Tree Species Selection and Planting

9. Council will take a “right tree in the right place” approach to tree planning and planting to ensure tree species are appropriate for their particular location and context and will contribute long term benefits to the city.
10. All tree planting on Council land (including berms) must be approved by Council and follow standard Council procedures.
11. Council will select a diverse range of native and exotic tree species to strengthen and enhance ecological resilience.
12. Council tree planting will be prioritised in areas where shade is desirable, (for example in playgrounds and high pedestrian and cycle routes) or in areas where there are few trees.
13. Succession planting will be undertaken to ensure there is a wide range of species and maturity in parks and open spaces.
14. To ensure that all trees are fit-for-context, Council must consider whether the location and species of a tree will compromise both the current and planned function, safety, efficiency and operation of the road corridor (including its role as a corridor for infrastructure). In particular:

- i. Overhead, and underground infrastructure (e.g. power, water, utility services).
- ii. Operating speeds and traffic safety (e.g. speed limit, visibility of signs and driver sight lines).
- iii. Accessibility and clearance requirements of the corridor (e.g. freight route, over-dimension route, Bus Rapid Transit).

Pruning and Maintenance

- 15. Council undertakes maintenance on street trees to keep trees healthy and minimise risk to people or property. Inspections and maintenance are carried out using Council approved risk management practices and are in accordance with accepted arboriculture standards.
- 16. Only Council approved persons may undertake pruning or maintenance of Council owned trees.
- 17. Council will prune trees that obstruct powerlines, footpaths and roads, street lighting, vehicle access to public areas, traffic signage and road visibility.
- 18. Council will generally not undertake pruning to reduce shading or manage debris, or for the establishment, retention, or enhancement of views.
- 19. Council will investigate and may seek compensation or take enforcement action for any damage caused by pruning under the appropriate legislation, including the Hamilton City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002, and/or the Reserves Act 1977.
- 20. Where appropriate in natural reserve areas, unhealthy, dead, or felled trees will be left in place to decompose for ecological benefit.

Working around trees

- 21. Appropriate care must be undertaken to avoid potential damage to Council trees during construction works or any other activity.
- 22. Council must be notified during the early stages of development design of any development, work, or activity proposed near a Council owned tree (e.g. concept design stage). An **Application for Tree Owner Approval** should be submitted to Council no less than ~~two weeks~~ 21 working days before any works commence that includes vehicle crossings (driveways), installation of services and infrastructure, buildings or other developments that could impact any Council trees.
- 23. All works on Council land must comply with Council health and safety procedures and the Health and Safety at Work Act 2015.
- 24. Council may seek compensation or take enforcement action for any damage or loss to Council trees under the appropriate legislation, including the Hamilton City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002, and/or the Reserves Act 1977.
- 25. Damage or loss may include but is not limited to:
 - a) Death or decline of tree(s) health.

- b) Damage to the structure of the tree(s).
- c) Damage to the tree(s) roots and/or rooting environment including compaction or contamination of the soil.

Tree Removal

- 26. Good quality, mature trees are of significant value to the city and removal will only be considered when all other options have been explored and are determined by Council to not be viable.
- 27. Council trees that are in a state of irreversible decline, dead and/or structurally unsound may be removed at any time by Council if required for public safety or to avoid serious damage to property or infrastructure.
- 28. Council will assess and allow removal of trees that pose an unacceptable safety risk that cannot be practically mitigated through pruning or other engineering solutions.
- 29. Council may remove a tree on a case-by-case basis if it is causing, or is likely to cause, serious damage to buildings, services, property, or infrastructure (both public or privately owned) and the damage cannot be reasonably rectified or mitigated except by removing the tree.
 - 6. Council is unlikely to approve the removal of a tree in the following circumstances:
 - a) To provide better views,
 - b) To reduce leaf and fruit litter or debris from trees,
 - c) To reduce nuisance from native fauna that may be inhabiting the tree,
 - d) To reduce shading,
 - e) To allow for the installation of solar panels,
 - f) For unjustified property damage claims,
 - g) For causing minor allergenic or irritant responses,
 - h) If there are practical means for canopy or tree retention.
- 30. There will be no removal of trees on Council land unless approved by Council in writing.
- 31. Any removal of trees on Council land will only be considered by Council following submission of an Application for Tree Owner Approval.
- 32. Council may consider the removal (and replacement) of trees on a case-by-case basis to allow for an activity or development where no other alternative design option is available.
- 33. An Application for Tree Owner Approval must be submitted for consideration during the early stages of development design (e.g. concept design stage). Council staff will approve or decline a request within 21 working days of receiving it, unless more information is required from the applicant to make a decision.
- 34. Removal of trees must be undertaken by, or under the supervision of, a suitably qualified arborist employed, approved, or contracted by Council, or a network utility operator in accordance with accepted arboriculture standards.
- 35. If Council approval is given, tree removal shall include stump grinding to a minimum depth and the ground must be left in a reasonable condition for replanting.
- 36. Tree removal approval will be subject to tree replacement requirements (as per clause 43).

37. In sites where trees are identified as likely containing protected indigenous fauna (e.g. bats, lizards or native bird species) an ecological assessment will be required to be provided alongside any Application for Tree Owner Approval.
38. Council will endeavour to consult with impacted communities prior to the removal of trees. However, in the event of emergency or urgent removal, notification may not be possible.

Tree Replacement

39. Council will require the planting of a minimum of two new trees for every Council tree removed for development.
40. The cost of tree replacement, including all relevant costs, will be calculated, and paid to Council prior to tree removal being approved.
41. For removals within the road corridor, the location of any replacement trees will be on the same site, or on a designated place as chosen by Council.
42. Tree replacement planting will occur at the next appropriate planting season.

Vandalism

43. Council will investigate and may seek compensation or take enforcement action for deliberate acts of vandalism that result in the death of, or damage to, a Council tree, under the appropriate legislation, including the City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002 and/or Reserves Act 1977.

Community plantings

44. Council encourages and supports community engagement and involvement in tree planting projects and will consider requests for community planting projects in Council owned open space through volunteer programmes.
45. While making every effort to retain community planted trees, Council reserves the right to move or remove trees, if necessary, in accordance with this policy.

Ko te Aroturukitanga me te Whakatinanatanga

Monitoring and Implementation

46. Implementation of this policy will be monitored by the General Manager Customer and Community.
47. This policy will be reviewed every three years, at the request of Council, or in response to legislative changes and statutory requirements (whichever occurs first).

Ko ngaa Whakamaaramatanga**Definitions**

Term	Policy Definition
Amenity	The natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.
Canopy cover	The total area that leaves, branches and stems of trees shade the ground.
Council	Means the Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.
Exotic trees	Means trees which do not occur naturally in New Zealand.
Invasive species	Species that spread rapidly throughout large areas of the country, often displacing native species or causing significant environmental harm.
Irreversible decline	The decline of a tree's health which is to such an extent that it is unlikely to recover.
Mature Tree	A tree reaching its ultimate potential size, whose growth rate is slowing date, with limited potential for any significant increase in size.
Native trees	Trees that occur naturally in New Zealand or arrived in New Zealand without human assistance.
Notable trees	Individual or groups of trees identified in Schedule 9D of the District Plan that are located on either public or private land and have been assessed as 'notable' because of their link to the community, scientific importance, species type, age and/or the contribution they make to the city.
Other vegetation	A plant that does not have the potential to grow taller than 3 metres in height and have a stem diameter of, or exceeding, 100mm measured at 1.4 metres above ground.
Road Corridor	Means whole corridor that provides for road carriageway, berms, services and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads and access segregation strips.

Ko ngaa Tohutoro**References**

- The Local Government Act 1974
- The Local Government Act 2002
- The Reserves Act 1977
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First adopted:	August 2024
Revision dates/version:	
Next review date:	August 2027
Engagement required:	
Document Number	D-
Associated documents:	
Sponsor/Group:	Parks Services Manager

Tree Policy

Trees are an essential part of the landscape and natural infrastructure of Kirikiriroa Hamilton. In addition to aesthetic and cultural values, trees provide a range of benefits including cooling through shade, carbon sequestering, wellbeing support, improving air quality, supporting wildlife and resilience to effects of extreme events.

Ko te Puutaketanga

Purpose

The purpose of this policy is to:

1. Provide guidance for the planning, planting, maintenance, and retention or removal of Council owned trees.
2. To manage risks resulting from Council owned trees, including risks to health and safety.
3. To protect trees which have high amenity, botanical and ecological value and to encourage, whenever possible, development practices that avoid damage to trees.
4. To ensure Council tree planting and management is appropriate, financially sustainable, and contributes to positive community and environmental outcomes.
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Ko te Whaanuitanga

Scope

6. This Policy applies to trees:
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Ko ngaa Tikanga Policy

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- 42. Tree replacement planting will occur at the next appropriate planting season.

Vandalism

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- 45. While making every effort to retain community planted trees, Council reserves the right to move or remove trees, if necessary, in accordance with this policy.

Ko te Aroturukitanga me te Whakatinanatanga

Monitoring and Implementation

- 46. Implementation of this policy will be monitored by the General Manager Customer and Community.
- 47. This policy will be reviewed every three years, at the request of Council, or in response to legislative changes and statutory requirements (whichever occurs first).

Ko ngaa Whakamaaramatanga

Definitions

Term	Policy Definition
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Road Corridor	Means whole corridor that provides for road carriageway, berms, services and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads and access segregation strips.

Ko ngaa Tohutoro

References

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- Tree Protection Fencing, New Zealand Arboricultural Association Inc. (NZ Arb)
- Amenity Tree Pruning Guide, New Zealand Arboricultural Association Inc. (NZ Arb)

Item 12

Attachment 2

Council Report

Committee: Council

Date: 28 August 2025

Author: Emily James

Authoriser: Helen Paki

Position: Strategy & Policy Advisor

Position: General Manager Customer and Community

Report Name: Public Places Bylaw Review Programme - Approval to Consult

Report Status	Open
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Purpose - *Take*

1. To inform the Council on the progress of the public places review programme.
2. To seek approval from the Council to commence public consultation on the proposed amended Safety in Public Places Bylaw 2020, the Public Places Bylaw 2016, and Trading in Public Places Policy with the draft Statement of Proposal.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) approves the draft Statement of Proposal (**Attachment 1**);
 - c) approves for public consultation the:
 - i. proposed amended Safety in Public Places Bylaw 2020 (**Attachment 2**),
 - ii. proposed amended Public Places Bylaw 2016 (**Attachment 3**),
 - iii. proposed amended Trading in Public Places Policy (**Attachment 4**); and
 - d) notes that public consultation will be undertaken from 4 November to 4 December 2025.

Executive Summary - *Whakaraapopototanga matua*

4. In response to increasing concern about antisocial behaviour in Garden Place and other public spaces, staff, informed by legal guidance are proposing amendments to three documents.
5. The Public Spaces review programme includes a full review of the Safety in Public Places Bylaw 2020, the Public Places Bylaw 2016, and the Trading in Public Places Policy.
6. The three documents are key regulatory tools that support the operational functions and enforcement activities for Council's City Safe unit.
7. The proposed amendments reflect feedback from staff and key community stakeholders, and aim to provide a clearer framework for addressing behaviour in public places.
8. Staff are proposing consultation on the draft Bylaws and Policy from 4 November to 4 December 2025.

9. Staff recommend **Option 2** – approve the draft Policy and Bylaws for public consultation, as detailed in the report.
10. Staff consider the decisions in this report have low risk(s) as outlined in the risks section of this report.
11. Staff consider the decisions in this report have high significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

12. Concerns about antisocial behaviour in Garden Place and other public spaces have prompted a broader review of the social and regulatory environment across Hamilton Kirikiriroa.
13. These behaviours, particularly visible during the summer months, are often linked to complex social issues and can affect public perceptions of safety and amenity.
14. In response, staff have progressed several workstreams aimed at identifying gaps and opportunities to better support vulnerable communities, improve the management of public spaces and review relevant bylaws and policies.

Bylaws

15. At its meeting on 30 April 2025, [Council determined](#) to commence a review of four key bylaws: the Safety in Public Places Bylaw 2020 and the Public Places Bylaw 2016 (as addressed in this report), along with the Alcohol Control Bylaw 2015 (scheduled for review in 2026) and the Waste Minimisation Bylaw (scheduled for review in 2026).
16. Staff have undertaken a review of the Safety in Public Places Bylaw, Public Places Bylaw, and Trading in Public Places Policy to assess effectiveness and explore opportunities to strengthen their provisions, particularly in relation to managing anti-social behaviour in public spaces.
17. The review of the Public Places Bylaw was initiated and approved by Council at the [22 February 2024 Community and Natural Environment Committee](#), prior to recent concerns about antisocial behaviour. As such, the scope of this work is broader, focusing on the overall management of public spaces, including trading, signage, and public amenity.
18. Review of the Alcohol Control Bylaw 2015 is scheduled to begin August 2025 and the Waste Minimisation Bylaw 2019 in 2026. Proposed interventions will be presented to the incoming Council.

Discussion – *Matapaki*

19. Under Section 145 of the Local Government Act 2002 (LGA), Council has the authority to make bylaws for one or more of the following purposes:
 - i. to protect the public from nuisance (s.145(a));
 - ii. to protect, promote, and maintain public health and safety (s.145(b)); and
 - iii. to minimise the potential for offensive behaviour in public places (s.145(c)).
20. In addition, Section 146 of the Act provides specific by-law making powers, including the regulation of trading in public places.
21. The Public Places review programme includes review of the Safety in Public Places Bylaw 2020, the Public Places Bylaw 2016, and Trading in Public Places Policy.
22. These documents serve as key regulatory tools for setting expectations around acceptable behaviour in public spaces and enabling enforcement against nuisance and offensive conduct. The Public Places Bylaw, and Trading in Public Places Policy also specifically regulate trading, signage, and other activities that may impact public safety or amenity.

23. In accordance with Section 155 of the Local Government Act 2002, the Council must determine whether a bylaw is the most appropriate mechanism to address the identified issues, ensuring it is consistent with the New Zealand Bill of Rights Act 1990.
24. While bylaws alone cannot resolve the complex challenges present in public spaces, they provide a structured framework that supports a graduated response model.
25. This enables City Safe Officers to respond in a measured way, beginning with education and informal warnings to encourage voluntary compliance, guided by clear rules.
26. The proposed amendments reinforce engagement-based enforcement, rather than relying on punitive measures such as seizure, or convictions which are often complex, costly, and legally constrained.
27. Where behaviour escalates to criminal offending, Council may refer matters to Police. It is then the responsibility of the Police to determine any further action.
28. The recommendations aim to balance public expectations, legal rights, wellbeing and operational feasibility. Ensuring Council can respond effectively, within its statutory powers while continuing to support inclusive and safe public spaces.
29. A summary of the proposed changes to each of the documents is provided below. A draft Statement of Proposal for community consultation is included as **Attachment 1**.

Safety in Public Places Bylaw

30. The Safety in Public Places Bylaw 2020 was first adopted in 2014 and supports safe, welcoming public spaces by addressing lower-level antisocial behaviours not covered by national legislation, such as begging that causes distress or alarm and the use of psychoactive substances.
31. The Bylaw provides Council with an early intervention tool, enabling City Safe Officers to respond proportionately where the behaviours do not meet the criteria for arrest or prosecution.
32. City Safe officers play a key role in this process by maintaining a visible presence, de-escalating incidents, and encouraging voluntary compliance through a compliance graduated response model.
33. While the Bylaw remains effective, staff, informed by legal guidance, have identified opportunities to strengthen provisions, particularly around protecting Council owned property and structures.
34. Ngaati Wairere and Te Haa o te Whenua of Kirikiriroa (THaWK) have requested that their opposition to the Safety in Public Places Bylaw be formally acknowledged in this report.
35. They do not support the Bylaw as a mechanism for addressing antisocial behaviour, expressing concern that it may displace issues rather than resolve them.
36. Instead, they advocate for a more collaborative, cross-agency approach involving community organisations and Mana Whenua, focused on long-term, inclusive solutions beyond the regulatory framework.

37. The proposed amended Safety in Public Places Bylaw (with tracked changes) is included as **Attachment 2**. A summary of the proposed amendments is provided in **Table 1**:

Proposed Amendment	Description
Page 1: 1(d) Additional purpose	A new purpose has been added to the Bylaw: protecting structures from damage, misuse or loss. This is reflected in the proposed new clause 5.
Page 1: 2 Title, application and commencement	A new section has been included to clarify the Bylaw's scope, application and commencement. This addition also supports accurate version tracking and aligns with the structure of other Council bylaws, enhancing transparency and administrative consistency.
Page 2: 3.1 Extended definition of nuisance behaviour	The definition of nuisance behaviour has been extended to include sleeping on or occupying public seating in a manner that obstructs its intended use.
Page 3: 5 Protection of public property	A new clause (5) has been introduced to address the protection of Council property, including damage, misuse and the unauthorised storage of personal property in public places.
Page 3: 7 Penalties and powers	Clauses 7.2, 7.4 and 7.5 have been removed from the text of the bylaw, and instead are referenced as an advisory note. This avoids risk of constraining Council's statutory powers.

Table 1: Proposed amendments for the Safety in Public Places Bylaw.

Public Places Bylaw

38. The Public Places Bylaw was originally adopted in 2009 and first reviewed in 2016.
39. The Bylaw sets out rules to protect and maintain public health and safety; and to manage trading and signage in a way that supports the amenity and function of public places. It also enables Council to take appropriate action in response to nuisance or breaches of the Bylaw.
40. Minor amendments are proposed to improve the clarity, consistency, and alignment with existing Council policies and operational practices.
41. The proposed amended Public Places Bylaw (with tracked changes) is included as **Attachment 3**. A summary of the proposed amendments is provided in **Table 2**:

Proposed Amendment	Description
Page 1: Title of Bylaw	To improve clarity and align with existing policy, the draft proposes renaming the 'Public Places Bylaw' to ' Trading in Public Places Bylaw .' This revised title more accurately reflects the Bylaw's intended purpose and its connection to the Trading in Public Places Policy.
Page 1: 2 Title, application and commencement	This new section clarifies the scope and applicability of the Bylaw and ensures accurate tracking of its version history and amendments. It also aligns with the structure of other Council bylaws, supporting transparency, consistency, and ease of reference.
Page 2: 3.1 Authorised Officer	The proposed amendment introduces the use of the term 'Authorised Officer' to ensure consistency with other Council Bylaws and to provide broader enforcement scope.
Page 2: 3.1 Public Place	The definition of <i>public place</i> has been expanded to include reserves, which were previously excluded from this bylaw and managed under the Parks, Domains and Reserves Bylaw 2019. This change addresses inconsistencies in how trading is

	regulated on reserves, reducing confusion for users and operators. It provides greater clarity, consistency, and regulatory oversight, and formalises existing trading mechanisms on reserves.
Page 3: 3.1 Trade Definition	The definition of trade or trading has been extended to include micro-mobility device rental scheme operations.
Page 3: 5 Trading in public places	A new clause has been introduced to clearly state the requirement for obtaining Council permission before trading in a public place. This aligns with the purpose of the bylaw and strengthens its clarity and enforceability by explicitly outlining the conditions under which trading is permitted.
Page 3: 6 Signage for trading	A new clause has been added to clarify that signage for trading activities or other purposes in public places requires Council permission. This ensures consistent regulation of signage in public spaces, supports visual amenity, and aligns with the broader intent of the bylaw to manage trading activities in a clear and controlled manner.
Page 4: 10 Fees	A new provision has been added to clarify that Council may charge fees for access to public places for the purpose of trading. This includes, but is not limited to, booking fees associated with trading in parks and reserves. The inclusion of this clause supports the expanded scope of the bylaw and ensures transparency around fees and charges.
Page 5: Penalties and powers	Enforcement provisions have been extended to include the full range of enforcement powers available to Council under a bylaw.

Table 2: Proposed amendments to the Public Places Bylaw.

Trading in Public Places Policy

42. The Trading in Public Places Policy provides guidance for businesses, groups and individuals seeking to use public places for trading activities.
43. The purposes of this Policy are to:
 - i. Protect the public from nuisance
 - ii. Protect, promote, and maintain public health and safety
 - iii. Minimise the potential for offensive behaviour in public places
 - iv. Regulate trading in public places
 - v. Regulate, control, or prohibit signs
 - vi. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
44. The Policy supports and interrelates with the Public Places Bylaw 2016. Reviewing both documents concurrently ensures consistency and alignment across Council's regulatory and operational frameworks.
45. While the Bylaw outlines the rules, conditions, and enforcement mechanisms, the Policy provides operational detail to support decision-making and guide trading practices.
46. Staff are proposing minor updates to enhance clarity and consistency.

47. The proposed amended Trading in Public Places Policy is included as **Attachment 4**. A summary of the proposed amendments is in **Table 3**:

Proposed amendment	Description
Page 1: Authorised Officer definition	Introduces the term 'Authorised Officer' to ensure consistency with other Council Bylaws and to provide broader enforcement scope.
Page 2: Market definition Page 7: Explanatory note re events	The definition of <i>event</i> has been removed, and the definition of <i>market</i> expanded to clarify which activities fall under this Policy versus the new Events Policy. An advisory note reinforces that this Policy applies exclusively to markets, distinguishing them from other events.
Page 2: Micro-mobility device Page 9: Paragraph 90	A definition of 'micro-mobility device' is proposed to support consistent interpretation. A new provision is proposed requiring operators of micro-mobility ride-share schemes to obtain a permit from Council. The specific conditions and requirements of these permits will be administered by the Transportation department.
Page 3: Public place definition	Expands the definition of <i>Public Place</i> to include reserves, addressing inconsistencies in how trading is regulated across public spaces. This change formalises existing trading mechanisms and ensures consistent application of rules without altering the ability to trade on reserves.
Page 3: Trade Definition	Extends the definition of <i>trade</i> to include micro-mobility device rental schemes.
Page 4: General permit conditions	General permit conditions have been moved to the beginning of the document to improve visibility. Additionally, a clause has been added to address late payment fees and permit expiry terms. <u>Permit Expiry</u> Reflects recent changes to permit durations, including the extension of the outdoor dining permit from 12 months to 3 years. The revised wording ensures consistency across all permit types by acknowledging that expiry terms may vary depending on the nature of the permit. <u>Late Payment Fee</u> Introduces a provision for late payment fees to encourage the timely submission of permit renewal applications and support efficient processing. This aligns with the existing annual fees and charges framework.
Page 8: Busking conditions	To support city vibrancy and reduce barriers for performers, staff propose allowing buskers to use amplified sound during designated hours.

	This change is intended to make busking more accessible and engaging, while maintaining appropriate controls.
Page 9: Trading in reserves	Brings Parks and Reserves under the scope of this Policy to address inconsistencies and improve regulatory oversight. This change ensures all trading activities are subject to the same standards, supporting fair access, improved compliance, and better outcomes for both the community and commercial operators.
Page 14: Removal of schedule 3	<p>Schedule 3, which outlines the information required when applying for a permit, has been removed to allow for more responsive and efficient management of the application process. This content is considered procedural rather than policy-based and retaining it within the policy document has the potential of limiting the Council's ability to make timely updates in response to changing needs or improvements in process.</p> <p>All relevant application requirements are provided on the Council website and the relevant permit forms.</p>

Table 3: Proposed amendments for the Trading in Public Places Policy

Outdoor Dining Fees

48. At the [18 February Community and Natural Environment Committee meeting](#), Council reviewed the current fee and permitting structure for outdoor dining and signs under the Public Places Bylaw 2016 and Trading in Public Places Policy.
49. Decisions of that meeting have been supported through the Policy review. The Policy has been updated to provide greater flexibility in referencing fees and permit expiry dates. This ensures future adjustments can be made through the Annual Plan process without requiring a formal policy review, supporting more responsive and adaptive decisions.

Options – Koowhiringa

50. Staff have provided three total options for the Council to consider.
51. The options are set out in **Table 4**:

Option 1 – do nothing (status quo)	<p>Under this option, the Bylaw review would be paused, and no changes would be made to the current Safety in Public Places Bylaw, Public Places Bylaw, or Trading in Public Places Policy.</p> <p>If no further progress is made, the Public Places Bylaw will lapse in 2026 in accordance with statutory review requirements.</p>
Option 2 (recommended) – approve the draft Bylaws and Policy with	This option proposes retaining the current Safety in Public Places Bylaw, Public Places Bylaw and

proposed amendments for public consultation	<p>Trading in Public Places Policy, with the proposed amendments incorporated.</p> <p>The amended documents will be made available for formal public consultation, allowing the community to provide feedback on the updated provisions. This approach ensures transparency, supports informed decision-making, and enables the refinement of final versions based on community input.</p>
Option 3 – approve public consultation of the bylaws and policy with no proposed changes	<p>This option proposes maintaining the current Safety in Public Places Bylaw, Public Places Bylaw and Trading in Public Places Policy without any changes.</p> <p>Under this approach, the existing Bylaws and Policy would be released for public consultation in their current form. While this still allows for community feedback, it does not incorporate the improvements identified through the review process.</p>

Table 4: Options

52. Staff recommend **Option 2** – approve the draft Bylaws and Policy with proposed amendments for public consultation.
53. This is because the proposed amendments to the documents are based on feedback, operational experience, and alignment with other Council policies. They address known issues and help to improve clarity and consistency.
54. Staff confirm that the proposed Bylaws, with amendments, represent the most appropriate regulatory mechanism to manage behaviour in public spaces, reduce nuisance, and promote public health and safety.

Financial Considerations - *Whaiwhakaaro Puutea*

55. The costs incurred to date, costs associated with the consultation, and costs to finalise the review are within the estimated budget of \$50,000. This includes \$25,000 for legal advice, and \$25,000 for consultation. There is also an additional 500 hours staff time. These costs were able to be included as a part of regular operating activity which was funded through the Long-Term Plan.

Outdoor dining and signage fees

56. Following the temporary post-COVID fee waiver to support hospitality recovery, trading permit fees were reinstated in July 2022.
57. Council resolved at the 18 February 2025 Community and Natural Environment Committee to adopt a three-year permit cycle, replacing the previous annual charge.
58. Permit fees were to be charged in the first year and waived for the subsequent two years.
59. Due to an administration error, this direction was not implemented correctly, and three-year permits were issued for the 2025/26 year without charging fees.
60. This has resulted in an unanticipated revenue loss of \$31,300 in the current financial year. The identified loss is within staff delegation and no resolution is required.

Legal Considerations - *Whaiwhakaaro-aa-ture*

61. Staff confirm that **Option 2** complies with the Council's legal requirements.
62. Staff have assessed the proposed amendments in accordance with **Section 155** of the Local Government Act 2002 and confirm they are legally compliant. The amendments fall within Council's statutory powers and are consistent with the New Zealand Bill of Rights Act 1990.

Risks – *Tuuraru*

63. **Table 5** sets out the operational, strategic and emerging risks for each of the options.

Options	Operational Risks	Strategic Risks	Emerging Risks
Option 1 – do nothing (status quo)	<ul style="list-style-type: none"> Inconsistent enforcement due to outdated provisions. Reduced clarity for the public and enforcement agencies. 	<ul style="list-style-type: none"> Public Places Bylaw will lapse in 2026. Missed opportunity to align with current community needs and expectations. 	<ul style="list-style-type: none"> Increasing antisocial behaviour or trading conflicts without updated regulatory support.
Option 2 (recommended) – approve the draft Bylaws and Policy with proposed amendments for public consultation	<ul style="list-style-type: none"> Resource demands for consultation, analysis and implementation. Potential for public misunderstanding or resistance to changes. 	<ul style="list-style-type: none"> Amendments may not fully address future challenges. Risk of consultation fatigue if not well-communicated or coordinated with other initiatives. 	<ul style="list-style-type: none"> New or unforeseen public space issues may arise post-consultation, requiring further amendment.
Option 3 – approve public consultation of the bylaws and policy with no proposed changes	<ul style="list-style-type: none"> Staff continue operating under outdated provisions. Community feedback may highlight issues that could have been addressed earlier. 	<ul style="list-style-type: none"> Risk of undermining the credibility of the review process. 	<ul style="list-style-type: none"> Missed opportunity to proactively address emerging trends.

Table 5: Operational, Strategic and Emerging Risks for the Proposed Options.

64. If the recommendation option is not approved, Council risks delaying necessary updates to the Bylaws and Policy, which may result in reduced effectiveness in managing public spaces.
65. Additionally, failure to progress the review could lead to the Public Places Bylaw lapsing in 2026, creating a regulatory gap and limiting Council's ability to respond to issues in a timely and consistent manner.

Strategic Considerations - *Whaiwhakaaro-aa- rautaki*

66. Everything we do is aimed at improving the wellbeing of Hamiltonians. Council has been working alongside our community to understand what people in our city want the future of Hamilton Kirikiriroa to look like as represented by our five priorities.

67. The promotion of the social, economic, environmental, and cultural wellbeing of communities in the present and for the future is expressed through Council's key strategies.
68. The Council's bylaws set clear standards for how public spaces are to be used, ensuring they are safe, accessible and enjoyable for everyone. These standards are aimed at helping all people understand shared expectations for public space use.
69. The proposed recommendation will align with Council key documents, as identified in the Governance Structure, in the following ways.

Significance and Engagement Policy	<p>Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.</p> <p>There is a statutory requirement to consult as per legislation outlined below.</p> <p>Section 156 of the Local Government Act 2002 outlines the requirements for public consultation when making, amending, or revoking bylaws. In this instance, Council must follow the special consultative procedure. Having assessed the requirements under the Act, staff propose consultation in line with Section 83, 83A and 86 of the LGA 2002.</p>
He Pou Manawa Ora - Pillars of Wellbeing	<p>POU TWO: He Pou Toorangapuu Maaoru Pillar of Unity: Public consultation reflects the strategy's commitment to inclusive decision making and ensure all voices are heard.</p> <p><u>Engagement with Mana Whenua:</u> Mana Whenua have requested that their opposition to the Safety in Public Places Bylaw be formally acknowledged. They expressed concern that the Bylaw may displace issues rather than resolve them, and noted its perceived targeting of homeless individuals. Mana Whenua advocate for collaborative, community-led approaches and view the Bylaw as outdated, preferring ongoing engagement to explore alternative solutions.</p> <p>POU THREE: He Pou Manawa Taurikura Pillar of Prosperity: Updated bylaws can help create safer, more welcoming public spaces, supporting social and economic participation for all Hamiltonians.</p>
Our Climate Future Te Pae Tawhiti o Kirikiriroa	<p>Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation assessment or emissions assessment is required.</p>
Disability Action Plan	<p>GOAL 1 – <i>Council develops effective, mutually beneficial partnerships with stakeholder to inform and progress outcomes.</i> Option 2 reflects a commitment to continuous improvement by updating policies and bylaws based on community feedback, including from the disability community. Public consultation ensure that people with disabilities have the opportunity to participate meaningfully in shaping the rules that govern public spaces.</p> <p>GOAL 4 – <i>People can get around the city independently and safely.</i></p> <p>Consideration was given to extending the Victoria Street Clearway from 1.7m to 1.8m to align with universal design standards. However, feedback from the disability sector and NZTA guidelines (which recommend a minimum of 1.5m) suggest the change would have minimal impact. Therefore, no extension is proposed at this time. Accessibility remains a priority, and staff will continue engaging with the disability community to inform future improvements.</p>

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft Statement of Proposal

Attachment 2 - Safety in Public Places Bylaw 2020 (amended 202X) - draft for consultation.

Attachment 3 - Trading in Public Places Bylaw 2016 (amended 202X) - draft for consultation

Attachment 4 - Trading in Public Places Policy - draft for consultation

Hamilton Safety and Trading Bylaws and Policy Review

Statement of proposal

[Consultation dates 4 November – 4 December 2025]

Item 13

Attachment 1

DRAFT

Hamilton City Council is seeking feedback on three draft documents in alignment with the Local Government Act 2002:

- Hamilton Safety in Public Places Bylaw 2020 (amended 2026)
- Hamilton City Trading in Public Places Bylaw 2016 (amended 2026)
- Trading in Public Places Policy

Background

Hamilton City Council uses bylaws and policies to help ensure public spaces are safe, welcoming and well-manged. The Hamilton Safety in Public Places Bylaw 2020, Hamilton City Public Places Bylaw 2016, and Trading in Public Places Policy are key tools that set expectations for behaviour, regulate trading activities, and support public health and safety.

While police deal with serious criminal behaviour, these bylaws help Council manage everyday issues that affect how people experience public spaces – like nuisance behaviour and unregulated trading.

Council is reviewing these documents to ensure they remain effective, aligned with current best practices, and are responsive to the needs of the community.

Why are we doing this?

Regular reviews provide an opportunity for Council to check in with the community on how these documents are working and consider feedback.

On [30 April 2025, the Council determined](#), under section 155(1) of the LGA that:

- a) The Safety in Public Places Bylaw is the most appropriate mechanism for addressing issues relating to the management of antisocial behaviour in public spaces; and
- b) The Public Places Bylaw is the most appropriate mechanism for addressing issues relating to the management of antisocial behaviour public spaces.

Reasons for the proposal

Hamilton City Council (Council) are proposing minor changes to the Public Places Bylaw 2016, the Trading in Public Places Policy, and the Safety in Public Places Bylaw 2020. These changes are intended to improve clarity, consistency, and alignment with other Council policies.

Trading in Public Places

The Public Places Bylaw was first adopted in 2009, and the first Trading in Public Places Policy in 2009. The current Bylaw was last reviewed in 2016. Council is required to review the existing Bylaw every 10 years as per the LGA 2002 requirements. The Policy is reviewed in tandem to ensure consistency between the two documents.

Council is proposing changes to both the Public Places Bylaw and Trading in Public Places Policy. The key reasons for the proposed changes are to:

- Clarify provisions for trading on parks and reserves
- Provide flexibility in referencing fees and permit expiry dates
- Ensure permit requirements are clear for users

Safety in Public Places

The Safety in Public Places Bylaw 2020 was first adopted in 2014 and last reviewed in 2020. While the Bylaw is still considered to be effective, changes are being proposed to ensure they effectively support public safety and wellbeing.

Proposal

What we're proposing...	... and why.
Trading in Public Places	
Title of Bylaw To rename the existing Public Places Bylaw, to Trading in Public Places Bylaw.	<ul style="list-style-type: none"> To improve clarity, and align with the Trading Policy, and to ensure the title more accurately reflects the Bylaws intended purpose.
Trading in Parks and Reserves To extend the definition of 'Public Place' to include parks and reserves. This will bring trading in parks and reserves under the scope of this Bylaw.	<ul style="list-style-type: none"> To address inconsistencies in how trading is regulated on reserves. To provide greater clarity and consistency for people wanting to trade on reserves.
Fees and Charges To include provisions for trading-related fees, permit expiry terms, and late payment fees.	<ul style="list-style-type: none"> To improve transparency around fees. To reflect recent changes to permit durations (outdoor dining). To encourage timely renewals of permits.
Events/Markets To expand the definition of market and remove reference to events in the Policy.	<ul style="list-style-type: none"> To improve clarity by ensuring the Trading Policy only applies to activities that meet the definition of a market. To distinguish between markets, and other types of events. To align with the new Events Policy, which now provides a dedicated framework for managing events, separate from trading activities.
Busking To extend the busking permit from six months to 12 months, and to allow buskers to use amplified sound, during certain hours of the day.	<ul style="list-style-type: none"> To support city activation and reduce regulatory barriers. To make it easier for performers to contribute to a vibrant city environment.
Safety in Public Places	
Nuisance behaviour To extend the definition of nuisance behaviour to include sleeping on or occupying public seating in a manner that obstructs its intended use.	<ul style="list-style-type: none"> To ensure public seating remains available and usable for its intended purpose. To address behaviours that may unintentionally exclude others from using shared amenities.
Protection of public property To introduce a new clause that addresses the protection of Council property, including damage, misuse and the unauthorised storage of personal property in public places.	<ul style="list-style-type: none"> To safeguard public infrastructure and ensure it remains in good condition for community use. To prevent misuse that could lead to safety hazards or increased maintenance costs. To clarify expectations around the appropriate use of public property and spaces.

Options

There are two options to consider for each of the documents.

Public Places Bylaw

OPTION 1 (preferred): Continue the Bylaw with the proposed amendments

Council considers it is appropriate to keep the current Bylaw with minor changes because the Bylaw has been successful at regulating trading activities and promoting health and safety in public places. Retaining the current Bylaw with these changes means:

- Minor amendments will be made for clarity.
- Council can better regulate trading in parks and reserves.
- People wanting to trade on reserves will have clearer guidance.
- Fee structures are clearer.

OPTION 2: Continue the Bylaw with no amendments

This option would involve keeping the current Bylaw without any amendments. This option would mean that opportunities for improvement identified through the review would not occur.

Trading in Public Places Policy

OPTION 1 (preferred): Continue the Policy with the proposed amendments

Council considers it is appropriate to keep the current Policy with minor changes because the Policy has been successful at regulating trading activities in public places. Retaining the current Policy with these changes means:

- Minor amendments will be made for clarity.
- Council can better regulate trading in parks and reserves.
- People wanting to trade on reserves will have clearer guidance.
- Permit requirements are clearer.
- Markets and events will be clearly distinguished.
- Busking permits allow for amplified sound to ease regulations and activate the city.

OPTION 2: Continue the Policy with no amendments

This option would involve keeping the current Policy without any amendments. This option would mean that opportunities for improvement identified through the review would not occur.

Safety in Public Places Bylaw

OPTION 1 (preferred): Continue the Bylaw with the proposed amendments

Council considers it is appropriate to keep the current Bylaw with minor changes because the bylaw has been successful at reducing nuisance behaviour and promoting health and safety in public places. Retaining the current Bylaw with these changes means:

- Minor amendments will be made for clarity.
- Council can better manage behaviours that impact usability of spaces.
- Clearer rules will support safer and more respectful use of public spaces.

OPTION 2: Continue the Bylaw with no amendments

This option would involve keeping the current Bylaw without any amendments. This option would mean that opportunities for improvement identified through the review would not occur.

Tell us your thoughts on the proposal

Council is seeking feedback from people who will or may be affected by, or have an interest in, the proposal. Before making any final decisions, we'd like to have your input.

You can give us feedback from 4 November to 4 December 2025 online at hamilton.govt.nz/haveyoursay, or fill out the feedback form included in this Statement of Proposal.

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 relevant Committee early next year. 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 Policy and Bylaws.

Item 13

Attachment 1

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FEEDBACK FORM

4 November – 4 December 2025

Hamilton City Council has reviewed the Hamilton Safety in Public Places Bylaw 2020, Hamilton City Public Places Bylaw 2016, and Trading in Public Places Policy, and is proposing change.

FEEDBACK FORMS CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Complete this form and post to: Freepost 172189, Hamilton City Council, Safety in Public Places Bylaw 2020, Trading in Public Places Bylaw 2016, Trading in Public Places Policy consultation, Private Bag 3010, Hamilton, 3240.
- Deliver to the Municipal Building, 260 Anglesea Street or any branch of Hamilton City Libraries.
- Email your completed form to: haveyoursay@hcc.govt.nz

 **Important:** Your name and feedback may be published on our website. Your personal details (email address, phone number, demographic information) will not be published. The contents of your feedback and any attachments may be made public.

Please ensure the contents of your submission does not contain information about yourself that you don't want to be published (for example, your address). We may contact you to provide updates on the outcome of the consultation.

For more information, see our privacy policy: hamilton.govt.nz/privacy-policy

1. Which topics would you like to provide feedback on?

- Trading in Public Places – how we regulate trading activities in public places
- Safety in Public Places – how we regulate behaviour in public places
- I would like to provide feedback on both

Public Places Bylaw

- Council proposes minor amendments to the Public Places Bylaw to improve clarity, provide better guidance for trading on reserves, and ensure the bylaw continues to support safe and well-managed public spaces.

Do you support Council's proposal to make only minor amendments to the Trading in Public Places Bylaw?

- I support this proposed change
- I oppose this proposed change
- I do not have a view on this or am unsure about this proposal

3. If you would like to expand on your answer, please do so here

Reasons / Why/Why not? / Which option do you prefer? Can you please explain why? (Please print clearly):

Trading in Public Places Policy

4. Council proposes minor amendments to the Trading in Public Places Policy to improve clarity, provide better guidance for trading on reserves, and ensure permit requirements and event classifications are clearly understood.

Do you support Council's proposal to make only minor amendments to the Trading in Public Places Policy?

- d. I support this proposed change
- e. I oppose this proposed change
- f. I do not have a view on this or am unsure about this proposal

5. If you would like to expand on your answer, please do so here

Reasons / Why/Why not? / Which option do you prefer? Can you please explain why? (Please print clearly):

Safety in Public Places Bylaw

6. Council proposes minor amendments to the Safety in Public Places Bylaw. These amendments aim to improve clarity and better reflect expectations for respectful behaviour in shared environments.

Do you support Council's proposal to make only minor amendments to the Safety in Public Places Bylaw?

- g. I support this proposed change
- h. I oppose this proposed change
- i. I do not have a view on this or am unsure about this proposal

7. If you would like to expand on your answer, please do so here

Reasons / Why/Why not? / Which option do you prefer? Can you please explain why? (Please print clearly):

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

Would you like to make a verbal submission? (required)

You can also support your written feedback by speaking with us. You can talk to Elected Members at a Council meeting (in-person or online) on early next year. We will contact you to arrange a time. Watch our video and read more about what is involved in speaking to Elected Members at hamilton.govt.nz/haveyoursay

- ☐ Yes, I want to speak to Elected Members
- ☐ No thanks

ABOUT YOU:

**The questions in this section are required for all online and hardcopy consultations.*

This section tells us a bit more about you.

The information you provide will help us understand how changes impact different communities in our city. It also helps us to better understand who is and isn't providing feedback.

Contact details (Please print clearly)

Name: (required) _____

Email: (required) _____ Phone: _____

Are you giving feedback on behalf of an organisation?

- ☐ No, these are my own personal views
- ☐ Yes, I am the official spokesperson for the organisation, my organisation's name is: _____

If you are the official spokesperson of an organisation, the following questions are not applicable.

Where do you live?

I live in Hamilton, my suburb is: _____

I live outside Hamilton city:

- ☐ Waipaa District ☐ Waikato District ☐ Elsewhere in New Zealand ☐ Overseas

What is your age group? (at your last birthday)

- | | | | | |
|-----------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <input type="checkbox"/> Under 16 | <input type="checkbox"/> 16-19 | <input type="checkbox"/> 20-24 | <input type="checkbox"/> 25-29 | <input type="checkbox"/> 30-34 |
| <input type="checkbox"/> 35-39 | <input type="checkbox"/> 40-44 | <input type="checkbox"/> 45-49 | <input type="checkbox"/> 50-54 | <input type="checkbox"/> 55-59 |
| <input type="checkbox"/> 60-64 | <input type="checkbox"/> 65-69 | <input type="checkbox"/> 70-74 | <input type="checkbox"/> 75-79 | <input type="checkbox"/> 80+ |

Which ethnic group do you identify with? (tick all that apply)

- | | | | | |
|--|-----------------------------------|---------------------------------|--|--|
| <input type="checkbox"/> NZ European | <input type="checkbox"/> Maaori | <input type="checkbox"/> Indian | <input type="checkbox"/> Chinese | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> British | <input type="checkbox"/> Filipino | <input type="checkbox"/> Tongan | <input type="checkbox"/> South African | <input type="checkbox"/> Cook Islands Maaori |
| <input type="checkbox"/> Other (please specify if you wish): _____ | | | | |

Which of the following best describes your household situation?

In some cases, you may want to find out about a resident's household situation. If so, follow this layout.

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Living alone | <input type="checkbox"/> Household with dependants (e.g. children or other family) |
| <input type="checkbox"/> | <input type="checkbox"/> |

Living with others that are not family

Household with no dependants (e.g. no children or no other family)

Please get your feedback to us by 4 December 2025.

COMPLETION MESSAGE: Thank you

DRAFT

Item 13

Attachment 1

Hamilton City Council BYLAWS



Approved By: Council	Date Adopted: 25 October 2020 February 2016
Date in Force: 22 October 2020 25 February 2016	Previous Review Date: 22 October 2020 30
Version History: <i>Adopted by Council 25 February 2016 and in force 25 February 2016.</i> <i>Amendments adopted by Council 22 October 2020 and in force 22 October 2020.</i>	Next Review Date: XX XXX 203X

Hamilton Safety in Public Places Bylaw 2020 ([amended 202X](#))

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

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Hamilton City Council BYLAWS



Item 13

1. Purpose

1.1. The purposes of this bylaw are:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety; ~~and~~
- c) minimising the potential for offensive behaviour in public places; and-
- ~~e)d)~~ protecting structures from damage, misuse, or loss.

2. ~~a~~Application and commencement

2.1. This Bylaw is known as the Hamilton Safety in Public Places Bylaw 2020.

2.2. This Bylaw applies to public places in Hamilton.

2.3. This Bylaw comes into force on 25 February 2016.

~~2-1-2.4.~~ Amendments to this Bylaw comes into force XX XXX 2026.

3. ~~Definitions~~Interpretation

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

Authorised officer	An <u>employee or contractor of the</u> person appointed by Hamilton City Council <u>appointed to carry out general or specific duties arising from the provisions of a bylaw; and includes for the purposes of ensuring compliance with the Bylaw, as defined as an Enforcement Officers appointed and warranted by Council in-</u> <u>under</u> the Local Government Act section 177.
Council	Hamilton City Council
General Manager	The Council General Manager responsible for the administration and enforcement of this Bylaw.
Nuisance behaviour	Nuisance behaviour includes: <ul style="list-style-type: none"> a) Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person. <u>b) Sleeping in a public place in such a way as to cause an obstruction.</u> b)c) <u>Sleeping on or occupying public seating in a manner that obstructs the intended use for public seating.</u> e)d) Urinating or defecating in a public place other than a toilet. e)e) Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place. e)f) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
Offensive behaviour	Behaviour in a public place that is capable of arousing real anger, resentment, disgust or outrage in the mind of a reasonable person, objectively assessed, to the extent that it disturbs public order and is more than those subjected to it should have to tolerate.
Psychoactive substance	Means the definition in s9 of the Psychoactive Substances Act 2013, except that it does include a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of

D-1630042

HAMILTON CITY COUNCIL HAMILTON SAFETY IN PUBLIC PLACES BYLAW 2020

2

Attachment 2

Hamilton City Council BYLAWS



Drugs Act 1975.

Public Place

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

3.2. [Advisory notes do not form part of this bylaw and may be inserted, changed or removed without any formality.](#)

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

1.4. Temporary restrictions to protect public health and safety

1.1.4.1. Any person intending to hold an event or undertake an activity may apply to the General Manager requesting that Council impose temporary restrictions in order to protect the health and safety of attendees or the public. The General Manager may impose the following temporary restrictions:

- a) Prohibiting the use of bicycles, skateboards, scooters, or other wheeled transportation (including electrically-powered versions) from entering a defined area during a defined period.
- b) Excluding non-attendees or the public generally from a defined area during a defined period.

Temporary restrictions must not be imposed unreasonably.

4.2. Council must, so far as practicable, put up notices at each entrance and along each boundary of the defined area(s) setting out the nature of the temporary restrictions, the defined area and duration.

5. Protection from damage or misuse

5.1 No person shall:

- a) Use any fountain or water feature for bathing or washing laundry.
- b) Introduce soap, detergent, or any similar agent into any fountain or water feature.
- c) Use any public place for the storage of any personal property, either on a temporary or permanent basis.
- d) Except with written permission of Council or an authorised officer erect in any public place, or attach to any structure, street furniture, tree, monument or art-work in a public place, any structure or attachment of any kind.

3.2.

2.6. Breach of bylaw

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

- a) Nuisance behaviour;
- b) Behaviour in a public place that poses a threat to public safety;
- c) Offensive behaviour;
- ~~e)d)~~ Any breach of clause 5-;
- ~~e)e)~~ Failing to comply with any lawful notice or direction given under this bylaw;
- ~~e)f)~~ Obstructing or hindering any authorised officer in performing any duty or power conferred by this bylaw.

Hamilton City Council BYLAWS



~~f)g)~~ failure to comply with a temporary restriction imposed under clause 4.

~~3-7.~~ Penalties and powers

~~3-1-7.1.~~ Under section 242 of the Local Government Act 2002, any person who breaches this bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

~~3-2.~~ Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is or has been constructed in breach of this Bylaw and may recover the costs of doing so from the person who committed the breach. This does not affect that person's liability for the breach.

~~3-3-7.2.~~ Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for an injunction restraining a person from committing a breach of this Bylaw.

~~3-4-7.3.~~ The Council or an [authorised enforcement](#) officer may seize and impound property materially involved in committing an offence, under sections 164 and 165 of the Local Government Act 2002.

~~3-5.~~ The Council will return or may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

~~3-6.~~ Under section 176 of the Local Government Act 2002 any person who has been convicted of an offence under this bylaw is liable to pay the Council the costs of remedying any damage caused in the course of committing the offence.

Advisory note: enforcement powers

As at [date adopted], the Local Government Act 2002 contains powers for enforcing bylaws including court injunction (section 162), seizure, impounding and disposal of property (Sections 164, 165 and 168), and the power to request name and address (Section 178).

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

Hamilton City Council BYLAWS



Councillor: _____

Councillor: _____

Chief Executive: _____

Explanatory Advisory Note:

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

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

Item 13

Approved By: Council	Date Adopted-: 25 February 2016
Date In Force: 25 February 2016	Review Date: 25 February 2021
Version History: Adopted by Council and in force 25 February 2016. Amendments adopted by Council XX XXX 2026	Next Review Date: XX XXX 2036

Hamilton City **Trading in** Public Places Bylaw 2016 [\(amended 202X\)](#)

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts.

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Attachment 3

Hamilton City Council BYLAWS

~~This bylaw repeals The Hamilton City Public Places Bylaw 2009.~~

1. Purpose

- 1.1. The purpose of this bylaw is to:
- Protect the public from nuisance.
 - Protect, promote, and maintain public health and safety.
 - Minimise the potential for offensive behaviour in public places.
 - Regulate trading in public places.
 - Regulate, control, or prohibit signs.

2. ~~Title,~~ **APPLICATION** ~~application and commencement~~

- 2.1. This bylaw is known as the Hamilton City Trading in Public Places Bylaw 2016.
2.2. This bylaw applies to any public place within the Hamilton City Council boundary.
2.3. This bylaw repeals The Hamilton City Public Places Bylaw 2009.
2.4. This bylaw comes into force on 25 February 2016.
2.4.2.5. Amendments to this Bylaw comes into force XX XXX 2026.

3. ~~Definitions~~ **Interpretation**

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

Council	means Hamilton City Council.
Enforcement Officer Authorised Officer	means <u>an employee or contractor of the Hamilton City person appointed by Council appointed to exercise the carry out general or specific duties arising from the provisions of this bylaw; and includes powers of an enforcement officers appointed and warranted by Council in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.</u>
General Manager	means the Council General Manager responsible for the administration and enforcement of this Bylaw.
Person	includes an individual, a corporation sole, or a body of persons whether corporate or otherwise.
Public Place	means any place or space <u>that is owned or controlled by which is under the control of Council and which that at any time is open to or is being used by the public, whether free or on payment of a charge, and includes any road whether or not it is controlled by the Council, and reserve (as defined in the Reserves Act, 1977). but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw)</u>
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 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.

Sign a sign is 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.

~~Explanatory Advisory Note:~~ Please refer to Schedule 2 of the [Trading in Public Places Policy](#) for detail.

Trade or trading

~~Means any activity that involves the exchange, sale, or purchase, or sale of goods; the provision of goods, services, or entertainment in a public place, and includes, but is not limited to:~~

- ~~a. the exchange, purchase, or sale of goods;~~
- ~~b. the provision of entertainment in return for donations;~~
- ~~c. activities in return for donations; keeping the operation of a mobile shop;~~
- ~~d. busking or; hawking;~~
- ~~e. the operation of a micro-mobility device rental scheme;~~
- ~~f. the establishment, locating and operation of a stall, or market; -~~
- ~~g. the displaying of merchandise; and~~
- ~~a-h. setting out the placement and use of street furniture.~~

- 3.2. ~~Explanatory Advisory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process. do not form part of this bylaw and may be inserted, changed or removed without any formality.~~

4. Public places

- 4.1. Persons occupying or using public places should take all reasonable steps to:

- f) Protect the public from nuisance.
- g) Protect, promote, and maintain public health and safety.
- h) Minimise the potential for offensive behaviour in public places.

5. Trading in public places

- 5.1. No person shall trade in a public place without permission from Council under clause 9 of this bylaw.

Hamilton City Council BYLAWS

6. Signage for trading activities or other purposes

4.2.6.1. No person may install or display signage for trading activities, or other purposes in, on or affixed to a public place without permission from Council under clause 9 of this bylaw.

5.7. Activities that may cause an adverse affect on public health or safety in a public place

5.1.7.1. Any person intending to undertake any activity in a public place which is not specified in Council's [Trading in Public Places Policy](#) and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity.

5.2.7.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety.

6.8. Activities that may cause a nuisance in a public place

6.1.8.1. Any person intending to undertake any activity in a public place which is not specified in Council's [Trading in Public Places Policy](#) and which may cause nuisance in that public place must obtain approval from Council to undertake the activity.

6.2.8.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

7.9. ~~PERMIT~~Permissions

7.1.9.1. A person must hold a permit issued by Council to undertake in a public place any trading or to collect donations for charity as set out in the [Trading in Public Places Policy](#).

7.2.9.2. Any permit granted is personal to the person and is not transferable.

7.3.9.3. Council may revoke a permit if the holder fails to comply with the permit conditions and may refuse to issue that person with a new permit.

7.4.9.4. Council may waive any application under this bylaw if an approval is granted through another existing mechanism such as signs permitted by the District Plan Rule or a resource consent.

7.5.9.5. A person must hold a permit issued by Council to erect any sign in, on or over any public place.

8.10. Fees

10.1. The Council may charge fees for permits, including fees to process an application, to review- an existing approval and to inspect activities and charges for the period of that approval.

10.2. Council may charge fees to access public places for the purpose of trading.

9.11. Offences

9.1.11.1. Any person who does not comply with this bylaw commits an offence.

9.2.11.2. The following are offences against this bylaw:

- a) Obstructing emergency vehicles from gaining access to a public place.
- b) Obstructing service vehicles from gaining access to a public place.
- c) Trading in a public place without a valid permit.
- d) Failure to produce a permit to an authorised officer upon request.
- e) Failure to comply with the conditions of a permit issued.
- f) Trading or carrying ~~out~~ an activity in a public place in such a way that causes nuisance or affects public health and safety.
- g) Erecting a sign in, on or over any public place without a valid permit.

Hamilton City Council BYLAWS

Item 13

10.12. Penalties and powers

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

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

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

1.2. —

Advisory note: enforcement powers

As at [date adopted], the Local Government Act 2002 contains powers for enforcing bylaws including court injunction (section 162), seizure, impounding and disposal of property (Sections 164, 165 and 168), and the power to request name and address (Section 178).

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

Councillor: _____

Councillor: _____

Chief Executive: _____

Attachment 3

First Adopted	25 February 2009
Revision Dates / version	December 2020-2025 / Version 65
Next review date	December 2023 or in conjunction with Trading in Public Places Bylaw
Engagement required	In accordance with Significance and Engagement Policy (non-SCP)
Document number / location:	D-3372906 / Trading in Public Places Policy - December 2020 D-3372906 FINAL Approved.docx
Related documents	D-1965487 (Trading in Public Places Bylaw 2016)
Sponsor/Group:	General Manager City Growth Customer and Community

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; and
 - 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; and
 - f. strengthen the existing function of public space locations.

Definitions

Term	Definition in this Policy
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 <u>Authorised Officer</u>	Means an employee or contractor of the Hamilton City person appointed by Council <u>appointed to carry out general or specific duties arising from the provisions of a bylaw; and includes exercise the powers of an</u> Enforcement Officers appointed and warranted by Council 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, 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. A market is an organised, temporary activity in a public outdoor space, primarily focused on trading goods and services for commercial gain. It typically involves multiple Stalls, Mobile Shops, or Food Trucks grouped together.
Merchandise display	A display located in a public place outside a premise from which goods are offered or exposed for sale.
<u>Micro-mobility device</u>	<u>Means transport devices that are allowed to use footpaths, shared paths, cycle paths, or cycle lanes.</u>

Public place	Includes <u>Means</u> any place or space that is not private property, and which is under the control of Council that at any time is open to or is being used by the public, whether free or on payment of a charge, and includes any road whether or not is controlled by the Council, and reserve (as defined in the Reserves Act, 1977). 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 section 315 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; <u>micro-mobility device rental scheme operations</u> ; displaying merchandise; setting out street furniture.

Policy

General Permit Conditions

4. 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.
5. Approval may be withheld if the applicant has previously breached approval conditions.
6. Permits under this Policy are issued by the City Safe Unit.
7. All permits will automatically expire at the end of their specified term, unless otherwise stated in the permit conditions.
8. Permit renewals submitted after the expiration of the permit term shall incur applicable late payment penalties, as set through annual fees and charges.
9. Permits automatically expire when a business holding a permit is sold.
10. Permits issued under this Policy are not transferable.
11. A permit may be cancelled or amended if:
 - a. permit conditions are breached; or
 - b. other valid reasons require cancellation, such as streetscape upgrades or refurbishment.
12. Council reviews fees annually and changes are notified by public notice.
13. The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued. This clause does not apply to applicants for Personal Hire Device Permits in circumstances where fees are to be determined on a per ride basis.

Outdoor Dining Areas

- 4.14. 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.
- 5.15. Applicants must provide all the information requested by Council in Schedule 3 when applying for a permit for outdoor dining.
- 6.16. 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

- 7.17. 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 34 which must be a continuous 1.7 metre wide clearway.
- 8.18. The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- 9.19. Use of fixed furniture is not permitted.
- 10.20. 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. ~~11.~~
- 12.21. No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
- 13.22. Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
- 14.23. No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
- 15.24. An outdoor dining permit must be either displayed or be available for inspection by an Enforcement Officer if requested.
- 16.25. 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.
- 17.26. 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.
- 18.27. Between 1am and the end of the trading day all outdoor dining furniture on the kerbside of the

Page 4 of 16

clearway must be removed and secured so that it cannot be accessed or used by customers or the public.

~~19-28.~~ 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.

~~20-29.~~ 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.

~~21-30.~~ Ashtrays must be provided, except where smoking is prohibited.

Layout of outdoor dining areas

~~22-31.~~ All outdoor dining areas must observe the layout requirements set out in Schedules 1 and 3.

Café umbrellas and shade awnings

~~23-32.~~ Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.

~~24-33.~~ Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

Planter boxes

~~25-~~ 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

~~26-34.~~ Heaters may be free-standing or fixed to verandas.

~~27-35.~~ Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

~~28-36.~~ 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.

~~29-37.~~ 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.

~~30-38.~~ Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

Pull-down blinds and screens

~~31-39.~~ 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.

~~32-40.~~ 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.

~~33-41.~~ 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

~~34-42.~~ Barriers may be used to define the boundaries of an outdoor dining area.

~~35-43.~~ Barriers shall not exceed a maximum height of 0.9m.

~~36-44.~~ Clearance from the ground is required to allow stormwater run-off.

~~45.~~ Barriers must be of stable construction to prevent blowing over in strong wind.

Signs

~~37-46.~~ Signs in public places are regulated under this Policy. The District Plan regulates signs on zoned land.

~~38-47.~~ 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).

~~39-48.~~ A person wishing to erect a sign in or over a public place must obtain a permit.

~~40-49.~~ 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

~~41-50.~~ 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.

~~42-51.~~ A maximum of one sign per road frontage is permitted.

~~43-52.~~ 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.

~~44-53.~~ The permitted size for signs is set out in Schedule 2.

~~45-54.~~ 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.

~~46-55.~~ The footpath sign must not resemble a warning sign or road traffic sign.

~~47-56.~~ The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.

~~48-57.~~ The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.

~~49-58.~~ An Enforcement Officer may request removal of sign/s to allow works or maintenance services to take place.

~~50-59.~~ Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.

~~51-60.~~ All signs are to be removed from the footpath outside of hours of business.

~~52-61.~~ Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.

~~53-62.~~ Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.

~~54-63.~~ Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.

~~55-64.~~ Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.

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

~~56-65.~~ 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.

~~57-66.~~ 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

~~67.~~ 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.

~~58-68.~~ Applicants must provide ~~the all~~ information ~~in Schedule 3 requested by Council~~ when applying for a permit to operate a market, ~~event~~ or an individual Stall.

~~59-69.~~ 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.

~~60-70.~~ 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.

~~61-71.~~ The type and number of Mobile Shops present at a market ~~or event~~ is at the discretion of the permit holder.

~~62-72.~~ 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 34).

~~63-73.~~ Waste minimisation and cleaning arrangements following the business hours of the market ~~or event~~ will be included in the permit conditions.

~~64-74.~~ The management and minimisation of waste at a market ~~or event~~ must comply with the Hamilton Waste Management and Minimisation Bylaw 2019.

~~65-75.~~ 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 licences.
- d. selling alcohol must hold the necessary alcohol licences.

~~d.~~ *Advisory note: Markets are defined as an event in the Operative District Plan. This Policy applies exclusively to markets as outlined in the Definitions section. All other events are managed under the Council's Events Policy.*

Merchandise display

~~66-76.~~ 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)

~~77.~~ 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.

~~67-78.~~ Applicants must provide ~~the all~~ information ~~in Schedule 3~~ requested by Council when applying for a permit for a Mobile Shop.

~~68-79.~~ Mobile Shops are not permitted to operate within the Central City (see the map in Schedule 34) other than as part of a market or event.

~~69-80.~~ The following conditions apply to all Mobile Shops.

- 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 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.
- e. Mobile Shops selling food or alcohol must hold the necessary food or alcohol licences.
- f. Hours of operation:
 - i. 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.

~~g.~~ The permit must be displayed at all times.

~~70.~~

Busking, hawking and charitable collections

~~71-81.~~ 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

~~72-82.~~ 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.
- ~~b-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.
- ~~e-d.~~ Buskers must not enter any premises unless authorised by a person having control of those premises.
- ~~d-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.
- ~~e-f.~~ Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailers, unless they are part of an event approved by Council. Council reserves the right to place special conditions on busking approvals, including limits on amplification and restrictions on certain instruments or sound-producing equipment that may cause nuisance.
- ~~f-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.
- ~~g-h.~~ Permits will be issued for a period of no more than ~~six~~12 months.

Hawkers conditions

~~73-83.~~ The following conditions apply to hawkers.

- a. Hawkers are not permitted to operate within the area shown in the map in Schedule 34.
- 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

~~74-84.~~ No one is permitted to collect charitable donations in a public place without a permit.

~~75-85.~~ Applicants must provide ~~the all~~ information ~~in Schedule 3~~requested by Council when applying for a permit to collect charitable donations.

~~76-86.~~ Approval may include conditions such as location and hours permitted for the activity.

Other Activities on Footpaths

~~77-87.~~ Cafes, bars, 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.

~~78-88.~~ 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; and
- d. whether the activity is a one-off event or reoccurring.

89. Any application will take into account any other permits granted for the space that is the subject

of the application.

~~79-90. Commercial operators of public micro-mobility share schemes will require a permit to trade in a public place. These permits will be subject to terms and conditions set by the Council to ensure safe and responsible use.~~

General conditions

~~80-91. 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.~~

~~81-92. The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.~~

~~93. The activity must not interfere in traffic visibility.~~

Trading in reserves

~~94. All trading activities on reserves must comply with Section 54(1) of the Reserves Act 1977, which permits trading for non-exclusive use or temporary occupation (up to six consecutive days), provided the activity supports public benefit, enjoyment, or convenience.~~

~~95. Commercial activities must enhance the public's ability to enjoy and benefit from the reserve, and must not detract from its intended recreational or environmental purpose.~~

~~96. Individuals or groups wishing to engage in trading activities on reserves must:~~

- ~~a. obtain the appropriate trading permits; and~~
- ~~b. apply to Council for permission to use the specific reserve space.~~

~~97. Council will assess trading applications based on:~~

- ~~a. nature and scale of the activity;~~
- ~~b. alignment with the reserve's purpose and public benefit; and~~
- ~~c. Potential impacts on reserve users and the surrounding environment.~~

~~98. Council may impose fees for the use of reserves for trading purposes, with these charges subject to annual review.~~

~~99. Applications will be processed on a 'first come' basis. Pre-bookings, place-holding or exclusive positions will not be permitted.~~

~~100. Permissions granted will be non-renewable and site specific. Traders will need permission for every site they are seeking approval to use.~~

~~101. Council may set reasonable conditions on trading permissions to manage effects such as waste disposal, parking, advertising, traffic, noise, odour, lights and effect on users.~~

~~82-102. Trading activities may not be permitted on certain Council reserves where such activities are considered incompatible with the reserve's intended purpose or character.~~

~~a-~~

General Permit Conditions

~~83. 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.~~

~~84. Approval may be withheld if the applicant has previously breached approval conditions.~~

~~85. Permits under this Policy are issued by the City Safe Unit.~~

~~86. Unless specified otherwise, all permits are issued for 12 months and will automatically expire.~~

~~87. Permits automatically expire when a business holding a permit is sold.~~

~~88. Permits issued under this Policy are not transferable.~~

~~89. A permit may be cancelled or amended if:~~

- ~~a. permit conditions are breached; or~~
- ~~b. other valid reasons require cancellation, such as streetscape upgrades or refurbishment.~~

~~90. Council reviews fees annually and changes are notified by public notice.~~

~~91. The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued. This clause does not apply to applicants for Personal Hire Device Permits in~~

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circumstances where fees are to be determined on a per ride basis.

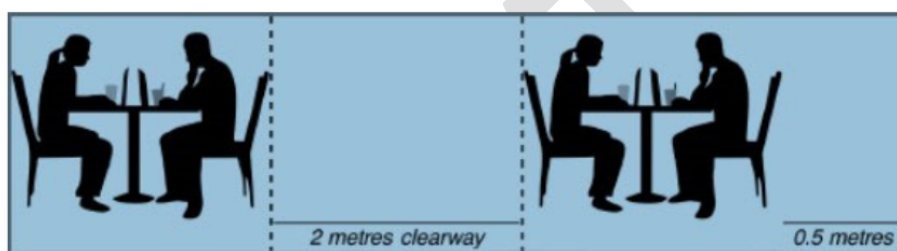
Enforcement

- ~~92.103.~~ 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.
- First breach: verbal notification of the breach and request to rectify.
 - Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - Failure to remedy: the Council will consider revoking the permit.
- ~~93.104.~~ 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.
- ~~94.105.~~ 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.
- ~~95.106.~~ The Council may dispose of confiscated property under section 168 of the Local Government Act 2002.

DRAFT

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. ~~4.~~
5. ~~4.~~ The vertical height permitted under this policy is a maximum height of 2.2 metres.
6. ~~5.~~ The minimum distance from the kerb must be 0.5 metres.
6. ~~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.
7. All obstructions—such as outdoor dining furniture, signage, or planter boxes—must not intrude into the continuous clearway and must include a detectable feature within 150mm of ground level.



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 0.75m wide; and
 - no larger than 3.2m high.



3. The maximum approved dimensions for any other sign are:
 - no larger than 600mm wide;
 - no larger than 750mm high; and
 - 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. This clause does not apply to applicants for Personal Hire Device Permits in circumstances where fees are to be determined on a per ride basis.

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; and
 - 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 a Market Stall Permit and Individual Stall 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; and
 - 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; and
 - 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 (note: A permit shall not be given to any Market or Event consisting predominantly of Food Trucks, that intends to operate in the Central City)
 - vii. evidence that all market Stalls selling, preparing and handling food comply with food hygiene regulations; and
 - viii. evidence that all market Stalls selling alcohol hold the necessary alcohol licence.

4. Information required for a Charitable Collection Permit

4.1. Applications for approval to collect charitable donations must include:

- i. the date, time and location of the intended donation collection; and
- ii. approval from the charity to collect donations.

5. Information required for a Mobile Shop 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; and
- v. for Mobile Shops selling food, evidence of appropriate food safety / alcohol licences.

Schedule 34: Central City
map



Council Report

Committee: Council **Date:** 28 August 2025
Author: Keryn Phillips **Authoriser:** Michelle Hawthorne
Position: Governance Advisor **Position:** Governance and Assurance Manager
Report Name: Recommendations to the Council from Open Committee Meetings

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

1. To seek the Council's approval of the recommendations from:
 - i. the Community and Natural Environment Committee meeting 5 August 2025 ([Agenda & Minutes](#));
 - ii. the Strategic Growth and District Plan Committee meeting 12 August 2025 ([Agenda & Minutes](#)); and
 - iii. the Finance and Monitoring Committee meeting 26 August 2025 ([Agenda](#)).

Recommendation from the Community and Natural Environment Committee meeting of 5 August 2025

2. **Approval of schedule of development contributions community grant for small-scale development**

That the Council approves the schedule for the Development Contributions Community Grant (**Attachment 1**) to be included in the Community Grants Policy (**Option 2** of the staff report).

Recommendation from the Strategic Growth and District Plan Committee meeting of 12 August 2025

3. **District Plan Update**

That the Council approves Private Plan Change 19 – Ruakura Electricity National Grid Corridor be made operative on 11 September 2025, in accordance with Clause 20 of Schedule 1 of the Resource Management Act 1991 (**Option 2** of the staff report).

Recommendation from the Finance and Monitoring Committee meeting of 26 August 2025

4. **Financial Performance & Strategy Report to 31 April 2025** (to be circulated following the meeting)

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 31 July 2025) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Closed Briefing Notes 30 July 2025		
C3. Confirmation of the Elected Member Closed Briefing Notes 6 August 2025		
C4. Minor Transport Improvement Construction Contract Award		
C5. All of Government Energy Supply Contracts		
C6. Recommendations to the Council from Public Excluded Committee Meetings		
C7. Confirmation of the Council (CE Review Committee Matters) Public Excluded Minutes 26 June 2025		
C8. Recommendations to the Council from the CE Review Committee		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C5.	to enable Council to carry out negotiations to enable Council to carry out commercial activities without disadvantage to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (h) Section 7 (2) (j)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C8.	to protect the privacy of natural persons to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (a) Section 7 (2) (j)