



Notice of Meeting:

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

Date: Tuesday 8 December 2020
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council *Kaunihera* OPEN AGENDA

Membership

Chairperson Mayor P Southgate
Heamana

Deputy Chairperson Deputy Mayor G Taylor
Heamana Tuarua

Members	Cr M Bunting	Cr A O'Leary
	Cr M Forsyth	Cr R Pascoe
	Cr M Gallagher	Cr S Thomson
	Cr R Hamilton	Cr M van Oosten
	Cr D Macpherson	Cr E Wilson
	Cr K Naidoo-Rauf	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
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Menetia Mana Whakahaere

1 December 2020

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Purpose

The Council is responsible for:

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

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

Oversight of Policies and Bylaws:

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

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies – <i>Tono aroha</i>	5
2	Confirmation of Agenda – <i>Whakatau raarangi take</i>	5
3	Declarations of Interest – <i>Tauaakii whaipanga</i>	5
4	Public Forum – <i>Aatea koorero</i>	5
5	Confirmation of the Council Open Minutes of 26 November 2020	6
6	Chair's Report	12
7	Adoption of Hamilton Gardens Management Plan 2020	18
8	Deliberation and Approval Report: (Trading in) Public Places Policy	93
9	The Future of the Founders Site - Deliberations Report	135
10	Zoo/Waiwhakareke Shared Entry Precinct- Brymer Road Urban Upgrade alignment	208
11	Proposed Fee Structure for Personal hire (Transport) Devices	221
12	District Plan change programme	229
13	Community Outcomes	242
14	Notice of Motion - Road Renaming, Dame Hilda Ross	245
15	Recommendations from Open Committee Meetings	249
16	Resolution to Exclude the Public	250

Item 5

Council Report

Committee: Council **Date:** 08 December 2020
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Confirmation of the Council Open Minutes of 26 November 2020

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

That the Council confirm the Open Minutes of the Council Meeting held on 26 November 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Unconfirmed Open Minutes - 26 November 2020

Council Kaunhera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Thursday 26 November 2020 at 1:07pm.

PRESENT

Chairperson Mayor P Southgate

Heamana

Deputy Chairperson Deputy Mayor G Taylor

Heamana Tuarua

Members

Cr M Bunting
Cr M Forsyth (Via Audio Visual Link)
Cr M Gallagher
Cr R Hamilton
Cr D Macpherson
Cr A O'Leary
Cr R Pascoe
Cr S Thomson
Cr M van Oosten
Cr E Wilson

In Attendance:

Richard Briggs - Chief Executive
Sean Hickey – General Manager Strategy and Communication
Jen Baird – General Manager City Growth
Tracey Musty - Financial Controller
Julie Clausen - Unit Manager Strategy and Corporate Planning
Greg Carstens – Growth, Funding and Analytics
Stafford Hodgson – Programme Manager, Economic and Policy

Governance Team:

Becca Brooke – Governance Manager
Amy Viggers – Governance Team Leader
Tyler Gaukrodger – Governance Advisor

The meeting was opened with a karakia from Kaumatua Tame Pokaia.

1. Apologies – Tono aroha

Resolved: (Cr Wilson/Cr Bunting)

That the apologies for absence for Cr Naidoo-Rauf, for lateness from Cr Thomson, and for partial attendance from Cr Pascoe are accepted.

2. Confirmation of Agenda – Whakatau raarangi take

Resolved: (Cr Wilson/Deputy Mayor Taylor)

That the agenda is confirmed noting that the late item C8 (Hamilton Kirikiriroa Metal nomination) is accepted as a late item for timing reasons. This item would be taken as a Public Excluded item to

protect the privacy of a natural person (section 6(a)) under the Local Government and Official Information and Meetings Act.

Attachment 1

3. **Declarations of Interest – *Tauaakii whaipaanga***
No members of the Council declared a Conflict of Interest.
4. **Public Forum – *AAtea koorero***
No members of the public wished to speak.
5. **Confirmation of the Council Open Minutes of 22 October 2020**
Resolved: (Cr Wilson/Cr Bunting)
That the Council confirm the Open Minutes of the Council Meeting held on 22 October 2020 as a true and correct record.
6. **Confirmation of the Elected Member Open Briefing Notes - 4 November 2020**
Resolved: (Cr Wilson/Cr Bunting)
That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 4 November 2020 as a true and correct record.
7. **Confirmation of the Elected Member Open Briefing Notes - 18 November 2020**
Cr O’Leary noted that she was absent from this briefing due to being on Council Business. The notes for this meeting would be updated accordingly.

Item 5

- Resolved:** (Cr Wilson/Cr Bunting)
That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 18 November 2020 as a true and correct record, noting Cr O’Leary was an apology for being on Council Business for this briefing
8. **Investment and Liability Management Policy**

The Financial Controller took the report as read and responded to questions from Elected Members concerning risks to the Council, future interest rates and loan periods.

Resolved: (Cr Wilson/Cr Pascoe)
That the Council:
 - a) receives the report; and
 - b) approves the revised Investment and Liability Management Policy.

Cr Thomson joined the meeting (1.11pm) during the discussion of the above item. She was present when the matter was voted on.

9. **2021-31 Long-Term Plan Significant Forecasting Assumptions**

The General Manager Strategy and Communication and the Unit Manager Strategy and Corporate Planning introduced the report noting that the approved forecasting assumptions would be used to develop the draft 2021-31 Long Term Plan budget and consultation document. They responded to question from Elected Members concerning the three water reform assumption, growth assumptions, including in relation to infill, city boundary changes, financial strategy, service level agreements, growth infrastructure upsizing and risks to Council.

Staff Action: *Staff undertook to include an additional statement in the forecasting assumptions concerning three water reform funding needs.*

Resolved: (Mayor Southgate/Deputy Mayor Taylor)

That the Council approves the use of the significant forecasting assumptions outlined in the staff report to develop the draft 2021-31 LTP budget and consultation document.

Cr Macpherson and Cr Gallagher Dissenting.

Cr Pascoe retired from the meeting (1.45pm) during the discussion of the above item. He was not present when the matter was voted on.

10. Significance and Engagement Policy Review

The Unit Manager Strategy and Corporate Planning introduced report and highlighted the changes to the Council's approach to public engagement this triennium.. She responded to questions from Elected Members concerning the significance matrix, consultation types and thresholds.

Resolved: (Cr Hamilton/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves the draft Significance and Engagement Policy; and
- c) notes that consultation is not required, as the Council has sufficient information concerning community interests and preferences to enable the purpose of the policy to be achieved.

11. Recommendations from Open Committee meetings

Economic Development Committee

Resolved: (Cr Hamilton/Cr Wilson)

Chair's Report

That the Council:

- a) approves that delegation and oversight of the International Relations Policy move to the Economic Development Committee (from the Community Committee);
- b) approves the Municipal Endowment Fund Assessment criteria that will enable the development of the Action and Management Plan for the Municipal Endowment Fund.
- c) notes that Council is to actively leverage the endowment fund, through investment in a suitable property and development portfolio, to achieve Council's strategic intent; and
- d) approves that the value of the endowment fund, not currently invested in property, and offset against debt, is treated as cash backed for the purposes of financial strategy measures; to be clear total debt will be increased by value of endowment fund, offset against debt, in "debt to revenue" reporting within financial strategy reporting effective immediately.

Draft Domain Endowment Fund Policy

That the Council:

- a) approves the Draft Domain Endowment Fund Policy (**attachment 1**);
- b) approves that the value of the domain endowment fund, not currently invested, and offset against debt, is treated as cash backed for the purposes of financial strategy measures; to be clear total debt will be increased by value of domain endowment fund, offset against debt, in "debt to revenue" reporting within financial strategy reporting effective immediately; and

Item 5

Attachment 1

- c) approves to move the delegation and oversight of the Domain Endowment Fund Policy to the Community Committee (from the Economic Development Committee).

Attachment 1

12. Resolution to Exclude the Public

Resolved: (Cr Bunting/Mayor Southgate)

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 of 22 October 2020) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Public Excluded Briefing Notes - 27 October 2020) Official Information and) Meetings Act 1987	
C3. Confirmation of the Elected Member Public Excluded Briefing Notes - 28 October 2020		
C4. Confirmation of the Elected Member Public Excluded Briefing Notes - 4 November 2020		
C5. Confirmation of the Elected Member Public Excluded Briefing Notes - 9 November 2020		
C6. Confirmation of the Elected Member Public Excluded Briefing Notes - 11 November 2020		
C7. Confirmation of the Elected Member Public Excluded Briefing Notes - 18 November 2020		
C8. Hamilton Kirikiriroa Medal Nomination – Verbal Report		

Item 5

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 prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to prevent the disclosure or use of official information for improper gain or improper advantage	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 a natural person	Section 6 (a)

The meeting moved into a public excluded session at 2.25pm

The meeting was declared closed at 2:39pm

Item 5

Attachment 1

Item 6

Council Report

Committee: Council **Date:** 08 December 2020
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Chair's Report

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

That the Council:

- a) receives the report;
- b) approves the updated Waikato-Tainui Hamilton City Council Co-Governance Forum Terms of Reference (**attachment 1**), noting Cr Hamilton's appointment to the forum, and the increase in number of meetings; and
- c) acknowledges the additional work undertaken by Cr Wilson with the Environment Committee over the past months and removes Cr Wilson as an Environment Committee Member.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report

Attachment 2 - Waikato-Tainui Hamilton City Council Co-Governance Forum updated Terms of Reference - 8 December 2020



Item 6

Chair's Report

As we head towards the last Council meetings of the year, I want to thank all Councillors for their hard work over this most unusual of years. We have had some tough challenges thrown at us that we could not have foreseen, but we have risen to them all as a team. Most of all I am grateful for the supportive and collaborative approach within Council – particularly when we look at some of the difficulties ongoing elsewhere in local Government in New Zealand.

I'm also hugely grateful to the hard work of staff throughout the year across the full breadth of Council's areas of responsibility. I know that this has at times taken a toll on them, and yet they have continued to produce top quality results for us. This is particularly significant when you consider the huge financial pressures we face, alongside many other Councils in New Zealand.

As you are aware the Terms of Reference for the Waikato-Tainui and Hamilton City Council Co-Governance Forum were updated recently. The minimum number of meetings per year has increased from three to four, with one of these sessions set as a strategic session. In addition, an additional Hamilton City Council representative is now required. I suggest that Cr Hamilton to join myself, Deputy Mayor Taylor and Councillors Gallagher and Forsyth on the forum. Cr Hamilton's twin roles on the Economic Development and Strategic Growth committees will be particularly valuable here.

Cr Wilson has been helping out over recent months on the Environment Committee, including on the links between that Committee and the Economic Development Committee. With that work in a good place he is now stepping back from the Environment Committee to focus on other areas of his portfolio. I am grateful to Cr Wilson for his excellent work.

On Wednesday and Thursday we are making some important decisions around the Long-Term Plan, but this is not the end of the work. Rather, it sets us up to begin the crucial phase of public engagement and consultation. I know that this Council has a range of diverse views on the issues we are debating – and so too will the community. I enjoy the constructive debate with my colleagues and look forward to the input of our wider community.

I hope everyone has a relaxing and enjoyable break over the Christmas period, ahead of what will no doubt be a busy first few months of 2021 as we finalise the Long-Term Plan.

Attachment 1

Recommendation:

That the Council:

- a) receives the report;
- b) approves the updated Waikato-Tainui Hamilton City Council Co-Governance Forum Terms of Reference (**attachment 1**), noting Cr Hamilton's appointment to the forum, and the increase in number of meetings; and
- c) acknowledges the additional work undertaken by Cr Wilson with the Environment Committee over the past months and removes Cr Wilson as an Environment Committee Member.

Paula Southgate

Mayor Hamilton City

Attachment 1

Item 6

Waikato-Tainui Hamilton City Council Co-Governance Forum

Reports to:	The Council
Chairperson:	Co Chairs: Mayor Paula Southgate and Rukumoana Schaafhausen
Membership:	Aubrey Te Kanawa Hemi Rau Deputy Mayor Geoff Taylor Cr Martin Gallagher Cr Margaret Forsyth Cr Ryan Hamilton Tahi Rangiawha
Meeting frequency:	As required – no less than four times a year
Quorum:	Two members from Hamilton City Council (including the Chair), and two members from Te Arataura (including the Chair).

The Panel is delegated the following Terms of Reference and powers:
--

1.0 Parties / Ngaa Mema

1.1 Hamilton City Council

1.2 Te Arataura as the Executive of Te Whakakitenga o Waikato Incorporated

2.0 Purpose / Te Tikanga

2.1 The purpose of the Co-governance forum is to:

- 2.1.1 Provide an enduring structure that enables Hamilton City Council and Waikato-Tainui to build a strong and mutually beneficial relationship
- 2.1.2 Provide opportunities for collaboration that promote and support better environmental, social, cultural and economic outcomes through agreed projects
- 2.1.3 To meet obligations under the Joint Management Agreement between Hamilton City and Waikato-Tainui through the shared exercise of functions, duties, powers and involvement in planning processes as it relates to the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

3.0 Structure / Te Hanganga

3.1 The co-governance forum structure is:

Attachment 2

Item 6

- 3.1.1 Five (5) elected members from Hamilton City Council
- 3.1.2 Five (5) elected members from Te Arataura
- 3.2 The quorum for the meetings is:
 - 3.2.1 Two (2) members from Hamilton City Council (including the Co-Chair), and
 - 3.2.2 Two (2) members from Te Arataura (including the Co-Chair)
- 3.3 The governance structure is supported by Chief Executives who shall set the meeting agenda and recommend annual projects for approval by the Co-governance forum.
- 3.4 Staff from either party may attend meetings to provide reports, information and deliver presentations to assist decision making.
- 3.5 The Chief Executives are required to report back to their respective governance bodies.
- 3.6 All discussions and information shared will be public record unless the information contained within reports and discussions meet the specific requirements of the Local Government Official Information and Meetings Act 1987.
- 4.0 **Status of Terms of Reference / Te mana o teenei whakatau**
- 4.1 This Term of reference provide guidance on how the Co-governance forum will operate and decide on annual projects.
- 5.0 **Values and Principles / Ngaa Waariu me nga Maataapono**
 - **Pono** - To act with mana/integrity
 - **Tika** - To acknowledge the mana/integrity of each member
 - **Manaaki** - To have a shared commitment to the relationship
 - **Aroha** - To act in good faith, open, honest, responsive and constructive in a 'no surprises' approach.
 - **Mahi Tahi** - To work in collaboration
- 6.0 **Meeting Structure / Ngaa Hui**
- 6.1 The meetings will operate as follows:
 - 6.1.1 The Co-governance Forum meets four times a year
 - 6.1.2 Meetings are hosted on an alternate basis

- 6.1.3 The meeting agenda will be approved by Chief Executives from both Waikato Tainui and Hamilton City Council
- 6.1.4 All meetings are co-chaired by Te Arataura and Hamilton City Council
- 6.1.5 Hamilton City Council Governance unit is responsible for all administration duties including collation and distribution of meetings packs
- 6.1.6 Meeting packs must be received by members no later than three clear working days prior to meeting date.

7.0 Annual Plan / Maahere-aa-tau

- 7.1 The Chief Executives from both parties are responsible for presentation and delivery of an annual plan that will consist of:
 - 7.1.1 No more than four agreed annual projects
 - 7.1.2 Agreed performance monitoring indicators aligned to individual projects
 - 7.1.3 An annual report outlining successes, challenges and recommendations for each individual project

Council Report

Committee: Council **Date:** 08 December 2020
Author: Joanna van Walraven **Authoriser:** Lance Vervoort
Position: Policy and Strategy Advisor **Position:** General Manager Community
Report Name: Adoption of Hamilton Gardens Management Plan 2020

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

1. To seek Council's approval of the Draft Hamilton Gardens Management Plan 2020, noting that the Community Committee has deliberated on feedback received during the Hamilton Gardens Management Plan consultation process and requested some amendments as outlined in **attachment 1**.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) notes that the Community Committee has deliberated on feedback received during the consultation process and have requested some amendments be made to the draft Hamilton Gardens Management Plan which are shown as tracked changes in **attachment 1** of this report; and
 - c) approves the Draft Hamilton Gardens Management Plan 2020 as set out in **attachment 2** to this report.

Executive Summary - *Whakaraapopototanga matua*

3. The Draft Hamilton Gardens Management Plan (Draft Plan) has been developed in accordance with the Reserve Management Act 1977.
4. The Draft Plan has been through two rounds of public engagement (8 April – 9 June 2019 and 11 July-9 August 2020) and two hearings processes (21 August 2019 and 25 August 2020).
5. The Community Committee considered the deliberations report on the Draft Plan at its meeting on 17 November 2020. There have been two rounds of public engagement in the development of the plan. A link to that report can be found [here](#).
6. At that meeting, the Community Committee Meeting resolved:

That the Community Committee:

 - a) *has deliberated on feedback received through the public consultation processes;*
 - b) *requests staff make changes to the draft Hamilton Gardens Management Plan as follows:*
 - i. *The rhododendron lawn is kept and carparking is located as outlined on the amended spatial layout concept plan in attachment 5*

- ii. Protection and ownership of Maatauranga Maaori will be clarified and acknowledged*
 - iii. Recognition is given to sites of significance to Maaori within the Hamilton Gardens and there is an iwi/hapu engagement panel that considers projects*
 - iv. Recognition is given to other historical sites within the Hamilton Gardens*
 - v. Include wording to ensure that appropriate levels of lighting, security cameras and other CEPTED strategies will be integrated into designs*
 - vi. Include wording to recognise the requirement to consider accessibility for people with disabilities*
 - vii. The plan accommodates all modes of transport and actively promotes multi-modal options*
 - viii. The plan provides for an aerial tree-top walkway from the upper carpark areas to the lower gardens precinct which complies with universal access principles*
 - ix. Accessibility parking is provided at the lower car park*
 - x. Wording is included relating to the establishment of a tree plan*
 - xi. The plan specifies principles of universal access for all design work which will include best practice methods for prioritising the safety of all users*
 - xii. Wording included that alludes to new technology being used wherever possible to improve the visitor experience and to improve navigation through the gardens*
 - xiii. Changes to reflect an undertaking to increase native vegetation on the gardens site*
 - xiv. Public access to the river near the current jetty is preserved*
 - xv. Provision for the installation of pedestrian bridge across the Waikato River to the south-western bank and reserve land below the Glenview Club*
 - xvi. the amended spatial layout concept plan in attachment 5 be included in the final Management Plan.*
- c) *notes the Final Management Plan will be reported for consideration and approval at the Council meeting on 8 December 2020.*
7. A final version of the Draft Plan is attachment 1 of this report. The document shows the amendments (other than minor editorial changes) requested by the Community Committee as tracked changes.
 8. Graphics (site maps etc) related to the Draft Plan are included as **attachments 2, 3 and 4**.
 9. Other minor changes to the Draft Plan not shown as tracked changes include changes of fact and accuracy (e.g. the age of the Stationmaster's House), and minor editorial changes (changes to spelling and grammar etc).
 10. If the Community Committee's recommendation is not approved, the 2014 Hamilton Gardens Operative Management Plan will remain in force.

Financial Considerations - Whaiwhakaaro Puutea

11. A small amount of staff time has been used for administrative tasks related to the preparation of this report. This is a regular operating activity funded through the Long-Term Plan.
12. The total cost of the Draft Plan including public consultation, expert advice and staff time is approximately \$94,000.

Item 7

13. There are no significant financial implications associated with this recommendation. Approval of the Draft Plan does not commit the Council to any funding. Funding of development proposals within the Draft Plan are considered through the Council's 10-Year Plan process.

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

14. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements including the Reserves Management Act 1977 and the Local Government Act 2002.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

18. Hamilton Gardens is a place that inspires pride in many Hamiltonians. The Gardens and surrounds are an extremely popular space for social and community connections.
19. Two rounds of public consultation were undertaken to understand our communities' views on the future of Hamilton Gardens. Elected Members can be assured that the community has had ample opportunity to express their views and wishes for the future of this highly valued public space.

Economic

20. As Hamilton's key visitor attraction, the Hamilton Gardens makes both a direct and indirect contribution to the economic wellbeing of the city and Waikato region and future intentions for the Gardens' development will have implications for the city and tourism economies.
21. Ongoing economic success of the Gardens is reliant on providing direction for the future of the Hamilton Gardens and ensuring there is support from the local community for that future direction. The Draft Plan sets out the vision for the future of the Gardens and has received wide support through the public consultation process.

Environmental

22. The Draft Plan sets out a vision for future Gardens' development which will incorporate the Council's sustainability and bio-diversity principles, alternative transport modes to reduce reliance on travel by private car and the current proactive work by Hamilton Gardens to achieve a Carbon-Zero status.

Cultural

23. The Hamilton Gardens has been developed on a site of great significance for Iwi and Mana Whenua and their connections past, present and future need to be well and appropriately recognised in any future development of the Gardens.
24. It is important that the Draft Plan recognises the importance of working in partnership with Iwi and Mana Whenua on the future development of the Hamilton Gardens to ensure their continuing relationship with, and aspirations for, the whenua, Waikato Awa, flora and fauna. It is important that the expression of Maaori culture and traditions are appropriately recognised and achieved through the Draft Plan.

25. The Gardens is also an important site for cultural expression for Hamilton's diverse ethnic communities.

Risks - *Tuuraru*

26. There are no known risks associated with the decisions required for this matter as the process followed has been robust. However due to the length of the deliberations process, there is a possibility of reputational risk for the Council if a decision is not made at this meeting.

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

Significance

27. 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.

Engagement

28. Community views and preferences are already known to the Council through the previous engagement undertaken on this matter.
29. There is a statutory requirement to consult as per legislation outlined below.
30. Engagement has been undertaken in accordance with the Reserves Act 1977 and the Local Government Act 2002.
31. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements including the Reserves Management Act 1977 and the Local Government Act 2002.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Marked up changes to wording for HGMP

Attachment 2 - Final Draft HGMP Clean Text Version

Attachment 3 - Access & Land Use Map HGMP

Attachment 4 - Gardens Collection Map HGMP

Attachment 5 - Site Map HGMP

Draft Hamilton Gardens Management Plan

1. INTRODUCTION

The Hamilton Gardens site is made up of areas that were the East Town Belt, ~~the Hamilton East Cemetery~~, a former Rifle Range Reserve and the site of a closed city rubbish tip. Development of the site began in the 1960s, however the first comprehensive plan was not developed until the 1980s. This is the fourth review of the Hamilton Gardens Reserves Act Management Plan.

Te Haa o te whenua o Kirikiriroa (Council's Mana whenua representatives) have described the Hamilton Gardens as the kete of Kirikiriroa, a basket that holds the story of gardens through the ages, from around the world for visitors to enjoy. The Hamilton Gardens offer manaakitanga- the important concept of welcoming, hospitality and respect that we have for the many cultures reflected in our garden designs and that we share with local people and visitors from further afield.

The Hamilton Gardens Management Plan recognises the importance of working in partnership with Iwi and Mana Whenua on the future development of the Hamilton Gardens to ensure their continuing relationship with, and aspirations for, the whenua, Waikato Awa, flora and fauna. It is important that the expression of Maaori culture and traditions are appropriately recognised and achieved through the implementation of the Management Plan.

1.1 PURPOSE

The Vision of this Plan is to support the creation of a world class garden that enhances Hamilton's reputation, economy and quality of life. The plan defines the strategies, objectives and policies for the development, operation, management and public use of Hamilton Gardens.

The Hamilton Gardens Management Plan has been prepared to meet the requirements of the Reserves Act (1977). The Act defines the purpose, general form and process of public consultation for development and reviews of Management Plans. It also requires the classification of the reserve to ensure management and development are appropriate for the classified principal purpose. The Hamilton Gardens site is classified as Recreation Reserve. The adjacent Hamilton East Cemetery is classified as Local Purpose Reserve- Cemetery and is managed under the Hamilton cemeteries Management Plan.

Management Plans provide a Link between Government Legislation, wider Council plans and policies and detailed operational plans and standards specific to Hamilton Gardens. This Management Plan will influence other planning and management processes.

The previous operative management plan was approved in 2014. Normally a management plan wouldn't be reviewed within five years, however the review has been triggered by three issues.

- The extension of Wairere Drive is being constructed on land that was part of the Hamilton Gardens site, and a small area eastern end of the Gardens will become a separate riverside park. The 'Recreation Reserve' classification of these areas will need to be updated to reflect these changes.
- A new long-term development plan for the Hamilton Gardens has been developed, and some of the proposed projects from the plan require amendments to the Management Plan.
- New options for generating revenue to offset development and operating costs may be explored, including the option to introduce visitor charges

1.2 PLANNING CONTEXT FOR THE HAMILTON GARDEN MANAGEMENT PLAN

2. GOAL - TO CREATE A WORLD CLASS GARDEN EXPERIENCE

2.1 OVERVIEW OF THE GARDENS CONCEPT

The Hamilton Gardens has an internationally unique concept; the theme of "promoting an understanding of the context, meaning and history of gardens". The Hamilton Gardens tell the story of gardens over the span of human history and challenge the visitor to consider why specific garden types developed in the way they did.

Having a unique concept gives Hamilton Gardens a valuable point of difference and appeals to a wide range of people, even those who have not had a previous interest in plants or gardens. However, the validity of the gardens depends on each one having a high level of design and historic integrity, within the constraints of budgets and sites. Careful research is required for each garden's development, interpretation and on-going maintenance.

Currently the kete concept (that the gardens are a basket that hold the gardens through the ages from around the world) is being developed with a view to increase native planting around the periphery of the site, thereby locating the gardens as a whole, physically and symbolically within this Te Ao Maaori. This concept could be extended further through design, interpretation and signage.

The timeline in Figure 2 shows how the existing and proposed gardens span the history of civilisation. The horizontal lines show major movements, cultures or traditions, while the vertical lines show where the Hamilton Gardens examples sit relative to those. These gardens are arranged in five collections, each with a different theme.

- The 'Fantasy Garden Collection' focuses on the relationship between gardens, fantasy and art.

- The 'Productive Garden Collection' examines the relationship between plants and people.
- The 'Paradise Garden Collection' demonstrates different perceptions of a garden paradise on earth.
- The 'Public Garden Collection' will include different types of public garden that reflect different historic social structures.
- The 'Landscape Garden Collection' will reflect the changing attitudes to the natural world.

Other parts of the Hamilton Gardens (outside of the enclosed sections) relate to the overall theme;

- The 'Rogers Rose Garden' has a collection that tells the story of the development of the modern rose. It starts with a collection of species roses and includes the stories of Empress Josephine's Malmaison roses, Jean Baptiste Guillot and the first hybrid tea rose and Francis Meiland and the 'Peace' Rose and finishes with the trial beds of the latest modern hybrids being introduced into New Zealand.
- The 'Valley Walk' that runs up the gully remains an example of the 20th century Naturalistic /Aesthetic style using plants indigenous to the Hamilton district.
- The 'Tropical Garden' represents a common garden fantasy of creating garden environments from other climatic regions, in this case, a tropical themed garden in a temperate Waikato climate.

POLICY:

Hamilton Gardens will be developed as a series of historically significant garden types that collectively promote an understanding of the context, meaning and history of gardens

The concept of the Hamilton Gardens as a kete and the concepts of manaakitanga will be developed and promoted in association with Iwi and Hapu as part of acknowledging their relationship with the Hamilton Gardens site, their role as Kaitiakitanga, and the historical and ongoing significance of this special place to Maaori.

2.2 PROMOTION OF HAMILTON GARDENS AND ITS CONCEPT

There are five main aspects to promoting Hamilton Gardens:

- Promoting the reputation and awareness of Hamilton Gardens, its concept and point of difference
- Encouraging people to visit Hamilton Gardens and promoting out of region visitors to stay in the city longer
- Interpreting the context, meaning and history of gardens in the context of the themed gardens
- Developing the business opportunities associated with Hamilton Gardens, such as venue hire, tour packages and event bookings

- Encouraging support and sponsorship for the ongoing development and enhancement of Hamilton Gardens.

In addition to Hamilton City Council's strategic partnership with Waikato Tainui, partnerships Working partnership with other organisations such as with other organisations such as Hamilton and Waikato Tourism, Waikato Museum, Hamilton Zoo and the Hamilton Gardens Cafe will help resources go further and enable opportunities to leverage off other brands and events, particularly at a local level. Events such as the Hamilton Gardens Arts Festival attract independent sponsorship and support while promoting Hamilton Gardens. Work has begun on adding value to garden visits by promoting tourist packages to meet market demand.

SIGNAGE AND INTERPRETATION

Feedback suggests that the more people understand the gardens the more they enjoy them. Information for visitors should be relevant, easy to understand and presented as part of a narrative or story.

Garden signage is an important part of the visitor experience; however, this should be balanced against having too much, which could negatively affect the look and feel of the garden.

Signage and interpretation can be used reflect the importance of historical sites (pre- or post-European) within the gardens site. The protection and ownership of Maatauranga Maaori (knowledge and understanding) will be recognised through design and interpretation.

Whenever possible, New technology will be used to enhance the user experience of visitors and improve navigation through the gardens. A Hamilton Gardens app is already available; however, this is currently restricted by limited mobile and wireless coverage across the site.

POLICY

Interpretation within Hamilton Gardens will focus on explaining the concept, the gardens and promotion of other local attractions and amenities.

2.3 ACHIEVING WORLD CLASS STANDARDS

Achieving a world class standard involves a high level of customer service, quality design, high attention to detail, and well-maintained spaces. For example, plants should be healthy, structures and hard landscaping should be well maintained, staff are accessible and helpful, and there should be minimal distractions for visitors.

Design Standards are developed for each garden which specify the standards of maintenance required. Gardens are monitored to ensure that minimum standards are retained and areas for improvement are identified with the aim of constantly improving those standards.

There are three key aspects to achieving world class standards for gardens:

- That the Gardens provide the experience that people might expect of a world class garden.
- That the design of the Gardens has been based on research into perception studies and a planned, sequential visitor experience.

- Defining, measuring and monitoring quality standards of everything that's being delivered; from structural maintenance to customer service or satisfaction with the cafe. Hamilton Gardens has a comprehensive range of tools to do this ranging from: contract performance standards, asset management plans, customer service standards to audited garden design specifications and lease agreements.

2.4 FUNDING AND SPONSORSHIP

The majority of funding for Hamilton Gardens is determined through Hamilton City Council's 10-Year Plan and Annual Plan process. Over the past 40 years, however, Hamilton Gardens has benefited from millions of dollars from the community, including cash sponsorship, gifts in kind and volunteer work. Hamilton Gardens has been recognised nationally and won awards for its sustained programme of fundraising and community support, particularly through the establishment of specialist trusts to support the development of specific gardens. The reason this has worked well is the aim of each trust has aligned with the operative Management Plan and successive trust boards have been committed to achieving quality and design integrity.

Before any sponsorship proposal that will have a significant impact on operating costs it must be approved by Council. This is because permanent new assets become Council property and there can be a significant budget impact from ongoing maintenance and renewal costs.

Development priorities set out in the previous Management Plan remain relevant, namely:

- Completion of the enclosed gardens
- Catering for increased use; and
- Improving standards of presentation and customer service.

A number of trusts have been established over the years to raise funds for new gardens and run major events to promote the Gardens. The Hamilton Gardens Development Trust is currently the main trust focused on raising sponsorship and committed to supporting the developments proposed in this plan.

The Friends of Hamilton Gardens is an incorporated society formed in 1988 to provide a key focus for community involvement in the Gardens. During the past 20 years the Friends have raised substantial funding for garden development. They have supported the specialist trusts and often provide the resources to finish off important smaller projects. Volunteers from the Friends have attended the Information Centre every day since 1994 and take part in other practical projects such as propagating plants for sale.

SPONSORSHIP RECOGNITION AND MEMORIAL PLAQUES

Sponsorship valued at more than \$1,000 may be recognised on a low-maintenance plaque for the life of the asset being sponsored. Sponsor recognition of a specific garden feature should exceed \$8,000 in value. Sponsor recognition will be confined to a single sponsor plaque in each garden in an approved location. A sponsors' board recognising recent major sponsorship more than \$100,000 is displayed in a prominent place in the Piazza. Permanent recognition of community groups that have made a major contribution to Hamilton Gardens are confined to the wall plaques in the Piazza. A major contribution is an asset worth at least \$200,000.

Commemorative plaques are limited to people who have had a direct and continuous association for at least 20 years in which they played a leading role in achieving something significant for Hamilton Gardens. Any event commemorated on a seat should be of significance to the history of Hamilton Gardens.

POLICIES

Commemorative plaques are not permitted except as commemoration of a significant event or person associated with Hamilton Gardens.

Community support and sponsorship for developments will be encouraged and pursued where the development meets the following criteria:

- Appropriate to the concept and policies in this plan;
- Resources are available to meet the ongoing operating, maintenance and renewal costs;
- Standards are high and there are assurances of quality control; and
- The project can be completed, if not all resources are able to be offered initially.

3. GOAL – TO IMPROVE THE CAPACITY AND PRACTICAL OPERATION OF THE HAMILTON GARDENS SITE

3.1 INCREASING THE CAPACITY OF THE GARDENS

Visitor numbers during peak periods are exceeding the capacity of the site. Problems on busy days include insufficient parking, traffic congestion, long queues for the cafe and toilets, and overcrowding in the enclosed gardens. These issues negatively affect visitor experience and create potential safety hazards. Developments to address these issues and enhance the site have been proposed in Hamilton City Council's 2021-31 10-Year Plan. The Concept Plan and the Access Plan show the proposed layout of the Gardens.

Currently vehicle access to the gardens is through two entrances off Cobham Drive. The two main carparks do not join, meaning that some parking areas are underutilised. Under the proposed layout all parking will be accessible from both gates, substantially reducing the need for traffic control.

Proposed developments include designated parking for all modes of transport and working with partners to improve the availability and reliability of offering of these alternative modes - including designated cycle parking to encourage other modes of transport besides cars.

Strategies to ease parking congestion include:

- encouraging people to use the underpass from Hamilton East
- encouraging Gardens visitors to use the cycleways and public transport. The Waikato Regional Council are currently investigating ways to improve public transport to the Gardens.

Demand for food and beverages can vary dramatically from day to day. To address demand for busy times a pop-up ice cream van operates near the playground and an expansion of café facilities is anticipated within this Plan. ~~and a permanent satellite café is proposed near the Information Centre.~~

At busy times there are blockages at narrow points like the Char Bagh Garden passage that could be hazardous in the case of an emergency. Heavy use can also damage lawns, paint finishes and plants particularly where people walk on garden areas.

A controlled entrance into the Enclosed Gardens is proposed which may mean visitors queuing if they choose to visit at peak times.

Two further toilet blocks are proposed. One is proposed within the wide border alongside the Rhododendron Lawn. This will be close to the future main entrance and bus parks and can also support events held on the Rhododendron Lawn. The second toilet is behind the French Parterre Garden façade at the eastern end of the Enclosed Gardens. A staff toilet would also be located here, near the secondary maintenance yard and staff tearoom.

~~An additional toilet block has recently been built near the playground, with another being built at the western end of the Enclosed Gardens. This will bring the total to five public toilets on site, but other potential sites have been identified including one below the Roof Garden towards the eastern end of the Enclosed Gardens.~~

3.2 IMPROVING ACCESS INTO AND THROUGH THE GARDENS

The 'Land Use Plan' on the opposite page shows that; ~~apart from the Municipal Nursery and Cemetery,~~ most of the park is either being developed as a passive park/open space (yellow) or enclosed thematic gardens (green) Enclosed Gardens means that the area is closed to public access at night and entry during the day is via a controlled access point (the enclosing fence line is shown as a red line).

The areas of passive park that will remain open at all times includes the open lawns, bush walks, destination playground, rose garden, dog exercise area, car parks, walkways and cycleways. All development of the Gardens will preserve public access through existing and planned path networks.

Vehicle access through gates 1 and 2 is closed ~~off~~ at night for security (see 5.3 Security of Assets and People) except for evening events.

New pathways into the gardens will be designed using universal design principles and best practice methods to safely accommodate all users.

The plan has provision for a possible future pedestrian bridge across the river from the Gardens to the south-western bank to link with future developments in Peacocke.

The main service roads for park maintenance vehicles are shown in orange. These are one of the secrets of Hamilton Gardens in that they provide vehicle access to most of the Enclosed Gardens but in a manner that is hidden from public view. This means that service access is provided without

compromising the scale, design integrity and enclosure of each theme garden. The new layout also means that service vehicles can easily move from one side of the site to the other, and that they will no longer need to use the Cobham Drive cycleway thus avoiding conflicts with cycle use.

There are two main cycleways proposed for the Hamilton Gardens site. (Shown in red). The cycleway running adjacent Cobham Drive and around the gully will suit commuter cyclists moving quickly through the area, while the longer, more scenic, route winding through the gardens may suit the recreational cyclists.

All bicycles, rollerblades, skateboards, scooters and similar devices are excluded from the Enclosed Gardens for safety reasons.

There are four entrances into Hamilton Gardens aside from the gate 1 and 2 vehicle entrances. Pedestrian and cycle access is provided under Cobham Bridge (W) linking Hamilton Gardens to the city's river walkway system. An underpass just west of Grey Street provides safe pedestrian and cycle access from Hamilton East which should help ease peak time traffic congestion. A controlled crossing by Wairere Drive (E) will provide access to Hamilton East and Hillcrest and the river walk south. The river jetty (J) is in the centre of the site so that eventually it will provide an entrance directly into the Enclosed Gardens, ~~and access will need to be controlled.~~

~~The new approach into the Gardens from Gate 1 is designed improve aesthetics and generating anticipation. The road will wind down through New Zealand bush between a pond and a lake to an attractive carpark surrounded by rhododendrons. Access into the Enclosed Gardens will be over a moat and into a courtyard.~~

A proposed tree-top walk will make a spectacular entry point to the gardens. The walkway will take visitors from the upper site and carpark to the Gardens precinct, while accessibility paths and parks for visitors with young children will be provided for in the lower carpark (currently carpark 2). Bus stops and a drop-off area will also be provided for in the lower carpark.

The location and design of internal paths is generally driven by levels of use, the planned hierarchy of paths, requirements of park service vehicles, site topography and the planned sequential experience of each garden area.

However, most of the paths within the Hamilton Gardens meet accessibility standards, and improvements to existing pathways will continue to ensure the gardens are accessible as possible for people with disabilities. The principles of universal design will apply for all future developments on the site (including the proposed tree-top walkway) to prioritise inclusiveness as well as the safety and enjoyment for all users.

~~Most paths within Hamilton Gardens now currently meet accessibility standards apart from the path up the hill from the proposed new carpark to the upper carparks. It's proposed to regrade this hill path to meet accessibility standards and, in the process, make it an easier, more attractive garden walk for all visitors.~~ It is not possible to provide grades that meet accessibility standards on every part of the site, and there will always be areas where access may be difficult. For example, the gully walks and parts of the Chinese and Japanese Gardens.

3.3 FACILITIES AND OTHER SITE FUNCTIONS

Facilities that support the function of the Gardens include:

- Visitor facilities
- Event facilities
- Education facilities
- Other on-site activities

VISITOR FACILITIES

The Visitor Centre is the hub of Hamilton Gardens (12). The centre has the following functions:

- Provides information about Hamilton Gardens;
- Promotes Hamilton Gardens' features, other local attractions and visitor facilities;
- Generates income through the sale of merchandise such as guide books and souvenirs (this function is explained in more detail in section 5.5)
- Offer a booking service for events held within Hamilton Gardens;
- Provide an operations centre for public use of the gardens and Pavilion, particularly during weekends and holidays
- Provide a contact centre and a friendly human face for visitors who have questions or problems
- Encourage cash donations towards garden development;
- Hire equipment such as mobility scooters, wheelchairs and chess pieces.

The Hamilton Gardens Café (1) is leased by Council to a private operator. The current operator's lease runs from 2017 until December 2022. For Hamilton Gardens the primary purposes of the café are to provide a service to garden visitors and to generate an income to offset the Gardens operating costs.

There ~~will be~~ four public toilet facilities within Hamilton Gardens ~~after the isolated toilet by the Municipal nursery is closed. Two further toilets are proposed. One is located between the bus park and the Rhododendron lawn so that travelers don't have to walk too far after arriving. The other will be behind the French Parterre Garden façade at the Western end of the Enclosed Gardens and there are plans to develop at least two more.~~ The playground toilet (5) includes a controlled entry 'Changing Places' facility for high dependency people and their support people.

~~The next toilet to be developed will be located at the western end of the Enclosed Gardens, currently called the Palm Court (7). Over the longer term another toilet site has been identified at the eastern end of the Enclosed Gardens beneath the proposed Roof Garden (8). Another toilet will be required near the lower carpark so that travelers don't have to walk too far after arriving. This could either be an extension to the pavilion toilets or a new toilet near (9).~~

~~The visitor arrival shelter refers to the proposed covered way alongside the lower level carpark (11). This will be where buses and taxis stop, where people can be dropped off or wait to be picked up. Signage will orientate first time visitors and perhaps remind them of other local attractions before leaving.~~

A covered wall is proposed at the entrance from the lower carpark. This is the area where buses and taxis stop, where people can be dropped off or wait to be picked up. Signage will orientate first time visitors and perhaps remind them of other local attractions before leaving.

EVENT FACILITIES

Many areas of Hamilton Gardens are used for events ranging from the Gourmet in the Gardens and fun-runs to weddings and market stalls. Indoor facilities specifically designed to cater for events include the Pavilion (14) with its two exhibition halls, seminar room, meeting room and small kitchen. To the east is the Café facility (1) and in the long term a new conservatory event space is proposed along the western side of the Lakeside Court (15). When public access no longer runs through that area, the Lakeside Court itself, should become more attractive as an evening event space with those surrounding support facilities. The Hamilton Gardens Pavilion (14) has three primary purposes:

- Attracting events complementing and promoting Hamilton Gardens.
- Supporting community activities through discounted hire rates.
- Providing an important wet weather back-up for outdoor events that enhance the Gardens, such as outdoor concerts and festivals.

The Hamilton Club Summerhouse (16) at the eastern end of the Mansfield Garden was built using proceeds from the sale of the Hamilton Club's building on Grantham Street, originally constructed in 1904. The pavilion will be predominantly available for hire for various events such as meetings, social gatherings, school classes, or family functions. As such public open access will be limited.

EDUCATION FACILITIES

The Wintec Horticultural Education Centre (17) has been Located at Hamilton Gardens since 1985, providing industry training in subjects related to the 2014 Hamilton Gardens management plan signaled a reduction in the lease area for their demonstration yard (18) and this has now been confirmed in a new lease that runs until December 2027.

Further information on the WINTEC partnership and opportunities for school education are covered under section 4.4 'Providing an Education Resource'.

OTHER ON-SITE ACTIVITIES

Over the past 40 years Council has gradually relocated facilities within Hamilton Gardens that are not related to the garden theme. These have included netball courts and clubrooms, dog dosing strip, Go Kart track, Boy Scouts Hall, the Royal Air Force Association Clubrooms and the Sillary Street Indoor Bowling Club Hall. The only activity still on site that is not directly related to the Gardens operation is the Girl Guides Hall on the corner of Hungerford Crescent (19). Since the first 1980 Management Plan there has been a stated intent to relocate this activity, but it isn't interfering with any garden development so there is no urgency in negotiating a relocation. Their current lease runs from 01 September 2018 to 31 December 2027.

The Municipal Nursery (20) is on the site of an old commercial nursery that had operated here since about 1914. While it is located on reserve land it is managed separately from Hamilton Gardens producing and dispatching plants for all city parks including all the plants for Hamilton Gardens.

Two private residences are located within Hamilton Gardens. One is in the Municipal Nursery (21) and the old Stationmaster's house adjacent to the Hamilton East Cemetery (22). The Stationmaster's House was built in ~~1898-1880~~ and relocated to the Gardens from its original site in Frankton in 1984. ~~It is proposed that the house is moved to become the central feature of the Farm Garden.~~

NEW LEASES

New leases and lease reviews are subject to relevant Council policy and the procedures required by the Reserves Act [1977] and the Guides and Policies in the Exercise of the Reserves Act, No. 2 - Leasing of Reserves and Other Rights of Occupation [1978].

No major new leases are currently foreseen in the term of this plan. Any new leases may be considered where:

- The activity is clearly complementary and supports the policy of this plan and does not compromise proposed or potential garden development, or the aesthetic values of Hamilton Gardens;
- The proposed activity demonstrates economic viability and provides assurance that resources will be available for reinstatement work if the venture fails;
- It is not appropriate for Council to provide or operate such a facility;
- The potential lessee needs some security for a long-term investment and exclusive rights over a defined area for a long period.

Licenses to Occupy are generally given for shorter periods than a lease and they do not give exclusive rights over a defined area. They must also be advertised for public comment following the Reserves Act public consultation procedure and they must be compatible with the policies and plans of this Management Plan. For example, a five-year license to use the Hamilton Gardens Jetty (23) for a commercial boat operation.

POLICY

Leases will be restricted to building sites only except where additional areas are essential to the function for the leased purpose. Renewal of leases and the issue of licenses will only be considered where they clearly meet the needs of garden users, relate to the overall garden theme and comply with the Reserves Act [1977].

3.4 OTHER SITE CHALLENGES AND OPPORTUNITIES

Although the Hamilton Gardens is located on an outstanding site, it also has significant challenges. It has been fragmented by existing land uses including the nursery, carparks, the landform and the Hamilton East Cemetery. It includes the Gully and River Protection Zones, it is a Waahi Tapu site and because of the refuse fill, it is classed as having contaminated soils.

CONTAMINATED AREAS

For many years the lower area of Hamilton Gardens was a sand quarry. Trucks returning to get a load of sand often brought unwanted material from work sites such as: logs, asphalt, clay and concrete. As a result, there is unpredictable fill material spread over most of the lower area creating foundation challenges. A three-hectare portion of that area was a gully which was used for household refuse disposal in 1973 and 1974. The rubbish fill ranges in depth between 2m to 9m. The landfill is monitored for gas and Leachate and is now regarded as a stable landfill site. The Resource Management Act [1991] requires closed landfills to have resource consents that promote sustainable management practices. Management of this Landfill is outlined in the Hamilton City Council Cobham Drive Closed Landfill Aftercare Management Plan.

Any development, contouring or substantial change above the 1974 Landfill site will require further consents. Apart from the parking areas, the cap generally consists of about 700mm of sand and silt soils. There are seven criteria to be met in the management of this cap:

- The aim is to maintain a minimum of 700mm cover over the refuse;
- Any exposed refuse should be covered, or the area fenced off from public access until an appropriate cover can be laid;
- The design and construction of any future drainage infrastructure can accommodate design storms, settlement and leachate and gas corrosion;
- There must be adequate storm water control measures to prevent exposure of refuse through erosion or excessive ponding or water ingress into the landfill which will cause the formation of leachate;
- The surface should be regularly inspected for distressed vegetation, cap cracking, significant settlement and ponding. Any cracks in the cap must be repaired by filling;
- No fires are permitted on the surface;
- Any site development relating to park activities must consider other requirements of the Hamilton City Council Development Manual.

The Turtle Lake Carpark (accessed by entrance 1) sits on an historic landfill site. As a result, the land has subsidence issues and requires a high level of maintenance. Options to manage these issues may be addressed by the relocation of the carpark and the development of garden areas as proposed in the Development Plan.

A city water main supplying water to the eastside of Hamilton runs through the site. As a result, truck access must be maintained to the river edge. The mains are halfway through their expected lifespan and will be replaced (or relocated) with the next 30-50 years.

THE WAIKATO RIVER

The Waikato River is an outstanding natural asset for Hamilton Gardens and, in terms of urban riverscapes, it is considered world class. The Waikato- Tainui Environment Plan emphasises the importance of the Waikato River as a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the iwi.

The 2003 Plan Nga Tapuwae o Hotumauea: Maori Landmarks on Riverside Reserves outlines principles for the management of 17 historic pa sites Located within riverside reserves, including the Ngati

Attachment 1

Item 7

Wairere Te Parapara Pa which was located on the Hamilton Gardens site. The cultural status of the river to local hapu has been recognised in the 2009 Waikato-Tainui and Crown Deed of Settlement which requires joint management of the Waikato River and its riverbanks to restore and protect its health and well-being for future generations. These documents, particularly the Waikato River Joint Management Agreement between Hamilton City Council and Waikato-Tainui, provide the basis for consultation and partnership regarding any river use or riverside development. The process for participation as outlined in the Joint Management Agreement has been followed in the development of this management plan.

While more river vistas can be opened from the riverside gardens and river walks, the need to retain riverbank stability with planting means that without extensive retaining structures most river views will be framed vistas rather than wide panoramas. Riverside gardens can be designed so the river will be presented in different ways, at different heights and discovered when entering the various gardens.

The higher riverbanks at the eastern end of Hamilton Gardens are on a formation called the Walton subgroup which is relatively stable, but the riverbanks in the center and western end have a sandy substrate which is susceptible to slips and erosion. Several metres of riverbank have been lost in the Chinese, Modernist and Renaissance garden sections just in the last decade. The problem is increased by fluctuating river levels and the likelihood that the river bed will continue to degrade because the Karapiro Dam is cutting off sediment supply. Strategies to maintain riverbank stability included maintaining vegetation cover on steep banks, progressive replacement planting, removal of large unstable trees, control of storm water discharge, confining public access across banks and the establishment of appropriate ecotone planting within river margins.

The tree framework on the banks and river terraces opposite the western end of the site form a backdrop for many views within Hamilton Gardens and contribute quite significantly to the total Hamilton Gardens character. It is important for these tree groups to be retained and extended to conceal the proposed road south from Cobham Bridge and residential development south of the Glenview Club.

POLICIES:

- River views will be opened where this does not compromise riverbank stability. Opportunities will be sought to preserve and increase tree groups on the riverbank opposite Hamilton Gardens.
- Further development of the riverbank or stream will be undertaken in consultation with Waikato-Tainui through the consenting processes specified in the Joint River Management Agreement, as well as with Waikato Regional Council.
- Management of the Land over the 1974 landfill site will retain the integrity of the landfill cap in accordance with the Aftercare Management Plan for the site.

4. GOAL—TO ENHANCE THE VALUE OF HAMILTON GARDENS TO THE LOCAL COMMUNITY

4.1 INCREASING THE ECONOMIC BENEFIT TO THE LOCAL ECONOMY

Hamilton Gardens has a positive effect on Hamilton's economy. There is a direct economic benefit from out-of-district visitor spending, and the gardens contribute to the reputation of Hamilton as a city.

Surveys and studies indicate that investment in Hamilton Gardens produces a very good rate of return to the local economy. The local visitor industry is worth \$1.5 billion and at present Hamilton Gardens is the most popular visitor attraction in the city. Surveys suggest that about third of the 1.1 million visitors to Hamilton Gardens each year are local, a third are domestic visitors from outside the Waikato and a third are international tourists. 74 percent of out-of-district visitors surveyed indicated that Hamilton Gardens was either the sole reason or the significant reason for their stop-over in Hamilton.

The strategic challenge is to increase this economic benefit by attracting more out-of-region visitors and encouraging them to stay longer. Industry knowledge suggests that if tourists can be engaged for three to four hours, they are more likely to stay overnight and increase their spending on accommodation, meals, shopping and entertainment. Currently the average length of stay stays an average two hours in Hamilton Gardens.

Five strategies are being developed to address this opportunity:

- Experience in large, high-quality gardens overseas suggests that as the full development of Hamilton Gardens nears completion it is likely more visitors will stay longer than they do currently-leading to additional economic benefits
- A high-quality café or restaurant
- enhanced interpretation to really engage the visitor.
- Partnerships with other local attractions and accommodation providers to offer packages to promote longer stays in the city. For example, a package involving garden tours, morning tea, a trip on the river and a visit to the Waikato Art Museum.
- Events within the Gardens targeting tour groups. For example, an on-site garden tour combined with a New Zealand wine lecture and a cooking demonstration. Surveys and studies indicate that investment in Hamilton Gardens produces a very good rate of return to the local economy. The local visitor industry is worth \$1.5 billion and at present Hamilton Gardens is the most popular visitor attraction in the city. Surveys suggest that about third of the 1.1 million visitors to Hamilton Gardens each year are local, a third are domestic visitors from outside the Waikato and a third are international tourists. 74 percent of out-of-district visitors surveyed indicated that Hamilton Gardens was either the sole reason or the significant reason for their stop-over in Hamilton.

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- enhanced interpretation to really engage the visitor.
- Partnerships with other local attractions and accommodation providers to offer packages to promote longer stays in the city. For example, a package involving garden tours, morning tea, a trip on the river and a visit to the Waikato Art Museum.
- Events within the Gardens targeting tour groups. For example, an on-site garden tour combined with a New Zealand wine lecture and a cooking demonstration.

4.2 CATERING FOR CASUAL COMMUNITY USE

Annual Residents Surveys over the years have shown around 85 per cent of Hamilton residents have visited at least once in the last year.

The concept plan for Hamilton Gardens shows that a lot of the area alongside Cobham Drive, which was the old town belt, will remain as open lawns and bush walks and dog exercise area complemented by the cycleways, a destination playground, toilets and the Rogers Rose Garden. Once the Rhododendron Lawn has been developed the 'Governors Green' can be used for informal sports and other community activities, that currently use the Rhododendron lawn.

DOG EXERCISE AREAS

The Dog Control Bylaw requires dog owners to have their dog under control and to avoid the animals becoming a nuisance to other park visitors. With the ongoing development of Hamilton Gardens long term plan, there will be a change to the Dog Control Bylaw.

- The large grassed area alongside Hungerford Crescent will become a fenced, off-lead dog exercise area. There will be another off-lead dog exercise area on the flat riverside area below the Rogers Rose Garden for dogs that like to swim.
- Under the Hamilton City Cemeteries and Crematorium Bylaw "no dogs or other animals are allowed in the cemetery unless a guide dog or hearing ear dog, or a dog kept by the Police or any constable, an officer of the Customs Department or the Ministry of Defense".
- Except for service animals, dogs are also excluded from the Enclosed Gardens, which will eventually all be accessed through the Information Centre.
- In the other passive park areas along the northern side of the park, dogs are permitted on a lead.

POLICY:

- Dogs will be managed in accordance with the Dog Control Bylaw which requires dogs to be on leads other than in designated Dog Exercise Areas where they may be exercised free of restraint. Except for service animals, dogs are not permitted within the Enclosed Sector or Hamilton East Cemetery.

4.3 EVENTS AND ACTIVITIES

Hamilton Gardens has become one of the most frequently used event venues in the city, and most events are organised by and for the local community. The diverse range of events contributes to the life of the city and provides vibrancy and public awareness about the gardens. Occasionally, however, outdoor events can block access, cause damage, or disrupt the peaceful escape that casual visitors and tourists may be seeking. At times there are multiple events occurring at the same time and these can conflict with each other. For these reasons it is critical there is some control and criteria around why, when and where events are held and how they are managed.

There are two categories of organised outdoor event in Hamilton Gardens; controlled events and discretionary events.

Controlled events are generally permitted, but a booking is required for a specific time and site within Hamilton Gardens. The booking process usually gives the event organiser some certainty of venue availability but not exclusive use. The process helps park managers avoid conflicts in use, provides them with an opportunity to make users aware of any restrictions or conditions, and any damage is covered with a bond. Examples of controlled events include weddings, free performances, corporate picnics and team building activities.

Discretionary events may:

- Require exclusive use of an outdoor area, for example a paid entry outdoor concert;
- Have a significant impact on park assets and other park users, such as an event with amplified sound;
- Require special permission or consents, such as a food stall, or an event held outside normal opening hours.
- Discretionary events may be declined. Approved events will often be subject to further approvals and consents such as public notification of a closure of a section of the reserve, fireworks consent or a site safety plan.

In assessing the desirability of a discretionary event within Hamilton Gardens, the following issues are considered:

- Location, duration and time of day;
- Compatibility with Management Plan policy;
- Legal requirements [e.g. bylaws, on-site lease obligations, safety plans, NZTA Management Plans, Reserves Act, Hamilton District Plan, operator's license, liquor license];

Attachment 1

- Characteristics of the event, such as whether it is a public or private event, numbers of people, temporary structures or services that may be required, whether the event is for commercial gain or charitable benefit;
- Precedence set for future requests;
- Disruption to other park visitors and other booked events. This includes disruption from noise or disruption to access and tolerance levels vary depending on the proposed location within the site;
- Compatibility with the garden setting and garden themes and the potential to offend cultural or spiritual beliefs relating to certain garden areas;
- Impact on the asset, the potential for damage, wear and tear and other hidden costs, and opportunities available to mitigate any adverse effects;
- Safety and security considerations including the security of other assets and the safety of other park users;
- Capacity of the venue, for example parking, power supply, wet weather alternative;
- The availability of more appropriate alternative venues or park facilities elsewhere in the city;
- Potential benefit to Hamilton Gardens and the city such as city promotion, or garden interpretation.

Item 7

Hire and bond costs for outdoor areas vary with the type of event, the event's commercial nature, and potential for damage and disruption. The event may also be required to pay additional costs or a traffic management plan or a safety plan, such as extended security patrols. General hire charges are set by Council in each Annual Plan. At present the high banks surrounding the lower gardens are effective at reducing noise from events for residents. The control of unreasonably noisy events on parks is administered by Council through legislation, the District Plan and other Council policies.

Currently outdoor events held in Hamilton Gardens are not given exclusive use of an area, however exceptions may be made for special outdoor theatrical or musical performance financially viable. Exclusive use would be available for other events if organisers were prepared to pay for this privilege, such as a corporate function. The disadvantage of this is tourists who are only staying for a limited period may lose the opportunity to experience a garden.

Several the gardens and open spaces, such as the Jade Dragon Garden, the English Flower Garden or the Mansfield Garden have been designed to accommodate performances. Future developments could include to even out the landform at the lower end of the Farm Garden to create an Amphitheatre for the large concerts that usually form part of the Hamilton Gardens Arts Festival.

POLICIES:

- Outdoor events will be permitted and encouraged within Hamilton Gardens with consideration given to possible disruption to other park visitors, the impact on asset maintenance and compliance with booking conditions. Commercial events may be permitted where they enhance public use of the park.

- Exclusive use may be granted to a specific outdoor area to generate revenue or support an appropriate artistic event.

4.4 PROVIDING AN EDUCATION RESOURCE

Education groups involved in Hamilton Gardens have included schools, tertiary institutions, specialist clubs and other educational tours. The opportunities to increase educational use of the site have been limited by the resources available.

Currently teachers are expected to prepare their own resources, however Hamilton Gardens is starting to develop material to support education.

Links will be fostered with tertiary institutions including polytechnics, universities and scientific organisations involving education programmes and research to benefit the Gardens. Hamilton Gardens has played a role in parks industry training through staff training programmes, on-site seminars and conferences and staff presenting papers at conferences. There is also some involvement with garden hobbyist groups including combined seminars and demonstrations.

WINTER

The Wintec Horticultural Education Centre (HEC) has been Located at Hamilton Gardens since 1987, providing industry training in subjects related to horticulture including amenity horticulture, arboriculture, landscape design, and various block courses. The location was chosen to provide students with an on-site practical teaching resource and a mutually beneficial partnership with Council.

Staff at the HEC and Hamilton Gardens hope that the Centre can capitalize on its location within Hamilton Gardens to become a 'national centre of excellence in amenity horticulture'. Indicators for this might include:

- students from outside the region and from overseas enrolling to study at HEC,
- the HEC would offer the highest level of practical amenity horticulture training available within the NZ curriculum with additional features not available from other providers
- Industry and community recognition of the high quality programmes as indicated by their feedback, surveys and graduates being highly sort after for employment.

A range of strategies has been jointly identified to achieve this goal including: making more use of on-site assets and Gardens staff expertise, forming partnerships, rationalizing the duplication of resources, reviewing the curriculum offer, increased promotion, developing options where the student can continue to earn and securing more scholarships.

Educational facilities have also been covered under 3.3 'Facilities and other site functions'.

POLICY:

Educational opportunities associated with Hamilton Gardens will be developed and promoted including school, tertiary, industry and community education. Where possible this will be done in partnership with others.

The Wintec Horticulture School will be encouraged to continue and enhance their involvement in Hamilton Gardens.

5. GOAL—TO PROTECT AND SUSTAIN HAMILTON GARDENS FOR FUTURE GENERATIONS

5.1 CONSERVATION OF NATURAL AND CULTURAL FEATURES

NATURAL FEATURES

The remnant bush on the steep riverbanks below the Hamilton East Cemetery is one of the district's more significant original Waikato seed sources. This stretch of riverbank, referred to as Echo Bank Bush, is managed as an important natural feature of Hamilton Gardens. Management of this flora will follow the policy in the Riverside Reserves Management Plan. This includes control and removal of all exotic plants, additional planting using only eco-sourced species propagated from local plants, management of the bush so it becomes a self-sustaining unit and public access confined to paths and boardwalks to avoid damage. The long-term plan is to continue to plant up the area above Echo Bank Bush with plants indigenous to the Hamilton area, preferably from seed sourced on these remnant riverbanks.

Hamilton Gardens as an important natural link in the river wildlife corridor through the city. A native planting programme is being undertaken across the gardens site approximately to significantly increase the amount of locally sourced native vegetation trees and shrubs, some as part of Cobham Drive developments. Annual planting programmes aim to increase the diversity of fruit, seed and nectar plants to provide a continuity of seasonal food supply for birds. Vegetation overhanging ponds and the lake and river margins are particularly effective in encouraging insects for birds and bats, as well as providing a refuge for water fowl and fish. Further development of the Valley Walk, will feature plants native to the Waikato district.

A tree survey will be undertaken for the site which will include the identification of significant trees and high-level maintenance and succession planting requirements. In areas that may be affected by proposed works, condition assessments of the value of trees that could be affected (including ecological values) will be carried out prior to any work commencing. The requirement to preserve and protect significant trees during development will be specified in any contracts for works.

Notable natural fauna within the gardens includes a local long-tailed bat population and several 'bat roosts' has been installed for them. Trees that need to be removed (usually for safety reasons) are assessed for the presence of bats before they are felled. Some of the more isolated riverbanks feature glow worms and the ponds and lake have Long Fin Eels. Recently more planting such as nettles has been undertaken to encourage native butterflies.

CONTROL OF PEST SPECIES

Control of pest species, such as rabbits, wild cats, mustelids, rats, magpies and possums are an ongoing challenge for the Hamilton Gardens. Pest control is increased around biodiversity hotspots and increased during certain times, such as when Tui are nesting. Control of pests is planned as part of a wider strategy for riverside reserves based on the Pest Management Strategy prepared by the Waikato Regional Council.

The use of residual chemicals is being reduced through the gradual introduction of a more integrated pest management strategy aiming to increase reliance on biological control. However, in Hamilton's warm humid climate, collections such as the massed hybrid rose display and rhododendron borders mean that chemical control will be required for the foreseeable future. To minimise negative effects, preference is given to non-toxic substances where there is no effective form of cultural or biological control. Evaluation of alternatives to inorganic, residual chemical pest control will be continued.

CULTURAL FEATURES**MAAORI HISTORY**

The Hamilton Gardens was developed on the site of what was a significant Pre-European settlement, Te Parapara - the home of the famous Ngati Wairere chief Haanui. Te Parapara was renowned as the site of sacred rituals associated with the harvesting of food crops, and there was a Tuahu or sacred alter on site associated with this. The land was appropriated by the Crown in the 1860s and put to strategic use as the Narrows Redoubt and town rifle range. In 1879 the area of west of the town belt was declared domain land and handed over to the Hamilton East Domain Board. The Borough lost control of the domain lands in the early 20th Century, and the area was used for various other purposes. This included a sand quarry over the lower rea which resulted in the loss of any remains of Te Parapara. The Council purchased the old rifle range land from the Crown in 1957 and its status changed from domain land to reserve land.

The significance of the area as Ngati Wairere ancestral land is outlined in the Waikato-Tainui Environmental Plan. This recognises cultural traditions of protecting the land, the historic associations and taonga. The physical focus for this recognition has been the highly significant Te Parapara Garden which includes references to the area's cultural heritage, including the figures of notable historic identities and other carvings specific to this district.

Given the prominent site in relation to the Waikato River, archeological research has continued on the Hamilton Gardens with more being learned about the site. Appropriate recognition of sites of significance to Maaori will be explored with our Maaori partners and addressed through interpretation, signage and design. Designs will be considered by an iwi/hapu engagement panel.

EUROPEAN HISTORY

There are few remains of the early European settlement of the area including the Narrows Redoubt at the eastern end of the site and an earthen fence probably created by the early Irish community of Hamilton East who grazed the area. These historically significant sites will be to be appropriately recognised through signage and interpretation.

Many of the settlers and prominent citizens of early Hamilton were buried in the Hamilton East Cemetery from 1866. The cemetery was closed for burials in 1957 other than for reserved plots and ashes interments. Since 1979 Council has integrated the maintenance of the Hamilton East Cemetery

Attachment 1

~~into Hamilton Gardens. Work will retain the historic integrity of the site while improving the aesthetic appeal through appropriate planting. All aspects of burial and memorialisation remain the responsibility of the Cemetery and Crematorium staff.~~

Many smaller features within Hamilton Gardens are also significant, like the Little Bull sculpture, the old Baptist Church cupola on top of the Pavilion. Because of their intrinsic value and cultural associations, features such as the Japanese Pavilion, Russian Bell Tower and the Earth Blanket sculpture are likely to increase in cultural significance over time. These diverse elements must be maintained appropriately, and professional advice is sought where needed.¹⁷

Members of the Friends of Hamilton Garden have been systematically collecting, recording and filing information and material that will become historically important.

Eventually an accession plan should be developed to:

- Record the history and inventory of taonga items and important institutional memory;
- Ensure preservation and appropriate maintenance of items;
- Generate, record and archive interpretive information;
- Provide assurance to those who have made a gift and record any commitments made to the donor;
- Define an acquisition and disposal procedure.

Item 7

POLICIES

- Park management will seek to conserve ecological features, such as remnant indigenous flora on the riverbanks, bird, bat, and butterfly populations and rare native and exotic plants.
- A tree survey will be undertaken for areas that may be affected by proposed works and a plan for significant tree preservation and maintenance developed.
- Invasive and noxious flora and fauna will be controlled or removed, and staff will continue to work with other agencies to improve pest control throughout the site.
- Park management will recognise the significant cultural heritage of this site and work alongside iwi when developing management practices.
- Historical sites of significance for Maaori will be appropriately recognised in a way that protects the ownership of Maatauranga Maaori (knowledge and understanding)
- The Council will continue to work in partnership with Waikato Tainui and THaWK to develop a concept that will appropriately recognise the history and ongoing significance of the site for Iwi and Hapu.
- Other historical aspects of the gardens will be appropriately recognised
- Institutional knowledge relevant to Hamilton Gardens, as well as historic site features and associations, including taonga, will be appropriately conserved under an accession plan.

5.2 SECURITY OF PARK ASSETS AND PEOPLE

Hamilton Gardens has had a good personal safety record with a continued staff presence and strong sense of ownership. The personal safety of staff and visitors is certainly important for the Gardens because a single incident can give the Gardens an unwarranted negative reputation, particularly in sensitive international tourist markets.

Apart from festival events or events in the Pavilion and restaurant, access into Hamilton Gardens is discouraged at night. Night time vehicle barriers restricting vehicle entry operate between 9.30pm and 6am reduce the incidence of night time damage and theft.

Entrance roads, car parks and paths that lead to facilities regularly used at night are lit at least to the standard for parks required by the NZS 6701 :1983, Code of Practice for Road Lighting. In keeping with the Safe Cities philosophy, access beyond these main paths is discouraged with little permanent lighting. Event facilities have been grouped together near the proposed main carpark where it should be possible to provide plenty of lighting. Eventually having a single accessway in to the event facilities surrounding the Lakeside Court should also make the area safer.

Levels of lighting, security surveillance and other CPTED (Crime Prevention through Environmental Design) strategies to address public safety risks will be integrated into designs. For example, having open clear sightlines to key areas such as car parks, the playground and toilet entrances and appropriate camera security coverage. Free public Wi-Fi is also limited to between 8am and 8pm to discourage night visits to Hamilton Gardens. Universal design principles will also help minimise safety risks for more vulnerable people, particularly around multi-modal access areas and paths.

A security fence with a controlled entry points protects the Enclosed Gardens which have many elements susceptible to damage and theft. The Enclosed Gardens are closed at night and alarmed with motion sensors that set off alarms alerting the monitoring centre and an on-site guard.

Eventually it is proposed to increase the area of the Enclosed Sector with fencing, using Turtle Lake and the river as barriers. At some points, access up from the river will need to be closed off at night.

POLICY:

Different forms of security will be used to safeguard park assets. The Enclosed Gardens which accommodates the more vulnerable garden features will be closed and alarmed at night.

Where practical, consideration will be given to improving the safety of park visitors and their property through park management, design and technology. Park lighting will be provided only in those areas promoted as available to the public at night.

5.3 PRESERVING DESIGN INTEGRITY

For the Hamilton Gardens concept to be successful each garden needs to have a high level of design authenticity, so each garden development is extensively researched to achieve this. Maintenance plans are formulated with an understanding of the design intent. For example, most of the significant rocks in the Japanese Garden of Contemplation have a traditional name and a relationship to one another. There are different zones within the garden dictating the types of plants that can be used. There are also the traditional rules that have defined key elements of the layout. This type of information is being recorded

in 'Design Statements' that will eventually cover each garden zone. These Design Statements have six primary functions:

- Providing an overview of the design concept;
- Outlining the specific maintenance requirements of each garden;
- Specifying the optimum maintenance standards;
- Recording relevant institutional memory such as how a garden was developed;
- Providing technical information, such as paint colours;
- Providing references to further relevant information, such as reference books.

The thematic zones cover most of the site and it is important that incongruous or inappropriate elements are not introduced to distract from each garden's theme. In some gardens, new additions can be tested against historic styles, in others the concept itself provides the lead.

Each garden will require design authenticity and will need to be visually screened from its neighbours. The Design Statements also specify views which need to be kept open. The management of these views is a long-term strategy involving tree growth, the anticipation of future views, emphasis and composition of views, emphasis of particular features, space modulation and the planned progressive sequence of views. With overplanting in some areas this may mean the removal of some mature trees.

Preserving some open, sweeping spaces is important to provide the Gardens with a grand public scale, to allow groups of trees to be fully appreciated, to help with visitor orientation, to give depth to some views and to provide a contrast to the smaller enclosed garden features. Different areas will also require planting and development of a different scale. For example, the open sweeping lawns along the Cobham Drive frontage provide an appropriate grand scale appreciated from moving cars.

POLICIES:

Design and maintenance, including structures and artwork, will preserve the thematic integrity of each garden area. Screening will be maintained between themed gardens.

Plant collections and successional planting will support each area's design theme and plant labels will be used where appropriate to the theme

5.4 RESPONDING TO CLIMATE CHANGE

The direct impact of climate change on Hamilton Gardens is not quantifiable, however it is likely that changes will affect the range of plant pathogens, possibly requiring different controls. The range of plants growing at the Gardens may have to change and some the ornamental plants might even become weeds. More frequent, long dry summers experienced over the past decade are thought to be responsible for the loss of plants. Some species in may need to be replaced with drought tolerant species.

As more gardens are developed, water saving strategies, such as capturing stormwater runoff, will need to be utilised.

SUSTAINABILITY

Hamilton Gardens has a number of sustainable management strategies in place and received the highest ranked gold award from the Qualmark audits for its sustainable practices. Hamilton Gardens has signed The New Zealand Tourism Sustainability Commitment which aims to see every New Zealand tourism business committed to sustainability by 2025.

Hamilton Gardens is planning to become carbon neutral by 2030 through a carbon reduction plan. An initial assessment indicated that the Gardens currently use around 122 tonnes of carbon arising from direct fuel use each year.

Offsetting uses like gas ovens in the café, and indirect emissions from road transport and products purchased like plastic planter bags and nitrogen fertilizer will be a much bigger challenge. To address this the possibility of a micro grid, small turbines on the stream running through the Gardens are being investigated along with other options like solar panels on the maintenance barns.

The other parts to the carbon reduction plan include: waste minimisation, recycling, energy efficiencies and the review of operating procedures.

POLICY

It is proposed to make Hamilton Gardens carbon neutral by 2030.

5.5 FINANCIAL SUSTAINABILITY

The Reserves Act allows for commercial activities that support the public's use and enjoyment of reserves. The Council may investigate opportunities to generate revenue to offset operating costs without compromising the integrity of the Gardens. This includes commercial activities that enhance visitor experience for visitors, such as guided tours, entertainment, high quality souvenirs, behind-the-scenes tours or food and beverage.

The Reserves Act also allows for reserve administrators to set a reasonable entry fee to recreation reserves, and the Council may decide to set an admission fee to non-Hamilton residents to offset future development costs.

There is also an opportunity to package services including services and amenities beyond the Gardens site. For example: a tour and lunch in the Gardens combined with a boat trip to see an exhibition in the Waikato Museum and even accommodation.

POLICY

Council may decide to introduce or trial an entry charge into the Enclosed Gardens for non-Hamilton residents.

The retail store will sell good quality merchandise that is in line with the Garden themes.

APPENDIX

6.1 HAMILTON GARDENS STRATEGY SUMMARY

VISION:

TO CREATE A WORLD CLASS GARDEN THAT ENHANCES HAMILTON'S REPUTATION, ECONOMY AND QUALITY OF LIFE

GOALS:	To create a world class garden experience	To improve the capacity and practical operation of the Hamilton Gardens site	To enhance the value of Hamilton Gardens to the local community	To protect and sustain Hamilton Gardens for future generations
What does long term success look like?	<p>Hamilton Gardens is recognised as one of the world's great gardens by visitor industry.</p> <p>The momentum of development of new gardens is maintained so that within the next thirty years all the proposed gardens have been completed to tell the full story of gardens</p> <p>The integrity of the Gardens concept and each garden is retained with inappropriate details or interpretation avoided</p> <p>Interpretation is of a standard that matches best practice in museums and similar facilities</p>	<p>There is sufficient parking for events with all parking accessible from both entrances. As a result, parking wardens are rarely required and the traffic flow on Cobham Drive is not disrupted.</p> <p>More garden visitors use public transport, the boat service and the cycleways that run through the Gardens.</p> <p>The Garden facilities can cope with peak times use and access through the theme gardens is not congested.</p> <p>Most accessways through the gardens meet accessibility standards.</p> <p>Maintenance vehicles are able to cross the park without using the Cobham Drive cycleway.</p> <p>The expanded area of theme gardens is enclosed</p>	<p>The majority of out of region visitors to Hamilton Gardens stay in the city overnight generating an economic benefit to the local economy of at least \$50 million p.a.</p> <p>Hamilton Gardens promotes the city's reputation and supports other city organisations that attract events and visitors.</p> <p>Hamilton Gardens is well used by the local community for informal recreation activities like; walking the dog, cycling or children's play.</p> <p>A wide range of community events continue to be held that enhance the Gardens, rather than detract</p>	<p>The site's cultural and historic assets are maintained and interpreted appropriately.</p> <p>Ecological features of the site are conserved, particularly remnant indigenous flora and fauna.</p> <p>The operation of Hamilton Gardens becomes carbon neutral by 2030.</p> <p>There is sufficient security to ensure the safety of park assets, staff and visitors.</p> <p>The design integrity of each garden is maintained and appreciated.</p> <p>Links are fostered with universities and similar overseas institutions that have programmes that</p>

	<p>The standard of maintenance in Hamilton Gardens is in keeping with other world class gardens.</p>	<p>to protect the more sensitive assets.</p> <p>More advantage is taken of the river with gardens created right along the river frontage.</p> <p>The structural integrity of the city water mains, steep riverbanks and the cap over the old rubbish dump are maintained.</p>	<p>from the peaceful garden environment.</p> <p>Hamilton Gardens becomes a valuable resource for local schools with resource material for a range of subjects.</p> <p>The on-site WINTEC Horticultural Education Centre becomes a national center of excellence in amenity horticulture.</p> <p>An enclosed dog exercise area is created alongside Hungerford Crescent.</p>	<p>complement Hamilton Gardens.</p> <p>Revenue and sponsorship is generated to offset operating and development costs without compromising the garden's experience.</p>
Priority work areas	<p>Development of the Picturesque Garden, Surrealist Garden, Ancient Egyptian Garden, Medieval Garden, Pacifica Garden and Baroque Garden.</p> <p>The international reputation and mystique of Hamilton Gardens is promoted.</p> <p>Ongoing improvements are made to the interpretation of the gardens with an initial emphasis on the use of new technology and engagement with specific individual interests.</p>	<p>The new parking layout is developed linking both entrances, multi-modal access is developed and promoted, and the bus access is also improved.</p> <p>The upper and lower cycleway links through the Gardens, are completed and pedestrian access to the upper carparks re-graded to meet accessibility standards.</p> <p>A new area like the Rhododendron Lawn is created to accommodate all the activities that currently use that lawn.</p> <p>An additional shed is acquired for storing maintenance vehicles.</p> <p>A more attractive and intriguing entrance is created.</p>	<p>Out of region visitors are encouraged to stay in the area longer through: further on-site engagement and promotion of other local attractions and amenities.</p> <p>More educational resources are developed to interpret the Gardens and add value to the schools that already visit.</p> <p>A pavilion is developed at the western end of the Enclosed Gardens specifically for events and school classes.</p> <p>On site events are managed to reduce conflict with other park users and damage to assets.</p>	<p>There is a long-term asset management programme in place</p> <p>An accession plan is developed to record and manage cultural and historic assets on site.</p> <p>A conservation plan is developed for the Te Parapara Garden.</p> <p>Revenue is increased from venue hire, retail sales and services that add value to people's visits or events.</p> <p>Landscape Design Statements are prepared for each garden to record the design intent and specialist maintenance requirements.</p>

Attachment 1

		<p>A new satellite café is in operation at peak times, and ongoing improvements made to the main café.</p> <p><u>Café facilities expanded to increase year-round capacity.</u></p> <p>Another toilet is developed at the western end of the Enclosed Gardens along with an event pavilion to meet a current need.</p> <p>The information Centre is expanded, and interpretation expanded.</p>		<p>Sustainable management practices are continually improved to minimise waste and environment impacts.</p> <p>A plan is developed that identifies strategies to reduce Hamilton Gardens carbon footprint</p>
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Item 7

6.2 GARDEN COLLECTIONS

FANTASY GARDEN COLLECTION

A collection of gardens featuring the different genres of garden fantasy that have transcended different cultures, inspiring most garden design innovation. Each also has a direct relationship to one of the arts. These arts are deliberately diverse: Celtic decorative arts, theatre, classical opera, Chinese ceramics, surrealist art, modern literature, and conceptual art. The courtyards between the gardens in this collection refer to the arts of: science fiction, children's literature, and expressionist. The courtyards between the gardens in this collection refer to the arts of: science fiction, children's literature, expressionist art and film.

TUDOR GARDEN

An inspiration for 16th Century English renaissance gardens were the patterns of Celtic knots, monastic book illustrations and their contemporary decorative arts such as embroidered textiles. One of the best-known patterns has been recreated in this knot garden.

Other typical features incorporated into this garden are the raised gallery overlooking the knot garden, the shipbuilders' arbour, Elizabethan wall and the small banqueting pavilion. Also typical were the fantasy beasts on striped poles. In this garden they hold the coat of arms of famous Tudor personalities.

BAROQUE THEATRE GARDEN

During the 18th and 19th centuries European royalty developed dramatic theatrical gardens that included the elements of stage set design.

These gardens weren't just used for theatrical events, they provided a setting for important people to dress up in expensive clothes and powdered wigs and to be seen.

This German or Austrian form would feature a New Rococo façade, large reflecting pool and two sculptural groups. Of all the gardens this possibly has the most direct association with classical music.

PICTURESQUE GARDEN

An interpretation of naturalistic, overgrown 18th century Picturesque gardens that were intended to appeal to not only the eyes but also the heart and the mind. They were in part a reaction to Baroque formality, inspired by the new fashion for landscape paintings of wild, romantic landscapes often featuring classical ruins. There was often a planned sequence of features or a ritual journey that would refer to a well-known fantasy story. In this garden that story is Mozart's 18th century opera 'The Magic Flute' told through a series of garden features with strong Masonic associations.

CHINOISERIE GARDEN

In the mid-18th century Europeans were becoming aware of Asian arts and crafts and there was a craze for anything Chinese or Japanese. Without much from Asia to work from, European craftsmen were inspired to create original work such as Wedgwood pottery, Chippendale furniture, Willow Pattern ceramics and posters, all inspired by Japanese prints.

This fashion also included new types of garden structures and decoration, such as those in this garden, which were largely inspired by imported Chinese ceramics.

SURREALIST GARDEN

The mid-20th century Surrealist Art Movement, inspired by the work of Sigmund Freud, sought to interpret the mysterious world of dreams and the subconscious mind. While there wasn't a corresponding movement in garden design there have always been surrealist elements in gardens from the strangely shaped Taihu rocks in ancient Chinese Gardens to Singapore's Super Trees in Gardens by the Bay.

In this garden everything will appear five times the normal size but dominated by giant topiary figures that move while you're not watching.

MANSFIELD GARDEN

Katherine Mansfield was one of a group of the world-famous authors credited with inventing modern literature. One of her best-known stories 'The Garden Party' describes an early 20th century New Zealand garden being prepared for a large party. Aside from the items she describes, this garden has many of the features and plants common to gardens at this time. The tennis court is set out ready for her party to begin.

CONCEPT GARDEN

The emerging 21st century 'conceptual garden' movement is essentially an extension of modern, conceptual art and 'land art.' These gardens are not necessarily practical, natural, or even attractive in the normal sense, but are based on a central idea or message often derived from the history or landscape of the site in which they sit. The designs are usually strong, colourful and emphatic.

This garden has been inspired by two Maaori whakatauki and the legend beside land use maps in old school atlases.

PRODUCTIVE GARDEN COLLECTION

A collection of productive gardens that each address aspects of the relationship between people and plants. Ranging from plants with religious significance to the Ancient Egyptians to plants of economic importance in Pacific cultures. From the herbs used by the early NZ colonists to a modern form of sustainable gardening.

ANCIENT EGYPTIAN GARDEN

A 'Middle Kingdom' temple garden that displays many of the common ancient Egyptian garden features such as: a symmetrical layout enclosed within high mud brick walls, dramatic entranceway, a 'step pool' stocked with fish, and vine covered pergolas for shade. Most of the plants they used for offerings, cures, rituals and processions can be grown in this climate. Despite the wealth of information on these sophisticated ancient gardens, there is no trace of one being recreated in modern times.

PASIFIKA GARDEN

The ~~existing Tropical House will display garden will display~~ plants from the South Pacific islands and their closest equivalents. In the centre, a Samoan Fale Afalau shelter would provide an event or teaching space as well as screen the upper glass structure.

Within a jungle setting productive plants would be grown such as the: yam, talo, ta'amu, sweet potato, arrowroot, sugar cane, ti, paper mulberry, pandanus, taro, banana, breadfruit; possibly the kava and coconut showing their use and cultivation.

TE PARAPARA GARDEN

An early 19th century pre-European Maaori garden that shows traditional forms of food production and storage and plants of economic importance to Maaori. The banks along this stretch of the Waikato River were full of gardens and the Waikato-Tainui tribes were renowned for their horticultural skills.

This garden features a pataka kai and highly significant carvings with local significance. This garden is on the site of an ancient settlement called Te Parapara that had significance for rituals associated with harvesting food crops.

MEDIEVAL GARDEN

From the fall of the Roman empire through to the 16th century, a distinctive form of medieval garden was the monastic, cloistered courtyard. The structure of the courts in this example are based on the ruins of St John of the Hermits Monastery in Sicily. One court is a simple Cloister Garth, which was a form of courtyard generally used by the monks for prayer and contemplation. The other is an Apothecary's Garden, which supported the healing of the sick in a monastic hospital.

HERB GARDEN

While the design of this traditional herb garden is relatively modern, the variety of herbs used has focused on those used by early New Zealand colonists.

The four central beds have herbs for: culinary, cosmetic, perfume and medicinal use. The side gardens include collections of herbs used for dyes, Asian food and herbal drinks.

SUSTAINABLE GARDEN

This represents a modern backyard garden, displaying techniques and principles of small scale, sustainable food production. These include: a movable chicken coop, liquid manure barrels, edible perennials, compost, companion plants to discourage pests, a worm farm and bee hives.

PARADISE GARDEN COLLECTION

'Paradise' is derived from the Persian word pairidaeza meaning an 'enclosed garden'. This is a collection of small enclosed garden traditions that each represent different perceptions of paradise.

CHINESE SCHOLARS' GARDEN

An interpretation of the 10th-12th century Sung Dynasty 'scholar gardens' that were designed as natural worlds of imagination and surprise. The scholars and landed gentry created gardens that represented a mythical paradise and home for the 'immortals'. They had different layers of meaning, symbolism and ambiguity. Usually there was also a close relationship with the arts of landscape painting, poetry, calligraphy and music. Groups of rocks, typically chosen for their contorted, sculptural form were a particularly important element in such gardens.

JAPANESE GARDEN OF CONTEMPLATION

An example of the 14th-15th century Muromachi period garden designed for Zen meditation where worldly desires could be put aside, and enlightenment sought through meditation. These gardens were usually associated with monasteries and the central building is based on that of an Abbots Quarters.

Elements like the rock placement also reflected Shinto, Taoist, Confucian as well as Buddhist influences. This garden is comprised of three types of Muromachi contemplative garden: the Zen Garden, the Scroll Garden and the Stroll Garden.

ENGLISH FLOWER GARDEN

An example of the English 19th century Arts and Crafts gardens that were designed as an idyllic setting for large country homes sometimes unconsciously trying to recreate a mythical golden age. The best examples had extensive plant collections with planned seasonal colour compositions inspired by new colour theories and the work of the Impressionist painters. The Arts and Crafts movement valued craftsmanship and until the Great War wealthy families could afford large teams of skilled gardeners to tend their high maintenance gardens which often included long herbaceous borders.

MODERNIST GARDEN

Late 20th century modernist garden design broke away from formality and avoided decorative features. Designs were generally inspired by the site and the shift to outdoor domestic living, generally with a close relationship between indoor and outdoor areas. They were often influenced by Modernist architecture and the Modernist art movements. In this garden that includes: The Cubist influence on the paving pattern, the Surrealist sculpture in the pool and the Pop Art mural.

This was a modern version of paradise where you might endlessly relax by the pool drinking pina coladas.

ITALIAN RENAISSANCE GARDEN

At the other extreme powerful Italian families liked to show off their wealth with magnificent gardens. During the 15th-16th Italian Renaissance period they were also inspired by the achievements of ancient Greece and Rome to create large formal gardens around their grand country villas. Their aim was to rationalise, control and improve upon nature with garden layouts generally based on geometric forms and proportions. A central axis and a series of water features generally unified the different parts of the garden that could include woodland, sculptures, galleries and extensive plant collections.

INDIAN CHAR BAGH GARDEN

These were a symbolic form of a paradise divided into four quarters by the four symbolic rivers referred to in ancient sources before the Koran and even the Book of Genesis. The oldest remains of one are around 4,000 years old but they were popular between the 8th and 18th centuries throughout the Muslim world stretching from the eastern end of the Silk Route to North Africa and Spain. This example is an interpretation of the 16th-17th small Mughal garden with design detail like the Taj Mahal. Water was particularly luxurious and precious in the semi desert environments.

PUBLIC GARDEN COLLECTION

Public gardens have been around for thousands of years shaped by different cultures and social structures. At times they have served as social centres, outdoor reception rooms and spaces for education, recreation and commemoration.

(The older section of Hamilton East Cemetery outside the proposed Enclosed Sector provides a typical 19th/20 century example of the Park Cemetery Movement.)

VEDIC GARDEN

The Vedic were a bronze age, Indian civilisation who introduced Sanskrit to India and may have originally come from north of the Caucasus Mountains. Their communal riverside gardens reflected sacred texts and a comprehensive philosophy on land use.

This 4th century BC proto-Hindu example would feature: a grid of flowering and fruiting trees on an east west axis, vegetables, a step pool, torana (stone gate) and deep, thatched veranda with brightly painted columns.

ROMAN PORTICO GARDEN

Many 2nd century Roman portico gardens were an elaborate version of the Greek-style palaestra and the smaller Roman courtyard gardens.

These public courtyards were often associated with a theatre, bath complex, library or temple and became a favoured haunt of the Roman elite. The central space surrounded by covered portico often featured: pools, semi-circular seats, mosaic paving, pollarded trees, pot plants, an aviary, statues on plinths, trompe l'oeil and frescos on the walls of garden scenes.

PERSIAN GARDEN

From Samarkand and Mughal India across to the Moorish gardens of Spain, many gardens were inspired by the legendary Persian gardens. The forecourts of mosques and theological colleges often had high

surrounding walls, a monumental entrance on the east side, symmetrical layout, fruit trees, a large pool and decorative tile work. In these spaces' visitors could wait for appointments or study in the shade of a high colonnade with massive wooden columns.

HORTUS BOTANICUS

This is a reproduction of the 16th century Dutch Renaissance botanic garden in Leiden. Hortus Botanicus was a very typical botanical garden of the period and particularly significant because of the plants being introduced to Europe by the great Dutch trading empire.

Plants would be grouped according to classification, so it should appeal to educational groups and those with a botanical interest.

VICTORIAN FLOWER GARDEN

An example of the Neo-Italianate Gardenesque style that spread throughout the western world during the 19th century and was still common in public gardens through most of the 20th century.

Dominated by seasonal carpet bedding utilizing tropical and temperate plants it would also feature, closely cut lawn, topiary, plain shrub borders and Victorian era detail such as the pergola, paths with tile edges, a fountain, seats, gates and a statue of Queen Victoria looking unamused.

STRUCTURAL GARDEN

The 21st century has seen a rapid increase in the number of gardens growing on structures, over roads and carparks, sometimes on top or the sides of buildings and even on disused elevated railway structures. In congested cities, there are fewer gardens actually growing in the ground, so that most could be classified as structural gardens. This structural garden is proposed in the shape of a person. This giant figure covered in vegetation overlooks the bank down to the lake where concerts have been held, so it's also a public event and performance garden

LANDSCAPE GARDEN COLLECTION

A collection of landscape gardens that demonstrate how different attitudes to nature and major philosophical movements have shaped man-made landscapes. These range from venerating to dominating nature and from productive idealised landscapes to recreating new natural-looking landscapes.

MAHAYANA SANCTUARY GARDEN

The existing hillside already features Asian woodland plants but would be further developed as a 3rd century Chinese Mahayana Sanctuary garden. In China these were usually Daoist / Confucian mountain retreats intended for self-cultivation and symbolising the journey of life. Possibly originating from Hindu north-western India but with some early Roman and Greek influence. This form of retreat spread with Buddhism through central Asia and to Japan and Sri Lanka. They were developed in China from 500 before common era and included features like: an entrance way facing west, mandalas on pavements, stone animals, special trees, stupas, caves, carved cliff faces and painted pavilions.

FRENCH PARTERRE GARDEN

This was a distinct western European art form in the 17th century with a later 19th century revival. These highly structured gardens reflected complete domination of the natural world influenced by philosophers such as d'Argenville and Pascal.

This relatively small-scale example would feature an impressive parterre de broderie pattern of box, turf, gravel and bedding plants overlooked by a large, raised terrace.

Behind the terrace a 17th century French, Baroque façade would screen limited access to an 'events garden'.

Note: Image has been replaced

ENGLISH LANDSCAPE GARDEN

Probably the most influential landscape movement of all was the 18th century fashion for informal, grassed, 'Arcadian' rolling parkland with lakes, contoured landform, tree groups and classical pavilions and sculptures.

The craze for this type of garden swept through Europe replacing many old formal gardens and still influences park and golf course design. This open grassed area would be grazed with a small flock of sheep contained along the bottom edge with a ha-ha sunken wall.

ECHO BANK BUSH

One of the last pockets in Hamilton of remnant indigenous vegetation, these steep banks and cliffs connect the Gardens with its pre-European history and form part of the kete that holds the garden collection. ~~are already providing a good example of the 20th century conservation tradition associated with philosophers like Henry Thoreau and Willy Lange.~~

~~The top grassed areas would be replanted in plants indigenous to the Hamilton district as an example of the 20th century Naturalistic /Aesthetic style. Access to a floating deck at the bottom of the cliff face would be along boardwalks and entry into this would be through a cave. The Garden area may lie outside the Enclosed Gardens in order to retain public access to the river bank.~~

BEE MEADOW

There is increasing interest in creating ecosystems to address issues such as industrial site restoration or creating an endangered fauna habitat. In the 21st century this has sometimes been referred to as 'new ecology'. In this case a meadow over the old dump site and what was a carpark using low growing plants that provide food for bees and butterflies. It would be partially surrounded by hedgerows which have long been recognised in Europe as a valuable semi-natural habitat.

The Story of Gardens

Gardens are a significant and very ancient art form and, with the good interpretation, they can tell us a lot about the societies who've created them. Each garden in this selection showcases an important theme from the significant ages of civilisation. Together they tell a story of humankind, from Late Bronze Age to the present day. In the process these gardens can provide insights to what it is to be human, and perhaps even point to an optimistic future age. Some elements in this compelling story are still to be created.

- **Ancient and Medieval World**
 - Ancient Egyptian Garden
 - Vedic Garden
 - Mahayana Sanctuary Garden
 - Roman Portico Garden
 - Medieval Garden
- **The Silk Roads**
 - Persian Garden
 - Chinese Scholars' Garden
 - Japanese Garden of Contemplation
 - Indian Char Bagh Garden
- **Renaissance**
 - Italian Renaissance Garden
 - French Parterre Garden
 - Tudor Garden
 - Hortus Botanicus
- **Age of Enlightenment**
 - Baroque Garden
 - Kitchen Garden
 - English Landscape Garden
 - Picturesque Garden
- **Oceania**
 - Pasifika Garden
 - Te Parapara
- **Age of Empire**
 - Chinoiserie Garden
 - Victorian Flower Garden
 - Park Cemetery
 - Mansfield Garden
- **The Modern Age**
 - English Flower Garden
 - Modernist Garden
 - Sustainable Backyard Garden
 - Concept Garden
- **Te Taiao**
 - Echo Bank Bush
 - Bee Meadow
 - Surreal / Augmented Reality Garden
 - Structural Garden

Draft Hamilton Gardens Management Plan

1. INTRODUCTION

The Hamilton Gardens site is made up of areas that were the East Town Belt, a former Rifle Range Reserve and the site of a closed city rubbish tip. Development of the site began in the 1960s, however the first comprehensive plan was not developed until the 1980s. This is the fourth review of the Hamilton Gardens Reserves Act Management Plan.

Te Haa o te whenua o Kirikiriroa (Council's Mana whenua representatives) have described the Hamilton Gardens as the kete of Kirikiriroa, a basket that holds the story of gardens through the ages, from around the world for visitors to enjoy. The Hamilton Gardens offer manaakitanga- the important concept of welcoming, hospitality and respect that we have for the many cultures reflected in our garden designs and that we share with local people and visitors from further afield.

The Hamilton Gardens Management Plan recognises the importance of working in partnership with Iwi and Mana Whenua on the future development of the Hamilton Gardens to ensure their continuing relationship with, and aspirations for, the whenua, Waikato Awa, flora and fauna. It is important that the expression of Maaori culture and traditions are appropriately recognised and achieved through the implementation of the Management Plan.

1.1 PURPOSE

The Vision of this Plan is to support the creation of a world class garden that enhances Hamilton's reputation, economy and quality of life. The plan defines the strategies, objectives and policies for the development, operation, management and public use of Hamilton Gardens.

The Hamilton Gardens Management Plan has been prepared to meet the requirements of the Reserves Act (1977). The Act defines the purpose, general form and process of public consultation for development and reviews of Management Plans. It also requires the classification of the reserve to ensure management and development are appropriate for the classified principal purpose. The Hamilton Gardens site is classified as Recreation Reserve. The adjacent Hamilton East Cemetery is classified as Local Purpose Reserve- Cemetery and is managed under the Hamilton cemeteries Management Plan.

Management Plans provide a Link between Government Legislation, wider Council plans and policies and detailed operational plans and standards specific to Hamilton Gardens. This Management Plan will influence other planning and management processes.

The previous operative management plan was approved in 2014. Normally a management plan wouldn't be reviewed within five years, however the review has been triggered by three issues.

- The extension of Wairere Drive is being constructed on land that was part of the Hamilton Gardens site, and a small area eastern end of the Gardens will become a separate riverside park. The 'Recreation Reserve' classification of these areas will need to be updated to reflect these changes.
- A new long-term development plan for the Hamilton Gardens has been developed, and some of the proposed projects from the plan require amendments to the Management Plan.
- New options for generating revenue to offset development and operating costs may be explored, including the option to introduce visitor charges

1.2 PLANNING CONTEXT FOR THE HAMILTON GARDEN MANAGEMENT PLAN

2. GOAL - TO CREATE A WORLD CLASS GARDEN EXPERIENCE

2.1 OVERVIEW OF THE GARDENS CONCEPT

The Hamilton Gardens has an internationally unique concept; the theme of "promoting an understanding of the context, meaning and history of gardens". The Hamilton Gardens tell the story of gardens over the span of human history and challenge the visitor to consider why specific garden types developed in the way they did.

Having a unique concept gives Hamilton Gardens a valuable point of difference and appeals to a wide range of people, even those who have not had a previous interest in plants or gardens. However, the validity of the gardens depends on each one having a high level of design and historic integrity, within the constraints of budgets and sites. Careful research is required for each garden's development, interpretation and on-going maintenance.

Currently the kete concept (that the gardens are a basket that hold the gardens through the ages from around the world) is being developed with a view to increase native planting around the periphery of the site, thereby locating the gardens as a whole, physically and symbolically within this Te Ao Maaori. This concept could be extended further through design, interpretation and signage.

The timeline in Figure 2 shows how the existing and proposed gardens span the history of civilisation. The horizontal lines show major movements, cultures or traditions, while the vertical lines show where the Hamilton Gardens examples sit relative to those. These gardens are arranged in five collections, each with a different theme.

- The 'Fantasy Garden Collection' focuses on the relationship between gardens, fantasy and art.
- The 'Productive Garden Collection' examines the relationship between plants and people.

- The 'Paradise Garden Collection' demonstrates different perceptions of a garden paradise on earth.
- The 'Public Garden Collection' will include different types of public garden that reflect different historic social structures.
- The 'Landscape Garden Collection' will reflect the changing attitudes to the natural world.

Other parts of the Hamilton Gardens (outside of the enclosed sections) relate to the overall theme;

- The 'Rogers Rose Garden' has a collection that tells the story of the development of the modern rose. It starts with a collection of species roses and includes the stories of Empress Josephine's Malmaison roses, Jean Baptiste Guillot and the first hybrid tea rose and Francis Meiland and the 'Peace' Rose and finishes with the trial beds of the latest modern hybrids being introduced into New Zealand.
- The 'Valley Walk' that runs up the gully remains an example of the 20th century Naturalistic /Aesthetic style using plants indigenous to the Hamilton district.
- The 'Tropical Garden' represents a common garden fantasy of creating garden environments from other climatic regions, in this case, a tropical themed garden in a temperate Waikato climate.

POLICY:

Hamilton Gardens will be developed as a series of historically significant garden types that collectively promote an understanding of the context, meaning and history of gardens

The concept of the Hamilton Gardens as a kete and the concepts of manaakitanga will be developed and promoted in association with Iwi and Hapu as part of acknowledging their relationship with the Hamilton Gardens site, their role as Kaitiakitanga, and the historical and ongoing significance of this special place to Maaori.

2.2 PROMOTION OF HAMILTON GARDENS AND ITS CONCEPT

There are five main aspects to promoting Hamilton Gardens:

- Promoting the reputation and awareness of Hamilton Gardens, its concept and point of difference
- Encouraging people to visit Hamilton Gardens and promoting out of region visitors to stay in the city longer
- Interpreting the context, meaning and history of gardens in the context of the themed gardens
- Developing the business opportunities associated with Hamilton Gardens, such as venue hire, tour packages and event bookings
- Encouraging support and sponsorship for the ongoing development and enhancement of Hamilton Gardens.

In addition to Hamilton City Council's strategic partnership with Waikato Tainui, partnerships with other organisations such as Hamilton and Waikato Tourism, Waikato Museum, Hamilton Zoo and the Hamilton Gardens Cafe will help resources go further and enable opportunities to leverage off other brands and events, particularly at a local level. Events such as the Hamilton Gardens Arts Festival attract independent sponsorship and support while promoting Hamilton Gardens. Work has begun on adding value to garden visits by promoting tourist packages to meet market demand.

SIGNAGE AND INTERPRETATION

Feedback suggests that the more people understand the gardens the more they enjoy them. Information for visitors should be relevant, easy to understand and presented as part of a narrative or story.

Garden signage is an important part of the visitor experience; however, this should be balanced against having too much, which could negatively affect the look and feel of the garden.

Signage and interpretation can be used to reflect the importance of historical sites (pre- or post-European) within the gardens site. The protection and ownership of Maatauranga Maaori (knowledge and understanding) will be recognised through design and interpretation.

Whenever possible, new technology will be used to enhance the user experience of visitors and improve navigation through the gardens. A Hamilton Gardens app is already available; however, this is currently restricted by limited mobile and wireless coverage across the site. **POLICY**

Interpretation within Hamilton Gardens will focus on explaining the concept, the gardens and promotion of other local attractions and amenities.

2.3 ACHIEVING WORLD CLASS STANDARDS

Achieving a world class standard involves a high level of customer service, quality design, high attention to detail, and well-maintained spaces. For example, plants should be healthy, structures and hard landscaping should be well maintained, staff are accessible and helpful, and there should be minimal distractions for visitors.

Design Standards are developed for each garden which specify the standards of maintenance required. Gardens are monitored to ensure that minimum standards are retained and areas for improvement are identified with the aim of constantly improving those standards.

There are three key aspects to achieving world class standards for gardens:

- That the Gardens provide the experience that people might expect of a world class garden.
- That the design of the Gardens has been based on research into perception studies and a planned, sequential visitor experience.
- Defining, measuring and monitoring quality standards of everything that's being delivered; from structural maintenance to customer service or satisfaction with the cafe. Hamilton Gardens has a comprehensive range of tools to do this ranging from: contract performance standards, asset

management plans, customer service standards to audited garden design specifications and lease agreements.

2.4 FUNDING AND SPONSORSHIP

The majority of funding for Hamilton Gardens is determined through Hamilton City Council's 10-Year Plan and Annual Plan process. Over the past 40 years, however, Hamilton Gardens has benefited from millions of dollars from the community, including cash sponsorship, gifts in kind and volunteer work. Hamilton Gardens has been recognised nationally and won awards for its sustained programme of fundraising and community support, particularly through the establishment of specialist trusts to support the development of specific gardens. The reason this has worked well is the aim of each trust has aligned with the operative Management Plan and successive trust boards have been committed to achieving quality and design integrity.

Before any sponsorship proposal that will have a significant impact on operating costs it must be approved by Council. This is because permanent new assets become Council property and there can be a significant budget impact from ongoing maintenance and renewal costs.

Development priorities set out in the previous Management Plan remain relevant, namely:

- Completion of the enclosed gardens
- Catering for increased use: and
- Improving standards of presentation and customer service.

A number of trusts have been established over the years to raise funds for new gardens and run major events to promote the Gardens. The Hamilton Gardens Development Trust is currently the main trust focused on raising sponsorship and committed to supporting the developments proposed in this plan.

The Friends of Hamilton Gardens is an incorporated society formed in 1988 to provide a key focus for community involvement in the Gardens. During the past 20 years the Friends have raised substantial funding for garden development. They have supported the specialist trusts and often provide the resources to finish off important smaller projects. Volunteers from the Friends have attended the Information Centre every day since 1994 and take part in other practical projects such as propagating plants for sale.

SPONSORSHIP RECOGNITION AND MEMORIAL PLAQUES

Sponsorship valued at more than \$1,000 may be recognised on a low-maintenance plaque for the life of the asset being sponsored. Sponsor recognition of a specific garden feature should exceed \$8,000 in value. Sponsor recognition will be confined to a single sponsor plaque in each garden in an approved location. A sponsors' board recognising recent major sponsorship more than \$100,000 is displayed in a prominent place in the Piazza. Permanent recognition of community groups that have made a major contribution to Hamilton Gardens are confined to the wall plaques in the Piazza. A major contribution is an asset worth at least \$200,000.

Commemorative plaques are limited to people who have had a direct and continuous association for at least 20 years in which they played a leading role in achieving something significant for Hamilton

Gardens. Any event commemorated on a seat should be of significance to the history of Hamilton Gardens.

POLICIES

Commemorative plaques are not permitted except as commemoration of a significant event or person associated with Hamilton Gardens.

Community support and sponsorship for developments will be encouraged and pursued where the development meets the following criteria:

- Appropriate to the concept and policies in this plan;
- Resources are available to meet the ongoing operating, maintenance and renewal costs;
- Standards are high and there are assurances of quality control; and
- The project can be completed, if not all resources are able to be offered initially.

3. GOAL – TO IMPROVE THE CAPACITY AND PRACTICAL OPERATION OF THE HAMILTON GARDENS SITE

3.1 INCREASING THE CAPACITY OF THE GARDENS

Visitor numbers during peak periods are exceeding the capacity of the site. Problems on busy days include insufficient parking, traffic congestion, long queues for the cafe and toilets, and overcrowding in the enclosed gardens. These issues negatively affect visitor experience and create potential safety hazards. Developments to address these issues and enhance the site have been proposed in Hamilton City Council's 2021-31 10-Year Plan. The Concept Plan and the Access Plan show the proposed layout of the Gardens.

Currently vehicle access to the gardens is through two entrances off Cobham Drive. The two main carparks do not join, meaning that some parking areas are underutilised. Under the proposed layout all parking will be accessible from both gates, substantially reducing the need for traffic control.

Proposed developments include designated parking for all modes of transport and working with partners to improve the availability and reliability of offering of these alternative modes - including designated cycle parking to encourage other modes of transport besides cars.

Strategies to ease parking congestion include:

- encouraging people to use the underpass from Hamilton East
- encouraging Gardens visitors to use the cycleways and public transport. The Waikato Regional Council are currently investigating ways to improve public transport to the Gardens.

Demand for food and beverages can vary dramatically from day to day. To address demand for busy times a pop-up ice cream van operates near the playground and an expansion of café facilities is anticipated within this Plan.

At busy times there are blockages at narrow points like the Char Bagh Garden passage that could be hazardous in the case of an emergency. Heavy use can also damage lawns, paint finishes and plants particularly where people walk on garden areas.

A controlled entrance into the Enclosed Gardens is proposed which may mean visitors queuing if they choose to visit at peak times.

Two further toilet blocks are proposed. One is proposed within the wide border alongside the Rhododendron Lawn. This will be close to the future main entrance and bus parks and can also support events held on the Rhododendron Lawn. The second toilet is behind the French Parterre Garden façade at the eastern end of the Enclosed Gardens. A staff toilet would also be located here, near the secondary maintenance yard and staff tearoom.

3.2 IMPROVING ACCESS INTO AND THROUGH THE GARDENS

The 'Land Use Plan' on the opposite page shows that most of the park is either being developed as a passive park/open space (yellow) or enclosed thematic gardens (green) Enclosed Gardens means that the area is closed to public access at night and entry during the day is via a controlled access point (the enclosing fence line is shown as a red line).

The areas of passive park that will remain open at all times includes the open lawns, bush walks, destination playground, rose garden, dog exercise area, car parks, walkways and cycleways. All development of the Gardens will preserve public access through existing and planned path networks.

Vehicle access through gates 1 and 2 is closed at night for security (see 5.3 Security of Assets and People) except for evening events.

New pathways into the gardens will be designed using universal design principles and best practice methods to safely accommodate all users.

The plan has provision for a possible future pedestrian bridge across the river from the Gardens to the south-western bank to link with future developments in Peacocke.

The main service roads for park maintenance vehicles are shown in orange. These are one of the secrets of Hamilton Gardens in that they provide vehicle access to most of the Enclosed Gardens but in a manner that is hidden from public view. This means that service access is provided without compromising the scale, design integrity and enclosure of each theme garden. The new layout also means that service vehicles can easily move from one side of the site to the other. and that they will no longer need to use the Cobham Drive cycleway thus avoiding conflicts with cycle use.

There are two main cycleways proposed for the Hamilton Gardens site. (Shown in red). The cycleway running adjacent Cobham Drive and around the gully will suit commuter cyclists moving quickly through the area, while the longer, more scenic, route winding through the gardens may suit the recreational cyclists.

All bicycles, rollerblades, skateboards, scooters and similar devices are excluded from the Enclosed Gardens for safety reasons.

There are four entrances into Hamilton Gardens aside from the gate 1 and 2 vehicle entrances. Pedestrian and cycle access are provided under Cobham Bridge (W) linking Hamilton Gardens to the city's river walkway system. An underpass just west of Grey Street provides safe pedestrian and cycle access from Hamilton East which should help ease peak time traffic congestion. A controlled crossing by Wairere Drive (E) will provide access to Hamilton East and Hillcrest and the river walk south. The river jetty (J) is in the centre of the site so that eventually it will provide an entrance directly into the Enclosed Gardens.

A proposed tree-top walk will make a spectacular entry point to the gardens. The walkway will take visitors from the upper site and carpark to the Gardens precinct, while accessibility paths and parks for visitors with young children will be provided for in the lower carpark (currently carpark 2). Bus stops and a drop-off area will also be provided for in the lower carpark.

The location and design of internal paths is generally driven by levels of use, the planned hierarchy of paths, requirements of park service vehicles, site topography and the planned sequential experience of each garden area.

However, most of the paths within the Hamilton Gardens meet accessibility standards, and improvements to existing pathways will continue to ensure the gardens are accessible as possible for people with disabilities. The principles of universal design will apply for all future developments on the site (including the proposed tree-top walkway) to prioritise inclusiveness as well as the safety and enjoyment for all users.

. It is not possible to provide grades that meet accessibility standards on every part of the site, and there will always areas where access may be difficult. For example, the gully walks and parts of the Chinese and Japanese Gardens.

3.3 FACILITIES AND OTHER SITE FUNCTIONS

Facilities that support the function of the Gardens include:

- Visitor facilities
- Event facilities
- Education facilities
- Other on-site activities

VISITOR FACILITIES

The Visitor Centre is the hub of Hamilton Gardens (12). The centre has the following functions:

Attachment 2

Item 7

- Provides information about Hamilton Gardens;
- Promotes Hamilton Gardens' features, other local attractions and visitor facilities;
- Generates income through the sale of merchandise such as guide books and souvenirs (this function is explained in more detail in section 5.5)
- Offer a booking service for events held within Hamilton Gardens;
- Provide an operations centre for public use of the gardens and Pavilion, particularly during weekends and holidays
- Provide a contact centre and a friendly human face for visitors who have questions or problems
- Encourage cash donations towards garden development;
- Hire equipment such as mobility scooters, wheelchairs and chess pieces.

The Hamilton Gardens Café (1) is leased by Council to a private operator. The current operator's lease runs from 2017 until December 2022. For Hamilton Gardens the primary purposes of the café are to provide a service to garden visitors and to generate an income to offset the Gardens operating costs.

There will be four public toilet facilities within Hamilton Gardens after the isolated toilet by the Municipal nursery is closed. Two further toilets are proposed. One is located between the bus park and the Rhododendron lawn so that travelers don't have to walk too far after arriving. The other will be behind the French Parterre Garden façade at the Western end of the Enclosed Gardens. The playground toilet (5) includes a controlled entry 'Changing Places' facility for high dependency people and their support people.

A covered wall is proposed at the entrance from the lower carpark. This is the area where buses and taxis stop, where people can be dropped off or wait to be picked up. Signage will orientate first time visitors and perhaps remind them of other local attractions before leaving.

EVENT FACILITIES

Many areas of Hamilton Gardens are used for events ranging from the Gourmet in the Gardens and fun-runs to weddings and market stalls. Indoor facilities specifically designed to cater for events include the Pavilion (14) with its two exhibition halls, seminar room, meeting room and small kitchen. To the east is the Café facility (1) and in the long term a new conservatory event space is proposed along the western side of the Lakeside Court (15). When public access no longer runs through that area, the Lakeside Court itself, should become more attractive as an evening event space with those surrounding support facilities. The Hamilton Gardens Pavilion (14) has three primary purposes:

- Attracting events complementing and promoting Hamilton Gardens.
- Supporting community activities through discounted hire rates.
- Providing an important wet weather back-up for outdoor events that enhance the Gardens, such as outdoor concerts and festivals.

The Hamilton Club Summerhouse (16) at the eastern end of the Mansfield Garden was built using proceeds from the sale of the Hamilton Club's building on Grantham Street, originally constructed in 1904. The pavilion will be predominantly available for hire for various events such as meetings, social gatherings, school classes, or family functions. As such public open access will be limited.

EDUCATION FACILITIES

The Wintec Horticultural Education Centre (17) has been Located at Hamilton Gardens since 1985, providing industry training in subjects related to the 2014 Hamilton Gardens management plan signaled a reduction in the lease area for their demonstration yard (18) and this has now been confirmed in a new lease that runs until December 2027.

Further information on the WINTEC partnership and opportunities for school education are covered under section 4.4 'Providing an Education Resource'.

OTHER ON-SITE ACTIVITIES

Over the past 40 years Council has gradually relocated facilities within Hamilton Gardens that are not related to the garden theme. These have included netball courts and clubrooms, dog dosing strip, Go Kart track, Boy Scouts Hall, the Royal Air Force Association Clubrooms and the Sillary Street Indoor Bowling Club Hall. The only activity still on site that is not directly related to the Gardens operation is the Girl Guides Hall on the corner of Hungerford Crescent (19). Since the first 1980 Management Plan there has been a stated intent to relocate this activity, but it isn't interfering with any garden development so there is no urgency in negotiating a relocation. Their current lease runs from 01 September 2018 to 31 December 2027.

The Municipal Nursery (20) is on the site of an old commercial nursery that had operated here since about 1914. While it is located on reserve land it is managed separately from Hamilton Gardens producing and dispatching plants for all city parks including all the plants for Hamilton Gardens.

Two private residences are located within Hamilton Gardens. One is in the Municipal Nursery (21) and the old Stationmaster's house adjacent to the Hamilton East Cemetery (22). The Stationmaster's House was built in 1880 and relocated to the Gardens from its original site in Frankton in 1984.

NEW LEASES

New leases and lease reviews are subject to relevant Council policy and the procedures required by the Reserves Act [1977] and the Guides and Policies in the Exercise of the Reserves Act, No. 2 - Leasing of Reserves and Other Rights of Occupation [1978].

No major new leases are currently foreseen in the term of this plan. Any new leases may be considered where:

- The activity is clearly complementary and supports the policy of this plan and does not compromise proposed or potential garden development, or the aesthetic values of Hamilton Gardens;
- The proposed activity demonstrates economic viability and provides assurance that resources will be available for reinstatement work if the venture fails;
- It is not appropriate for Council to provide or operate such a facility;
- The potential lessee needs some security for a long-term investment and exclusive rights over a defined area for a long period.

Licenses to Occupy are generally given for shorter periods than a lease and they do not give exclusive rights over a defined area. They must also be advertised for public comment following the Reserves Act public consultation procedure and they must be compatible with the policies and plans of this Management Plan. For example, a five-year license to use the Hamilton Gardens Jetty (23) for a commercial boat operation.

POLICY

Leases will be restricted to building sites only except where additional areas are essential to the function for the leased purpose. Renewal of leases and the issue of licenses will only be considered where they clearly meet the needs of garden users, relate to the overall garden theme and comply with the Reserves Act [1977].

3.4 OTHER SITE CHALLENGES AND OPPORTUNITIES

Although the Hamilton Gardens is located on an outstanding site, it also has significant challenges. It has been fragmented by existing land uses including the nursery, carparks, the landform and the Hamilton East Cemetery. It includes the Gully and River Protection Zones, it is a Waahi Tapu site and because of the refuse fill, it is classed as having contaminated soils.

CONTAMINATED AREAS

For many years the lower area of Hamilton Gardens was a sand quarry. Trucks returning to get a load of sand often brought unwanted material from work sites such as: logs, asphalt, clay and concrete. As a result, there is unpredictable fill material spread over most of the lower area creating foundation challenges. A three-hectare portion of that area was a gully which was used for household refuse disposal in 1973 and 1974. The rubbish fill ranges in depth between 2m to 9m. The landfill is monitored for gas and Leachate and is now regarded as a stable landfill site. The Resource Management Act [1991] requires closed landfills to have resource consents that promote sustainable management practices. Management of this Landfill is outlined in the Hamilton City Council Cobham Drive Closed Landfill Aftercare Management Plan.

Any development, contouring or substantial change above the 1974 Landfill site will require further consents. Apart from the parking areas, the cap generally consists of about 700mm of sand and silt soils. There are seven criteria to be met in the management of this cap:

- The aim is to maintain a minimum of 700mm cover over the refuse;
- Any exposed refuse should be covered, or the area fenced off from public access until an appropriate cover can be laid;
- The design and construction of any future drainage infrastructure can accommodate design storms, settlement and leachate and gas corrosion;
- There must be adequate storm water control measures to prevent exposure of refuse through erosion or excessive ponding or water ingress into the landfill which will cause the formation of leachate;
- The surface should be regularly inspected for distressed vegetation, cap cracking, significant settlement and ponding. Any cracks in the cap must be repaired by filling;
- No fires are permitted on the surface;
- Any site development relating to park activities must consider other requirements of the Hamilton City Council Development Manual.

The Turtle Lake Carpark (accessed by entrance 1) sits on an historic landfill site. As a result, the land has subsidence issues and requires a high level of maintenance. Options to manage these issues may be addressed by the relocation of the carpark and the development of garden areas as proposed in the Development Plan.

A city water main supplying water to the eastside of Hamilton runs through the site. As a result, truck access must be maintained to the river edge. The mains are halfway through their expected lifespan and will be replaced (or relocated) with the next 30-50 years.

THE WAIKATO RIVER

The Waikato River is an outstanding natural asset for Hamilton Gardens and, in terms of urban riverscapes, it is considered world class. The Waikato- Tainui Environment Plan emphasises the importance of the Waikato River as a tupuna [ancestor] which has mana [prestige] and in turn represents the mana and mauri [life force] of the iwi.

The 2003 Plan Nga Tapuwae o Hotumauea: Maori Landmarks on Riverside Reserves outlines principles for the management of 17 historic pa sites Located within riverside reserves, including the Ngati Wairere Te Parapara Pa which was located on the Hamilton Gardens site. The cultural status of the river to local hapu has been recognised in the 2009 Waikato-Tainui and Crown Deed of Settlement which requires joint management of the Waikato River and its riverbanks to restore and protect its health and well-being for future generations. These documents, particularly the Waikato River Joint Management Agreement between Hamilton City Council and Waikato-Tainui, provide the basis for consultation and partnership regarding any river use or riverside development. The process for participation as outlined in the Joint Management Agreement has been followed in the development of this management plan.

While more river vistas can be opened from the riverside gardens and river walks, the need to retain riverbank stability with planting means that without extensive retaining structures most river views will be framed vistas rather than wide panoramas. Riverside gardens can be designed so the river will be presented in different ways, at different heights and discovered when entering the various gardens.

The higher riverbanks at the eastern end of Hamilton Gardens are on a formation called the Walton subgroup which is relatively stable, but the riverbanks in the center and western end have a sandy substrate which is susceptible to slips and erosion. Several metres of riverbank have been lost in the Chinese, Modernist and Renaissance garden sections just in the last decade. The problem is increased by fluctuating river levels and the likelihood that the river bed will continue to degrade because the Karapiro Dam is cutting off sediment supply. Strategies to maintain riverbank stability included maintaining vegetation cover on steep banks, progressive replacement planting, removal of large unstable trees, control of storm water discharge, confining public access across banks and the establishment of appropriate ecotone planting within river margins.

The tree framework on the banks and river terraces opposite the western end of the site form a backdrop for many views within Hamilton Gardens and contribute quite significantly to the total Hamilton Gardens character. It is important for these tree groups to be retained and extended to conceal the proposed road south from Cobham Bridge and residential development south of the Glenview Club.

POLICIES:

- River views will be opened where this does not compromise riverbank stability. Opportunities will be sought to preserve and increase tree groups on the riverbank opposite Hamilton Gardens.
- Further development of the riverbank or stream will be undertaken in consultation with Waikato- Tainui through the consenting processes specified in the Joint River Management Agreement, as well as with Waikato Regional Council.
- Management of the Land over the 1974 landfill site will retain the integrity of the landfill cap in accordance with the Aftercare Management Plan for the site.

4. GOAL—TO ENHANCE THE VALUE OF HAMILTON GARDENS TO THE LOCAL COMMUNITY

4.1 INCREASING THE ECONOMIC BENEFIT TO THE LOCAL ECONOMY

Hamilton Gardens has a positive effect on Hamilton's economy. There is a direct economic benefit from out-of- district visitor spending, and the gardens contribute to the reputation of Hamilton as a city.

Surveys and studies indicate that investment in Hamilton Gardens produces a very good rate of return to the local economy. The local visitor industry is worth \$1.5 billion and at present Hamilton Gardens is the most popular visitor attraction in the city. Surveys suggest that about third of the 1.1 million visitors to Hamilton Gardens each year are local, a third are domestic visitors from outside the Waikato and a third are international tourists. 74 percent of out-of-district visitors surveyed indicated that Hamilton Gardens was either the sole reason or the significant reason for their stop-over in Hamilton.

The strategic challenge is to increase this economic benefit by attracting more out-of-region visitors and encouraging them to stay longer. Industry knowledge suggests that if tourists can be engaged for three to four hours, they are more likely to stay overnight and increase their spending on accommodation, meals, shopping and entertainment. Currently the average length of stay stays an average two hours in Hamilton Gardens.

Five strategies are being developed to address this opportunity:

- Experience in large, high-quality gardens overseas suggests that as the full development of Hamilton Gardens nears completion it is likely more visitors will stay longer than they do currently- leading to additional economic benefits
- A high-quality café or restaurant
- enhanced interpretation to really engage the visitor.

- Partnerships with other local attractions and accommodation providers to offer packages to promote longer stays in the city. For example, a package involving garden tours, morning tea, a trip on the river and a visit to the Waikato Art Museum.
- Events within the Gardens targeting tour groups. For example, an on-site garden tour combined with a New Zealand wine lecture and a cooking demonstration. Surveys and studies indicate that investment in Hamilton Gardens produces a very good rate of return to the local economy. The local visitor industry is worth \$1.5 billion and at present Hamilton Gardens is the most popular visitor attraction in the city. Surveys suggest that about third of the 1.1 million visitors to Hamilton Gardens each year are local, a third are domestic visitors from outside the Waikato and a third are international tourists. 74 percent of out-of-district visitors surveyed indicated that Hamilton Gardens was either the sole reason or the significant reason for their stop-over in Hamilton.

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4.2 CATERING FOR CASUAL COMMUNITY USE

Annual Residents Surveys over the years have shown around 85 per cent of Hamilton residents have visited at least once in the last year.

The concept plan for Hamilton Gardens shows that a lot of the area alongside Cobham Drive, which was the old town belt, will remain as open lawns and bush walks and dog exercise area complemented by the cycleways, a destination playground, toilets and the Rogers Rose Garden. Once the Rhododendron Lawn has been developed the 'Governors Green' can be used for informal sports and other community activities, that currently use the Rhododendron lawn.

DOG EXERCISE AREAS

The Dog Control Bylaw requires dog owners to have their dog under control and to avoid the animals becoming a nuisance to other park visitors. With the ongoing development of Hamilton Gardens long term plan, there will be a change to the Dog Control Bylaw.

- The large grassed area alongside Hungerford Crescent will become a fenced, off-lead dog exercise area. There will be another off-lead dog exercise area on the flat riverside area below the Rogers Rose Garden for dogs that like to swim.
- Under the Hamilton City Cemeteries and Crematorium Bylaw “no dogs or other animals are allowed in the cemetery unless a guide dog or hearing ear dog, or a dog kept by the Police or any constable, an officer of the Customs Department or the Ministry of Defense”.
- Except for service animals, dogs are also excluded from the Enclosed Gardens, which will eventually all be accessed through the Information Centre.
- In the other passive park areas along the northern side of the park, dogs are permitted on a lead.

POLICY:

- Dogs will be managed in accordance with the Dog Control Bylaw which requires dogs to be on leads other than in designated Dog Exercise Areas where they may be exercised free of restraint. Except for service animals, dogs are not permitted within the Enclosed Sector or Hamilton East Cemetery.

4.3 EVENTS AND ACTIVITIES

Hamilton Gardens has become one of the most frequently used event venues in the city, and most events are organised by and for the local community. The diverse range of events contributes to the life of the city and provides vibrancy and public awareness about the gardens. Occasionally, however, outdoor events can block access, cause damage, or disrupt the peaceful escape that casual visitors and tourists may be seeking. At times there are multiple events occurring at the same time and these can conflict with each other. For these reasons it is critical there is some control and criteria around why, when and where events are held and how they are managed.

There are two categories of organised outdoor event in Hamilton Gardens; controlled events and discretionary events.

Controlled events are generally permitted, but a booking is required for a specific time and site within Hamilton Gardens. The booking process usually gives the event organiser some certainty of venue availability but not exclusive use. The process helps park managers avoid conflicts in use, provides them with an opportunity to make users aware of any restrictions or conditions, and any damage is covered with a bond. Examples of controlled events include weddings, free performances, corporate picnics and team building activities.

Discretionary events may:

- Require exclusive use of an outdoor area, for example a paid entry outdoor concert;
- Have a significant impact on park assets and other park users, such as an event with amplified sound;

- Require special permission or consents, such as a food stall, or an event held outside normal opening hours.
- Discretionary events may be declined. Approved events will often be subject to further approvals and consents such as public notification of a closure of a section of the reserve, fireworks consent or a site safety plan.

In assessing the desirability of a discretionary event within Hamilton Gardens, the following issues are considered:

- Location, duration and time of day;
- Compatibility with Management Plan policy;
- Legal requirements [e.g. bylaws, on- site lease obligations, safety plans, NZTA Management Plans, Reserves Act, Hamilton District Plan, operator's license, liquor license];
- Characteristics of the event, such as whether it is a public or private event, numbers of people, temporary structures or services that may be required, whether the event is for commercial gain or charitable benefit;
- Precedence set for future requests;
- Disruption to other park visitors and other booked events. This includes disruption from noise or disruption to access and tolerance levels vary depending on the proposed location within the site;
- Compatibility with the garden setting and garden themes and the potential to offend cultural or spiritual beliefs relating to certain garden areas;
- Impact on the asset, the potential for damage, wear and tear and other hidden costs, and opportunities available to mitigate any adverse effects;
- Safety and security considerations including the security of other assets and the safety of other park users;
- Capacity of the venue, for example parking, power supply, wet weather alternative;
- The availability of more appropriate alternative venues or park facilities elsewhere in the city;
- Potential benefit to Hamilton Gardens and the city such as city promotion, or garden interpretation.

Hire and bond costs for outdoor areas vary with the type of event, the event's commercial nature, and potential for damage and disruption. The event may also be required to pay additional costs or a traffic management plan or a safety plan, such as extended security patrols. General hire charges are set by Council in each Annual Plan. At present the high banks surrounding the lower gardens are effective at reducing noise from events for residents. The control of unreasonably noisy events on parks is administered by Council through legislation, the District Plan and other Council policies.

Currently outdoor events held in Hamilton Gardens are not given exclusive use of an area, however exceptions may be made for special outdoor theatrical or musical performance financially viable. Exclusive use would be available for other events if organisers were prepared to pay for this privilege,

such as a corporate function. The disadvantage of this is tourists who are only staying for a limited period may lose the opportunity to experience a garden.

Several the gardens and open spaces, such as the Jade Dragon Garden, the English Flower Garden or the Mansfield Garden have been designed to accommodate performances. Future developments could include to even out the landform at the lower end of the Farm Garden to create an Amphitheatre for the large concerts that usually form part of the Hamilton Gardens Arts Festival.

POLICIES:

- Outdoor events will be permitted and encouraged within Hamilton Gardens with consideration given to possible disruption to other park visitors, the impact on asset maintenance and compliance with booking conditions. Commercial events may be permitted where they enhance public use of the park.
- Exclusive use may be granted to a specific outdoor area to generate revenue or support an appropriate artistic event.

4.4 PROVIDING AN EDUCATION RESOURCE

Education groups involved in Hamilton Gardens have included schools, tertiary institutions, specialist clubs and other educational tours. The opportunities to increase educational use of the site have been limited by the resources available.

Currently teachers are expected to prepare their own resources, however Hamilton Gardens is starting to develop material to support education.

Links will be fostered with tertiary institutions including polytechnics, universities and scientific organisations involving education programmes and research to benefit the Gardens. Hamilton Gardens has played a role in parks industry training through staff training programmes, on-site seminars and conferences and staff presenting papers at conferences. There is also some involvement with garden hobbyist groups including combined seminars and demonstrations.

WINTERC

The Wintec Horticultural Education Centre (HEC) has been Located at Hamilton Gardens since 1987, providing industry training in subjects related to horticulture including amenity horticulture, arboriculture, landscape design, and various block courses. The location was chosen to provide students with an on-site practical teaching resource and a mutually beneficial partnership with Council.

Staff at the HEC and Hamilton Gardens hope that the Centre can capitalize on its location within Hamilton Gardens to become a 'national centre of excellence in amenity horticulture'. Indicators for this might include:

- students from outside the region and from overseas enrolling to study at HEC,
- the HEC would offer the highest level of practical amenity horticulture training available within the NZ curriculum with additional features not available from other providers

- Industry and community recognition of the high quality programmes as indicated by their feedback, surveys and graduates being highly sort after for employment.

A range of strategies has been jointly identified to achieve this goal including: making more use of on-site assets and Gardens staff expertise, forming partnerships, rationalizing the duplication of resources, reviewing the curriculum offer, increased promotion, developing options where the student can continue to earn and securing more scholarships.

Educational facilities have also been covered under 3.3 'Facilities and other site functions'.

POLICY:

Educational opportunities associated with Hamilton Gardens will be developed and promoted including school, tertiary, industry and community education. Where possible this will be done in partnership with others.

The Wintec Horticulture School will be encouraged to continue and enhance their involvement in Hamilton Gardens.

5. GOAL—TO PROTECT AND SUSTAIN HAMILTON GARDENS FOR FUTURE GENERATIONS

5.1 CONSERVATION OF NATURAL AND CULTURAL FEATURES

NATURAL FEATURES

The remnant bush on the steep riverbanks below the Hamilton East Cemetery is one of the district's more significant original Waikato seed sources. This stretch of riverbank, referred to as Echo Bank Bush, is managed as an important natural feature of Hamilton Gardens. Management of this flora will follow the policy in the Riverside Reserves Management Plan. This includes control and removal of all exotic plants, additional planting using only eco-sourced species propagated from local plants, management of the bush so it becomes a self-sustaining unit and public access confined to paths and boardwalks to avoid damage. The long-term plan is to continue to plant up the area above Echo Bank Bush with plants indigenous to the Hamilton area, preferably from seed sourced on these remnant riverbanks.

Hamilton Gardens as an important natural link in the river wildlife corridor through the city. A native planting programme is being undertaken across the gardens site approximately to significantly increase the amount of locally sourced native vegetation trees and shrubs, some as part of Cobham Drive developments. Annual planting programmes aim to increase the diversity of fruit, seed and nectar plants to provide a continuity of seasonal food supply for birds. Vegetation overhanging ponds and the lake and river margins are particularly effective in encouraging insects for birds and bats, as well as

providing a refuge for water fowl and fish. Further development of the Valley Walk, will feature plants native to the Waikato district.

A tree survey will be undertaken for the site which will include the identification of significant trees and high-level maintenance and succession planting requirements. In areas that may be affected by proposed works, condition assessments of the value of trees that could be affected (including ecological values) will be carried out prior to any work commencing. The requirement to preserve and protect significant trees during development will be specified in any contracts for works.

Notable natural fauna within the gardens includes a local long-tailed bat population and several 'bat roosts' has been installed for them. Trees that need to be removed (usually for safety reasons) are assessed for the presence of bats before they are felled. Some of the more isolated riverbanks feature glow worms and the ponds and lake have Long Fin Eels. Recently more planting such as nettles has been undertaken to encourage native butterflies.

CONTROL OF PEST SPECIES

Control of pest species, such as rabbits, wild cats, mustelids, rats, magpies and possums are an ongoing challenge for the Hamilton Gardens. Pest control is increased around biodiversity hotspots and increased during certain times, such as when Tui are nesting. Control of pests is planned as part of a wider strategy for riverside reserves based on the Pest Management Strategy prepared by the Waikato Regional Council.

The use of residual chemicals is being reduced through the gradual introduction of a more integrated pest management strategy aiming to increase reliance on biological control. However, in Hamilton's warm humid climate, collections such as the massed hybrid rose display and rhododendron borders mean that chemical control will be required for the foreseeable future. To minimise negative effects, preference is given to non-toxic substances where there is no effective form of cultural or biological control. Evaluation of alternatives to inorganic, residual chemical pest control will be continued.

CULTURAL FEATURES

MAAORI HISTORY

The Hamilton Gardens was developed on the site of what was a significant Pre-European settlement, Te Parapara - the home of the famous Ngati Wairere chief Haanui. Te Parapara was renowned as the site of sacred rituals associated with the harvesting of food crops, and there was a Tuahu or sacred alter on site associated with this. The land was appropriated by the Crown in the 1860s and put to strategic use as the Narrows Redoubt and town rifle range. In 1879 the area of west of the town belt was declared domain land and handed over to the Hamilton East Domain Board. The Borough lost control of the domain lands in the early 20th Century, and the area was used for various other purposes. This included a sand quarry over the lower rea which resulted in the loss of any remains of Te Parapara. The Council purchased the old rifle range land from the Crown in 1957 and its status changed from domain land to reserve land.

The significance of the area as Ngati Wairere ancestral land is outlined in the Waikato-Tainui Environmental Plan. This recognises cultural traditions of protecting the land, the historic associations and taonga. The physical focus for this recognition has been the highly significant Te Parapara Garden which includes references to the area's cultural heritage, including the figures of notable historic identities and other carvings specific to this district.

Given the prominent site in relation to the Waikato River, archeological research has continued on the Hamilton Gardens with more being learned about the site. Appropriate recognition of sites of significance to Maaori will be explored with our Maaori partners and addressed through interpretation, signage and design. Designs will be considered by an iwi/hapu engagement panel.

EUROPEAN HISTORY

There are few remains of the early European settlement of the area including the Narrows Redoubt at the eastern end of the site and an earthen fence probably created by the early Irish community of Hamilton East who grazed the area. These historically significant sites will be to be appropriately recognised through signage and interpretation.

Many smaller features within Hamilton Gardens are also significant, like the Little Bull sculpture, the old Baptist Church cupola on top of the Pavilion. Because of their intrinsic value and cultural associations, features such as the Japanese Pavilion, Russian Bell Tower and the Earth Blanket sculpture are likely to increase in cultural significance over time. These diverse elements must be maintained appropriately, and professional advice is sought where needed,

Members of the Friends of Hamilton Garden have been systematically collecting, recording and filing information and material that will become historically important.

Eventually an accession plan should be developed to:

- Record the history and inventory of taonga items and important institutional memory;
- Ensure preservation and appropriate maintenance of items;
- Generate, record and archive interpretive information;
- Provide assurance to those who have made a gift and record any commitments made to the donor;
- Define an acquisition and disposal procedure.

POLICIES

- Park management will seek to conserve ecological features, such as remnant indigenous flora on the riverbanks, bird, bat, and butterfly populations and rare native and exotic plants.
- A tree survey will be undertaken for areas that may be affected by proposed works and a plan for significant tree preservation and maintenance developed.
- Invasive and noxious flora and fauna will be controlled or removed, and staff will continue to work with other agencies to improve pest control throughout the site.
- Park management will recognise the significant cultural heritage of this site and work alongside iwi when developing management practices.
- Historical sites of significance for Maaori will be appropriately recognised in a way that protects the ownership of Maatauranga Maaori (knowledge and understanding)

- The Council will continue to work in partnership with Waikato Tainui and THaWK to develop a concept that will appropriately recognise the history and ongoing significance of the site for Iwi and Hapu.
- Other historical aspects of the gardens will be appropriately recognised
- Institutional knowledge relevant to Hamilton Gardens, as well as historic site features and associations, including taonga, will be appropriately conserved under an accession plan.

5.2 SECURITY OF PARK ASSETS AND PEOPLE

Hamilton Gardens has had a good personal safety record with a continued staff presence and strong sense of ownership. The personal safety of staff and visitors is certainly important for the Gardens because a single incident can give the Gardens an unwarranted negative reputation, particularly in sensitive international tourist markets.

Apart from festival events or events in the Pavilion and restaurant, access into Hamilton Gardens is discouraged at night. Night time vehicle barriers restricting vehicle entry operate between 9.30pm and 6am reduce the incidence of night time damage and theft.

Entrance roads, car parks and paths that lead to facilities regularly used at night are lit at least to the standard for parks required by the NZS 6701 :1983, Code of Practice for Road Lighting. In keeping with the Safe Cities philosophy, access beyond these main paths is discouraged with little permanent lighting. Event facilities have been grouped together near the proposed main carpark where it should be possible to provide plenty of lighting. Eventually having a single accessway in to the event facilities surrounding the Lakeside Court should also make the area safer.

Levels of lighting, security surveillance and other CPTED (Crime Prevention through Environmental Design) strategies to address public safety risks will be integrated into designs. For example, having open clear sightlines to key areas such as car parks, the playground and toilet entrances and appropriate camera security coverage. Free public Wi-Fi is also limited to between 8am and 8pm to discourage night visits to Hamilton Gardens. Universal design principles will also help minimise safety risks for more vulnerable people, particularly around multi-modal access areas and paths.

A security fence with a controlled entry points protects the Enclosed Gardens which have many elements susceptible to damage and theft. The Enclosed Gardens are closed at night and alarmed with motion sensors that set off alarms alerting the monitoring centre and an on-site guard.

Eventually it is proposed to increase the area of the Enclosed Sector with fencing, using Turtle Lake and the river as barriers. At some points, access up from the river will need to be closed off at night.

POLICY:

Different forms of security will be used to safeguard park assets. The Enclosed Gardens which accommodates the more vulnerable garden features will be closed and alarmed at night.

Where practical, consideration will be given to improving the safety of park visitors and their property through park management, design and technology. Park lighting will be provided only in those areas promoted as available to the public at night.

5.3 PRESERVING DESIGN INTEGRITY

For the Hamilton Gardens concept to be successful each garden needs to have a high level of design authenticity, so each garden development is extensively researched to achieve this. Maintenance plans are formulated with an understanding of the design intent. For example, most of the significant rocks in the Japanese Garden of Contemplation have a traditional name and a relationship to one another. There are different zones within the garden dictating the types of plants that can be used. There are also the traditional rules that have defined key elements of the layout. This type of information is being recorded in 'Design Statements' that will eventually cover each garden zone. These Design Statements have six primary functions:

- Providing an overview of the design concept;
- Outlining the specific maintenance requirements of each garden;
- Specifying the optimum maintenance standards;
- Recording relevant institutional memory such as how a garden was developed;
- Providing technical information, such as paint colours;
- Providing references to further relevant information, such as reference books.

The thematic zones cover most of the site and it is important that incongruous or inappropriate elements are not introduced to distract from each garden's theme. In some gardens, new additions can be tested against historic styles, in others the concept itself provides the lead.

Each garden will require design authenticity and will need to be visually screened from its neighbours. The Design Statements also specify views which need to be kept open. The management of these views is a long-term strategy involving tree growth, the anticipation of future views, emphasis and composition of views, emphasis of particular features, space modulation and the planned progressive sequence of views. With overplanting in some areas this may mean the removal of some mature trees.

Preserving some open, sweeping spaces is important to provide the Gardens with a grand public scale, to allow groups of trees to be fully appreciated, to help with visitor orientation, to give depth to some views and to provide a contrast to the smaller enclosed garden features. Different areas will also require planting and development of a different scale. For example, the open sweeping lawns along the Cobham Drive frontage provide an appropriate grand scale appreciated from moving cars.

POLICIES:

Design and maintenance, including structures and artwork, will preserve the thematic integrity of each garden area. Screening will be maintained between themed gardens.

Plant collections and successional planting will support each area's design theme and plant labels will be used where appropriate to the theme

5.4 RESPONDING TO CLIMATE CHANGE

The direct impact of climate change on Hamilton Gardens is not quantifiable, however it is likely that changes will affect the range of plant pathogens, possibly requiring different controls. The range of plants growing at the Gardens may have to change and some the ornamental plants might even become weeds. More frequent, long dry summers experienced over the past decade are thought to be responsible for the loss of plants. Some species in may need to be replaced with drought tolerant species.

As more gardens are developed, water saving strategies, such as capturing stormwater runoff, will need to be utilised.

SUSTAINABILITY

Hamilton Gardens has a number of sustainable management strategies in place and received the highest ranked gold award from the Qualmark audits for its sustainable practices. Hamilton Gardens has signed The New Zealand Tourism Sustainability Commitment which aims to see every New Zealand tourism business committed to sustainability by 2025.

Hamilton Gardens is planning to become carbon neutral by 2030 through a carbon reduction plan. An initial assessment indicated that the Gardens currently use around 122 tonnes of carbon arising from direct fuel use each year.

Offsetting uses like gas ovens in the café, and indirect emissions from road transport and products purchased like plastic planter bags and nitrogen fertilizer will be a much bigger challenge. To address this the possibility of a micro grid, small turbines on the stream running through the Gardens are being investigated along with other options like solar panels on the maintenance barns.

The other parts to the carbon reduction plan include: waste minimisation, recycling, energy efficiencies and the review of operating procedures.

POLICY

It is proposed to make Hamilton Gardens carbon neutral by 2030.

5.5 FINANCIAL SUSTAINABILITY

The Reserves Act allows for commercial activities that support the public's use and enjoyment of reserves. The Council may investigate opportunities to generate revenue to offset operating costs without compromising the integrity of the Gardens. This includes commercial activities that enhance visitor experience for visitors, such as guided tours, entertainment, high quality souvenirs, behind-the-scenes tours or food and beverage.

The Reserves Act also allows for reserve administrators to set a reasonable entry fee to recreation reserves, and the Council may decide to set an admission fee to non-Hamilton residents to offset future development costs.

There is also an opportunity to package services including services and amenities beyond the Gardens site. For example: a tour and lunch in the Gardens combined with a boat trip to see an exhibition in the Waikato Museum and even accommodation.

POLICY

Council may decide to introduce or trial an entry charge into the Enclosed Gardens for non-Hamilton residents.

The retail store will sell good quality merchandise that is in line with the Garden themes.

APPENDIX

6.1 HAMILTON GARDENS STRATEGY SUMMARY

VISION:

TO CREATE A WORLD CLASS GARDEN THAT ENHANCES HAMILTON'S REPUTATION, ECONOMY AND QUALITY OF LIFE

GOALS:	To create a world class garden experience	To improve the capacity and practical operation of the Hamilton Gardens site	To enhance the value of Hamilton Gardens to the local community	To protect and sustain Hamilton Gardens for future generations
What does long term success look like?	<p>Hamilton Gardens is recognised as one of the world's great gardens by visitor industry.</p> <p>The momentum of development of new gardens is maintained so that within the next thirty years all the proposed gardens have been completed to tell the full story of gardens</p> <p>The integrity of the Gardens concept and</p>	<p>More garden visitors use public transport, the boat service and the cycleways that run through the Gardens.</p> <p>The Garden facilities can cope with peak times use and access through the theme gardens is not congested.</p> <p>Most accessways through the gardens meet accessibility standards.</p> <p>Maintenance vehicles are able to cross the park</p>	<p>The majority of out of region visitors to Hamilton Gardens stay in the city overnight generating an economic benefit to the local economy of at least \$50 million p.a.</p> <p>Hamilton Gardens promotes the city's reputation and supports other city organisations that attract events and visitors.</p> <p>Hamilton Gardens is well used by the local</p>	<p>The site's cultural and historic assets are maintained and interpreted appropriately.</p> <p>Ecological features of the site are conserved, particularly remnant indigenous flora and fauna.</p> <p>The operation of Hamilton Gardens becomes carbon neutral by 2030.</p> <p>There is sufficient security to ensure the</p>

Attachment 2

Item 7

	<p>each garden is retained with inappropriate details or interpretation avoided</p> <p>Interpretation is of a standard that matches best practice in museums and similar facilities</p> <p>The standard of maintenance in Hamilton Gardens is in keeping with other world class gardens.</p>	<p>without using the Cobham Drive cycleway.</p> <p>The expanded area of theme gardens is enclosed to protect the more sensitive assets.</p> <p>More advantage is taken of the river with gardens created right along the river frontage.</p> <p>The structural integrity of the city water mains, steep riverbanks and the cap over the old rubbish dump are maintained.</p>	<p>community for informal recreation activities like; walking the dog, cycling or children's play.</p> <p>A wide range of community events continue to be held that enhance the Gardens, rather than detract from the peaceful garden environment.</p> <p>Hamilton Gardens becomes a valuable resource for local schools with resource material for a range of subjects.</p> <p>The on-site WINTEC Horticultural Education Centre becomes a national center of excellence in amenity horticulture.</p> <p>An enclosed dog exercise area is created alongside Hungerford Crescent.</p>	<p>safety of park assets, staff and visitors.</p> <p>The design integrity of each garden is maintained and appreciated.</p> <p>Links are fostered with universities and similar overseas institutions that have programmes that complement Hamilton Gardens.</p> <p>Revenue and sponsorship is generated to offset operating and development costs without compromising the garden's experience.</p>
Priority work areas	<p>Development of the Ancient Egyptian Garden, Medieval Garden, Pacifica Garden and Baroque Garden.</p> <p>The international reputation and mystique of Hamilton Gardens is promoted.</p> <p>Ongoing improvements are made to the interpretation of the gardens with an</p>	<p>The new parking layout is developed, multi-modal access is developed and promoted, and the bus access is also improved.</p> <p>The upper and lower cycleway links through the Gardens, are completed and pedestrian access to the upper carparks re-graded to meet accessibility standards.</p> <p>A more attractive and intriguing entrance is created.</p>	<p>Out of region visitors are encouraged to stay in the area longer through: further on-site engagement and promotion of other local attractions and amenities.</p> <p>More educational resources are developed to interpret the Gardens and add value to the schools that already visit.</p>	<p>There is a long-term asset management programme in place</p> <p>An accession plan is developed to record and manage cultural and historic assets on site.</p> <p>A conservation plan is developed for the Te Parapara Garden.</p> <p>Revenue is increased from venue hire, retail sales and services that add</p>

	initial emphasis on the use of new technology and engagement with specific individual interests.	Café facilities expanded to increase year-round capacity. to meet a current need. The information Centre is expanded, and interpretation expanded.	A pavilion is developed at the western end of the Enclosed Gardens specifically for events and school classes. On site events are managed to reduce conflict with other park users and damage to assets.	value to people's visits or events. Landscape Design Statements are prepared for each garden to record the design intent and specialist maintenance requirements. Sustainable management practices are continually improved to minimise waste and environment impacts. A plan is developed that identifies strategies to reduce Hamilton Gardens carbon footprint
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6.2 GARDEN COLLECTIONS

FANTASY GARDEN COLLECTION

A collection of gardens featuring the different genres of garden fantasy that have transcended different cultures, inspiring most garden design innovation. Each also has a direct relationship to one of the arts. These arts are deliberately diverse: Celtic decorative arts, theatre, classical opera, Chinese ceramics, surrealist art, modern literature, and conceptual art. The courtyards between the gardens in this collection refer to the arts of: science fiction, children's literature, and expressionist. The courtyards between the gardens in this collection refer to the arts of: science fiction, children's literature, expressionist art and film.

TUDOR GARDEN

An inspiration for 16th Century English renaissance gardens were the patterns of Celtic knots, monastic book illustrations and their contemporary decorative arts such as embroidered textiles. One of the best-known patterns has been recreated in this knot garden.

Other typical features incorporated into this garden are the raised gallery overlooking the knot garden, the shipbuilders' harbour, Elizabethan wall and the small banqueting pavilion. Also typical were the fantasy beasts on striped poles. In this garden they hold the coat of arms of famous Tudor personalities.

BAROQUE THEATRE GARDEN

During the 18th and 19th centuries European royalty developed dramatic theatrical gardens that included the elements of stage set design.

These gardens weren't just used for theatrical events, they provided a setting for important people to dress up in expensive clothes and powdered wigs and to be seen.

This German or Austrian form would feature a New Rococo façade, large reflecting pool and two sculptural groups. Of all the gardens this possibly has the most direct association with classical music.

PICTURESQUE GARDEN

An interpretation of naturalistic, overgrown 18th century Picturesque gardens that were intended to appeal to not only the eyes but also the heart and the mind. They were in part a reaction to Baroque formality, inspired by the new fashion for landscape paintings of wild, romantic landscapes often featuring classical ruins. There was often a planned sequence of features or a ritual journey that would refer to a well-known fantasy story. In this garden that story is Mozart's 18th century opera 'The Magic Flute' told through a series of garden features with strong Masonic associations.

CHINOISERIE GARDEN

In the mid-18th century Europeans were becoming aware of Asian arts and crafts and there was a craze for anything Chinese or Japanese. Without much from Asia to work from, European craftsmen were inspired to create original work such as Wedgwood pottery, Chippendale furniture, Willow Pattern ceramics and posters, all inspired by Japanese prints.

This fashion also included new types of garden structures and decoration, such as those in this garden, which were largely inspired by imported Chinese ceramics.

SURREALIST GARDEN

The mid-20th century Surrealist Art Movement, inspired by the work of Sigmund Freud, sought to interpret the mysterious world of dreams and the subconscious mind. While there wasn't a corresponding movement in garden design there have always been surrealist elements in gardens from the strangely shaped Taihu rocks in ancient Chinese Gardens to Singapore's Super Trees in Gardens by the Bay.

In this garden everything will appear five times the normal size but dominated by giant topiary figures that move while you're not watching.

MANSFIELD GARDEN

Katherine Mansfield was one of a group of the world-famous authors credited with inventing modern literature. One of her best-known stories 'The Garden Party' describes an early 20th century New Zealand garden being prepared for a large party. Aside from the items she describes, this garden has many of the features and plants common to gardens at this time. The tennis court is set out ready for her party to begin.

CONCEPT GARDEN

The emerging 21st century 'conceptual garden' movement is essentially an extension of modern, conceptual art and 'land art.' These gardens are not necessarily practical, natural, or even attractive in the normal sense, but are based on a central idea or message often derived from the history or landscape of the site in which they sit. The designs are usually strong, colourful and emphatic.

This garden has been inspired by two Maaori whakatauki and the legend beside land use maps in old school atlases.

PRODUCTIVE GARDEN COLLECTION

A collection of productive gardens that each address aspects of the relationship between people and plants. Ranging from plants with religious significance to the Ancient Egyptians to plants of economic importance in Pacific cultures. From the herbs used by the early NZ colonists to a modern form of sustainable gardening.

ANCIENT EGYPTIAN GARDEN

A 'Middle Kingdom' temple garden that displays many of the common ancient Egyptian garden features such as: a symmetrical layout enclosed within high mud brick walls, dramatic entranceway, a 'step pool' stocked with fish, and vine covered pergolas for shade. Most of the plants they used for offerings, cures, rituals and processions can be grown in this climate. Despite the wealth of information on these sophisticated ancient gardens, there is no trace of one being recreated in modern times.

PASIFIKA GARDEN

The garden will display plants from the South Pacific islands and their closest equivalents. In the centre, a Samoan Fale Afalau shelter would provide an event or teaching space as well as screen the upper glass structure.

Within a jungle setting productive plants would be grown such as the: yam, talo, ta'amu, sweet potato, arrowroot, sugar cane, ti, paper mulberry, pandanus, taro, banana, breadfruit; possibly the kava and coconut showing their use and cultivation.

TE PARAPARA GARDEN

An early 19th century pre-European Maaori garden that shows traditional forms of food production and storage and plants of economic importance to Maaori. The banks along this stretch of the Waikato River were full of gardens and the Waikato-Tainui tribes were renowned for their horticultural skills.

This garden features a pataka kai and highly significant carvings with local significance. This garden is on the site of an ancient settlement called Te Parapara that had significance for rituals associated with harvesting food crops.

MEDIEVAL GARDEN

From the fall of the Roman empire through to the 16th century, a distinctive form of medieval garden was the monastic, cloistered courtyard. The structure of the courts in this example are based on the ruins of St John of the Hermits Monastery in Sicily. One court is a simple Cloister Garth, which was a

form of courtyard generally used by the monks for prayer and contemplation. The other is an Apothecary's Garden, which supported the healing of the sick in a monastic hospital.

HERB GARDEN

While the design of this traditional herb garden is relatively modern, the variety of herbs used has focused on those used by early New Zealand colonists.

The four central beds have herbs for: culinary, cosmetic, perfume and medicinal use. The side gardens include collections of herbs used for dyes, Asian food and herbal drinks.

SUSTAINABLE GARDEN

This represents a modern backyard garden, displaying techniques and principles of small scale, sustainable food production. These include: a movable chicken coop, liquid manure barrels, edible perennials, compost, companion plants to discourage pests, a worm farm and bee hives.

PARADISE GARDEN COLLECTION

'Paradise' is derived from the Persian word pairidaeza meaning an 'enclosed garden'. This is a collection of small enclosed garden traditions that each represent different perceptions of paradise.

CHINESE SCHOLARS' GARDEN

An interpretation of the 10th-12th century Sung Dynasty 'scholar gardens' that were designed as natural worlds of imagination and surprise. The scholars and landed gentry created gardens that represented a mythical paradise and home for the 'immortals'. They had different layers of meaning, symbolism and ambiguity. Usually there was also a close relationship with the arts of landscape painting, poetry, calligraphy and music. Groups of rocks, typically chosen for their contorted, sculptural form were a particularly important element in such gardens.

JAPANESE GARDEN OF CONTEMPLATION

An example of the 14th-15th century Muromachi period garden designed for Zen meditation where worldly desires could be put aside, and enlightenment sought through mediation. These gardens were usually associated with monasteries and the central building is based on that of an Abbots Quarters.

Elements like the rock placement also reflected Shinto, Taoist, Confucian as well as Buddhist influences. This garden is comprised of three types of Muromachi contemplative garden: the Zen Garden, the Scroll Garden and the Stroll Garden.

ENGLISH FLOWER GARDEN

An example of the English 19th century Arts and Crafts gardens that were designed as an idyllic setting for large country homes sometimes unconsciously trying to recreate a mythical golden age. The best examples had extensive plant collections with planned seasonal colour compositions inspired by new colour theories and the work of the Impressionist painters. The Arts and Crafts movement valued craftsmanship and until the Great War wealthy families could afford large teams of skilled gardeners to tend their high maintenance gardens which often included long herbaceous borders.

MODERNIST GARDEN

Late 20th century modernist garden design broke away from formality and avoided decorative features. Designs were generally inspired by the site and the shift to outdoor domestic living, generally with a close relationship between indoor and outdoor areas. They were often influenced by Modernist architecture and the Modernist art movements. In this garden that includes: The Cubist influence on the paving pattern, the Surrealist sculpture in the pool and the Pop Art mural.

This was a modern version of paradise where you might endlessly relax by the pool drinking pina colodas.

ITALIAN RENAISSANCE GARDEN

At the other extreme powerful Italian families liked to show off their wealth with magnificent gardens. During the 15th-16th Italian Renaissance period they were also inspired by the achievements of ancient Greece and Rome to create large formal gardens around their grand country villas. Their aim was to rationalise, control and improve upon nature with garden layouts generally based on geometric forms and proportions. A central axis and a series of water features generally unified the different parts of the garden that could include woodland, sculptures, galleries and extensive plant collections.

INDIAN CHAR BAGH GARDEN

These were a symbolic form of a paradise divided into four quarters by the four symbolic rivers referred to in ancient sources before the Koran and even the Book of Genesis. The oldest remains of one are around 4,000 years old but they were popular between the 8th and 18th centuries throughout the Muslim world stretching from the eastern end of the Silk Route to North Africa and Spain. This example is an interpretation of the 16th-17th small Mughal garden with design detail like the Taj Mahal. Water was particularly luxurious and precious in the semi desert environments.

PUBLIC GARDEN COLLECTION

Public gardens have been around for thousands of years shaped by different cultures and social structures. At times they have served as social centres, outdoor reception rooms and spaces for education, recreation and commemoration.

(The older section of Hamilton East Cemetery outside the proposed Enclosed Sector provides a typical 19th/20 century example of the Park Cemetery Movement.)

VEDIC GARDEN

The Vedic were a bronze age, Indian civilisation who introduced Sanskrit to India and may have originally come from north of the Caucasus Mountains. Their communal riverside gardens reflected sacred texts and a comprehensive philosophy on land use.

This 4th century BC proto-Hindu example would feature: a grid of flowering and fruiting trees on an east west axis, vegetables, a step pool, torana (stone gate) and deep, thatched veranda with brightly painted columns.

ROMAN PORTICO GARDEN

Many 2nd century Roman portico gardens were an elaborate version of the Greek-style palaestra and the smaller Roman courtyard gardens.

These public courtyards were often associated with a theatre, bath complex, library or temple and became a favoured haunt of the Roman elite. The central space surrounded by covered portico often featured: pools, semi-circular seats, mosaic paving, pollarded trees, pot plants, an aviary, statues on plinths, trompe l'oeil and frescos on the walls of garden scenes.

PERSIAN GARDEN

From Samarkand and Mughal India across to the Moorish gardens of Spain, many gardens were inspired by the legendary Persian gardens. The forecourts of mosques and theological colleges often had high surrounding walls, a monumental entrance on the east side, symmetrical layout, fruit trees, a large pool and decorative tile work. In these spaces' visitors could wait for appointments or study in the shade of a high colonnade with massive wooden columns.

HORTUS BOTANICUS

This is a reproduction of the 16th century Dutch Renaissance botanic garden in Leiden. Hortus Botanicus was a very typical botanical garden of the period and particularly significant because of the plants being introduced to Europe by the great Dutch trading empire.

Plants would be grouped according to classification, so it should appeal to educational groups and those with a botanical interest.

VICTORIAN FLOWER GARDEN

An example of the Neo-Italianate Gardenesque style that spread throughout the western world during the 19th century and was still common in public gardens through most of the 20th century.

Dominated by seasonal carpet bedding utilizing tropical and temperate plants it would also feature, closely cut lawn, topiary, plain shrub borders and Victorian era detail such as the pergola, paths with tile edges, a fountain, seats, gates and a statue of Queen Victoria looking unamused.

STRUCTURAL GARDEN

The 21st century has seen a rapid increase in the number of gardens growing on structures, over roads and carparks, sometimes on top or the sides of buildings and even on disused elevated railway structures. In congested cities, there are fewer gardens actually growing in the ground, so that most could be classified as structural gardens. This structural garden is proposed in the shape of a person. This giant figure covered in vegetation overlooks the bank down to the lake where concerts have been held, so it's also a public event and performance garden

LANDSCAPE GARDEN COLLECTION

A collection of landscape gardens that demonstrate how different attitudes to nature and major philosophical movements have shaped man-made landscapes. These range from venerating to dominating nature and from productive idealised landscapes to recreating new natural-looking landscapes.

MAHAYANA SANCTUARY GARDEN

The existing hillside already features Asian woodland plants but would be further developed as a 3rd century Chinese Mahayana Sanctuary garden. In China these were usually Daoist / Confucian mountain

retreats intended for self-cultivation and symbolising the journey of life. Possibly originating from Hindu north-western India but with some early Roman and Greek influence. This form of retreat spread with Buddhism through central Asia and to Japan and Sri Lanka. They were developed in China from 500 before common era and included features like: an entrance way facing west, mandalas on pavements, stone animals, special trees, stupas, caves, carved cliff faces and painted pavilions.

FRENCH PARTERRE GARDEN

This was a distinct western European art form in the 17th century with a later 19th century revival. These highly structured gardens reflected complete domination of the natural world influenced by philosophers such as d'Argenville and Pascal.

This relatively small-scale example would feature an impressive parterre de broderie pattern of box, turf, gravel and bedding plants overlooked by a large, raised terrace.

Behind the terrace a 17th century French, Baroque façade would screen limited access to an 'events garden'.

Note: Image has been replaced

ENGLISH LANDSCAPE GARDEN

Probably the most influential landscape movement of all was the 18th century fashion for informal, grassed, 'Arcadian' rolling parkland with lakes, contoured landform, tree groups and classical pavilions and sculptures.

The craze for this type of garden swept through Europe replacing many old formal gardens and still influences park and golf course design. This open grassed area would be grazed with a small flock of sheep contained along the bottom edge with a ha-ha sunken wall.

ECHO BANK BUSH

One of the last pockets in Hamilton of remnant indigenous vegetation, these steep banks and cliffs connect the Gardens with its pre-European history and form part of the kete that holds the garden collection.

The Garden area may lie outside the Enclosed Gardens in order to retain public access to the river bank.

BEE MEADOW

There is increasing interest in creating ecosystems to address issues such as industrial site restoration or creating an endangered fauna habitat. In the 21st century this has sometimes been referred to as 'new ecology'. In this case a meadow over the old dump site and what was a carpark using low growing plants that provide food for bees and butterflies. It would be partially surrounded by hedgerows which have long been recognised in Europe as a valuable semi-natural habitat.

The Story of Gardens

Gardens are a significant and very ancient art form, and, with the good interpretation, they can tell us a lot about the societies who've created them. Each garden in this selection showcases an important theme from the significant ages of civilisation. Together they tell a story of humankind, from Late Bronze Age to the present day. In the process these gardens can provide insights to what it is to be human, and perhaps even point to an optimistic future age. Some elements in this compelling story are still to be created.

- **Ancient and Medieval World**
 - Ancient Egyptian Garden
 - Vedic Garden
 - Mahayana Sanctuary Garden
 - Roman Portico Garden
 - Medieval Garden
- **The Silk Roads**
 - Persian Garden
 - Chinese Scholars' Garden
 - Japanese Garden of Contemplation
 - Indian Char Bagh Garden
- **Renaissance**
 - Italian Renaissance Garden
 - French Parterre Garden
 - Tudor Garden
 - Hortus Botanicus
- **Age of Enlightenment**
 - Baroque Garden
 - Kitchen Garden
 - English Landscape Garden
 - Picturesque Garden
- **Oceania**
 - Pasifika Garden
 - Te Parapara
- **Age of Empire**

- Chinoiserie Garden
- Victorian Flower Garden
- Park Cemetery
- Mansfield Garden
- **The Modern Age**
 - English Flower Garden
 - Modernist Garden
 - Sustainable Backyard Garden
 - Concept Garden
- **Te Taiao**
 - Echo Bank Bush
 - Bee Meadow
 - Surreal / Augmented Reality Garden
 - Structural Garden

Item 7

Attachment 2

Attachment 3

Item 7





Item 7

Attachment 4

Attachment 5

Item 7



Council Report

Item 8

Committee: Council **Date:** 08 December 2020
Author: Sandra Murray **Authoriser:** Jen Baird
Position: Consultant **Position:** General Manager City Growth
Report Name: Deliberation and Approval Report: (Trading in) Public Places Policy

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

1. To inform the Council of the review of the Public Places Policy 2020 (proposed to be renamed the Trading in Public Places Policy).
2. To seek the Council's approval to approve the proposed Policy (see **Attachment 1** – clean; **Attachment 2** – tracked changes) with a restricted Central City area as determined by the Council (see Options in **Attachment 3**).

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) approves the following changes to the Public Places Policy as outlined in attachment 2:
 - i. change the name to the *Trading in Public Places Policy*;
 - ii. include a new 'food truck' definition;
 - iii. mobile shops/food trucks to be permitted to operate in the Central City as part of an event or market where the food trucks themselves are *not* the primary purpose of the event;
 - iv. mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate; and
 - v. amend the current wording in paragraph 92 of the policy relating to full payment of permit fees prior to issue of a permit, in order to allow the Council to consider introducing a per-ride fee structure for Personal Hire Devices;
 - c) approves **Option 2** for the Central City restricted area (**Attachment 3** of the staff report);
 - d) approves the revised Trading in Public Places Policy 2020;
 - e) requests staff investigate the impacts of the policy changes on retail food outlets in the Central City area prior to the next policy review in 2023.

Executive Summary - *Whakaraapopototanga matua*

4. The Council has an existing Public Places Policy (the policy) which is due for review as part of the three-yearly review process set out in the Significance and Engagement Policy.

Item 8

5. While the policy is generally fit for purpose, based on feedback from stakeholders and submitters, staff propose amendments that would improve clarity and potentially allow food trucks to operate, supporting events in the Central City restricted area.
6. The proposed policy (see **Attachment 1**) includes the following amendments:
 - Change the name of the policy to the *Trading in Public Places Policy*
 - A new 'food truck' definition
 - Mobile shops/food trucks to be permitted to operate in the Central City as part of an event or market where the food trucks themselves are *not* the primary purpose of the event.
 - Mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate.
 - Amend the current wording in paragraph 92 of the existing policy relating to full payment of permit fees prior to issue of a permit, in order to allow the Council to consider introducing a per-ride fee structure for Personal Hire Devices (as discussed at the 6-monthly update on the progress of micro-mobility in the city presented to the Community Committee on 8 October 2020).
7. Public consultation occurred from 1 Oct – 12 Nov 2020 and proposed four options (see **Attachment 3**). Consultation included a week of intensive staff engagement with businesses in the CBD area to canvas their views. There were 90 submissions.
8. The policy changes were supported by 85.6% of submitters (77 submissions), while 14.4% of submitters did not want the policy to be changed (13 submitters).
9. At the Hearings and Engagement Committee meeting on 23 November 2020, 2 submitters presented to Elected Members.
10. The preferred option for the Central City restricted area was **Option 3** with 47.8% of submitters in favour of this option. Option three proposed to amend the policy and extend the restricted central City area down to the river between London Street and Anzac Parade.
11. At the Elected Member briefing on 13 May 2020, Elected Members had directed that any proposed policy changes should ensure:
 - the food truck industry can be successful, vibrant and innovative in Hamilton, while operating for a purpose and for a time; and
 - changes do not discourage restaurants from opening and expanding, cause restaurants to end their leases, or force restaurants to fire employees.
12. Taking all the considerations discussed in this report into account, staff recommend Option 2 would best meet these directives by:
 - providing new opportunities for the food truck industry, while ensuring food trucks operate for a purpose and for a time; and
 - providing adequate safeguards for existing food retailers in the Central City area to mitigate any adverse impacts as a result of the proposed policy changes.
13. Staff also recommend an investigation into the impacts of the proposed policy changes on retail food outlets in the Central City area, prior to the next policy review in 2023.
14. Staff consider the matters in this report have medium significance and the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

15. The Council's Public Places Policy (the policy) provides for businesses, groups and individuals to apply to use public places for trading activities.
16. The purposes of this policy are to:
 - a) protect the public from nuisance
 - b) protect, promote, and maintain public health and safety
 - c) minimise the potential for offensive behaviour in public places
 - d) regulate trading in public places
 - e) regulate, control, or prohibit signs
 - f) ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
17. In general, staff consider that the existing policy is fit for purpose, although some changes to the permitting of food trucks in the Central City may be appropriate.

Clarification of existing permitting system

18. Currently, the definition of 'mobile shop' does not distinguish between food trucks and mobile shops primarily selling non-food goods/services.
19. The existing system requires all mobile shops (including food trucks) to hold a permit to operate. Mobile shops, including food trucks, may not operate within the Central City restricted area set out in Schedule 4 of the [current policy](#).
20. There are currently 48 mobile shops permitted in Hamilton (44 Hamilton-based and four Auckland-based). Of these, 43 are food trucks, four are direct retail shops (Auckland-based) and one provides tech repair.
21. Existing retailers may apply for an outdoor dining permit. A permit for outdoor dining varies depending on table size, for example \$25 p.a. for a table and 4 chairs. For comparison, a permit to operate a Mobile Shop is \$125 p.a.

Clarification of existing food compliance process

22. Food trucks are registered in the same manner and are subject to the same conditions as a fixed food business, the only difference is one is mobile. They pay the same fees as a fixed food business. Food trucks are subjected to the same audits/ verification as a fixed food business.
23. Regulation of all commercial food preparation comes under the Food Act 2014. This Act takes a risk management approach to how the food is dealt with at each stage of preparation, rather than focusing on the location of an actual premises or preparation area.
24. Food preparation in a domestic kitchen is permitted as long as the operator declares it and the domestic kitchen is part of registration and inspection. This is not uncommon, particularly with food trucks. This also applies to fixed food businesses should they wish to utilise a domestic kitchen.
25. Investigations into complaints about unregistered or domestic kitchens being used in the preparation of food is a regular event, but staff have no record of any such complaints involving food trucks. Most complaints involve the likes of baking, jams or sausage manufacture, which are prepared in a domestic kitchen and offered for sale via the internet.

Policy review process

26. The Public Places Policy has been reviewed as part of the three-yearly review process, consistent with the Council's standard practice.

Item 8

27. The review involves considering the performance of the policy over the past 3 years, identifying any issues and reviewing legislation and Council strategies that may be relevant to the policy.
28. At the Community Committee meeting on 20 February 2020, Committee Members considered a proposed policy and requested the issue of food trucks be discussed further at an Elected Member briefing.
29. At a briefing on 13 May 2020, the policy review was discussed with Elected Members, who identified that the aim of any changes to the policy must be to ensure that:
 - the food truck industry can be successful, vibrant and innovative in Hamilton, while operating for a purpose and for a time; and
 - changes do not discourage restaurants from opening and expanding, cause restaurants to end their leases, or force restaurants to fire employees.
30. Following this meeting, staff contacted the Hamilton Central Business Association (HCBA), Hamilton Food Truck Collective and The Lawrenson Group to discuss a range of high-level options.

Views of existing food truck operators

31. Prior to public consultation, staff communicated with food truck operators via the informal Food Truck Collective.
32. The Collective held a meeting with food truck operators and provided the following feedback:
 - Food trucks work best at events where they feel that they add value. They do not want to impact negatively on any 'bricks and mortar' businesses.
 - Late night trading was of no real interest to the team that was there on the day. However, discussion on the Good George pub that ran a single food truck along Hood Street implied that this did work till approximately 10pm.
 - Designated spots / assigned areas:
 - If there were designated spots to park around the city, operators would prefer they were part of an organisation and be rostered into the spots allowing fairness to all trucks.
 - Operators think that individually they would struggle to prosper in regular spots and find that bigger groups of trucks in park settings would be more viable. Having an organisation advertising them and supporting the rotation could be helpful.
 - Regular spots that are not large could bring challenges for the trucks to get into position, given some can be removed from their vehicles and pushed, some need more room for access, and some serve from different sides of the trailers.
 - There are mixed views on areas assigned to trucks. Each vendor wanted the opportunities equal for all.
 - Food Truck events (examples and suggestions):
 - Utah (US) regular food truck nights: these events are managed independently of the trucks and council. Private event organisers can create these events and pick trucks without prejudice and without duplicating products.
 - Carparks are a great place for trucks to be based at the end of the workday. This allows patrons to grab dinner and depart the CBD easily once they have finished work.

- Suggested a Hamilton Street Party to bring hospitality businesses and food trucks into the CBD, where everyone can come along. Possibly a yearly street party would be fun, add value, and set Hamilton apart from other cities.
- Waste issues
 - Waste can be managed by all trucks by simply taking an individual bin along to the site. Anything over this could be collected by the Council; however, in the majority of cases the trucks use compostable containers, and at events, this is usually considered by the event organiser and part of the event permit.
 - Food truck permits should not specify packaging. They have ranges of food and products and sometimes the packaging availability is not always there. Maybe a recommendation to use compostable products is all that is needed.
- Pop-up, over-the-counter ordering is what appeals about food trucks. The Collective has trialled pre-ordering with the team and this is fine in the likes of Level 2 Covid restrictions but has completely dropped away in Level 3. People are keen to see and speak with the food truck owners/operators.
- To future proof, operators suggested including river access, for when the new theatre is built. A regular changing pop-up environment would allow rotation of trucks, variety, and give a reason for patrons to return time and again to enjoy the atmosphere. (Staff note that this would be more difficult with the proposed Option 3 Central City area).

Views of Lawrenson Group

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

Item 8

Views of the Hamilton Central Business Association (HCBA)

35. The HCBA:

- supported retaining mobile shop/food truck restrictions within the Central City and extending the restriction zone into the space between Garden Place and the river – from London Street to Anzac Parade Bridge
- did not support designated food truck locations within the Central City area, either as standalone parking spots or locations where a group of trucks could operate
- supported food trucks being allowed in the Central City only as part of an event or market. However, it was noted that some HCBA members support broader food truck availability while others do not.

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

Shortlisting options and targeted survey

37. Based on the feedback from the HCBA, Lawrenson Group and the Food Truck Collective, a shortlist of options was developed, and in July 2020 a survey was taken to approximately 200 individual businesses in the Central City. Feedback was received from 68 businesses in the Central City area.

Survey Question	Yes	No	Not answered
At the moment, food trucks can only operate in the CBD zone as part of an event or market. Should food trucks be able to operate in the CBD at other times (not as part of an event or market, but just trading)?	40 (58.8%)	27 (39.7%)	1 (1.5%)
<i>Of the 10 food retailers:</i>	6	4	0
<i>Of other retailers:</i>	34	23	1
At the moment mobile shops and food trucks can trade can only trade between 6am and 10pm. Should food trucks operating as part of an event or market in the CBD zone, be able to operate to the same hours as the event or market is permitted to operate?	52 (76.4%)	12 (17.7%)	4 (5.9%)
<i>Of the 10 food retailers:</i>	8	2	1
<i>Of other retailers:</i>	44	10	3

38. A breakdown of the feedback received in this initial stage indicated existing food retailers had similar views compared to other retailers (i.e. it was not a case that existing food retailers were simply rejecting competition by opposing food trucks at events).

39. Based on this feedback, staff developed options to take to the Community Committee meeting on 13 August 2020 seeking a recommendation for public consultation. Three variations to the Central City area were proposed for consultation (see Options in Appendix 2). The proposed policy changes were:

- Change the name of the policy to the Trading in Public Places Policy
- A new 'food truck' definition

- | | |
|---|--|
| Mobile truck
<i>Recommended</i> | Means a type of mobile shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food trucks may only offer food/beverage related items. A food truck is a subcategory of mobile shops.
shops / food trucks to be permitted to operate in the Central City as part of an event or market where fo |
|---|--|

40. The [report for the Community Committee meeting on 13 August 2020](#) included a comprehensive discussion on various options the Council could take including:
- A general discussion on competition and fairness
 - Whether a restricted zone was required i.e. whether food trucks should be prohibited from the Central City or free to operate without restrictions
 - Static food truck locations and specified food truck parking spots
 - Regulatory mechanisms for managing food trucks at events
 - International examples and discussion of the pros and cons.
41. The Community Committee considered the report and recommended to the Council the proposed options be taken to public consultation.
42. Consultation was approved at a Council meeting on 17 September 2020 and occurred from 1 to 30 October 2020. This was later extended by 2 weeks to 12 November 2020 to allow intensive engagement with retailers in the central city area who had English as a second language.
43. A total of 90 submissions were received through public consultation.

Submitter location	88.9% (80 submissions) were from within Hamilton and 11.1% (10 submissions) from outside Hamilton (3 from Waipa and 7 from the wider Waikato area)																							
Support for policy changes	The policy changes were supported by 85.6% of submitters (77 submissions), while 14.4% of submitters did not want the policy to be changed (13 submitters).																							
Preferred option	<div>The preferred option for the Central City restricted area was Option 3 with 47.8% of submitters in favour of this option.</div> <table><tr><th>Preferred Option for Restricted Area</th><th>Number</th><th>%</th></tr><tr><td>Option 1</td><td>25</td><td>27.8%</td></tr><tr><td>Option 2</td><td>8</td><td>8.9%</td></tr><tr><td>Option 3</td><td>43</td><td>47.8%</td></tr><tr><td>Option 4</td><td>13</td><td>14.4%</td></tr><tr><td>Other</td><td>1</td><td>1.1%</td></tr><tr><td></td><td>90</td><td>100.0%</td></tr></table>			Preferred Option for Restricted Area	Number	%	Option 1	25	27.8%	Option 2	8	8.9%	Option 3	43	47.8%	Option 4	13	14.4%	Other	1	1.1%		90	100.0%
Preferred Option for Restricted Area	Number	%																						
Option 1	25	27.8%																						
Option 2	8	8.9%																						
Option 3	43	47.8%																						
Option 4	13	14.4%																						
Other	1	1.1%																						
	90	100.0%																						
Organisations	<div>Submissions were received from 15 organisations, with a range of option preferences.</div> <table><tr><th>Preferred Option</th><th>Organisation</th></tr><tr><td>Option 1</td><td>Gourmet in the Gardens Hamilton Gardens Café Mediterranean Kitchen Ltd</td></tr><tr><td>Option 2</td><td>Geebee promotions Hamilton Central Business Association Pasta Fresca NZ</td></tr><tr><td>Option 3</td><td>Craft Doras Espresso Hospitality New Zealand</td></tr></table>			Preferred Option	Organisation	Option 1	Gourmet in the Gardens Hamilton Gardens Café Mediterranean Kitchen Ltd	Option 2	Geebee promotions Hamilton Central Business Association Pasta Fresca NZ	Option 3	Craft Doras Espresso Hospitality New Zealand													
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Option 3	Craft Doras Espresso Hospitality New Zealand																							

Item 8

			Mamas donuts Sals Hamilton SL28	
		Option 4	My Whippy Waikato The Lawrenson Group Hungry Eyes Cafe	
Preferences: organisations vs individuals	Option preferences were largely consistent between organisation submitters and individual submitters – with Option 3 being the preferred option for both groups of submitters.			

44. Two submitters presented at the Hearings and Engagement Committee meeting on 23 November 2020.

Discussion - *Matapaki*

45. At the Hearings and Engagement Committee meeting on 23 November 2020, Elected Members heard from two submitters, considered the consultation report and requested further information be presented at this Deliberations and Approval meeting.

Clarification of submitters' views

46. Some of the submissions received via public consultation suggested it may have been unclear what the restricted Central City area represented. Prior to the Hearings Committee meeting on 23 November 2020, four submitters were contacted to clarify their submissions.
47. Additional analysis after the Hearings Committee meeting identified an additional 11 submissions where a comparison of option selected vs comments may indicate the submitter may have been unclear with regard to the Options presented. As such analysis is subjective, the 11 examples are set out below:

Option selected	Comments accompanying submitter choice	Staff comment
Option 1: Proposed policy with current central city restricted area	<i>Why the hell do people invest in leases paying rates when this lots running amok paying bugger all, good grief has anybody there ever owned a business with leased premises? If anything, the rules should be tighten on these bandits making sure their food is prepared from proper commercial kitchens approved by council</i>	Selects current map area but indicates preference for more restrictions (the extended area is more restrictive than the current area)
	<i>Allowing food trucks and markets in a wider area will bring people (and life) back to our dying city centre.</i>	Selects current area but refers to 'wider area'. Possibly suggesting food trucks would be operating outside of events (incorrect)
Option 3: Proposed policy with extended central city restricted area	<i>Having consistency for food trucks and any markets they are part of would be good. Having to remove a food truck before 10pm if the market doesn't finish before then means food trucks are unlikely to show up. Extending the operating area allows more options for trucks to be and opens up the river more.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)

(to the river; and between Claudelands Bridge and Anzac Parade Bridge)	<i>The food trucks will make the city vibrant again and spreading them out will have less influence on existing cafes and restaurants. The trucks will soon find concentrated places where groups of similar trucks will mingle.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>More choices. Bring people to the city and the river</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>We need to embrace food truck culture. They provide a diverse range of food, bring a vibrancy and good cheaper options than Restaurants especially for lunch ie set up in garden place would bring people to square, also possible early evening Thursday, Fridays with entertainment then people would move on to other venues. Create a destination for workers especially now that more businesses are moving back to cbd.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>Small businesses like food trucks need all the support they can get at the moment so increasing the areas they can operate within is a good option.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>It makes sense to include food trucks for the duration of any events and to extend the area to maximise use of the river front area of our city.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
Option 4: Continue the current policy and current restricted area without the proposed changes	<i>Would like a truck down by the river as no cafes down there. Not necessary to have more options on the streets.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>I have customers that would be affected if the area was to expand beyond the existing one.</i>	Possibly suggesting food trucks would be operating outside of events in an expanded area (incorrect)
	<i>Option 4 - no changes. Food trucks bring diversity and caters to a different market than the restaurants. If you are truly wanting to bring people back into the city keep the trucks</i>	Submitters comments suggest food trucks are currently allowed in the central city and the proposal is to exclude them.

48. The above possible unclear submissions alongside the total number for each option:

Preferred Option for Restricted Area	Number	%	Number Unclear
Option 1	25	27.8%	2
Option 2	8	8.9%	0
Option3	43	47.8%	6
Option 4	13	14.4%	3
No restricted Area	1	1.1%	0
	90	100.0%	

49. It is possible that:

- One submitter selected Option 1 but intended to support a more restrictive option
- One submitter selected Option 1 but intended to support a less restrictive option
- Up to 6 submitters selected Option 3 in the incorrect belief this would make food trucks more available in the restricted area (rather than *more* restricted).
- Up to 2 submitters selected Option 4 but intended to support a less restrictive option.

Item 8

50. Overall, even taking the unclear submissions into account, **Option 3** remains the preferred Option, with Option 1 the second most preferred option.

Waste minimisation issues

51. The event permitting process allows the Council to require waste minimisation occurs in alignment with the [Hamilton Waste Management and Minimisation Bylaw](#).
52. The [Waste Management & Minimisation Plan](#) and supporting bylaw both include measures to encourage better waste minimisation at events, including the requirement for event waste plans. Event waste requirements are also set out in the District Plan.
53. Allowing food trucks in the Central City outside of events / markets may result in waste management issues such as:
- a likely additional burden on street litter and street litter bins. Customers purchasing food from a food truck may walk some distance to eat the food and are likely to place the rubbish in the nearest bin (or simply leave it as litter).
 - the limited extent to which street litter bins encourage recycling
 - whether it is appropriate for a food truck to utilise publicly funded waste management systems for private benefit
 - how feasible it is to expect food trucks to manage waste from their enterprise and the extent to which additional enforcement measures are likely to be effective and at what cost.
54. While it is possible to place restrictions on food trucks via the truck permitting process (such as a requirement to use compostable packaging or collect their waste), the additional enforcement burden may make such measures impractical if many trucks are operating in the Central City.
55. The Food Truck Collective suggested:
- Waste could be managed by all trucks by simply taking an individual bin along to the site, and anything over this could be collected by the Council;
 - At events, waste was managed by the event organiser and part of the event permit;
 - Food truck permits should not specify packaging. In most cases trucks used compostable containers but trucks have ranges of food and products and sometimes compostable packaging was not always available. The Collective suggested a recommendation to use compostable products was enough.
56. The existing event-permitting process has robust mechanisms for ensuring waste is managed according to the Bylaw.
57. Staff suggest the best option to ensure waste is managed appropriately is for food trucks to operate only as part of an event or market in the Central City.

Events versus food events

58. Elected Members requested further analysis of submitters' views, related specifically to the extent of support for food trucks being allowed to be present in the Central City area supporting an event versus being part of a food truck-focused event.
59. Of the submissions received through public consultation, four made comments related to food trucks being part of an event versus a primarily food trucks event:
- *I feel that food trucks should be allowed to trade in the central city as part of markets and events.*

- *To boost Hamilton East's Grey Street, Friday or Saturday evening 'Food Truck' events with a portion of Grey Street closed to through traffic, would enhance the area as a 'dining destination'. Its proximity to the south end of Victoria Street, means the two can support each other, and become a dual 'entertainment and food zone'.*
- *Allowing food trucks to be a regular part of special events and market days will add to the atmosphere for everyone.*
- *We are in support of allowing them to operate but only as part of a market or event. We would however like for further clarification to be put in place, that being that a market or event cannot be a market or event solely designed for food trucks (i.e. a night market or similar).*

60. Analysis of the 68 survey responses to the targeted survey in July 2020 identified no comments related to a preference for food trucks to either support events versus being part of a primary food truck event. However, this issue was not specifically raised at that time.

How to draw the line between an event with food trucks present versus an event primarily to promote food trucks

61. Staff propose to amend the policy to allow food trucks to operate during events in the Central City area, only where food trucks offer food in support of the principal purpose of the event. This can be achieved by inserting new clause 64:

A permit shall not be given to any market or event consisting predominantly of food trucks, that intends to operate in the Central City (see the map in Schedule 4).

62. This wording has been reviewed by the Council's legal advisers and included in the proposed policy in Attachments 1 and 2.
63. This information would also be communicated on the event permit application form and alongside website information for event organisers.

Cautious approach due to current economic climate

64. Elected Members receive weekly updates on Card Transaction Measures for the city and have access to an economic reporting dashboard showing the impact from Covid-19. This information indicates the total spend and card transaction figures are within a few percentage points of the same time in 2019. However, the hospitality sector has been affected by Covid-19 to a greater cumulative degree than other industries over 2020.

65. Infometrics describe Hamilton's recovery in their September 2020 Quarterly Economic Monitor:

Hamilton City continues to struggle through the impacts of COVID-19 as Infometrics estimates economic activity for the September 2020 quarter was sitting 2.2% lower than a year prior. The continued contraction past lockdown brings total economic activity in the 12 months to September 3.5% lower than the same period from a year earlier.

Softness in economic activity is evident in spending, as Marketview data shows consumer spending in the year to September is sitting 3.6% lower, weaker than the rest of the Waikato region which is down only 0.6% over the year.

66. The same report describes the national economic situation as:

Economic activity rebounded strongly in the September 2020 quarter as the post-lockdown surge boosted spending levels and saw activity across various sectors attempt to make up for lost time. The pandemic still looms large over regional economies, and the pathway ahead is uncertain. But after a hammer blow to the economy in the first half of 2020, the economic rebound in the September quarter has set New Zealand on a more optimistic course ahead. Sustained export activity, combined with New Zealanders

Item 8

opening their wallets to domestic tourism, new cars, and home improvements, has buoyed confidence that the New Zealand economy will emerge from COVID-19 less battered than other parts of the world. The strength of the bounce back in economic activity is cause for celebration, but make no mistake, the pandemic has not finished yet.

67. While the indicators appear positive, it may be prudent to take a cautious approach to policy changes that introduce new opportunities for competition within the Central City area. Elected Members may wish to seek an option that supports food truck operators without unnecessarily impacting 'bricks and mortar' businesses.

Option 1	Option 2 (staff recommendation)	Option 3
<ul style="list-style-type: none"> Allows food trucks to operate in the Central City only as part of an event (less restrictive than current policy) Smallest area of restriction By adding a prohibition of food truck-only events, the impact on existing businesses may be moderated. 	<ul style="list-style-type: none"> Allows food trucks to operate in the Central City only as part of an event (less restrictive than current policy) Slightly expanded area of restriction By adding a prohibition of food truck-only events, the impact on existing businesses may be moderated. 	<ul style="list-style-type: none"> Allows food trucks to operate in the Central City only as part of an event (less restrictive than current policy) Largest area of restriction – may unduly restrict food truck opportunities near the river. By adding a prohibition of food truck-only events, the impact on existing businesses may be moderated.

Policy review process and trial periods

68. Hamilton City Council reviews most policies on a three-yearly policy review cycle. If the proposed policy is adopted on 8 December 2020, the next review would normally occur during 2023.
69. The impacts of any changes to the policy would be reviewed during the next review process – including assessing the impacts of any amendments to the policy, and the economic conditions at the time of the review.
70. If Elected Members indicate they intend to re-review the policy specific to food trucks during the next policy review, staff could establish a methodology to collect information on the impact of food trucks on existing food retailers, during events in the Central City area. This information may inform Elected Members during the next review.

Recommendation

71. At the briefing on 13 May 2020, Elected Members directed that any proposed policy changes should ensure:
- the food truck industry can be successful, vibrant and innovative in Hamilton, while operating for a purpose and for a time; and
 - changes do not discourage restaurants from opening and expanding, cause restaurants to end their leases, or force restaurants to fire employees.
72. Taking all the considerations discussed in this report into account, staff recommend Option 2 would best meet this directive by:
- providing new opportunities for the food truck industry, while ensuring food trucks operate for a purpose and for a time; and
 - providing adequate safeguards for existing food retailers in the Central City area to mitigate any adverse impacts as a result of the proposed policy changes.

73. Staff also recommend an investigation into the impacts of the proposed policy changes on retail food outlets in the Central City area, prior to the next policy review in 2023.

Additional proposed changes related to micro-mobility permit holders

74. Separate to the policy review and consultation process, another Council project has identified a policy amendment that may be required. It is an opportune time to add this minor amendment to the policy.
75. A 6-monthly update on the progress of micro-mobility in Hamilton was presented to the Community Committee on 8 October 2020.
76. The micro-mobility update included a request from Lime Scooters for the Council to extend their period of operating exclusivity until the end of the current trial (March 2021) and to review the current fees and charges being applied to Lime and to also consider moving from a per scooter per annum fixed rental (\$85 per scooter) rate to a more dynamic per trip per scooter fee. The proposed fee structures for e-scooter per trip fees are 10c, 13c or 15c per ride.
77. The Committee indicated they are supportive of a move to the per trip fee scheme for micro-mobility and have directed staff to report on the likely financial impact of such an approach. This will also be presented to the Council at the 8 December 2020 Council meeting.
78. Enabling this request will require a minor change to the wording of S 92 and Schedule 3 (S1.3) of the (Trading in) Public Places Policy. The amended clauses are both proposed to read (new wording shown in italics):
- S92. 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.*
79. Staff recommend including this amendment in the proposed policy.

Financial Considerations - *Whaiwhakaaro Puutea*

80. The costs associated with reviewing this policy were budgeted under the Long-Term Plan.

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

81. The proposed policy has been reviewed by the Council's legal advisors.
82. Staff consider the matters in this report have medium significance and the recommendations comply with the Council's legal requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

Social

83. Allowing food trucks to operate in the Central City during street markets and events may mean a wider selection of food and drink is available to people attending social events and street markets.
84. Any increase in low-cost options for eating out may be popular in the current economic climate as the options are generally more affordable for people/families/whanau who may be in financial difficulty. This may enable more people/families/whanau to participate in the social aspects the city has to offer.

Economic

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

Item 8

86. Additional employment or business opportunities may arise from greater allowance for food trucks to operate in the Central City area.
87. While the policy is expected to have minimal impact on existing retailers, the timing coincides with more difficult economic times for some businesses.

Environmental

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

Cultural

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

Risks - *Tuuraru*

91. While care has been taken in the development of the proposed changes, staff note that increased access to the Central City by food trucks may have an adverse impact on existing 'brick and mortar' businesses.

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

92. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a medium level of significance.

Engagement

93. Community views and preferences are already known to the Council through pre-consultation engagement with key stakeholders including the Hamilton Central Business Association, the Food Truck Collective and individual businesses within the CBD area; and through intensive public consultation.
94. Public consultation occurred between 1 October and 12 November 2020.
95. Submitters were provided with an opportunity to present their views in a spoken form at the Hearings and Engagement Committee on 23 November 2020. Two submitters presented to Committee.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Proposed Trading in Public Places Policy

Attachment 2 - Trading in Public Places Policy - Tracked

Attachment 3 - Four Options considered during public consultation

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

Trading in Public Places Policy

Purpose and Scope

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

Definitions

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

Attachment 1

Item 8

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

Policy

Outdoor Dining Areas

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

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

General conditions that apply to Outdoor Dining Permits

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

Layout of outdoor dining areas

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

Café umbrellas and shade awnings

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

Planter boxes

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

Heaters

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

Page 3 of 13

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

Pull-down blinds and screens

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

Barriers

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

Signs

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

General conditions that apply to signs

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

Page 4 of 13

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

Signs in Heritage Areas

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

Markets, events and stalls

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

Merchandise display

- 67. 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.

Attachment 1

Mobile shops (includes Food Trucks)

68. 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. Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
69. Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) other than as part of a market or event.
70. The following conditions apply to all mobile shops:
- No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any Bylaw or traffic legislation.
 - Permits may include permission to have tables and chairs in close proximity to a food truck for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
 - Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
 - Mobile shops selling food or alcohol must hold the necessary food or alcohol licences.
 - Hours of operation:
 - Standalone Mobile Shops are only permitted to operate between the hours of 6am and 10pm.
 - Mobile Shops operating as part of a market or event may operate for the same hours as the market or event is permitted to operate.
 - The permit must be displayed at all times.

Busking, hawking and charitable collections

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

Hawkers conditions

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

Page 6 of 13

Item 8

- g. Hawkers are only permitted to trade during the hours of 8.30am and 8.30pm.

Charitable collections

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

Other Activities on Footpaths

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

General conditions

- 80. Voice enhancement equipment, including microphones, amplifying equipment and loud hailers 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. The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- 82. The activity must not interfere in traffic visibility. 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. if permit conditions are breached.
 - b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.
- 90. Council reviews fees annually 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 apply to applicants for Personal Hire Device Permits in circumstances where fees are to be determined on a per ride basis.

Enforcement

- 92. Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:
 - a. First breach: verbal notification of the breach and request to rectify.
 - b. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - c. Failure to remedy: the Council will consider revoking the permit.
- 93. 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.

Page 7 of 13

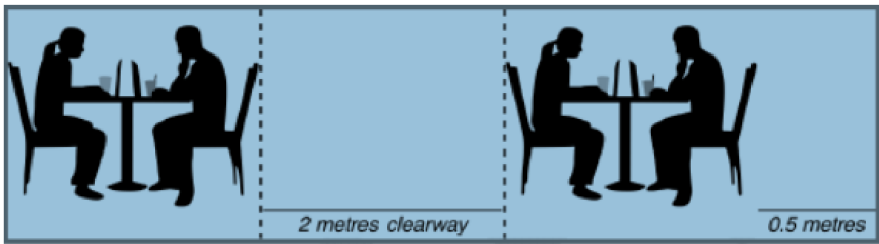
Attachment 1

94. 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. The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

Item 8

Schedule 1: Footpath layouts

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



Schedule 2: Signs dimensions

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



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



Schedule 3: Application requirements for certain permits

1. General requirements
 - 1.1. All applications must be in the prescribed format and contain the information requested.
 - 1.2. Applications not complying with these requirements will not be processed.
 - 1.3. All applications must include the prescribed fee. This clause does 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.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.
3. Information required for Market Stalls Permit and Individual Stalls Permit
 - 3.1. Applications for a Market Stall must include:
 - i. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - iii. A Traffic Management Plan showing:
 - the location of ingress and egress to the market
 - any parking provided, any temporary measures to control traffic to and from the market site
 - measures for loading and unloading of market goods and stall set up and pack down
 - the contact details for a person responsible for implementing the Traffic Management Plan.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. The name, address and contact details of the applicant and market operator.
 - vi. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator. Note: A

Attachment 1

Item 8

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

Schedule 4: Central City map

TBC by Council

Item 8

Attachment 1

<i>First Adopted</i>	25 February 2009
Revision Dates / version	17 February 2016 8 December 2020 / Version 5
Next review date	In conjunction with Public Places Bylaw 2016
Engagement required	In conjunction with Public Places Bylaw 2016
Document number:	D-2049849
Related documents	D-1965487
Sponsor/Group:	General Manager City Growth

Trading in Public Places Policy

Purpose and Scope

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

Definitions

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

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

Policy

Outdoor Dining Areas

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

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

General conditions that apply to Outdoor Dining Permits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Layout of outdoor dining areas

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

Café umbrellas and shade awnings

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

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

Planter boxes

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

Heaters

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

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

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

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

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

Pull-down blinds and screens

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

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

~~33-32.~~ All pull-down blinds and screens must be rolled up or removed from the footpath outside of the hours specified in the outdoor dining area permit.

Barriers

~~34-33.~~ Barriers may be used to define the boundaries of an outdoor dining area.

~~35-34.~~ Barriers shall not exceed a maximum height of 0.9m.

~~36-35.~~ Clearance from the ground is required to allow stormwater run-off.

~~37-36.~~ Barriers must be of stable construction to prevent blowing over in strong wind.

Signs

~~38-37.~~ Signs in public places are regulated under this Policy. The District Plan regulates signs on zoned land.

~~39-38.~~ This Policy does not apply to:

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

~~40-39.~~ A person wishing to erect a sign in or over a public place must obtain a permit.

~~41-40.~~ No Council-owned land is to be used to erect election signs for Parliamentary Elections or local body elections.

General conditions that apply to signs

~~42-41.~~ All signs must be maintained in good order and condition. An Enforcement Officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.

~~43-42.~~ A maximum of one sign per road frontage is permitted.

~~44-43.~~ The footpath sign must not obscure road user's visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.

~~45-44.~~ The permitted size for signs is set out in Schedule 2.

~~46-45.~~ A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.

~~47-46.~~ The footpath sign must not resemble a warning sign or road traffic sign.

~~48-47.~~ The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.

~~49-48.~~ The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.

~~50-49.~~ An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.

~~51-50.~~ Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.

Attachment 2

Item 8

~~52-51.~~ All signs are to be removed from the footpath outside of hours of business.

~~53-52.~~ Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.

~~54-53.~~ Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.

~~55-54.~~ Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.

~~56-55.~~ Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.

~~57-56.~~ Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

Signs in Heritage Areas

~~58-57.~~ The design and location of signs in a public place in a heritage area or outside a heritage building (as defined or listed in the District Plan) must be compatible with the heritage significance of the area or the building so that they do not detract from that significance.

~~59-58.~~ Signs in heritage areas or outside heritage buildings will be assessed on a case-by-case basis and special consideration may apply to signs approved for use to ensure that signs do not materially affect the heritage value of the area and/or building.

Markets, ~~events and stalls and merchandise displays~~

~~Street markets and stalls~~

~~60-59.~~ A ~~street~~ market ~~or other event~~ is not permitted to operate without a permit: ~~from Council. Permits may be for a single date or for recurring dates. Applicants must provide the information in Schedule 3 when applying for a permit to operate a market, event or an individual stall.~~

~~61-60.~~ Council's general policy is to encourage stalls to be part of managed ~~street~~ markets ~~or events~~, however, permits for individual stalls will be considered on a case-by-case basis. An applicant wishing to operate a stand-alone stall is not permitted to operate without a permit.

~~62.~~ ~~Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.~~

~~63-61.~~ 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.

~~62.~~ ~~Cleaning~~ ~~The type and number of mobile shops present at a market or event is at the discretion of the permit holder.~~

~~63.~~ A permit shall not be given to any market or event consisting predominantly of food trucks, that intends to operate in the Central City (see the map in Schedule 4).

~~64.~~ ~~Waste minimisation and cleaning~~ arrangements following the business hours of the market ~~or event~~ will be included in the permit conditions.

~~65.~~ ~~The management and minimisation of waste at a market or event must comply with the Hamilton Waste Management and Minimisation Bylaw 2019.~~

~~65-66.~~ The following conditions will apply to stalls ~~and mobile shops~~, including ~~those stalls intrading within a street market or event:~~

~~Stalls and Mobile Shops:~~

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

Merchandise display

~~66-67.~~ 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)

~~67-68.~~ Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for ~~an event or street a~~ market ~~or event~~, or as a stand-alone permit. ~~Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.~~

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

~~69. Applicants must provide the information in Schedule 3 when applying for) other than as part of a permit for a mobile shop market or event.~~

70. 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 ~~the mobile shop a food truck~~ for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
- d. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
- 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.

Busking, hawking and charitable collections

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

Busking conditions

72. The following conditions apply to buskers:

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

Hawkers conditions

73. The following conditions apply to hawkers:

Page 6 of 13

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

Charitable collections

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

Other Activities on Footpaths

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

General conditions

- ~~80.~~ Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.
- ~~81-80.~~ ; [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.
- ~~82-81.~~ The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- ~~83-82.~~ The activity must not interfere in traffic visibility. General Permit Conditions
- ~~84-83.~~ 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.
- ~~85-84.~~ Approval may be withheld if the applicant has previously breached approval conditions.
- ~~86-85.~~ Permits under this Policy are issued by the City Safe Unit.
- ~~87-86.~~ Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
- ~~88-87.~~ Permits automatically expire when a business holding a permit is sold.
- ~~89-88.~~ Permits issued under this Policy are not transferable.
- ~~90-89.~~ A permit may be cancelled or amended if:
 - a. if permit conditions are breached.
 - b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.
- ~~91-90.~~ Council reviews fees annually changes are notified by public notice.
- ~~92-91.~~ 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 apply to applicants for Personal Hire Device Permits in circumstances where fees are to be determined on a per ride basis.](#)

Enforcement

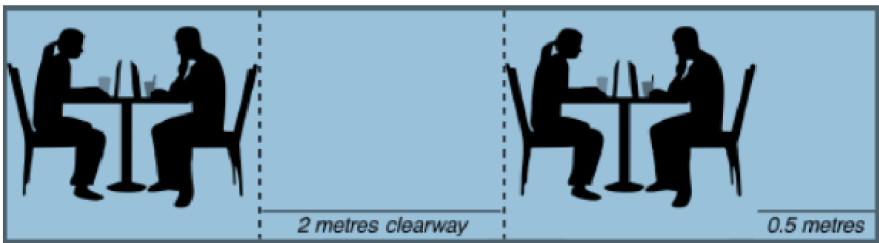
- ~~93-92.~~ Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:

Page 7 of 13

- a. First breach: verbal notification of the breach and request to rectify.
 - b. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - c. Failure to remedy: the Council will consider revoking the permit.
- [94-93.](#) 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.
- [95-94.](#) 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.
- [96-95.](#) The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

Schedule 1: Footpath layouts

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



Schedule 2: Signs dimensions

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



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

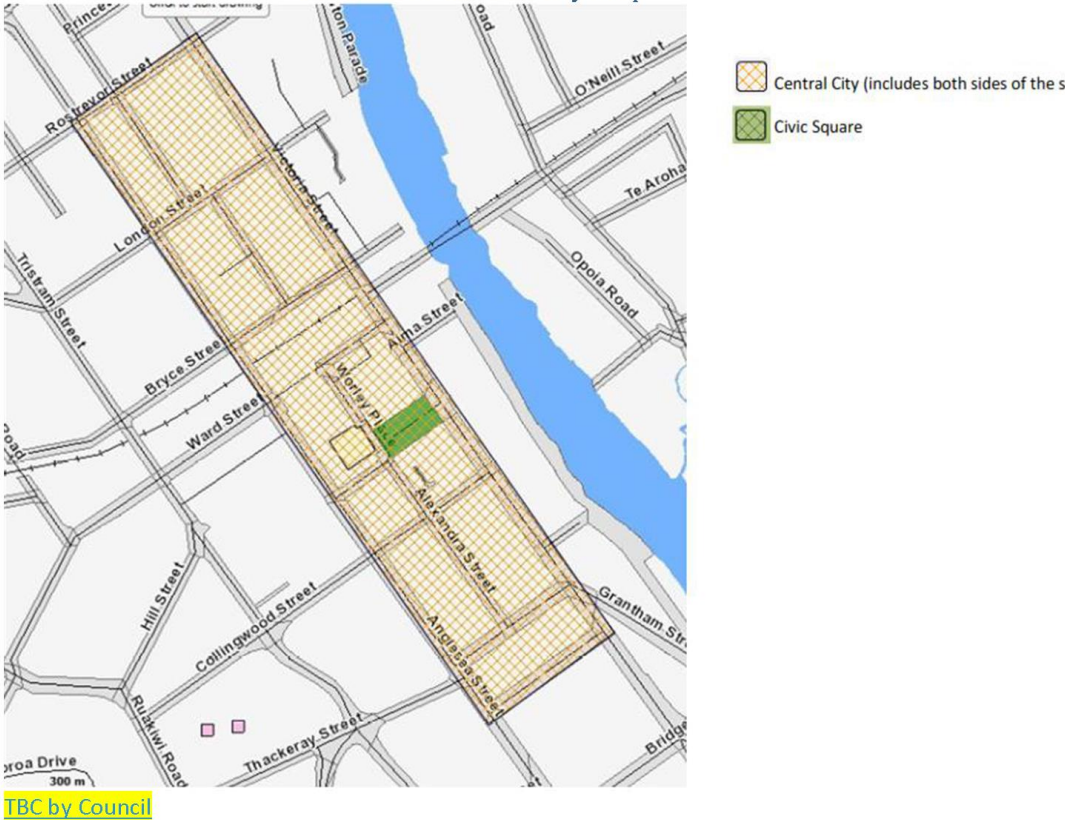


Schedule 3: Application requirements for certain permits



1. General requirements
 - 1.1. All applications must be in the prescribed format and contain the information requested.
 - 1.2. Applications not complying with these requirements will not be processed.
 - 1.3. All applications must include the prescribed fee. [This clause does 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.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.
3. Information required for ~~Street~~ Market Stalls Permit and Individual Stalls Permit
 - 3.1. Applications for a ~~Street~~ Market Stall must include:
 - i. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - iii. A Traffic Management Plan showing:
 - the location of ingress and egress to the market
 - any parking provided, any temporary measures to control traffic to and from the market site
 - measures for loading and unloading of market goods and stall set up and pack down
 - the contact details for a person responsible for implementing the Traffic Management Plan.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. The name, address and contact details of the applicant and market operator.
 - vi. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator. [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.
- viii. Evidence that all market stalls selling alcohol hold the necessary alcohol licence.
- 4. Information required for Charitable Collections Permit
 - 4.1. Applications for approval to collect charitable donations must include:
 - i. The date, time and location of the intended donation collection.
 - ii. Approval from the charity to collect donations.
- 5. Information required for Mobile Shops Permit [\(includes Food Trucks\)](#)
 - 5.1. Applications for a Mobile Shop Permit must include:
 - i. The intended location and trading hours.
 - ii. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
 - iii. If tables and chairs are intended to be provided:
 - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:5.
 - Photographs of the tables and chairs to be provided.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.
 - v. [For Mobile Shops selling food, evidence of appropriate food safety / alcohol licences](#)

Schedule 4: Central City map





Four Options were considered during public consultation on the (Trading in) Public Places Policy:

Option 1	<p>PROPOSED POLICY WITH CURRENT CENTRAL CITY RESTRICTED AREA</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate • Continue with a restricted Central City as it currently is. 	 <p>A map of the Central City area with a grid of streets. A blue river runs diagonally through the center. A legend in the top right corner shows an orange outline for the 'Central City' restricted area. The orange outline covers a central portion of the city, roughly between the river and the top edge of the map.</p>
Option 2	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river, between London Street and Knox Street. 	 <p>A map of the Central City area, similar to the one above. The orange outline for the 'Central City' restricted area is extended further south, down to the river, between London Street and Knox Street. The legend in the top right corner also shows the orange outline for the 'Central City'.</p>

Attachment 3

Item 8

Option 3	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER; AND BETWEEN CLAUDELANDS BRIDGE AND ANZAC PARADE BRIDGE)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' Definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river between London Street and Anzac Parade. 	
Option 4	<p>CONTINUE THE CURRENT POLICY AND CURRENT RESTRICTED AREA WITHOUT THE PROPOSED CHANGES</p> <p>The policy will continue to be called the Public Places Policy, which may not indicate the purpose as clearly as the Trading in Public Places Policy.</p> <p>The restricted Central City area will be the same as it currently is.</p>	

Council Report

Item 9

Committee: Council **Date:** 08 December 2020

Author: Sean Murray **Authoriser:** Richard Briggs

Position: General Manager Venues, Tourism and Major Events **Position:** Chief Executive

Report Name: The Future of the Founders Site - Deliberations Report

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

1. To inform the Council of the full outcome of the community engagement undertaken in October- November 2020 to obtain community feedback on the future of the Founders site.
2. To seek the Council's approval of an option for the future use of the site to be included in the draft 2021-31 Long-Term Plan for further consultation.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) notes the feedback received through the community engagement process;
 - c) approves '**Option 2**' (*Remove the theatre and create a multi-purpose park (\$3.57M)*) be included as the Council's preferred option for the purposes of the 2021-2031 Long-Term Plan process and approves that this option be included in the draft 2021-2031 Long-Term Plan consultation document for the purpose of further engaging with the community on the Council's preferred option;
 - d) requests that Theatre of the Impossible Trust (TOTI) submit their formal business case and funding proposal to deliver a multi-purpose public space project at the Founders site, to be fully funded by TOTI, through the 2021-31 Long-Term Plan consultation process; and
 - e) notes that a nomination has been made to Heritage New Zealand to include Founders Theatre on the New Zealand Heritage List and that this matter will be a further considered by Council in due course.

Executive Summary - *Whakaraapopototanga matua*

4. The Founders site is located in the West Town Belt (WTB) on the edge of the city centre. Founders Theatre has been closed since March 2016.
5. Since closure, Council has sought community feedback on how the building could be used, ranging from complete demolition and reinstatement as an open space to full reinstatement of the building for community use.
6. The confirmation of the Waikato Regional Theatre (WRT) and the strategic direction set out in the West Town Belt Masterplan indicates that it is the right time to discuss the future of the Founders site with the community.

Item 9

7. At the meeting on 17 September 2020, Council confirmed its intention to undertake community engagement on the Founders site, with three options proposed. This was designed to give the community a final opportunity to help decide the future of the site.
8. Staff consider the decisions in this report have high significance and the recommendations comply with the Council's legal requirements, including a recently received nomination to Heritage New Zealand to include Founders Theatre on the New Zealand Heritage list, refer paragraph 55-60 of this report.

Background - *Koorero whaimaarama*

9. The Founders site is located in the WTB on the edge of the city centre. Founders Theatre sits within the 'WTB Heart Character Area'. As an important central city park space, this character area promotes park enhancement to include events, community play, sports and recreation.
10. Founders Theatre has been closed since March 2016 due to safety concerns. As noted in previous reports to Council (refer attachment 1), the seismic strength of the building, code of compliance issues and general condition were the primary concerns when considering re-opening Founders Theatre for use as a fully functioning proscenium arch theatre.
11. Since 2016, Council has sought community feedback on how the building could be used, ranging from complete demolition and reinstatement as an open space to full reinstatement of the building for community use. Staff did not recommend re-purposing the existing building due to the costs of re-opening the building in a safe but non-theatrical restricted use format due to costs for the building strength upgrade, code of compliance and building reconfiguration.
12. In 2018, Council confirmed its commitment to the WRT, facilitated and led by Momentum Waikato Community Foundation. This new facility is now a certainty and will provide a world-class cultural and arts facility in central Hamilton.
13. In September 2019, Council adopted the WTB Masterplan to provide a 30-year vision and strategic framework for the future of the green belt.
14. With the new regional theatre confirmed and in the detailed design and pre-construction phase, it is seen as the right time to decide on the future of Founders site. A decision at this point will assist in preparation of Council's 2021-31 Long Term Plan. Construction of the WRT will commence in February 2021 and it is scheduled to open in December 2022.
15. The purpose of the 2020 community engagement was to give the community a final opportunity to decide the future of the site and presented an opportunity for Council to seek feedback on uses for this well-known site in the heart of Hamilton.

Discussion - *Matapaki*

Community Engagement - Options

16. Community engagement material on three options for the potential future of the Founders site was approved by a delegated Elected Member working group during September 2020. Refer **attachment 2**.
17. A comprehensive communication and engagement programme was developed to ensure strong promotion of the proposed engagement. The options were approved by Council (17 September 2020) and were presented during community engagement as:
18. **Option 1: Remove the theatre and create a basic park**
 - *This option keeps and repairs the Dame Hilda Ross Memorial Fountain. The basic park includes a lawn only with no new planting or park furniture. Option 1 will cost approximately \$1M and was budgeted through the previous Long-Term Plan.*

19. Option 2: Remove the theatre and create a multi-purpose park

- *This was Council's preferred option. It keeps and repairs the Dame Hilda Ross Memorial Fountain and creates a modern, welcoming, multi-use inner-city park with zones for different activities.*
- *The cost will be more than the budget provided for Option 1. If Council decides on this option, we will seek further community feedback during the 2021-31 Long-Term Plan consultation in March.*

20. Option 3: Create something new from the theatre building and area around it

- *We also invited submissions with funding proposals from interested parties for an option that partly or fully retains the Founders Theatre building for an alternative purpose. Estimates to restore the building have ranged from \$12M to \$20M. Expressions of interest required a business plan and long-term funding proposal.*

Community Engagement – Summary of Engagement

21. Wide community engagement took place between Wednesday 7 October 2020 and Tuesday 3 November 2020. The opportunity to take part in the engagement was communicated in the following ways:

- Direct mails
- Social media campaigns
- Signs at the Founders site and at Embassy Park
- A large banner on the side of the theatre building
- Flyers at cafés, libraries and other Council sites
- Posters on display in the Municipal Building customer area
- Pop-up displays at the Municipal Building, the six libraries and Hamilton Zoo
- Internal promotion to Council staff
- Updated Founders site page on the Council website
- Media releases/stories on the Council's Our Hamilton website and in the Our Hamilton newsletter (11 September, 17 September, 7 October and 27 October)
- Waikato Times articles (11 September, 18 September)
- Radio New Zealand news item (31 October)
- Advertisements in the Hamilton Press (7 October, 21 October; readership 57,000) and Waikato Times (17 October; Saturday readership 51,000)
- Digital advertising on Stuff's mobile site (16,666 impressions from 12 October to 26 October. An impression is an appearance on a mobile user's screen)
- A 15-second radio ad on Mediaworks and NZME stations over the four-week campaign period
- A video posted on Facebook and featuring on the web page
- Electronic signage at two points around the Founders site

22. Two public Q&A sessions were also held on Saturday 10 October (1.00-3.00pm, Founders Theatre grass lawn) and Thursday 22 October (4.30-7.30pm, Embassy Park) with staff available to speak to members of the public and answer any questions.

23. Sixteen (16) individuals or groups spoke in support of their feedback at a Hearings and Engagement Committee meeting on 20 November 2020.

24. During the period of public consultation, Council received 505 submissions through the Have Your Say process. All 505 submissions have been uploaded to the 'have your say' website and can be accessed online [here](#).

Item 9

25. Direct feedback was also provided through emails or letters from 22 people or organisations, with some also submitting through the Have Your Say portal. This direct feedback can be viewed [here](#).

Hearings and Engagement Committee: Issues raised

26. Sixteen (16) individuals or groups spoke at the Hearings and Engagement Committee meeting on 20 November 2020.
27. Presenters had a broad range of views on the future of the Founders site. Some who supported the multi-purpose park wanted to see play as a key component, including construction of a new skate park and outdoor exercise equipment. Other ideas for the site included regeneration of the space using sustainable principles and using it for outdoor events and other activities with appeal to younger Hamiltonians.
28. Submitters who favoured retaining the theatre building suggested it had historical value and should be put to new use, with proposals including converting it into a community centre, arts, music, culture or a heritage hub or town hall.
29. Following the hearing, staff were asked by Elected Members to provide further information on the related issues below:

Issue raised	Staff Response
Staff to ensure deliberations report includes the summary of Have you Say submissions (505) and Direct Feedback (22) and include where possible, updated figures for support of each option.	<p>Analysis of the 505 Have Your Say submissions and the 22 emails/letters received as direct feedback is included in the engagement insights report (attachment 2).</p> <p>The two types of feedback have not been combined in that report or this one. The views in the emails/letters do not always fit cleanly into one of the three options. To tag them to a particular option requires interpretation and runs the risk of misinterpretation. In fact, some submitters said they chose not to take part in the Have Your Say process because their views fell outside the three options.</p> <p>For these reasons, the options analysis in this report focuses on the 505 Have Your Say submissions.</p> <p>Staff can say that 15 of the 22 emails/letters (68%) favoured retaining the existing building for a variety of purposes.</p>
Staff to provide summary of feedback of option 2 activities in full analysis report.	This is summarised in the full engagement report (attachment 2, refer page 8-10) and further explored in paragraph 38-40 of this report.
Staff to seek clarity from Creative Waikato on their submission and footprint for potential alignment to TOTI proposal.	Staff understand that TOTI and Creative Waikato are working with each other to seek alignment noting that Creative Waikato's submission was in support of option 2 but to retain some standalone building

	rooms/features whereas TOTI's proposal is for a rejuvenation project for the full building.
Staff to confirm council's legal status of any related past decisions pertaining to Founders Theatre.	<p>Council has not made any decision regarding the future of the Founders site and therefore there is no legal obligations to any party in relation to its future.</p> <p>As a reminder the land is designation for reserve purposes only.</p> <p>A provision for budget for the removal of the theatre was approved by way of the 2018-2028 LTP. The decision to remove the theatre building can only be made by a resolution of Council.</p>
Staff to provide comment on option to merge option 2 (multi-use park) and option 3 (retain Founders building in full or part).	If option 3 were pursued and appropriately funded, Council <i>could</i> prepare a landscape plan to enhance the surrounding park space and work with the project architects to ensure that the building appropriately responds to its open space context and aligns with the West Town Belt masterplan. However, this has not been factored into any current planning.
Staff to provide more understanding of a skate park concept under option 2 .	<p>The purpose of the questions posed in the Founders Theatre engagement was to understand at a high level, the appetite for play spaces in general (inclusive of formal playgrounds, water play, skate parks and skate and play elements).</p> <p>At this point in time, the skate park is a high-level concept in the same way that the playground and overall site development is still a high-level concept. The viability, exact location, size and design of a skate park (or skate elements) has not yet been fully explored. Should option 2 be pursued, staff will work with the community to understand what comprises the park upgrade.</p>
Staff to provide timing alignment across all options and LTP timeframes.	<p>March/April 2021: Consultation</p> <p>May 2021: Council's deliberation</p> <p>June 2021: Adoption of 10-YP</p>
Staff to provide indicative costs of an outdoor facility (option 2).	At this point in time, the outdoor facility would include a covered canopy structure, basic but well integrated performance space (e.g. hard stand that could function as a stage), public toilets, and changing rooms and storage to complement the performance space. The overall costs of all these elements

Item 9

	has been estimated at \$1,050,000.00
Staff to provide indicative costs for all options – option 1 , option 2 and option 3 and holding costs for keeping the theatre in closed state.	See financial considerations section under paragraph 51-53.
Staff to provide indicative costs relating to TOTI's Option 3 proposal including operational funding.	These figures will be provided by TOTI through their further submission to the 2021-31 LTP in March/April 2021, as indicated in their submission received in November - refer attachment 4 . TOTI are aware they will need to provide further detailed project establishment costs and ongoing operating cost information for Council consideration via the 10 YP submission process in 2021.
Staff to provide clear understanding of funding available and budgeted for the Founders site (opex and capex).	See financial considerations section under paragraph 51-53 of the staff report.
Staff to provide comment on noise monitoring of current Founders site.	Council's Environmental health team have confirmed there isn't any noise monitoring around the Founders site.
Staff to provide comment on theatre demand based on population growth.	The size of a performing arts theatre is not necessarily predicated on the size of the local or regional population base, rather it is determined upon the optimal size of an audience or specific types of performance within a theatre. In addition to that, some thought needs to be taken into account for not only the new WRT (1300 seats), but other community theatre assists in Hamilton including tertiary and secondary educational facilities already in situ across the city.
Staff to include information on Rostrevor Street NZTA Innovating Streets for People Programme.	At the finalising of this report the detail was not available and will be provided at the meeting on 8 December.

Community Engagement – Analysis of Feedback

30. As listed in paragraph 24, 505 Have Your Say submissions were received, 482 online and 23 hard copies. Of these:
- 84% (422) supported Council choosing Option 2 - Remove the theatre and create a multi-purpose park. This was presented to the community as Council's preferred option.
 - 11% (58) supported Council choosing Option 1 - Remove the theatre and create a basic park.

- 3% (15) supported Council choosing Option 3 - Create something new from the theatre building and area around it.
 - 2% of submitters (10) did not indicate support of an option.
31. The campaign generated some direct contact, either via email or letter, with Elected Members and the General Manager Venues, Tourism and Major Events. Twenty-two (22) emails or letters were received. Two of the senders also made submissions through the Have Your Say process.
- 15 (68%) email/letter submissions suggested Council retain the existing building
 - 1 suggested Council rebuild a theatre on the site
 - 6 suggested removing the building and creating something new
32. Council received one expression of interest for **Option 3** (Create something new from the theatre building and area around it) from TOTI – Theatre of the Impossible Trust. Refer paragraph 49-50.
33. The full engagement analysis report is included as **attachment 3**.

Options Analysis

Option 1: Remove the theatre and create a basic park

34. 11% (58) supported Council choosing **Option 1**.
35. This option proposed to remove the Founders Theatre building and reinstate the site as a basic park (e.g. lawn only). Funding for this is budgeted in the 2021-31 Draft Long-Term Plan. This option does not fully achieve the vision of the West Town Belt Masterplan.

Option 2: Remove the theatre and create a multi-purpose park

36. 84% (422) supported Council choosing **Option 2**. This was presented to the community as Council's preferred option.
37. This option assumes the removal of the Founders Theatre building and redevelopment to improve the site as a multi-purpose community park suitable for events, community activities and informal recreation, and include potential outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths.
38. **Option 2** also included two additional questions about the type of activities people would like to see on the site and ways to honour the heritage of the site.
39. The most popular ideas for honouring the heritage of the Founders site if a multi-purpose park was created were:
- through sound, music and performance and through storytelling activities.
40. The most popular ideas for activities if a multi-purpose park was created were:
- interaction with the fountains, creation of a playground, play or skate space and participation in events on the site.
41. **Option 2** would support the vision of the WTB Masterplan. The Founders site is a prominent site in the WTB and links to Boyes and Hinemoa Park. There is significant potential to increase and improve this central city open space area, so it can become a place where events, community activities and informal recreation combine and intersect. Enhancement of this space will be a catalyst project to transform the overall WTB and create a well-connected, well-used open space. Budget would be required to achieve this.

Item 9

42. Rostrevor Street is being re-imagined through the NZTA Innovating Streets for People programme. The programme seeks to temporarily redesign the street so that it better links Boyes Park to Hinemoa Park and introduce temporary activities to draw the community in (e.g. cycle paths and play elements). The outcome of this project will inform a more long-term, permanent outcome.
43. Community feedback has indicated strong support for this concept option.
44. Although this option costs more than the budget provided for in **Option 1**, if Council chose to endorse this option, it will be formally consulted on through the 2021-31 Draft Long-Term Plan. Feedback received from **Option 2** submissions will then be used to inform a concept design that, subject to agreement to the recommendation in this report, will be included and consulted on in the 2021-31 Draft Long-Term Plan process with indicative project costs provided to the community.

Option 3: Create something new from the theatre building and area around it

45. 3% (15) of responses supported Council choosing **Option 3**.
46. This option was to invite interested parties to submit an alternative proposal for Council's consideration to retain the Founders Theatre building (in full or in part). Proposals were to guarantee non-Council funding (full capital costs and ongoing operating costs), with no requirement for or expectation of Council funding.
47. Of the responses received under this option, un-funded suggestions for use included as a community theatre, community centre, concert hall or other community performance use space.
48. One business case was received from TOTI. Two Have Your Say submissions received that supported option 3 also referenced support for the TOTI proposal. In addition, there were four items of direct feedback received that indicated support for the TOTI proposal.
49. **Business Case and Funding Proposal – TOTI's "Halls of Heritage"**
50. Refer **attachment 4** for the details of TOTI's proposal.

Financial Considerations - *Whaiwhakaaro Puutea*

51. Funding to remove the Founders building (plus basic site reinstatement) has been included in budgets since 2017 and \$1M is currently included in the draft 2021-31 LTP in Y3 (FY23/24).
52. The Founders Theatre building asset value has been fully written down to zero. This results in no impact to depreciation across all options.
53. **Founders Site Options – Financial Considerations**

Option	Notes
Option 1: Remove the theatre and create a basic park	<ul style="list-style-type: none"> Budget is proposed in Y3 (2023/24) \$1M opex However, advancing this work to 2020/21 would result in savings of building holding costs in the proposed 2021-31 LTP of \$382k opex as follows - Y1 (\$149k), Y2 (\$139k) and Y3 (\$94K).
Option 2: Remove the theatre and the create a multi-purpose park	<ul style="list-style-type: none"> Proposed to be funded via 2021-31 LTP \$3.57M capex Ability to use proposed existing budget for removal (\$1M opex) Advancing this work to earlier years may result in savings of holding costs Final budget and timeline to be advised via the LTP in 2021.

Option 3: TOTI Proposal	<ul style="list-style-type: none"> TOTI to provide a detailed rectification plan, budget and fully confirmed funding structure for consideration by Council.
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Item 9

Risks - *Tuuraru*

54. Not proceeding with a decision on the future use of the Founders site could creating a reputational risk for Council and a risk the community will become disaffected and disengaged.

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

55. Staff confirm that the recommendations complies with the Council's legal and policy requirements.

Heritage New Zealand Nomination

56. Following the community engagement process (closed 3 November 2020) and the hearings at Council's Hearing and Engagement Committee meeting (20 November 2020), Council's Chief Executive received a letter on 27 November 2020 from Heritage New Zealand.
57. This correspondence advised us that Heritage New Zealand had received an application on 16 November (refer attachment 5) to nominate Founders Theatre to be considered for entry on the New Zealand Heritage list as a category 2 historic place listing.
58. Compiled under the Heritage New Zealand Pouhere Taonga Act 2014, the New Zealand Heritage List identifies the nation's heritage places including Pā, whaling stations, churches, memorials, urupā, maunga tapu, farm buildings, bridges, mining sites, punawai, *theatres*, settlements, public and commercial buildings, hotels, breweries, public parks and dwellings.
59. The decision to accept this nomination will be completed in early 2021 and if accepted for consideration, the process could take up to a year or more. As part of this, Council will be asked to consider its comments, support or otherwise for Founders Theatre to be added to the New Zealand Heritage list.
60. Being nominated for inclusion on the list does not mean the site has heritage protection. The nomination merely commences a process of investigation by Heritage New Zealand to determine the heritage value of the site.
61. It is important to note that while Council has been advised of the nomination as the building owner, as a territorial authority, Council also holds obligations under the resource management act to protect historic heritage (refer section 74 of the Heritage New Zealand Pouhere Taonga Act 2014). If there becomes a time when there is a debate over the potential listing or not, Council will need to recognise its different roles.
62. This paper proposes following the significant community consultation and now in the knowledge of the above Heritage New Zealand nomination, that Council continues its consideration for the future of the Founders site under the current Long-Term Plan process during which further information and community views will be shared.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Item 9

66. Founders Theatre sits within the 'WTB Heart Character Area'. As an important central city park space, this Character Area promotes park enhancement to include events, community play, sports and recreation. The vision for the West Town Belt is *"A connected, treasured and dynamic inner-city open space destination which everyone enjoys"*.

Social

67. The community engagement undertaken responds to previous feedback received and significant public interest in the future of the Founders site. It provided the opportunity for the community to understand and engage and share their views on the future of the space, including enhancement of the public green space surrounding Founders Theatre.

Economic

68. The engagement undertaken enabled the community to have their say on the future of the site. This included local property owners, businesses and residents who have a potential economic interest. Any future activity on the site will contribute to economic wellbeing. A good outcome for this space that improves the liveability of Hamilton, particularly the central city, will have a direct impact of the economic wellbeing of Hamiltonians.

Environmental

69. The engagement undertaken ensured that environmental enhancement of the site was an option for consideration. This may include works and activities to enhance the environmental values, including improved access to experience and enjoy increased urban green space.

Cultural

70. The engagement took cultural wellbeing into account through questions on how the site's heritage could be acknowledged.
71. The WTB Masterplan sets out design principles to inform the process of any development of sites across the WTB. This includes use of the Te Aranga Maaori Design Principles, which ensure appropriate engagement and collaboration with iwi and mana whenua. Engagement with iwi and mana whenua was received to seek their feedback/comments ahead of wider community consultation.

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

Significance

72. 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.

Engagement

73. Community views and preferences are already known to the Council through major public engagements and hearings as outlined in this report. Further consultation may be included in processes as a result of the option approved for further consideration.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Founders Theatre - summary of agenda items and decisions 2014-2020

Attachment 2 - Founders Site Community Engagement - engagement material

Attachment 3 - Founders Site Community Engagement 2020 - Full Analysis Report

Attachment 4 - Option 3 Business Case and Funding Proposal - TOTI November 2020

Attachment 5 - Heritage New Zealand - Founders Theatre Nomination 27 November 2020

Founders Theatre – Resolutions 2014 to 2020

November 2020

Item 9

ORDINARY COUNCIL 9 DECEMBER 2014

Agenda item: [Unfunded Proposal Ordinary Council Founders Theatre Founders Theatre Upgrade & Refurbishment](#) (Refer page 180)

Minutes: [Resolved: Her Worship the Mayor Hardaker/Cr Chesterman](#) (Refer page 20)

Motion: (Her Worship the Mayor Hardaker/Cr O'Leary)

That:

- a) A capital amount of \$100,000 is allowed for the preparation of a Founders Theatre Upgrade Business Case in 2015/16 to explore all options in detail and identify the best outcome;
- b) An estimated Founders Theatre upgrade and refurbishment cost of \$13.8m is included from 2021/22, and
- c) Council reconsider the Founders Theatre upgrade and refurbishment item at 2016/17 Annual Plan review based on the completed Business Case report.

Amendment: (Crs King/Mallett)

That:

- a) A capital amount of \$100,000 is allowed for the preparation of a Founders Theatre Upgrade Business Case in 2015/16 to explore all options in detail and identify the best outcome; and
- b) Council reconsider the Founders Theatre upgrade and refurbishment item at 2016/17 Annual Plan review based on the completed Business Case report.

The Amendment was Put.

Those for the Amendment:

Councillors Mallett, King, Gallagher, Green, Forsyth and Macpherson

Those against the Amendment:

Her Worship the Mayor Hardaker, Councillors O'Leary, Tooman, Yeung, Chesterman and Pascoe

The Amendment was declared lost 7 Votes Against (including the Casting Vote of the Chair) and 6 Votes For.

The Motion was then Put.

Resolved:

That:

- a) A capital amount of \$100,000 is allowed for the preparation of a Founders Theatre Upgrade Business Case in 2015/16 to explore all options in detail and identify the best outcome;
- b) An estimated Founders Theatre upgrade and refurbishment cost of \$13.8m is included from 2021/22, and;
- c) Council reconsider the Founders Theatre upgrade and refurbishment item at 2016/17 Annual Plan review based on the completed Business Case report.

Attachment 1

Attachment 1

Founders Theatre – Resolutions 2014 to 2020

November 2020

ORDINARY COUNCIL 31 MARCH 2016

Agenda item: [Item 6: Ordinary Council Founders Theatre Future Options Report](#) (Refer page 23)

Minutes: [Resolved: Her Worship the Mayor Hardaker/Cr Chesterman](#) (Refer page 3)

Resolved: That:

- a) The report be received;*
- b) The Founders Theatre Engagement Document is further improved with the assistance of some Councillors (Macpherson, Chesterman, O'Leary), and reported back to the Strategy and Policy Committee on 3 May 2016;*
- c) The process for public engagement as set out in this report is approved;*
- d) The engagement period being from the date of the final approval of the engagement document until 30 June 2016, subject to the minimum 4 week consultation period being followed; and*
- e) Staff report to the 28 July 2016 Council meeting on the feedback received through the engagement process and provide recommendations for Council to consider on the options for Founders Theatre.*

STRATEGY AND POLICY COMMITTEE 3 MAY 2016

Agenda item: [Item 14 Founders Theatre Consultation Document](#) (Refer page 3)

Minutes: [Resolved: \(Cr O'Leary/Cr Chesterman\)](#) (Refer page 9)

Resolved: That:

- a) the Report be received; and*
- b) the Founders Theatre Engagement Document is approved, subject to the changes requested by the Committee at the Meeting.*

ORDINARY COUNCIL 7 AND 8 JULY 2016

Agenda item: [Item 5 Founders Theatre Hearings Report](#) (Refer page 5)

[Submission Report](#)

[Correction to Submission Report](#)

[Submitters tabled presentations](#)

[Hearings Schedule](#)

[Updated – Hearings Schedule](#)

Minutes: [Resolved \(Her Worship the Mayors Hardaker/Chesterman\)](#) (Refer page 2)

Following the conclusion of the submissions, the following motion was presented:

Motion: (Crs King/Mallett)

That:

Item 9

Founders Theatre – Resolutions 2014 to 2020

November 2020

Item 9

Attachment 1

a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and

b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:

i. with the fly tower; and

ii. with no fly tower.

In response to questions on the Motion (Crs King/Mallett), the H3 Director stated that:

- *If Council wanted Founders Theatre to remain open in some form in the future, a further assessment would need to be completed as to what work would need to be completed to achieve this;*
- *Staff would check whether Founders could be re-opened without the fly tower. Further modifications to Founders (for example, replacement of the fire curtain) may trigger other Building Code compliance issues, which would incur substantial costs;*
- *A second assessment report would take at least a further two months to complete at an estimated \$48,000 cost. Staff could not guarantee the availability of Dunning Thornton prior to the 28 July 2016 Council meeting.*

The H3 Director also clarified the difference between undertaking a peer review of Dunning Thornton's report as compared to commissioning a separate assessment report.

The Motion was then put.

Motion: (Crs King/Mallett)

That:

a) a second independent seismic assessment report of the Founders Theatre building is commissioned; and

b) Dunning Thornton and the second independent consultants also consider seismic engineering issues leaving the present stage house as it is but with two options:

i. with the fly tower; and

ii. with no fly tower.

Those for the Motion: Councillor King

Those against the Motion: Her Worship the Mayor Hardaker, Councillors Green, Pascoe, Chesterman, Yeung, Mallett, Tooman and O'Leary

The Motion was declared lost.

Resolved: (Her Worship the Mayors Hardaker/Chesterman)

That the report be received.

Founders Theatre – Resolutions 2014 to 2020**November 2020****28 JULY 2016 – ORDINARY COUNCIL**Agenda item: [Item 5 Founders Theatre Engagement Feedback and Recommended Option](#) (refer page 5)Minutes: [Resolved \(Her Worship the Mayor Hardaker/Cr Pascoe\)](#) (refer page 2)*That:**a) the report be received.**b) Council supports building a new performing arts theatre in Hamilton and commits in principle, a maximum of \$30million plus GST contribution towards the new build. This sum includes any funding sourced from other Waikato Councils or government sources and funds.**c) Council accepts the proposal by Momentum Waikato and the process proposed in their memo dated 16 July 2016 (attachment 6 of the report).**d) The Chief Executive is delegated authority to prepare a Heads of Agreement between Momentum Waikato and Hamilton City Council for delivery of the new performing arts theatre and report back to Council on 27 February 2017 with that Agreement and the Concept Design recommendation for Council approval.**e) The Council approves \$100,000 contribution towards the cost of the Concept Design.**f) Council notes that a Special Consultative Procedure may be required before Council can resolve final approval for the Heads of Agreement. The Chief Executive is to provide appropriate advice at the 27 February 2017 meeting.**g) Staff are to investigate the following options for Founders Theatre, including any capital costs required and annual operating costs, and report back to the Council on 29 September 2016:**i. Re-opening Founders in the interim period, including demand for the different use options;**ii. Retaining Founders in the long term, including demand for use options;**iii. To demolish Founders.***29 SEPTEMBER 2016 – ORDINARY COUNCIL**Agenda item: [Item 11 Founders – Future Options](#) (refer page 15)Minutes: [Resolved: \(Crs Gallagher/Macpherson\)](#) (refer page 18)**Motion:** (Crs Mallett/Chesterman)*That:**a) the report be received; and**b) Council note that:**i. A final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known;**ii. Management's current advice is that if a new theatre is built at a new location, the Founders Theatre building should be demolished.*

Founders Theatre – Resolutions 2014 to 2020

November 2020

Item 9

Attachment 1

Amendment: (Crs Gallagher/Macpherson)

That:

- a) the report be received; and
- b) a final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known, including options for a community arts hub.

The Amendment was put.

Those for the Amendment: Her Worship the Mayor Hardaker, Councillors Gallagher, Forsyth, Pascoe, Chesterman, Yeung, O'Leary and Macpherson.

Those against the Amendment: Councillors King, Mallett and Tooman

The Amendment was declared carried.**The Amendment as the Substantive Motion was then put.****Resolved:** (Crs Gallagher/Macpherson)

That:

- a) the report be received; and
- b) a final proposal for Founders Theatre will be taken to Council in 2017 once the outcome of the Momentum Waikato plan for a new Waikato Regional Theatre is known, including options for a community arts hub.

24 AUGUST 2017 – ORDINARY COUNCIL

Agenda item: [Item 8 WRT – Concept Design Recommendation to Council](#) (refer page 22)

Minutes: [Resolved: \(Mayor King/Cr Taylor\)](#) (refer page 4)

That the Council:

- a) receives the report; and
- b) notes that Management will report back to Council at its 21 September 2017 meeting with:
 - i. management's response to the concept design;
 - ii. financial implications of the proposed capital contribution of \$30,000,000 plus GST;
 - iii. financial implications of any ongoing annual contribution by Council to the Waikato Regional Theatre's ownership and operating costs;
 - iv. options and financial implications regarding the future of Founders Theatre; and
 - v. a work plan for a public consultation process on the proposal for the new Waikato Regional Theatre and future options for the Founders Theatre including a draft consultation document, communications plan, timetable and cost estimate.

Cr Macpherson left the meeting (10.Slam) during the above item. He was not present when the matter was voted on.

Founders Theatre – Resolutions 2014 to 2020

November 2020

21 SEPTEMBER 2017 – ORDINARY COUNCIL

Agenda item: [Item 18 Founders Theatre – Update on Options](#) (refer page 159)

Minutes: [Resolved \(Crs Casson/O'Leary\)](#) (refer page 9)

That the Council:

- a) receives the report;*
- b) approves the three options outlined as the basis for public consultation on the future of Founders Theatre;*
- c) approves the consultation plan and budget of \$27,000 as described in this report; and*
- d) notes Management will report back on 14 December 2017 with the consultation findings and a recommended approach for the future of Founders Theatre.*

12 DECEMBER 2017 – ORDINARY COUNCIL

Agenda item: [Item 6: Outcome of Consultation and Recommendation for Future Use – Founders Theatre](#) (refer page 110)

[Additional information under separate cover](#)

Minutes: [Resolved \(Crs O'Leary/Pascoe\)](#) (refer page 4)

Motion: (Mayor King/Cr Mallett)

That the Council:

- a) receives the report and the findings of the public consultation;*
- b) notes the findings of public engagement;*
- c) approves staff to facilitate a discussion with the creative and community sectors to provide an opportunity for them to put forward a Business Case and Financial Proposal to the Council for the creation of a creative/community hub at Founders Theatre no later than the date by which the Waikato Regional Theatre funding and contract has been approved;*
- d) authorises the Chief Executive to dispose of and demolish the remaining Founders Theatre buildings and return the land it occupies to green space at an estimated cost of \$802,100, if no Business Case and Financial Proposal for a creative community hub is approved by the Council by 30 June 2018; and*
- e) authorises the Chief Executive to choose the best time for the demolition of Founders Theatre provided this is not before the Waikato Regional Theatre funding and contract has been approved.*

Amendment: (Crs O'Leary/Pascoe)

That the Council:

- a) receive the report and the findings of the public consultation;*
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and*

Founders Theatre – Resolutions 2014 to 2020

November 2020

Item 9

c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.

The Amendment was put.

Those for the Amendment: Councillors Gallagher, Pascoe, O'Leary, Macpherson, Bunting, Casson, Henry and Southgate.

Those against the Amendment: Mayor King, Councillors Mallett, Tooman and Taylor.

The Amendment was declared carried.

The Amendment as the Substantive Motion was then put and declared carried. Cr Mallett Dissenting.

Resolved: (Crs O'Leary/Pascoe)

That the Council:

- a) receive the report and the findings of the public consultation;*
- b) approves staff to facilitate a discussion with the creative and community sector to provide an opportunity to put forward a Business Case and Financial Proposal to Council for a creative and/or community hub at Founders Theatre by 30 March 2018; and*
- c) refrains from demolition of any part of the building until the consultation is complete and the Business Case has been reported back to Council.*

6 AUGUST 2020 – ORDINARY COUNCIL

Agenda item: [Chairs Report](#) (refer page 14)

Minutes: Resolved ([Deputy Mayor Taylor/Mayor Southgate](#)) (refer page 4)

The Chair took the report as read. She responded to questions from Elected Members concerning the Founders Theatre site engagement process, options, and when the proposed further engagement would occur.

- *Staff Action: Staff undertook to provide Members with an update on the potential options for development of the Founders Theatre site.*

Resolved: (Deputy Mayor Taylor/Mayor Southgate)

That the Council receives the report.

Attachment 1

Founders Theatre – Resolutions 2014 to 2020

November 2020

17 SEPTEMBER 2020 – ORDINARY COUNCIL

Agenda item: [Item 15 The Future of the Founders Theatre Site](#) (refer page 51)Minutes: [Resolved \(Cr Gallagher/Cr Wilson\)](#) (refer page 4)**Motion:** (Cr O’Leary/Deputy Mayor Taylor)

That the Council:

- a) receives the report;
- b) approves further community engagement on the future of the Founders Theatre site;
- c) approves the unbudgeted spend of up to \$15,000 for community engagement;
- d) approves the inclusion of three options in the community engagement:
 - Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only). Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option does not fully achieve the vision of the West Town Belt Masterplan.
 - Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site’s history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the community as Council’s preferred option.
 - Option Three: Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative proposal for Council’s consideration. Only proposals that can guarantee non-Council funding (full capital costs and ongoing operating costs), with no requirement for or expectation of Council funding, will be considered and must be achievable within three financial years. If Council receives no viable alternative proposals by the end of the Founders Theatre engagement period, a decision will be made in accordance with either option 1 or 2 as outlined in this report.
- e) delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;
- f) notes staff will report back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and
- g) notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

Amendment: (Cr Gallagher/Cr Wilson)

That the Council:

- a) receives the report;
- b) approves further community engagement on the future of the Founders Theatre site;
- c) approves the unbudgeted spend of up to \$15,000 for community engagement;

Founders Theatre – Resolutions 2014 to 2020

November 2020

Item 9

Attachment 1

d) approves the inclusion of three options in the community engagement:

- *Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only). Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option does not fully achieve the vision of the West Town Belt Masterplan.*
- *Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the community as Council's preferred option.*
- *Option Three: Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative funding proposal for Council's consideration.*

e) delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;

f) delegates the Hearings and Engagement Committee to hear any verbal submissions on the matter prior to it being referred back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and

h) notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

The Amendment was put.

Those for the Amendment: Mayor Southgate, Deputy Mayor Taylor, Councillors Gallagher, Macpherson, Bunting, Hamilton, Naidoo-Rauf, van Oosten, Thomson and Wilson.

Those against the Amendment: Councillors O'Leary and Forsyth.

The Amendment was declared CARRIED.

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

Resolved: (Cr Gallagher/Cr Wilson)

That the Council:

a) receives the report;

b) approves further community engagement on the future of the Founders Theatre site;

c) approves the unbudgeted spend of up to \$15,000 for community engagement;

d) approves the inclusion of three options in the community engagement:

- *Option One: Remove Founders Theatre and reinstate as a basic park (e.g. lawn only). Funding for this is proposed in the 2021-31 Draft Long-Term Plan, noting this option does not fully achieve the vision of the West Town Belt Masterplan.*

Founders Theatre – Resolutions 2014 to 2020

November 2020

• *Option Two: Remove Founders Theatre and redevelop the site to improve the space as a multi-purpose community park suitable for events, community activities and informal recreation. This could include features such as an outdoor performance space, public art, information about the site's history, natural spaces, all ages play area and accessible cycling and walking paths. This option is unbudgeted and will be formally consulted on through the 2021-31 Draft Long-Term Plan. This option would achieve the vision of the West Town Belt Masterplan and will be presented to the community as Council's preferred option.*

• *Option Three: Invite submissions to retain the Founders Theatre building (in full or in part) on the proviso interested parties to submit an alternative funding proposal for Council's consideration.*

e) delegates the Mayor, Deputy Mayor, Chair of the Community Committee, Chair of the Hearings and Engagement Committee, and General Manager Venues, Tourism and Major Events to work with Communication and Engagement staff to finalise the timing, content and means of community engagement;

f) delegates the Hearings and Engagement Committee to hear any verbal submissions on the matter prior to it being referred back to the Council meeting on 8 December 2020 with a summary of the feedback received through the engagement process; and

h) notes the submission from the Theatre of the Impossible Charitable Trust (TOTI) made through the 2020/21 Annual Plan process will be considered as part of this community engagement.

Cr Forsyth re-joined the meeting (11.31am) during the discussion of the above item. She was present when the matter was voted on.

November 2020

20 NOVEMBER 2020 – HEARINGS AND ENGAGEMENT COMMITTEE

Agenda Item: [Item 5 Founders Theatre Site Engagement 2020 – Verbal Submissions Report](#) (refer page 12)

Minutes: Resolved Cr Bunting/Cr Wilson (not yet available)

That the Hearings and Engagement Committee:

a) receives the report;

b) hears and considers verbal submissions with regard to the community engagement process that was held from 7 October 2020 to 3 November 2020; and

c) notes that a Deliberations Report that includes full analysis from the public engagement process will be brought to the Council meeting on 8 December 2020 for a decision to be included as part of the 2021-31 Long Term Plan.

Item 9

Attachment 1

FEEDBACK FORM

FEEDBACK FORMS CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, Hamilton City Council, Communication and Engagement team, What's the future for the Founders site?, Private Bag 3010, Hamilton, 3240.
- Emailled to: haveyoursay@hcc.govt.nz

1. WHAT SHOULD WE DO WITH THE FOUNDERS SITE?

Please tick which option you prefer - choose one option only. See hamilton.govt.nz/founders to view larger images.

☐ OPTION 1: Remove the theatre and create a basic park

This option keeps and repairs the Dame Hilda Ross Memorial Fountain. The basic park includes a lawn only with no new planting or park furniture. Option 1 will cost approximately \$1M and was budgeted through the previous Long-Term Plan.

Key features include:

- 1 New flat lawn space (~5,000m²).
- 2 Dame Hilda Ross Memorial Fountain repaired and activated.
- 3 Half of existing car park retained.

Go to question 2 (next page).



☐ OPTION 2: Remove the theatre and create a multi-purpose park

This is Council's preferred option. It keeps and repairs the Dame Hilda Ross Memorial Fountain and creates a modern, welcoming, multi-use inner-city park with zones for different activities.

The cost depends on your ideas (see questions 3 and 4). It will be more than the budget provided for Option 1. If Council decides on this option, we will seek further community feedback during the 2021-31 Long-Term Plan consultation in March.

Key features include:

- 1 New flat lawn space (~5,000m²).
- 2 Accessible paths for walking and cycling to connect the park to the rest of the West Town Belt. New street crossing points.
- 3 Outdoor performance space (like an amphitheatre, canopy structure etc).
- 4 Dame Hilda Ross Memorial Fountain repaired and activated.
- 5 All-ages play space.
- 6 Natural, quiet spaces for respite and enjoying nature.

THROUGHOUT: Engaging, playful public art that celebrates the site's history. Park furniture such as seating, cycle racks, drinking fountains and lighting. Wayfinding, safety and interpretive signage. New vegetation and trees.

Go to questions 3 and 4 (next page).



☐ OPTION 3: Create something new from the theatre building and area around it

If you wish to submit an expression of interest, including a funding proposal, for an option that partly or fully retains the Founders Theatre building for an alternative purpose, please do so through our Have Your Say online portal at hamilton.govt.nz/haveyoursay. Note that estimates to restore the building range from \$12M to \$20M.

Key features include:

- 1 Building (partly or fully) and surrounding spaces retained (e.g. car park, areas of lawn, garden and vegetation).
- 2 Dame Hilda Ross Memorial Fountain repaired and activated.



We'd love your feedback on the options for the Founders site.

**SHARE YOUR VOICE BY
3 November**

FOLD

**FEEDBACK CLOSES ON
3 November**

WHAT'S THE FUTURE FOR THE FOUNDERS SITE?

ABOUT YOU
This section tells us a bit more about you. By capturing this information, we will be able to better understand who is, and isn't, providing feedback. (Please print clearly)

WHERE DO YOU LIVE?
I live in Hamilton, my suburb is: _____
I live outside Hamilton: _____

☐ Waipa ☐ Waikato ☐ Elsewhere in New Zealand ☐ Overseas

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

Name: _____
Organisation (if responding on behalf of): _____
Phone day: _____ Phone evening: _____
Email: _____

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 AS? (Tick all that apply)

<input type="checkbox"/> NZ European	<input type="checkbox"/> Māori	<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 Island Māori
<input type="checkbox"/> Other				

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

<input type="checkbox"/> English	<input type="checkbox"/> Te Reo Māori	<input type="checkbox"/> Hindi	<input type="checkbox"/> Sinic	<input type="checkbox"/> North Chinese
<input type="checkbox"/> Tagalog	<input type="checkbox"/> French	<input type="checkbox"/> Afrikaans	<input type="checkbox"/> Yue	<input type="checkbox"/> Punjabi
<input type="checkbox"/> Samoan	<input type="checkbox"/> Spanish	<input type="checkbox"/> Other		

WOULD YOU LIKE THE OPPORTUNITY TO TALK TO US ABOUT YOUR SUBMISSION IN PERSON? ☐ Yes ☐ No
Verbal submissions will be heard on 20 November 2020 at the Hearings and Engagement Committee meeting.

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

FOLD

PERF



PERF

Founders Theatre was closed for safety reasons in 2016. With the curtain opening on the Waikato Regional Theatre in late 2022, the city and region will get a new world-class performing arts space. We have the opportunity to turn the Founders site into a vibrant new inner-city community space.

The West Town Belt Masterplan adopted by Council in September 2019 sees the Founders site as part of the "heart" of the West Town Belt, so what happens on that small piece of land influences the whole area. It's vital we get the next step right - and we need your input.

Background timeline

Over the past four years, we have had numerous conversations about the future of the Founders site.



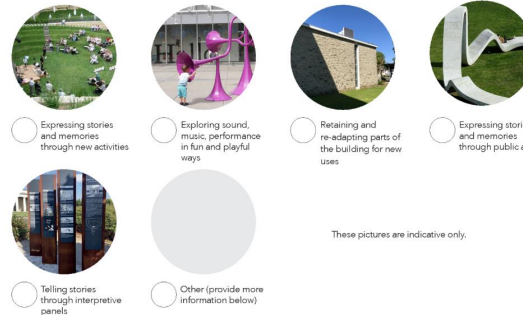
What's next?

- We're asking for community feedback from 7 October to 3 November 2020.
- You can present your submission verbally to the Hearings and Engagement Committee on 20 November.
- Hamilton City Council will consider a report on the future of the Founders site, including feedback from our community, at the Council meeting on 8 December 2020.
- Council's draft budget for the next 10 years will be agreed in December then confirmed when we adopt the 2021-31 Long-Term Plan next June.
- Now's the time to decide on the future of the Founders site.

2. IF YOU CHOSE OPTION 1, WHY DID YOU CHOOSE THIS OPTION?

3. IF YOU CHOSE OPTION 2, WHAT COULD WE DO TO HONOUR THE HERITAGE OF THE SITE?

Rank the activities below, starting with 1 as your top choice. You don't have to rank them all. Give each activity you wish to rank a different number (if you give something the same number we can't use your answer). Note: We will keep the Dame Hilda Ross Memorial Fountain.



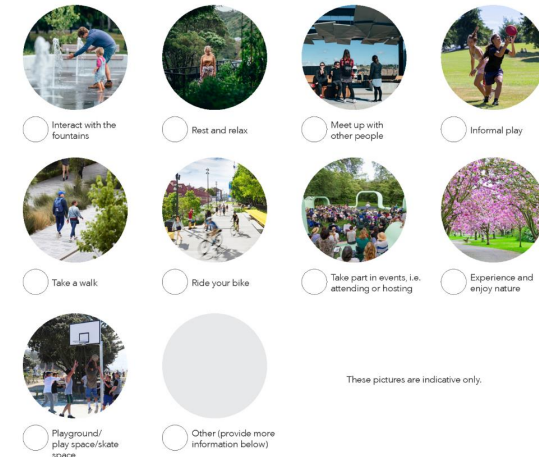
These pictures are indicative only.

Please explain what you mean by Other

FOLD

4. IF YOU CHOSE OPTION 2, WHAT ACTIVITIES WOULD YOU LIKE TO SEE IN A MULTI-PURPOSE PARK?

Rank the activities below, starting with 1 as your top choice. You don't have to rank them all. Give each activity you wish to rank a different number (if you give something the same number we can't use your answer).



These pictures are indicative only.

Please explain what you mean by Other

You will have the opportunity to share your ideas verbally on 20 November as part of our Hearings and Engagement Committee. Council will consider the future for the Founders site through the Long-Term Plan process.

FOLD



WHAT'S THE FUTURE FOR THE FOUNDERS SITE? ENGAGEMENT TACTICS AND SUBMISSIONS INSIGHTS

Report prepared by:
Preeta Chitre, Research and Insights Analyst
Tracey Lowndes, Communication and Engagement Advisor
November 2020

Report reviewed by:
Lauradanna Radesic, Team Leader, Communications, Great River City
Julie Clausen, Unit Manager, Strategy and Corporate Planning
November 2020

EXECUTIVE SUMMARY

Community engagement on the future for the Founders site took place from 7 October to 3 November 2020. The public was presented with three options for the site and asked which they preferred. Additional questions were asked about the features the community would like to see if Council chose option 2: Remove the theatre and create a multi-purpose park.

The three options were:

- Option 1: Remove the theatre and create a basic park.
- Option 2: Remove the theatre and create a multi-purpose park.
- Option 3: Create something new from the theatre building and area around it.

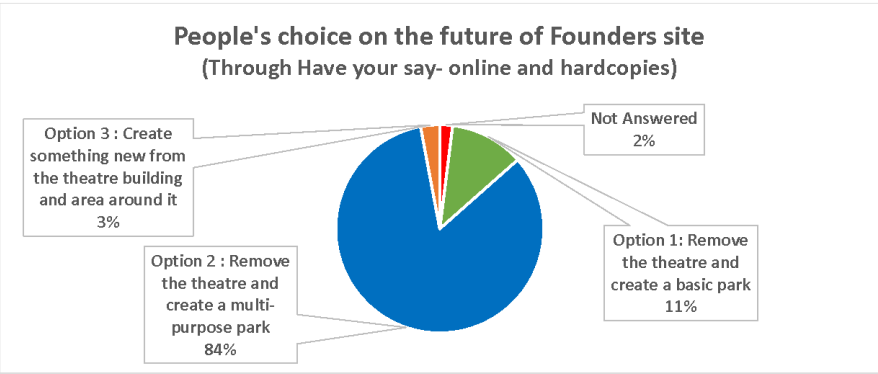
Option 2 was presented as Council’s preferred option, as resolved by Elected Members at the Council meeting on 17 September. Option 3 invited interested parties to submit an expression of interest, including a funding proposal, for an idea that partly or fully retained the building.

If people chose option 2, they were asked to rank ideas for honouring the heritage of the site (e.g. telling stories through interpretive panels) according to which they felt were most important. They were invited to also provide their own ideas. They were also asked to rank the activities they would like to see in a multi-purpose park (e.g. experience and enjoy nature). Again, they had the opportunity to make their own suggestions.

Overall result

We received 505 submissions through the Have Your Say engagement process, either via the online portal (hamilton.govt.nz/haveyoursay) or through hard copy feedback forms. We also received 22 submissions through emails or letters.

The Have Your Say submissions were conclusively in favour of option 2, which was preferred by 422 submitters (84%). Option 1 was preferred by 58 people and option 3 by 15. Ten submitters did not choose an option.



Of the 22 email/letter submissions, 15 (68%) suggested Council retain the existing building. Suggestions for future use varied across the submissions. Another submission proposed Council build a new theatre on the site. Six people supported removing the building.

ENGAGEMENT TACTICS

The purpose of the engagement was to seek community feedback on three options for the Founders site. Founders Theatre has been closed since 2016 for safety reasons and this is the third citywide public engagement on the site's future since that closure.

The campaign began a few days in advance of the questionnaire opening with a letter drop to residents and businesses in the streets immediately around the Founders site. It was seen as important the people most directly affected by changes to the site – those who live or work nearby – were informed early. The letters informed recipients of the month-long engagement and invited them to attend a Q&A drop-in session. The first was held on Saturday 10 October and was largely attended by neighbours.

Key stakeholders received an email the day before submissions opened. This group included Council partners and organisations that had previously signalled their interest in using the building. Submitters to previous consultations who had provided email addresses were also sent an email encouraging them to take part in the new engagement.

The 'What's the future for the Founders site' campaign ran for four weeks from 7 October to 3 November. Engagement objectives were:

- A diverse range of Hamiltonians take part in the process
- The community shows a good understanding of the options for developing the Founders Theatre site
- The journey to this point has been clearly communicated.

The main feedback mechanism was the Have Your Say online engagement portal. Hard copy survey forms were distributed to the six libraries and were available at the Municipal Building. The option to complete a hard copy form was included in campaign communications, acknowledging that some people prefer a manual process to a digital process.

The Founders Theatre page on the Hamilton City Council website was updated with background information, links to past Council reports and FAQs. The friendly URL hamilton.govt.nz/founders was included on signs, flyers promoting the campaign and other collateral. The web page had a direct link to the Have Your Say questionnaire and included information on the three options, with maps featuring the key aspects of each.

Two drop-in sessions were held over the campaign period, one in front of Founders Theatre on Saturday 10 October and the other at Embassy Park, beside the site for the new Waikato Regional Theatre, on Thursday 22 October. Details of the sessions were included in all campaign collateral.

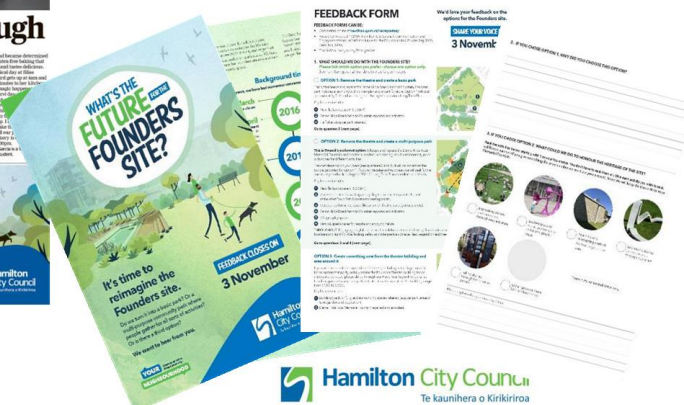
PROMOTION OF THE ENGAGEMENT

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

- Direct mail:
 - Letter to residents and businesses along Tristram Street and Seddon Road (200 letters were distributed with flyers)
 - Stakeholder email
 - Email to past submitters (approximately 90 people)
- A social media campaign run across two Hamilton City Council channels: Facebook and Instagram

- Regular social media across these channels plus Neighbourly and LinkedIn. Content included Our Hamilton stories, a campaign video and post links to the Have Your Say portal
- Signs at the Founders site and at Embassy Park
- A large banner on the side of the theatre building
- Flyers at cafés, libraries and other Council sites
- Posters on display in the Municipal Building customer area
- Pop-up displays at the Municipal Building, the six libraries and Hamilton Zoo
- Internal promotion to Council staff
- Updated Founders site page on the Council website
- Media releases/stories on the Council's Our Hamilton website and in the Our Hamilton newsletter (11 September, 17 September, 7 October and 27 October)
- Waikato Times articles (11 September, 18 September)
- Radio New Zealand news item (31 October)
- Advertisements in the Hamilton Press (7 October, 21 October; readership 57,000) and Waikato Times (17 October; Saturday readership 51,000)
- Digital advertising on Stuff's mobile site (16,666 impressions from 12 October to 26 October. An impression is an appearance on a mobile user's screen).
- A 15-second radio ad on Mediaworks and NZME stations over the four-week campaign period
- A video posted on Facebook and featuring on the web page
- Electronic signage at two points around the Founders site.

The engagement campaign's look and feel featured the Dame Hilda Ross Memorial Fountain, which Council will retain whichever option is chosen, and apartment buildings opposite the theatre.



ENGAGEMENT RESULTS

HAVE YOUR SAY

A total of 505 submissions were received through the Have Your Say process. This compares to 336 for the previous citywide engagement in 2017.

- Option 2: Remove the theatre and create a multi-purpose park was preferred by 422 submitters.
- Option 1: Remove the theatre and create a basic park was preferred by 58.
- Option 3: Create something new from the existing theatre building was preferred by 15 submitters.
- 10 submitters expressed no preference.

Further analysis of responses is detailed on page 7.

The bulk of responses (482) were online via the Have Your Say portal with 23 hard copies received.

The online survey page was visited by 1153 users, translating to a conversion rate of 44%. Most came direct, either by typing the URL hamilton.govt.nz/haveyoursay or clicking from the Hamilton.govt.nz/founders web page (both addresses were promoted in campaign collateral). The next most popular route was via Council's Our Hamilton website, where there was a link at the bottom of stories about the engagement.

EMAILS/LETTERS

The campaign generated some direct contact, either via email or letter, with Elected Members and the General Manager Venues, Tourism and Major Events. Twenty-two (22) emails or letters were received, a summary of which is included on page 12. Two of the senders also made submissions through the Have Your Say process.

- 15 (68%) email/letter submissions suggested Council retain the existing building
- 1 suggested Council rebuild a theatre on the site
- 6 suggested removing the building and creating something new

After the engagement closed, email/letter writers were contacted and invited to take part in the hearings process.

SOCIAL MEDIA

The campaign reached a very pleasing 129,000 people. The Facebook and Instagram campaign reached nearly 70,000 people alone. It performed best through Council's Facebook feed, with 252 comments received, indicating strong community interest in the topic.

With approximately 25,000 people following Hamilton City Council on Facebook, this is a key channel for communicating engagement opportunities. We also have a growing number of followers on Instagram since launching our account in February 2020 (2000 followers).

More than 11,891 people watched our video and more than 4000 people engaged with our posts across Facebook, Instagram, LinkedIn and Neighbourly (e.g. liked, commented, shared). Against Facebook's advertising benchmark, the campaign rated above average in quality, engagement rate and conversion rate.

WEBSITE

Direct mail and campaign collateral directed the community to a web page for further information: hamilton.govt.nz/founders. The page received 2355 visits.

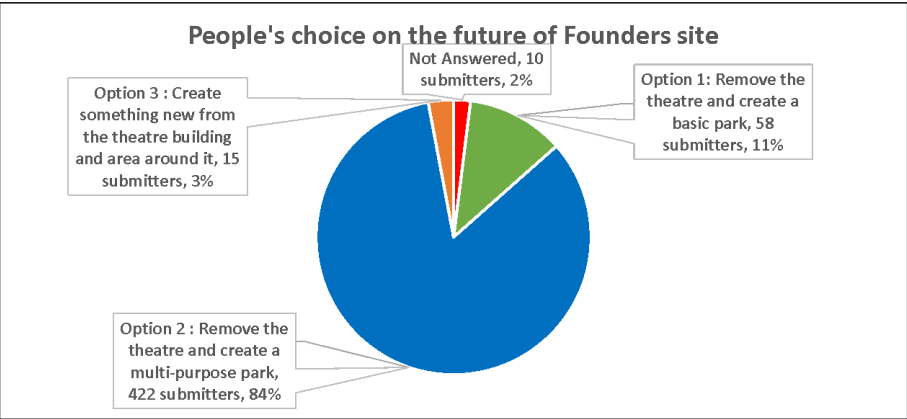
Q&A SESSIONS

Drop-in sessions were promoted via letter drop, print advertising, signage, social media posts and in the Our Hamilton stories. The Founders session was attended by around 20 people, mainly local residents, and the Embassy Park session drew around 10 people.

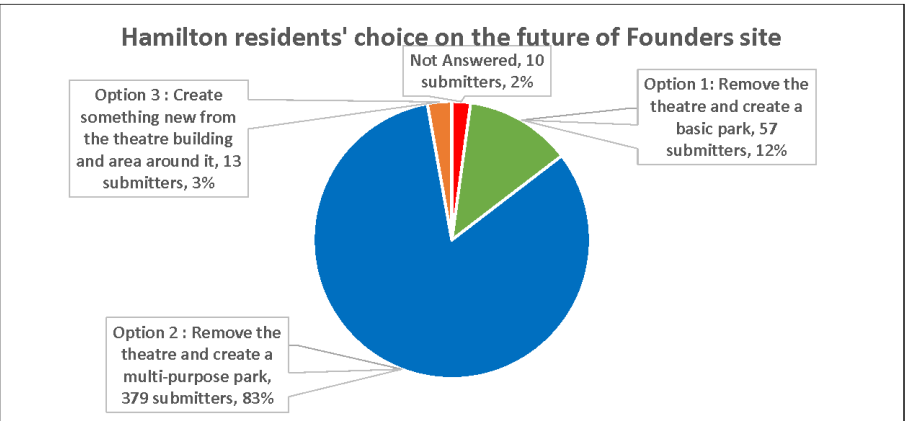
SUBMISSIONS INSIGHTS

FEEDBACK THROUGH HAVE YOUR SAY (ONLINE AND HARDCOPY FEEDBACK FORMS)

- 1. 505 people responded to the survey through Have Your Say, either online or by completing a hardcopy feedback form.
- 2. Of the 505 Have Your Say submissions, 501 people provided their names.
- 3. 459 (91%) were Hamilton residents.
- 4. The split of people’s choices is shown in the below chart.



- 5. The split of Hamilton residents’ choices is shown in the below chart.



OPTION 1: REMOVE THE THEATRE AND CREATE A BASIC PARK

- 1. 58 (11%) of respondents chose option 1 i.e. to remove the theatre and create a basic park.
- 2. Of these, 55 people gave reasons for choosing this option.
- 3. Themes from people’s reasons were mainly around:
 - a. This option being the most economical.
 - b. People prefer open, green spaces.
 - c. This option being the quickest to achieve with potential for further development in the future.
- 4. Examples of verbatim comments:

“Most cost effective as I would like the council to be more mindful of how much money they spend”

“Want to create more grass space in the central city. Already losing some down the road. I’m sure park’s and Gardens team can spare a few smaller native trees to plant”

“Give time until things settle with Covid and have a proper plan in place for something more beneficial and memorable.”

OPTION 2: REMOVE THE THEATRE AND CREATE A MULTI-PURPOSE PARK

- 1. 422 (84%) of respondents chose option 2 i.e. to remove the theatre and create a multi-purpose park.
- 2. People were prompted with ideas on what could be done **to honour the heritage of the site** and asked to rank their preference with 1 being their first choice and 6 being their last choice.
- 3. Combining people’s top choices (ranked 1-3), the chart below shows the ideas in descending order of preference. The most popular ideas were:
 - a) Exploring sound, music, performance in fun and playful ways.
 - b) Expressing stories and memories through public art.
 - c) Expressing stories and memories through new activities.



4. Themes from people who included an ‘Other’ idea in their top three preferences were mainly around:
- a) Showcasing the history of how local tribes used the space.
 - b) Showcasing stories that link to both early Maaori and European history of the site.
 - c) Having an outdoor performance area to honour heritage of the site.

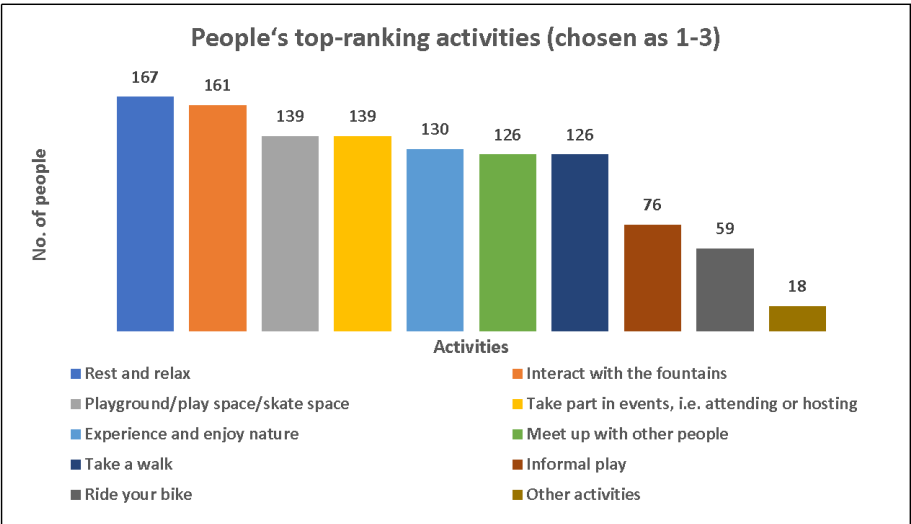
5. Examples of verbatim comments:

“I would be keen to see a strong Māori presence incorporating local hapū/iwi stories and history from this area. Using a variety of indigenous art forms both traditional and contemporary.”

“This may be what you mean in the first selection, but in case I'm wrong, I think it is important to retain the idea that the area is a memorial to the founders of Hamilton, both Maori and European. I would like to see art or stories that link us to the early Maori history of Hamilton as well as the European founders.”

“It would be fantastic if there were an outdoor performance space to honour the heritage”

6. People were prompted with ideas on what **activities they would like to see in a multi-purpose park** and asked to rank their preference with 1 being their first choice and 10 being their last choice.
7. Combining people’s top choices (ranked 1-3), the chart below shows the activities in descending order of preference. The most popular activities were:
- a) To rest and relax.
 - b) To interact with fountains.
 - c) To use a playground/play space/skate space; to take part in events (these two activities were equally popular).



8. Themes from people who suggested an 'Other' idea in their top three preferences were mainly around:

- a) Skatepark.
- b) Dog park/dog area.
- c) Space for pre-game entertainment and markets.
- d) Space for urban agriculture i.e. food-producing parks.

9. Examples of verbatim comments:

"Dog park"

"I've worked in the sports and entertainment industry (across the world) for some time and believe there is an opportunity for a 'space' pre-sports/ entertainment. Next to Founders Theatre is FMG Stadium and Seddon Park. It would be great if the space was adapted into an entertainment 'Lawn'. Pre-game entertainment, music, drinks (alcoholic and non), food trucks/ containers. It would be awesome to see great seating and good vendors. Let it become 'the place' you go pre-games/ entertainment. Family-friendly is always great, but it should also cater to older demographics who want to have a refreshing beer/ wine in the sun. If done well, it can be used all year round - not just when events are on. The containers which sell food and drink can be permanent and used frequently throughout summer."

"We want a central city skatepark to keep up with the rest of the country"

"Markets"

OPTION 3: CREATE SOMETHING NEW FROM THE THEATRE BUILDING AND AREA AROUND IT

1. 15 (3%) of the respondents chose option 3 i.e. to create something new from the theatre building and area around it.
2. Option 3 invited interested parties to submit an expression of interest, including a funding proposal, for an idea that partly or fully retained the building.
3. A summary of the submissions is shown in the table below.

Organisation Name	Name	Response ID	Summary of submission
	Rudi du Plooy	ANON-NQ4H-FM3S-M	Wish is for the structure to be retained and restored and suggest it could be attained for less than \$3M. Propose that it should be a receiving theatre. Propose that a grand reopening of the revamped theatre with a world standard ballet production.
	Andrew Bydder	ANON-NQ4H-FMMC-X	Support TOTI proposal
	Frankie Letford	ANON-NQ4H-FMNY-N	Vision is retaining heritage in Hamilton. They propose using the theatre building for community gatherings, town hall meetings. Suggest affordable community activities will be undertaken in the building.
Community Living	Brooke Hughes/	ANON-NQ4H-FMG9-E	Vision is to see disabled people thriving as part of the community. They propose using

Attachment 3

Item 9

Organisation Name	Name	Response ID	Summary of submission
	Saffron Mitchel		the theatre building as a centrally based community centre that is managed by a key service or organisational provider in partnership with Council and other collaborative partnerships. The key community organisation would oversee all day-to-day management of the centre. Council would contribute to some costs TBD as well as oversight of building and maintenance. There would be invited and interested parties included in the centre advisory group and a sliding scale of costing for hiring spaces would be developed e.g. corporate/charity/individual. They suggest a variety of community-driven activities, with a suite of different programmes and services.
	Dr Neil Bruce	ANON-NQ4H-FM32-K	Personal vision is to see creation of a community centre to foster creativity, cultural diversity and respect, providing opportunities for community healing. They see the theatre building as a central hub for activities that engage the community in creative and performing arts, in particular music and music instrument.
Hamilton Community Mens Shed	John Smith	ANON-NQ4H-FM82-R	Vision is to provide a space for the community to socialise and also use practical activities to encourage wellbeing, especially for men. It sees the Founders site as also providing much-needed community space for groups such as The Shed. It believes that the Founders building could be repurposed to be a community arts centre much like the Christchurch Arts Centre.
	-	BHLF-NQ4H-FMG2-7	Vision is to see the theatre building retained.
	Michael Monk	ANON-NQ4H-FM7W-V	Vision is to see medium density housing on the site to mitigate housing shortage.
Maeroa Intermediate	Acacia	ANON-NQ4H-FMDU-7	Vision is to increase mental health awareness and lower suicide and abuse rates. They propose using the building as the first youth safe house in Hamilton.
	NA	ANON-NQ4H-FMTH-A	Vision is to see the theatre building retained and refurbished once funding can be acquired and to be used as a theatre/concert hall.
	Nicola Walsh	ANON-NQ4H-FM9J-H	Vision is to keep the building and see it repaired and used for performance
	Peter H Bos	ANON-NQ4H-FM3W-R	Vision is for Founders Theatre be part of Hamilton's public art collection with the

Organisation Name	Name	Response ID	Summary of submission
			option of repurposing its internal use in the future.
	Ben	ANON-NQ4H-FMXW-W	Suggest giving the site to a developer with strict conditions around how to redevelop the property for good urban design outcomes and public benefit.
Toti	Mark Kilgour	ANON-NQ4H-FM33-M	Support TOTI proposal
TOTI (Theatre of the Impossible Trust)	Margaret Evans	ANON-NQ4H-FM3G-8	Propose converting Founders theatre into a multi-purpose public space, a town hall and a community hub for arts, culture and heritage. Detailed business cases to be provided before hearings meeting. Their vision is: <ul style="list-style-type: none"> • To retain heritage architectural features and develop both the interior and exterior space to offer a central arts and cultural hub for community activities and exhibitions • To provide a public meeting space in a heritage environment in accord with the 2020 West Town Belt Management Plan • To augment public opportunities to present, participate and engage in heritage, arts and cultural amenities and activities • To provide affordable facilities to a wide range of community groups and enterprises • To create a sustainable community-managed hub

FEEDBACK THROUGH EMAILS/LETTERS

Council received 22 email or letter submissions regarding the Founders site during the consultation period:

- 15 (68%) wanted the existing building to be retained.
- 1 submitter suggested Council rebuild a theatre on the site
- 6 suggested removing the building and creating something new e.g. parking area/parking building, a sports facility or the proposed multi-purpose park (option 2).
- Suggestions for future use of a restored and refurbished building included its continued use as a theatre, developing it into a place for permanent markets or a community arts hub.
- 3 submitters who supported keeping the existing building suggested a multi-purpose park could still be achieved if the building was retained.

Name	Summary of what people have said
Katherine Chi	Support Option 2.
Craig Tomlinson	Re-build a theatre on the Founders site as this site offers better logistical access for visiting artists and staging. Also provides ease of theatre patron access and parking.

Attachment 3

Item 9

Name	Summary of what people have said
Louise C	Build a parking area/parking building on the Founders site as there will be insufficient parking spaces as more businesses open in the central city.
Tom Macrae	Do not demolish Founders Theatre. Support Andrew Bydder's feedback to this consultation. Requested a public enquiry into why the theatre was closed.
Tony Dixon	Suggest estimated cost to renovate theatre is less than \$50k upon consulting an engineer. Support any group with a credible business plan submitted for Option 3. Do not remove Founders Theatre until new theatre has been completed and is in service.
Mischele Rhodes	Do not demolish Founders Theatre. Repair and re-open the theatre for use. Suggest funding for the regional theatre be directed towards retaining and repairing Founders Theatre building. Support Andrew Bydder's feedback.
Rudi du Plooy	Do not demolish Founders Theatre. Repair and re-open the theatre for use. Suggest repair and re-furbishing costs are less than \$3M.
Laura Kellaway	Do not demolish Founders Theatre. Repair and re-open the theatre for use. Suggest HCC propose scheduling the theatre as a heritage item and could access heritage funding support or a combination based on joint funding. Use of the wider site for recreation and other services can clearly operate within the Parks Management Plan, with the Founders providing a range of protected covered facilities. Suggest Option 3 is not exclusive – both outdoor activities and a multi-functional building can support community in the same way the cricket and rugby grounds on the town belt have for many decades.
Warwick Kellaway	Do not demolish Founders Theatre. Repair and re-open the theatre for use. Suggest HCC propose scheduling the theatre as a heritage item and could access heritage funding support.
Niall Baker	Do not demolish Founders Theatre. Repair and re-open the theatre for use. Also support the multi-use concept from Option 2 and think that it can still be achieved whilst repairing and retaining the theatre.
Lynette Williams	Do not demolish Founders Theatre. Support Option 3 but with the inclusion of the multi-purpose park aspect of Option 2, the retention of the theatre building and a combined ownership/funding model of council and community lessees.
Raymond Mudford	Do not demolish Founders Theatre. Repair and re-open theatre for use. Support of TOTI's Annual Plan submission and Andrew Bydder's submission
Neil Bruce	Do not demolish Founders Theatre. Repair and re-open the theatre for use as a centre for community, cultural and performing arts: history and innovation.
Cheryl Slater	Retain the building and use as a venue for permanent markets in the central city which would accommodate all people, products, created artworks, manufactured and hand-crafted boutique goods including space for recycled preloved vintage and second-hand goods etc.
Dennis Aplin	Retain the theatre building.
Yvette H	Support a multi-purpose community park at the site.
Desmond Downs	Retain the theatre building and turn it into photography world.

Name	Summary of what people have said
David Bennett MP	Suggest that the current Founders site be rezoned as a major sporting zone. Remove the theatre and re-develop the site into a world class sporting facility.
Jamie Strange MP	Support demolition of theatre building. Suggest land used as a community park with a destination playground potentially with a theatrical theme.
Martin Toopp	Support demolition of theatre building. Suggest using land to plant a special block of trees.
Fiona	Retain theatre building.
Shannon J Osborn	Suggest that Founders is an ideal site for a city theatre/town hall/alternative music venue for smaller crowds. Retain theatre building. Urge Council to investigate facility partnerships. Support TOTI's vision for the future of Founders Theatre.

FEEDBACK THROUGH SOCIAL MEDIA

We received 252 comments on social media posts on Facebook, Instagram and Neighbourly. 124 of these were relevant to people's choice regarding future of the Founders site. The themes that emerged were:

1. 52 comments favoured retaining and refurbishing the theatre building.
2. 45 comments supported removing the building. Most included ideas for developing the site in line with option 2, the multi-purpose park.
3. Example of some verbatim comments:

"Repair it fix it develop it, so it is a reflection of the past but a facility for the future. There's plenty of parking it's in a great location and something the city could be proud of for its heritage."

"Fix things that need to be fixing. The pond outside is brilliant but needs to be upgraded. We need a town hall as well and more things for the community not just for the rich"

"Could keep the Founder Theatre as a cinema-like style instead of removing it as it been around for many years and events"

"Multi event park but with more interactivity for children keep water features and trees amphitheatre? Coffee outlets? Somewhere families want to go depend time"

"Central city grassed area could be used to generate some rental income for the council. Central city market days, fundraising events, outdoor festivals, Fun Fairs."

DEMOGRAPHIC COMPARISON

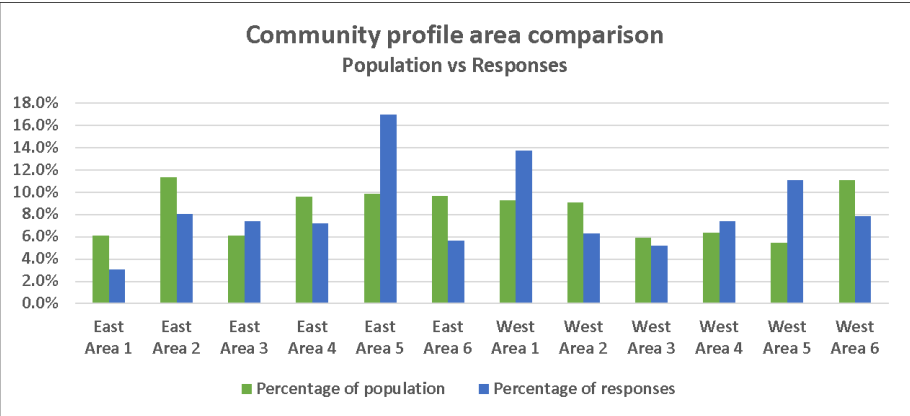
The below statistics compare demographics of Hamilton city respondents from the online and hardcopy feedback forms to the city’s population.

HAMILTON CITY RESPONDENTS VS HAMILTON CITY PROFILE*-LOCATION

We had a low representation from East Area 3, East Area 5, West Area 1, West Area 4 and West Area 5.

High representation from West Area 5 met one of the engagement objectives of targeting residents around the Founders site.

See table below for a list of suburbs in these community profile areas.



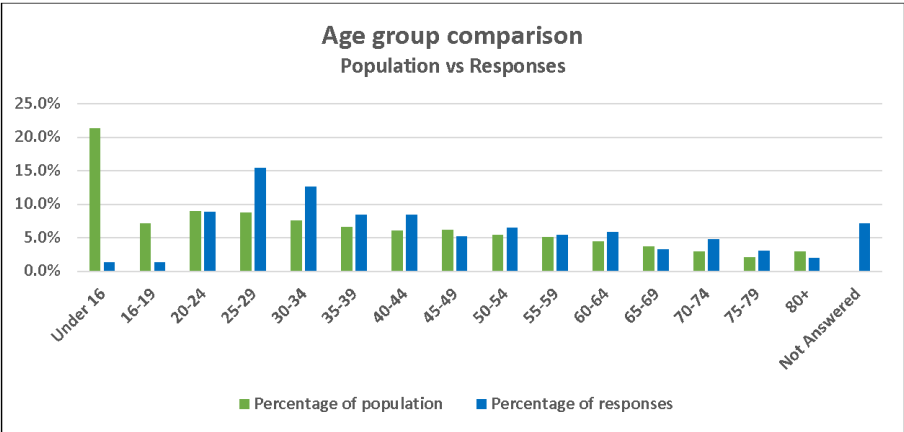
*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

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

HAMILTON RESPONDENTS VS HAMILTON CITY PROFILE*-AGE GROUP

We had a low representation from under 19-year-olds (52% of the population is under nine years old), which was expected given the subject matter.

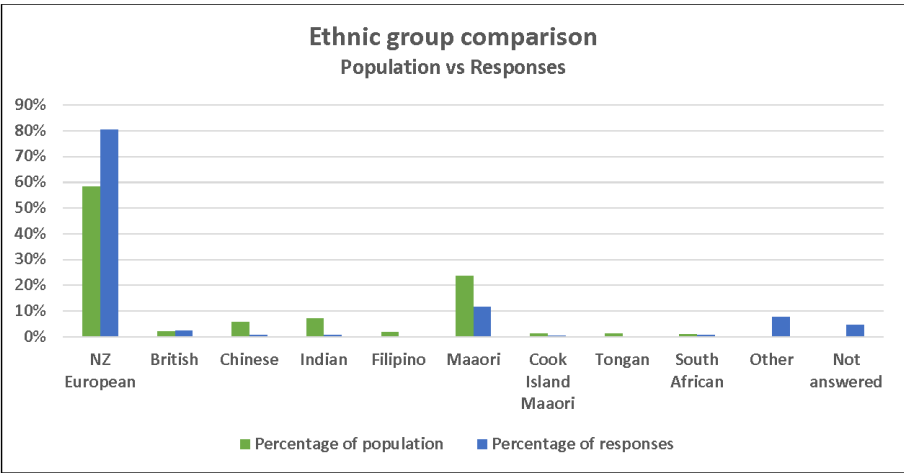
We had a good representation from age groups across 20 to 44, 50 to 64 and 70 to 79 years of age.



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

HAMILTON RESPONDENTS VS HAMILTON CITY PROFILE*-ETHNIC GROUP

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



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

Attachment 3

WHAT'S NEXT

Council will consider a report on the future for the Founders site at the 8 December Council meeting. The results from that meeting will be communicated to submitters via email (all submitters were required to provide an email contact) and summarised on the Have Your Say website in the standard format: We asked, You said, We did. Normal external communications channels will also be used e.g. Our Hamilton, social media.

Item 9



Neil G. Curgenvven
History Advocate

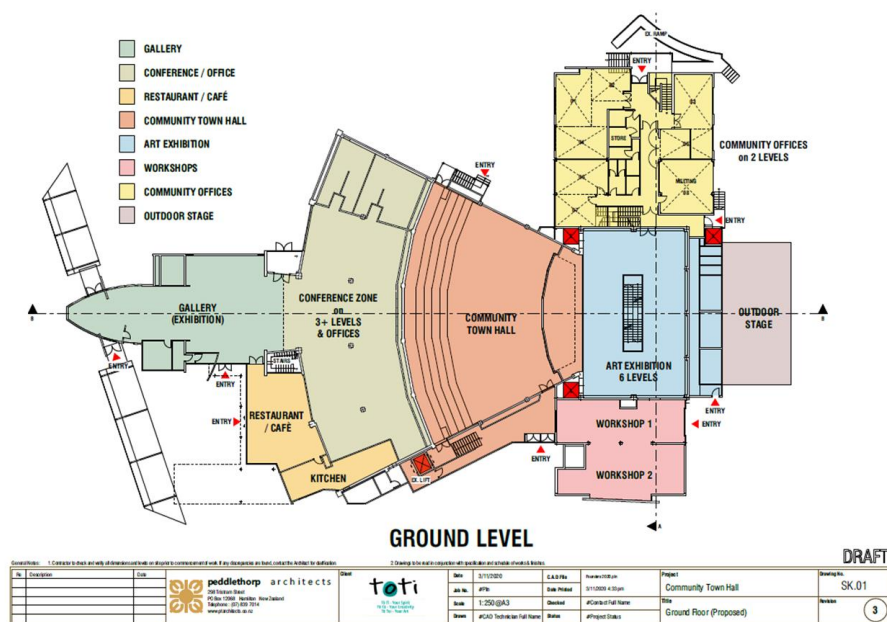
3 October 2020

Submission to Hamilton City Council on the future of Founders Theatre

“Halls of Heritage”

We wish to confirm to the Council our interest in rehabilitating and converting Founders Theatre into a multi-purpose public space, a Town Hall and Community Hub for Arts, Culture and Heritage, as indicated in our July 2020 “Halls of Heritage” submission during the 2020 Annual Plan submission process. This is Option 3 in the current council call for submissions

Attached is our visual concept which illustrates some of the ideas we are evaluating. This is the first page of a six-page presentation submitted separately (A3 in hard copy).



Option 3

We now seek to make a verbal submission to the Hearings and Engagement Committee as proposed.

Please clarify if this hearing will be on 20 November as advertised or 1 December (the date on council's website meeting calendar).

We will provide a more detailed Business Case prior to that meeting on our Option 3.

We can confirm mounting interest and support for our rehabilitation concept (remediate and rejuvenate), and what that might offer for community use. Our experts have taken account of council information relating to earthquake standards and the flying system (which caused the initial theatre closure in 2016), along with current quality construction, maintenance, and technical expectations.

- We note Council's \$20M quoted cost estimate (also quoted by the previous mayor as \$25M) was for restoration and expansion of Founders Theatre

2019 West Town Belt Management Plan

As requested, we have taken account of the 2019 West Town Belt Management Plan and would wish to see the theatre surrounds further developed in accord and harmony with this..

A primary theme is "placemaking" and the call to reinvigorate the area as a 'destination'. The Founders 'project' in the plan suggests "The site's history is maintained, celebrated and integrated with future uses of the parks (including but not limited to, the scheduled Transformer building, Centennial Foundation, Dame Hilda Ross Fountain and Founders theatre site)

We have incorporated several features raised during this process.

As well, this Plan's placemaking principles are closely aligned with our vision for the Founders' future:

1. The community is the expert
2. Create a place, not a design
3. Look for partners
4. They always say "It Can't Be Done

Our Founders Theatre Rejuvenation Proposal

Vision

- To retain heritage architectural features and develop both the interior and exterior space to offer a central arts and cultural hub for community activities and exhibitions
- To provide a public meeting space in a heritage environment in accord with the 2020 West Town Belt Management Plan

- To augment public opportunities to present, participate and engage in heritage, arts and cultural amenities and activities
- To provide affordable facilities to a wide range of community groups and enterprises
- To create a sustainable community-managed hub

Concepts (refer to architectural drawings)

- Partnerships, clusters and 'growing community businesses'
- Grassroots community offices and studios
- 'Cultural Café (music/performance, Town Talks, films, social activities etc)
- Exhibition spaces (featuring theatre heritage and history plus community displays)
- 'Teaching and learning' themes
- Adaptable auditorium spaces
- Outdoor stage
- Arts, Heritage, Cultural & Green themes in site connections///
- Big Ideas
 - Waikato heritage records and research Centre (including Mana Whenua)
 - National centre for digital heritage records (Nga Taonga)
 - Waikato 'Wikipedia' centre
 - Waikato centre for the performing arts
 - National centre for music
 - 'Feed the Kids' community kitchen

Expertise

- Peddle Thorp Architects (director Mike Angelo)
- Including architect Mark de Lisle, son of Founders' original architect Aubrey de Lisle
- Access to original 1960s plans (not available to recent assessors)
- Access to all recent council reports 2015-2020
- Input from structural engineers and quantity surveyors
- Range of associated analysis re health and safety aspects, plus exhibition, performance, and technical requirements
- Digital 3D model to illustrate options
- Input from heritage, arts and cultural interests

Attachment 4

Business Plan (conceptual)

- \$5M-\$10M and staged development (remediate & rejuvenate)
- Requirements for climate control, digital, & security
- community input into interior rehab options
- Public philanthropic partnership
- Secure capital input plus revenue producing enterprises
- Ownership to remain with council
- Lease to new Community Trust representing users.

Thank you for considering this proposal. We look forward to further discussions.

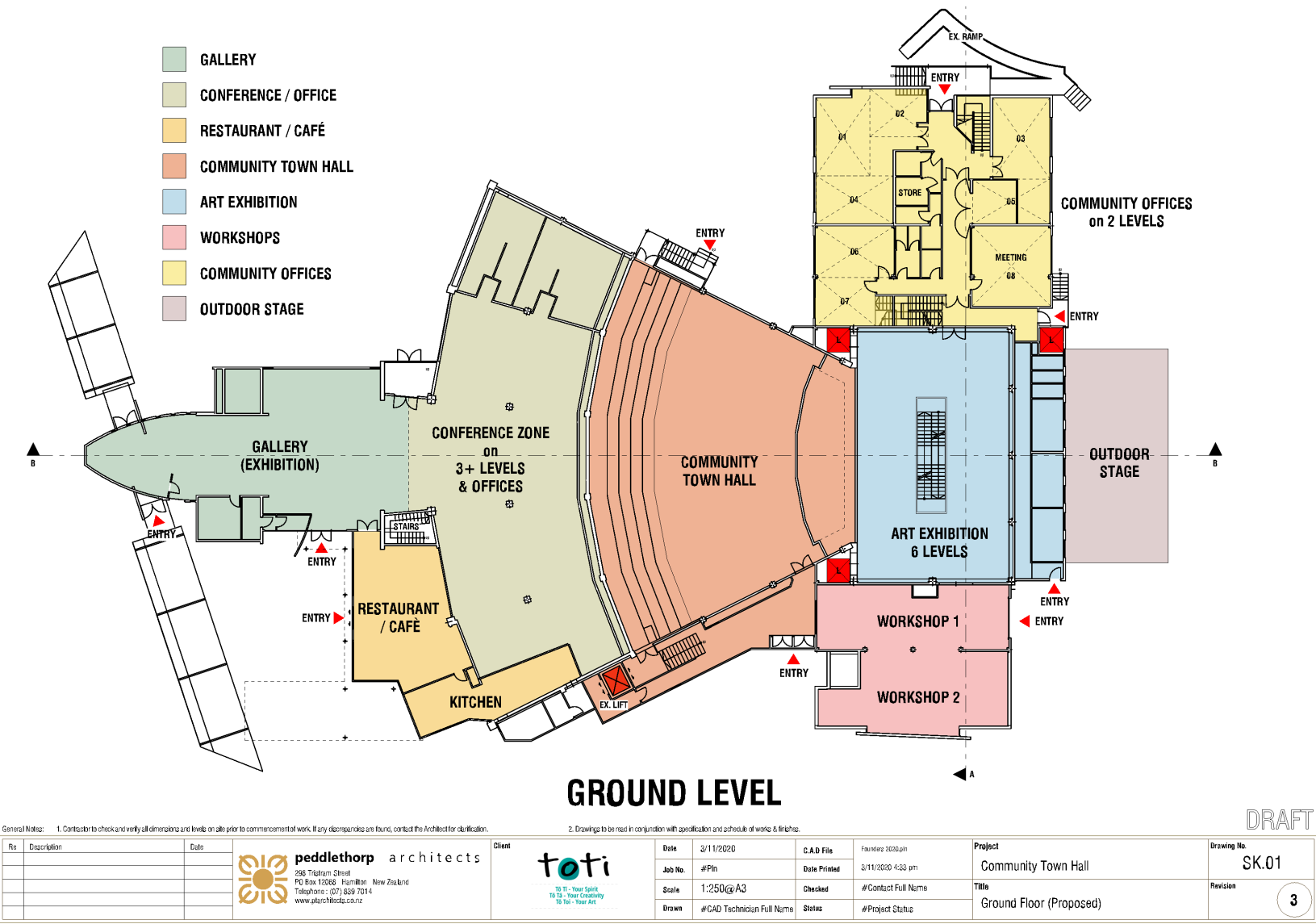
Margaret Evans
TOTI

[Redacted signature block for Margaret Evans]

Neil Curgenvin

[Redacted signature block for Neil Curgenvin]

Item 9

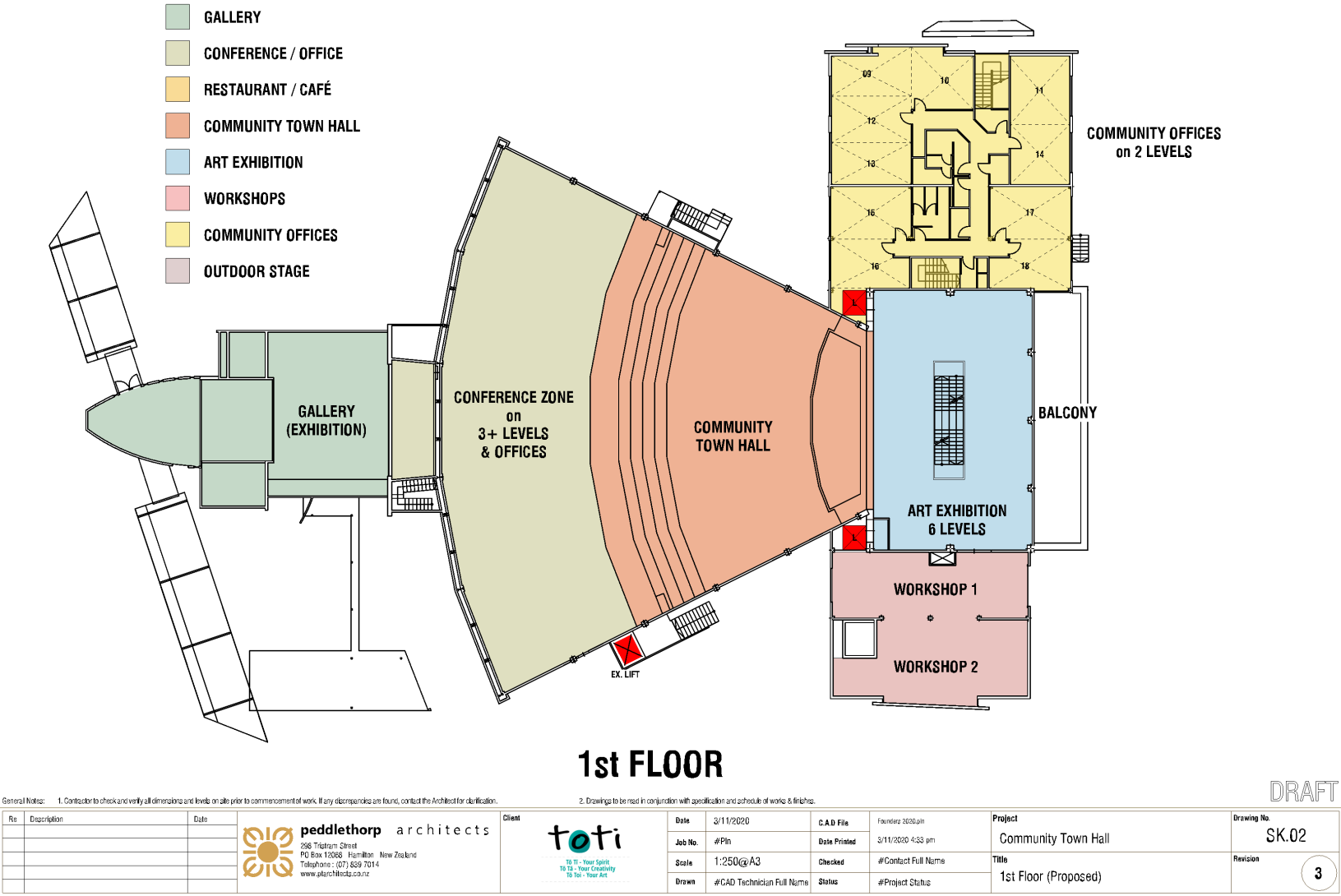


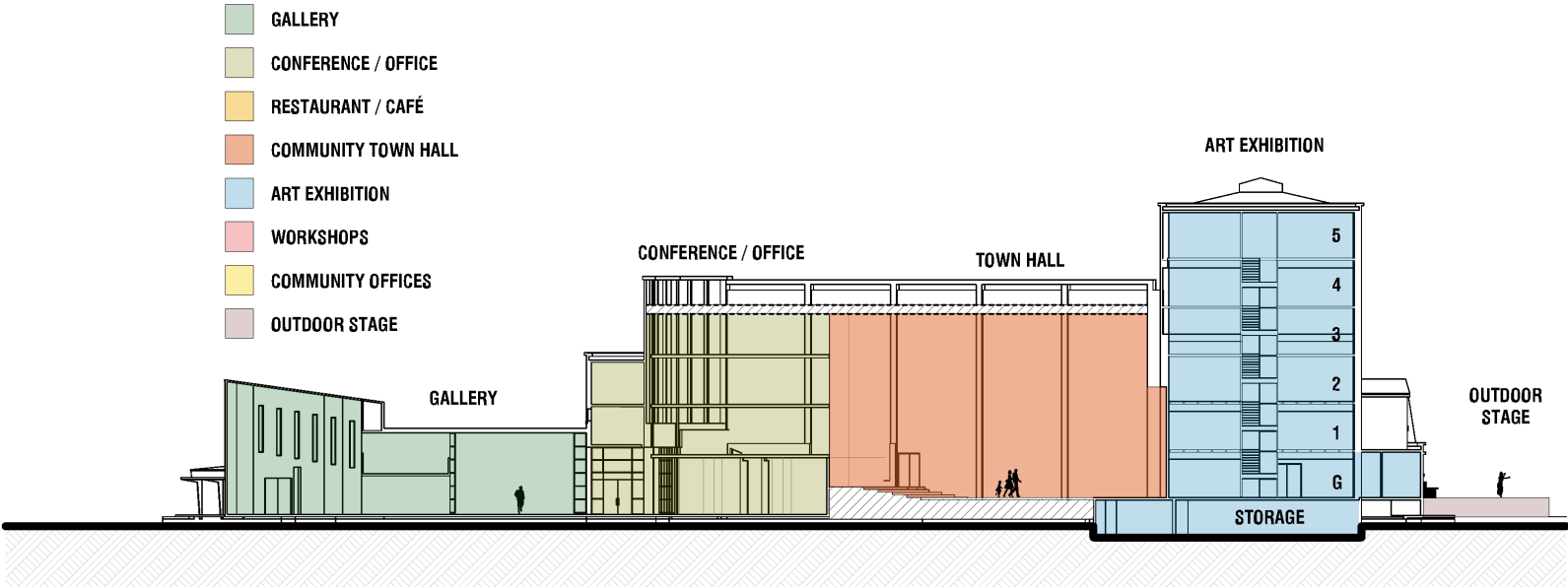
Item 9

Attachment 4





Attachment 4

Item 9



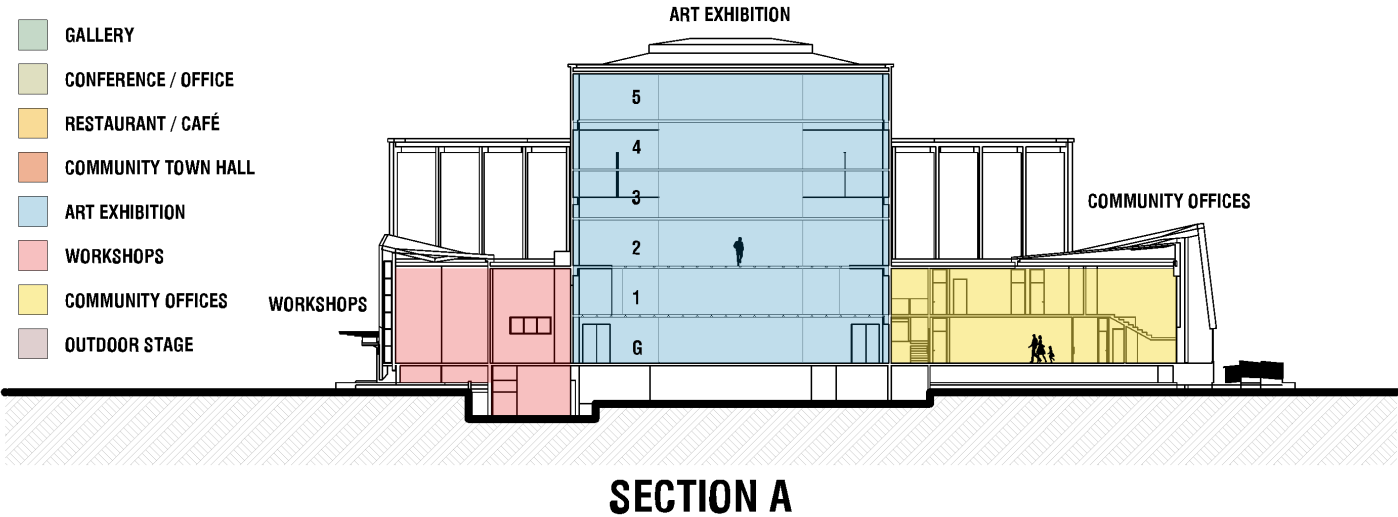




SECTION B

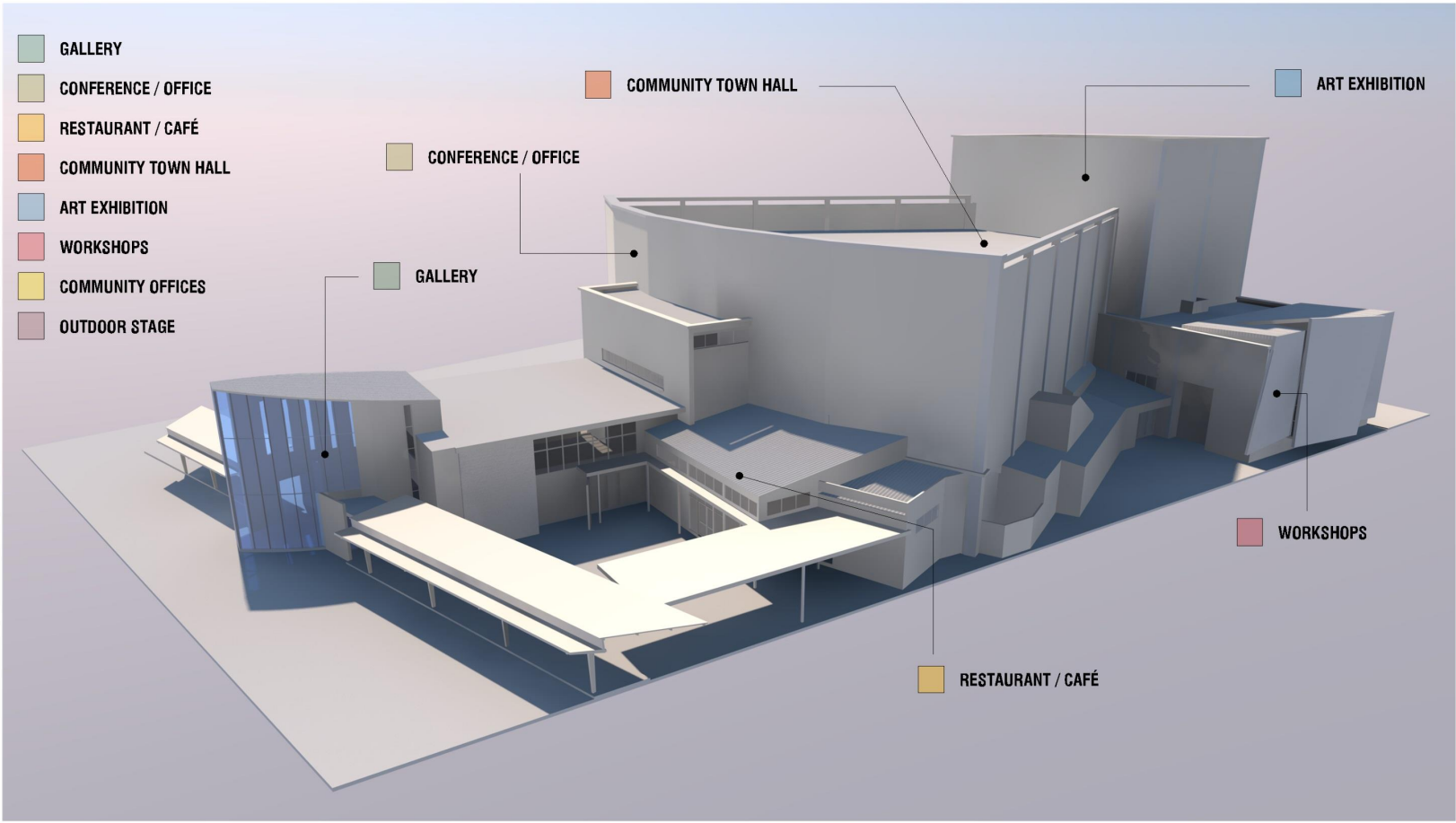
General Notes: 1. Contributor to check and verify all dimensions and levels on site prior to commencement of work. If any discrepancies are found, contact the Architect for clarification.				2. Drawings to be read in conjunction with specification and schedule of works & finishes.				DRAFT			
Re	Description	Date	 peddlethorp architects 298 Tiplarum Street PO Box 13068 Hamilton New Zealand Telephone : (07) 639 7014 www.peddlethorp.co.nz	Client	 toti TO TI - Your Spirit TA TO - Your Creativity TO TO - Your Art	Date	3/11/2020	C.A.D File	Founders 2020.dgn	Project Community Town Hall	Drawing No. SK.03
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						Scale	1:250@A3	Checked	#Contact Full Name		
						Drawn	#CAD Technician Full Name	Status	#Project Status		
			 peddlethorp architects 298 Tiplarum Street PO Box 13068 Hamilton New Zealand Telephone : (07) 639 7014 www.peddlethorp.co.nz	Client	 toti TO TI - Your Spirit TA TO - Your Creativity TO TO - Your Art					Project Community Town Hall	Drawing No. SK.03
						Section A (Proposed)					

Attachment 4

Item 9





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Item 9

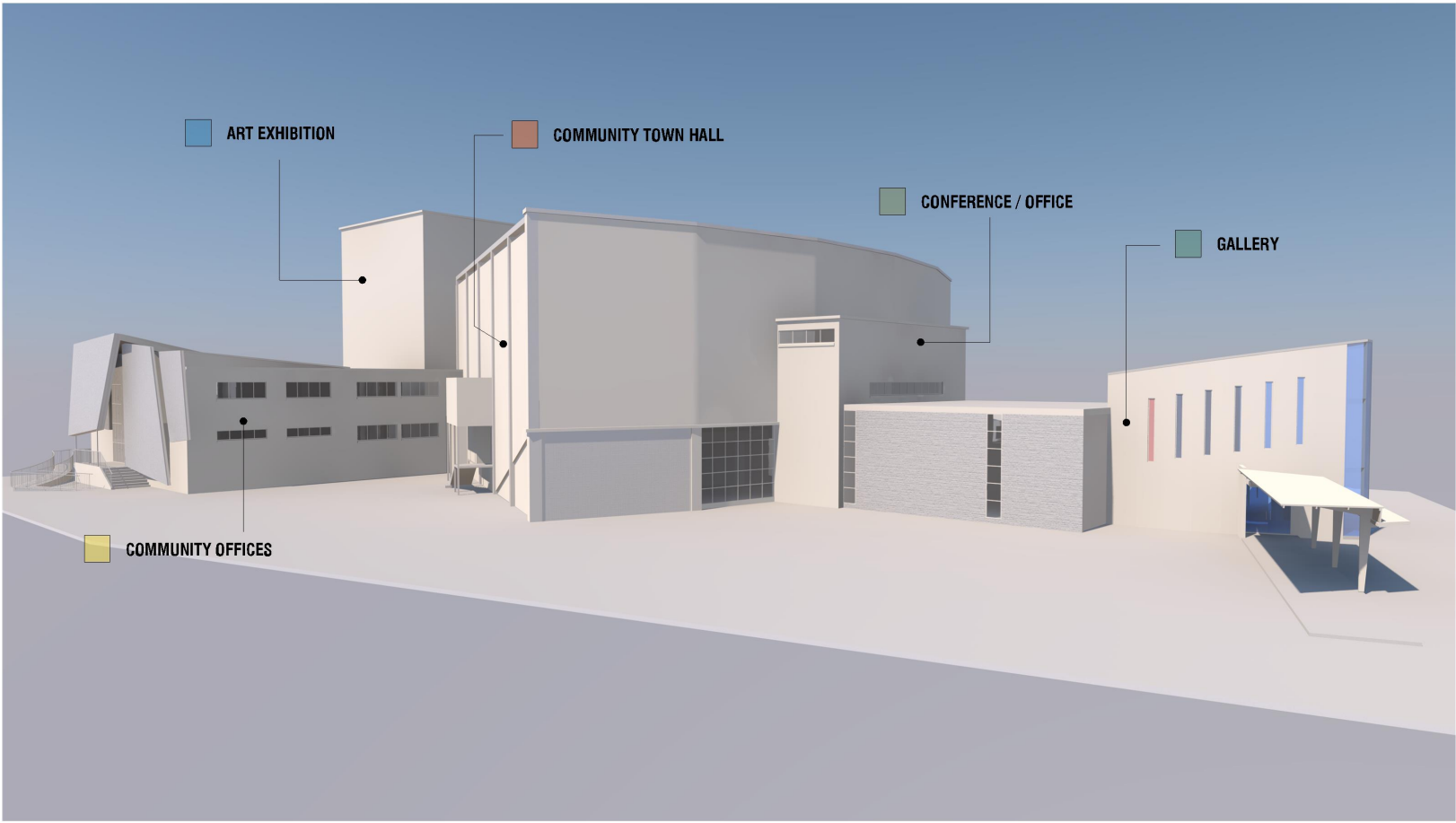
Attachment 4

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Attachment 4

Item 9



General Notes: 1. Contractor to check and verify all dimensions and levels on site prior to commencement of work. If any discrepancies are found, contact the Architect for clarification. 2. Drawings to be read in conjunction with specification and schedule of works & finishes.

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 **toti**
10 Ti - Your Spirit
10 Ti - Your Creativity
10 Ti - Your Art

Project
Community Town Hall
Title
Opening Night, November 1962

19/11/2020 10:38 am

Revision

4

Item 9

Attachment 4

Attachment 4

Item 9



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19 11 - Your Spirit
19 12 - Your Creativity
19 13 - Your Art

Project
Community Town Hall
Title
Slide 1: 3D Rendering 1

19/11/2020 10:38 am

Revision

4



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19 11 - Your Spirit
19 12 - Your Creativity
19 13 - Your Art

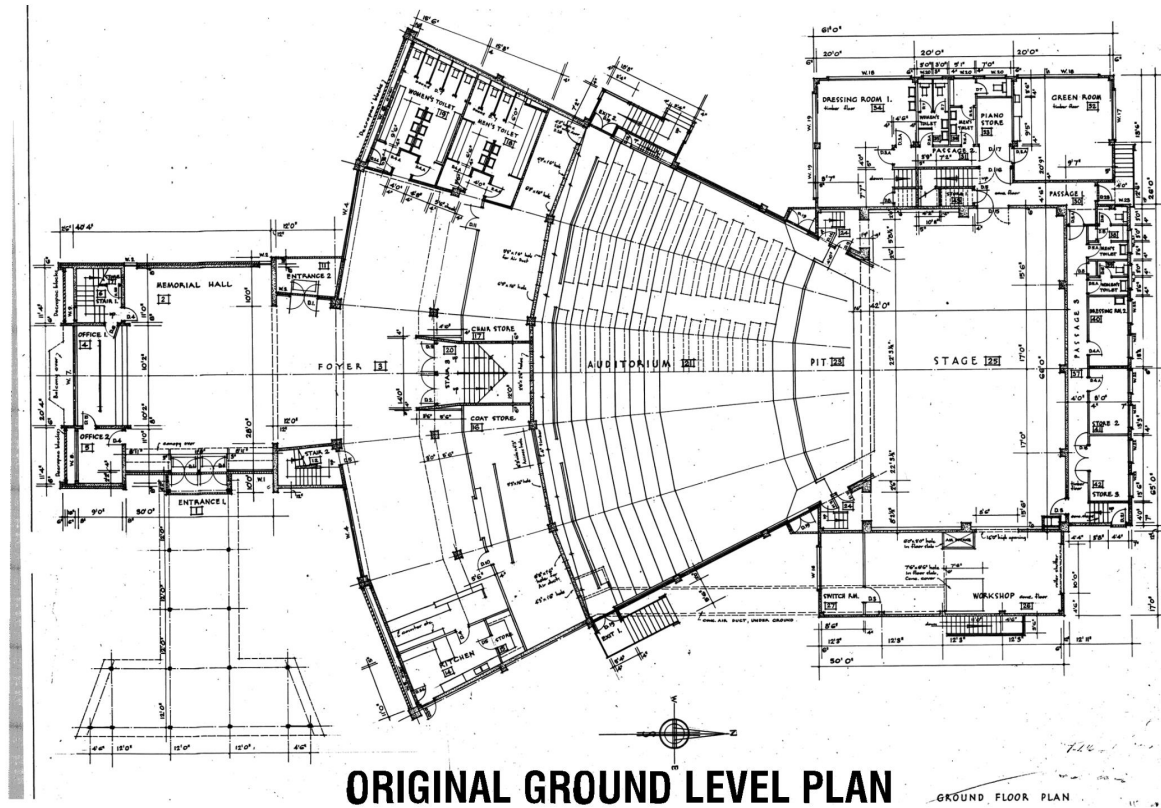
Project
Community Town Hall
Title
Slide 2: Concept

19/11/2020 10:38 am

Revision

4





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 Telephone: (07) 839 7014
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toti
 To Ti - Your Spirit
 To Tu - Your Creativity
 To Te - Your Art

Project
 Community Town Hall
 Title
 Original Ground Floor Plan

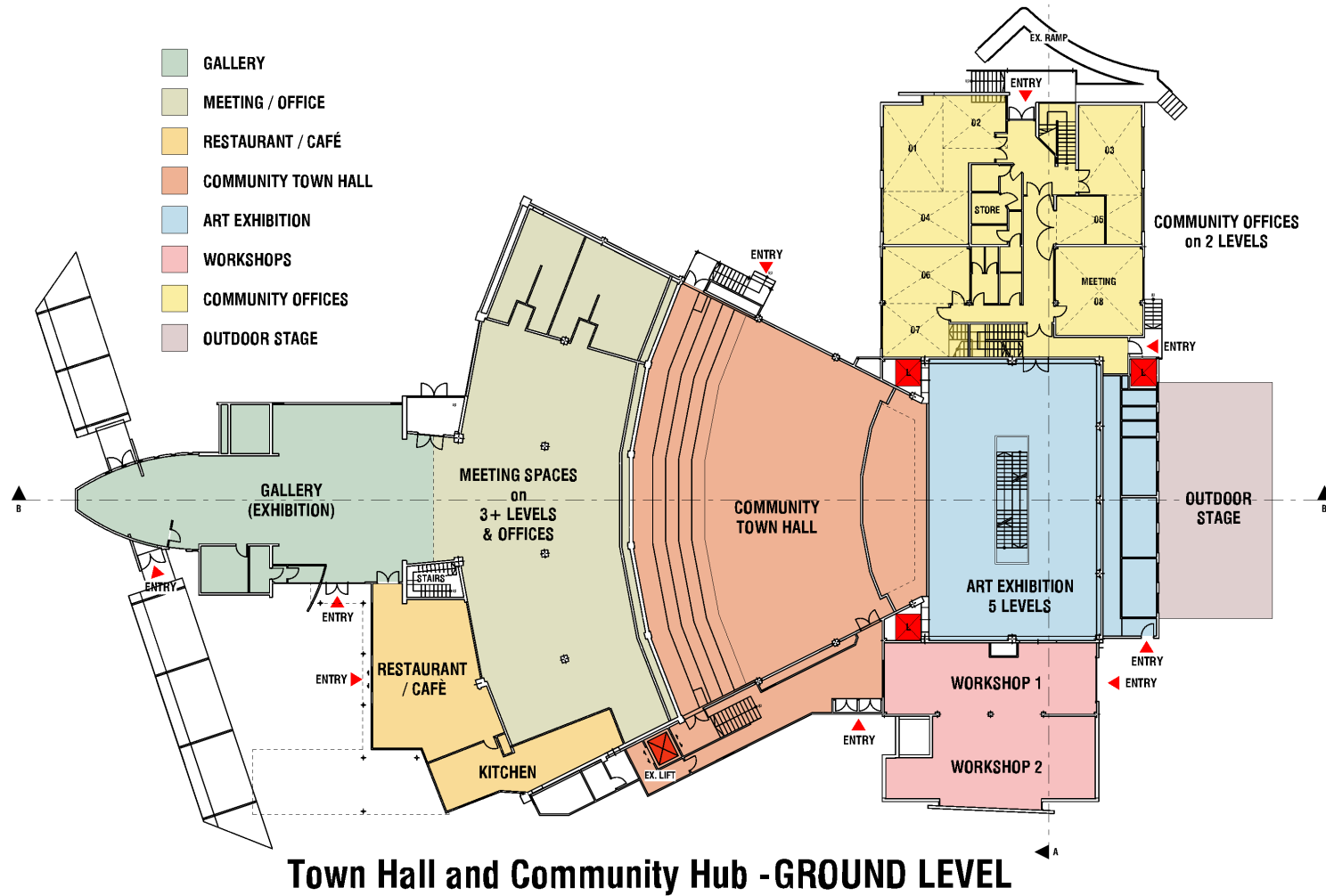
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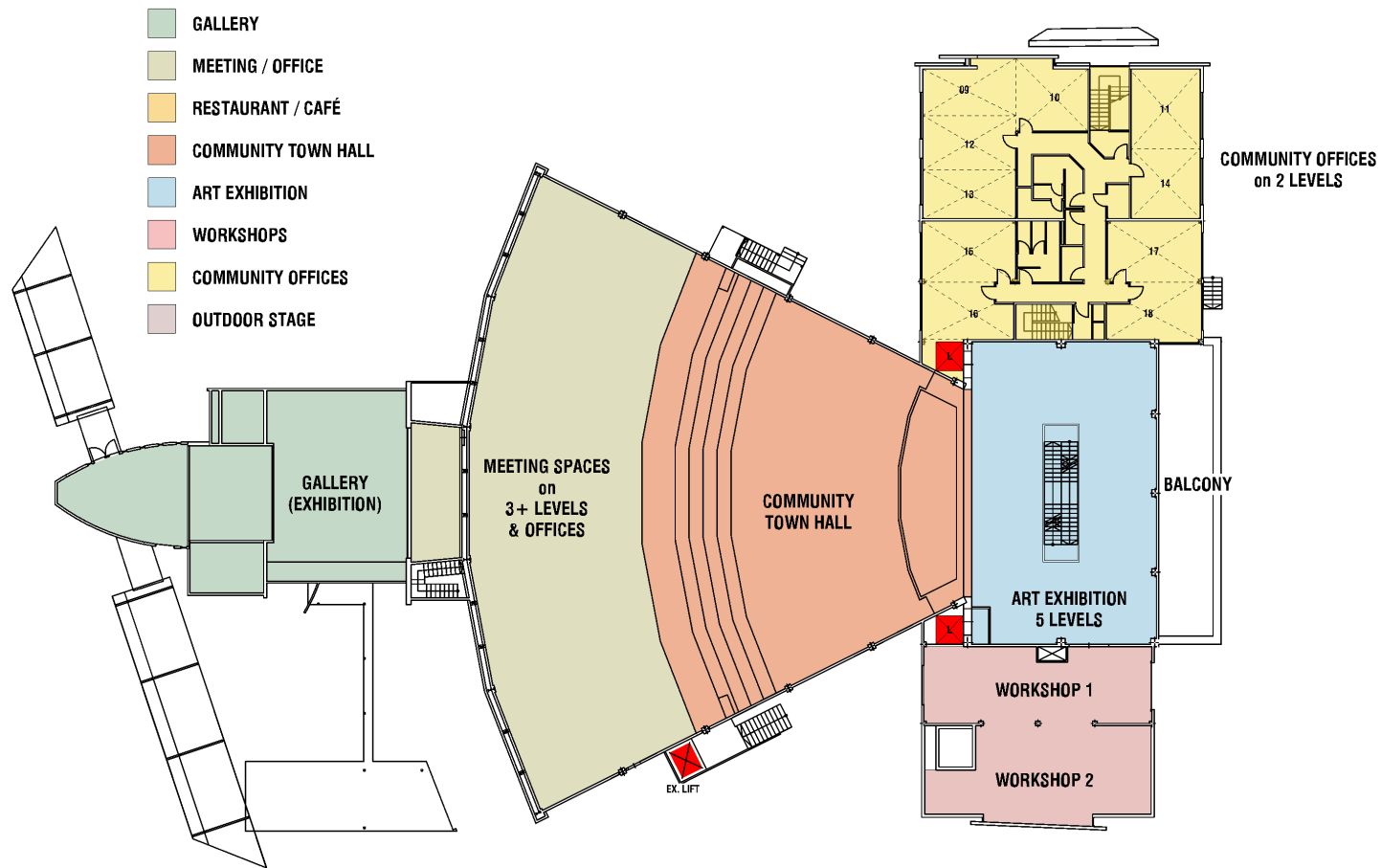
Revision

4

Attachment 4

Item 9

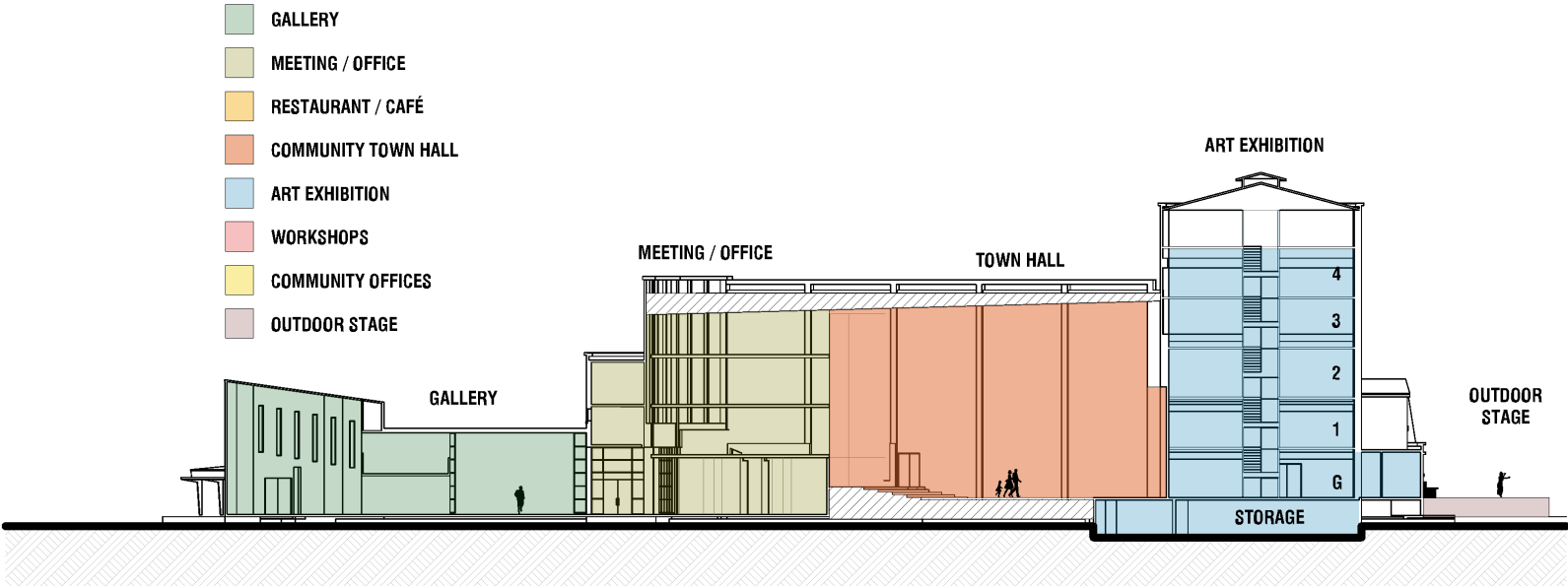




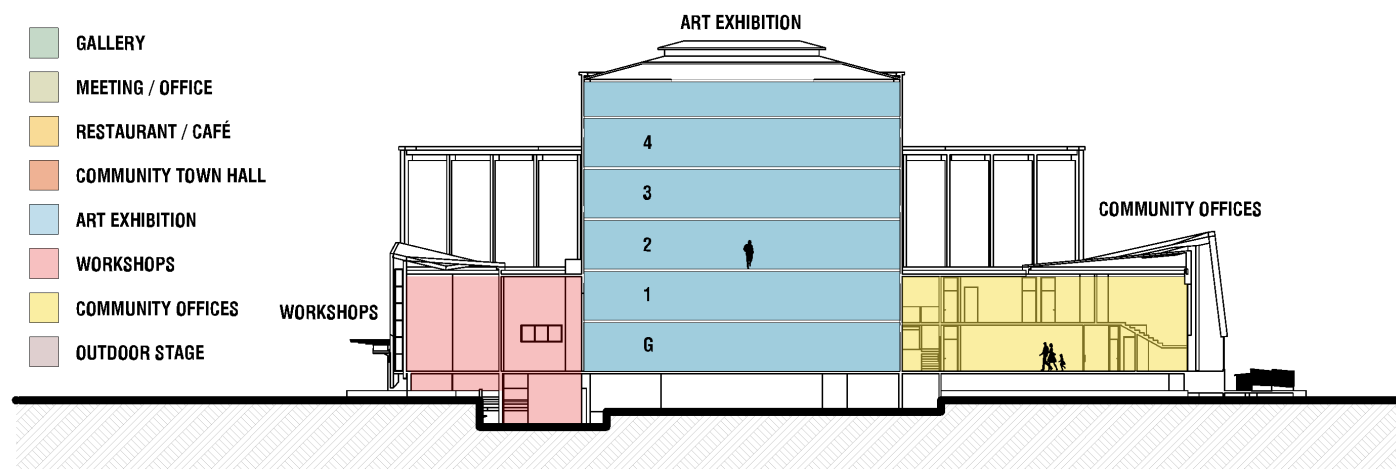
Town Hall and Community Hub - UPPER LEVEL

Attachment 4

Item 9



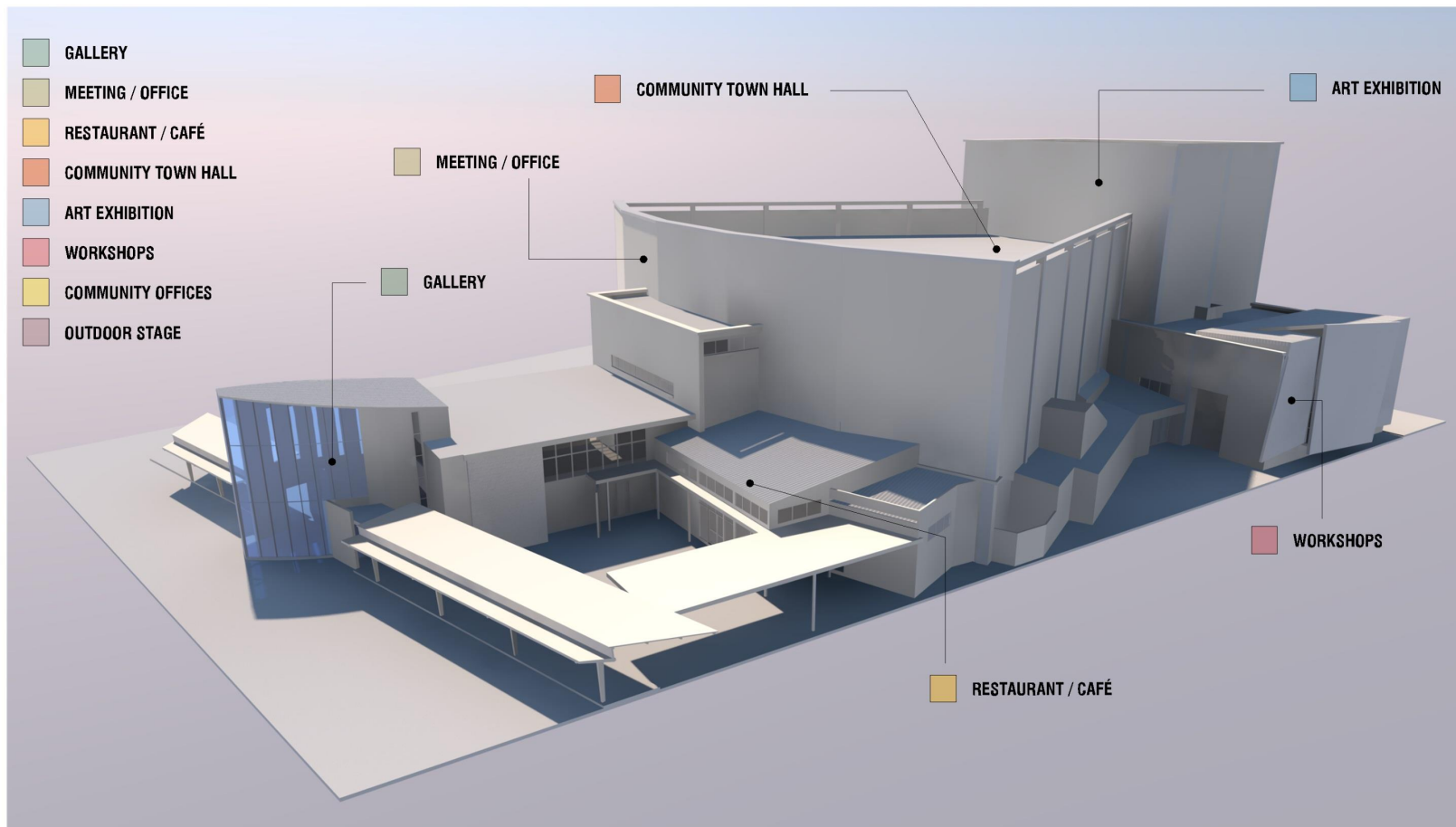
Town Hall and Community Hub - SECTION B

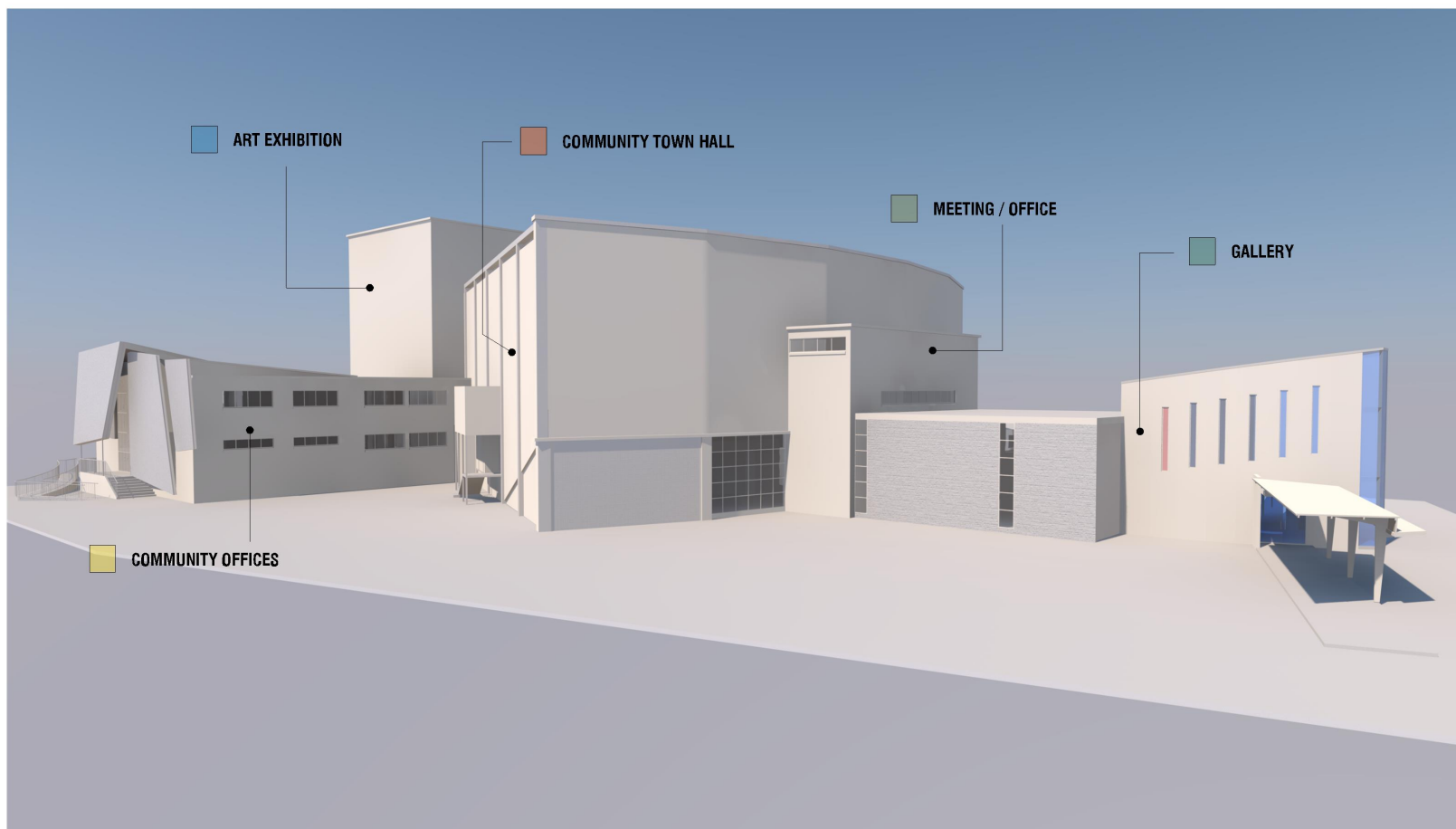


Town Hall and Community Hub - SECTION A

Attachment 4

Item 9





Item 9

Attachment 4

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 **toti**
To Ti - Your Spirit
To Te - Your Creativity
To Toti - Your Art

Project
Community Town Hall
Title
Perspective West Side

19/11/2020 10:38 am

Revision

4

Attachment 4

Item 9



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10 Ti - Your Spirit
10 Ti - Your Creativity
10 Ti - Your Art

Project
Community Town Hall
Title
3D Rendering

19/11/2020 10:38 am

Revision

4



Item 9

Attachment 4



Project
 Community Town Hall
Title
 Timetable

19/11/2020 10:38 am

Revision

4

Attachment 4

Item 9



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 **toti**
10 Ti - Your Spirit
10 Ti - Your Creativity
10 Ti - Your Art

Project
Community Town Hall
Title
End

19/11/2020 10:38 am

Revision

4



HERITAGE NEW ZEALAND
POUHERE TAONGA

Item 9

27 November 2020

File ref: BDG 836 T

Richard Briggs
Chief Executive
Hamilton City Council
Private Bag 3010
HAMILTON 3240

Tēnā koe

NOMINATION FOR ENTRY ON THE NEW ZEALAND HERITAGE LIST/RĀRANGI KŌRERO

Heritage New Zealand Pouhere Taonga (Heritage New Zealand) is writing to inform you as an owner that we have received a nomination to consider entering Founders (Memorial) Theatre, Hamilton on the New Zealand Heritage List/Rārangi Kōrero ('the List').

Heritage New Zealand is only able to progress a limited number of nominations for entry on the List each year. Consequently, all nominations are assessed on an annual basis and the best candidates for entry on the List are selected for progression in the forthcoming financial year.

The next annual assessment of new nominations will take place in early 2021. We will contact you after this to inform you whether the nomination has been selected as one which appears to merit further investigation, and to discuss your views on the matter.

In the meantime, if you have any questions about the List or the process of entering new candidates on to the List, or would like to discuss your views with us, please don't hesitate to contact Alexandra Foster, Heritage Assessment Advisor, at afoster@heritage.org.nz or (09) 307 9930.

Information on the nomination process and the List is enclosed for your information, along with a summary printout from our heritage database detailing the nomination received for your property.

Kia ora

A handwritten signature in black ink, appearing to read 'B Pick', followed by a horizontal line.

Ben Pick
Lower Northern Area Manager

Attachments: Nomination Record; Information Pack for Owners

*cc Manager Heritage Listing, Heritage New Zealand Pouhere Taonga
Alice Morris, Principal Planner, City Planning Unit, Hamilton City Council*

(64 7) 577 4530 | Lower Northern Area Office, PO Box 13339, Tauranga 3141 | heritage.org.nz

LETTER02

Attachment 5

Nomination Record

List Number: 1141

Site Reference: P185195



HERITAGE NEW ZEALAND
POUHERE TAONGA

Date Nomination Received: 16 November 2020

List Entry Status: Nomination Received

Name: Founders (Memorial) Theatre

Other Name(s):

Location: 229 Tristram Street, Hamilton Central, Hamilton 3204

Heritage NZ Office: Lower Northern Office

Legal Description: Sec 2 SO 57554 RT: 19657, 19657

Local Authority: Hamilton City

Summary:

From the nomination form:

The Founders Theatre including its landscape, pools and Dame Hilda Ross fountains are a historic place and worthy of listing based on the attached report.

It is Hamilton's Theatre [since 1962] and much loved by many generations. It is a significant Modernist building.

The Ralph Hotere artwork specially commissioned for the foyer (1972, installed 1973) is a reflection of the building's status and importance to civic affairs.

The Founders Theatre was the most significant theatre building erected in Hamilton in the later twentieth century, opened in 1962.

The Founders Theatre is a traditional proscenium arch/lyric theatre that opened in 1962 having been funded entirely by the community. At that time it was the first new theatre built in Australasia in approximately 30 years and it was built to be a premiere theatre for the region and the city's town hall. It is Hamilton's premiere and largest performing arts venue seating 1,249 people.

It was designed by Aubrey de Lisle, a Hamilton-based nationally-renowned architect. The theatre is an important Modernist building and is illustrative of Hamilton's building boom and development post-World War II.

The significance of the Founders Theatre rests on its architectural, historical and social / cultural values. The attached professional heritage assessment concludes that overall the theatre including the pool and fountain have heritage significance.

As a well known modernist building, it occupies a special position in Hamilton's architectural landscape. In addition it has had a high level of public use and associated esteem with many notable performances held within the venue.

The place is unique in Hamilton and the Waikato region as the largest theatre venue standing at present. There is no other relevant comparison in the region. It is a significant building at 8267sqm.

Proposed List Entry Type: Historic Place Category 2

Historic Significance:

Physical Significance:

Cultural Significance:



HERITAGE NEW ZEALAND
POUHERE TAONGA

Item 9

Information for Owners

Historic Places and Historic Areas

Heritage New Zealand Pouhere Taonga was established by Act of Parliament in 2014. It operates under the *Heritage New Zealand Pouhere Taonga Act 2014* and is governed by a Board of Trustees and Māori Heritage Council. Its statutory purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The national office is in Antrim House, Wellington. Regional and area offices are in Kerikeri, Auckland, Tauranga, Wellington, Christchurch and Dunedin.

What is the New Zealand Heritage List / Rārangī Kōrero?

The New Zealand Heritage List / Rārangī Kōrero ('the List'), compiled by Heritage New Zealand, is the national schedule of treasured heritage places. It was established in 2014 and operates under the *Heritage New Zealand Pouhere Taonga Act 2014*. All entries on the Register established under the *Historic Places Act 1993* are deemed to be entries on the List.

What is included on the New Zealand Heritage List / Rārangī Kōrero?

Places may be included on the List if they possess aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological or traditional qualities. Individual places become 'historic places'; groups of related places are defined as 'historic areas'. Places of significance to Māori for their ancestral significance and associated cultural and traditional values may be included as wāhi tupuna. Places of sacred significance to Māori may be included as wāhi tapu or wāhi tapu areas. Historic places may be accorded Category 1 status for 'special or outstanding historical or cultural heritage significance or value' or Category 2 for 'historical or cultural heritage significance or value'.

What are the effects of entry on the New Zealand Heritage List / Rārangī Kōrero?

What does entry on the New Zealand Heritage List / Rārangī Kōrero mean?

The List informs owners and the public about New Zealand's heritage places and is a source of information about New Zealand's heritage places for the purposes of the *Resource Management Act 1991*. When the Board confirms an entry on the List, information identifying the place is included on the List. Other information, such as its history or a significance assessment, may be made available on the Heritage New Zealand website www.heritage.org.nz.

Heritage New Zealand Pouhere Taonga

Attachment 5

Does entry on the New Zealand Heritage List / Rārangī Kōrero provide protection?

Protection is not automatic or guaranteed, but Councils are required to take the List into account when developing Regional and District Plans. Councils are required, in certain circumstances, to notify Heritage New Zealand as an affected party to resource consent applications involving places entered on the List. Heritage New Zealand notification is also required when issuing Project Information Memoranda (PIMs) which are related to the building consent process. Heritage New Zealand is therefore involved in the decision-making process when developments affecting heritage sites are under consideration.

How are Places and Areas included on the New Zealand Heritage List / Rārangī Kōrero?

Who can apply?

Anyone can apply to have a place or area of heritage significance entered on the List. If an application is considered to be a good candidate for entry on the List, interested parties (including owners, the Local Authority) will be informed in writing that an application has been received. Heritage New Zealand will then prepare a report to establish whether there is a case for entry on the List.

Preparing the Report

To help determine whether a place or area is of significance, Heritage New Zealand will investigate its history and assess its physical features and fabric. Heritage New Zealand will contact you to request permission to carry out a site visit and to take photographs of the place or area that will assist with this work.

Formal Consultation

Once a copy of the report has been prepared, it will be provided to you for comment. If you support the proposal to enter on to the List, you may like to consider entry by agreement. If all owners and interested parties registered on the certificate of title consent to the entry on the List in writing then the proposal will go straight to the Board for a decision. Alternatively, Heritage New Zealand may call for submissions on the proposal over 20 working days. These submissions are taken into account when the Board makes the final decision on a proposal to enter on the List.

How long will it take?

The process of entry on the List can take time. Normally entries on the List are resolved in a single financial year but this can vary depending on the circumstances in each case. Contact your regional or area office for current timeframes and priorities.

For Help

For more information you can visit our website at www.heritage.org.nz or contact your regional or area Heritage New Zealand office.



HERITAGE NEW ZEALAND
POUHERE TAONGA

Attachment 5



Item 9

COMPILED UNDER THE *HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014*, THE NEW ZEALAND HERITAGE LIST/RĀRANGI KŌRERO ('THE LIST') IDENTIFIES THE NATION'S HERITAGE PLACES, INCLUDING PĀ, WHALING STATIONS, CHURCHES, MEMORIALS, URUPĀ, MAUNGA TAPU, FARM BUILDINGS, BRIDGES, MINING SITES, PUNAWAI, THEATRES, SETTLEMENTS, PUBLIC AND COMMERCIAL BUILDINGS, HOTELS, BREWERIES, PUBLIC PARKS, AND DWELLINGS. THE LIST IS THE ONLY STATUTORY NATIONAL RECORD OF OUR RICH, SIGNIFICANT AND DIVERSE HERITAGE PLACES.

IMAGES:

- 1 Cover image: The Bath House, Rotorua Government Gardens (IMAGE: PHIL BRAITHWAITE FLICKR.COM)
- 2 Alberton, Auckland (IMAGE: AMANDA TRAYES)

RĀRANGI KŌRERO - THE NEW ZEALAND HERITAGE LIST



WHAT IS THE LIST?

The List identifies New Zealand's significant and valued historical and cultural heritage places. It is maintained by Heritage New Zealand Pouhere Taonga (Heritage New Zealand) and was formerly known as the New Zealand Historic Places Trust Register of historic places, historic areas, wāhi tapu and wāhi tapu areas, established under the *Historic Places Act 1993*. Its size, scale and national focus make the List one of the most important historical information resources in New Zealand.

WHY IS THE LIST IMPORTANT?

The List

- informs and notifies owners, the public, community organisations, government agencies and local authorities about significant heritage places; and
- is a source of information about historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas for the purposes of the *Resource Management Act 1991*.

3 Balclutha Bridge (IMAGE: SHELLEY MORRIS FLICKR.COM)

4 St Mary's Basilica, Invercargill (IMAGE: SHELLEY EVANS FLICKR.COM)

5 Chinese miner's hut, Chinatown near Arrowtown (IMAGE: ALLISON BENNETT FLICKR.COM)

WHAT'S ON THE LIST?

The List is divided into five parts

- **Historic places** – such as archaeological sites, buildings, memorials
- **Historic areas** – groups of related historic places such as a geographical area containing a number of properties or structures, a heritage precinct or an historical and cultural area
- **Wāhi tūpuna** – places important to Māori for their ancestral significance and associated cultural and traditional values
- **Wāhi tapu** – places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense such as maunga tapu, urupā, funerary sites and punawai
- **Wāhi tapu areas** – areas that contain one or more wāhi tapu.

Only historic places on the List are assigned as

- **Category 1** – a place of special or outstanding historical or cultural significance or value, or
- **Category 2** – a place of historical or cultural significance or value.

WHAT DOES ENTRY ON THE LIST MEAN?

The List is an information tool – it identifies and provides information on significant heritage places throughout New Zealand.

Entry on the List

- does not equal automatic protection
- does not directly create regulatory consequences or legal obligations on property owners
- does not directly create specific rights or control over property
- can provide heritage funding opportunities
- can lead to heritage properties being considered for inclusion in district plan heritage schedules.

HOW DOES THE LIST LINK WITH DISTRICT PLANS?

District plans are administered by local authorities and set out the changes that can be made to a property. Most district plans control proposed changes to heritage places and sites listed in the plans. Heritage New Zealand can get involved in this process and advocate for the retention of heritage values.

Local authorities are required to notify Heritage New Zealand if a building consent application is received regarding a property on the List. This allows Heritage New Zealand to offer conservation advice to property owners and local authorities. The fact that a property is included on the List should be noted on any relevant land information memorandum (LIM) supplied by a local authority.



WWW.HERITAGE.ORG.NZ

WHAT IS THE PROCESS FOR ENTRY ON THE LIST?

Anyone can nominate an historic place, historic area, wāhi tūpuna, wāhi tapu or wāhi tapu area for entry on the List by completing an application form available from Heritage New Zealand. Staff will then assess the application and, if the application has merit, the views of owners, iwi and other interested parties will be sought and a proposal prepared. The decision on whether to enter the proposal on the List will be made by the Heritage New Zealand Board, or in the case of wāhi tūpuna, wāhi tapu and wāhi tapu areas, the Māori Heritage Council.

The precise criteria for inclusion on the List are set out in the *Heritage New Zealand Pouhere Taonga Act 2014*. Generally speaking, a property need not be large or impressive to qualify for entry on the List, but it must have significant heritage values.

Historic places and historic areas must possess some type of aesthetic, archaeological, architectural, cultural, historic, scientific, social, spiritual, technological or traditional significance.

Decisions relating to the entry of wāhi tūpuna, wāhi tapu and wāhi tapu areas will be consistent with the views of iwi, hapū and whānau, or other relevant Māori interests with historical and cultural association in any particular place.



CAN I VISIT PROPERTIES ON THE LIST?

Most properties on the List are privately owned, and their inclusion on the List does not imply that they are open to the public or available for any form of viewing. Some are owned by Heritage New Zealand, by local authorities or by other public groups and may be visited. Local visitor information centres should be able to provide advice on heritage properties open to the public.

WHAT INFORMATION IS KEPT ON THE LIST?

The List contains detailed information about a diverse range of New Zealand's heritage places. The amount of information contained in the List varies between entries and is supported by paper files.

Some of the information Heritage New Zealand holds about properties on the List includes

- Location (e.g. address, legal description)
- Date of construction or age
- Description
- History of the place
- Function of the property including current and former uses
- Architectural, archaeological and traditional information
- Photographs – contemporary and historic.

WHERE CAN I FIND THE LIST?

Paper copy

A paper copy of the List is available in all Heritage New Zealand offices. Your local city or district council also holds an updated copy of the List and details of proposed List entries in their particular area.

Online

An online version of the List is also available and is regularly updated after each meeting of the Heritage New Zealand Board and Māori Heritage Council.

Please see: www.heritage.org.nz/the-list ■

FURTHER INFORMATION



If you'd like to find out more about the List please contact or visit any one of our Regional or Area Offices:

Northern Regional Office
Premier Buildings
Level 2, 2 Durham Street East
Private Box 105-291,
Auckland 1143
Ph: (64 9) 307 9920
infonorthern@heritage.org.nz

Central Regional Office
Level 7, 69 Boulcott Street
PO Box 2629
Wellington 6140
Ph: (64 4) 494 8320
infocentral@heritage.org.nz

Southern Regional Office
International Antarctic Centre
38 Orchard Road
PO Box 4403
Christchurch Mail Centre, 8140
Ph: (64 3) 357 9629
infosouthern@heritage.org.nz

Northland Area Office
Level 1, 62 Kerikeri Road
PO Box 836,
Kerikeri 0245
Ph: (64 9) 407 0470
infonorthland@heritage.org.nz

Lower Northern Area Office
Level 1, 28 Wharf Street
PO Box 13339,
Tauranga 3141
Ph: (64 7) 577 4530
infoLowernorthern@heritage.org.nz

Otago / Southland Area Office
Level 4, 109 Princes Street
PO Box 5467,
Dunedin 9058
Ph: (64 3) 477 9871
infodeepsouth@heritage.org.nz

Free phone 0800 HERITAGE

IMAGES:

1 The tohu maumahara at Rangiriri (IMAGE: AMANDA TRAYES)

2 T Gilchrist and Sons General Store, Oturohanga (IMAGE: SHELLEY MORRIS FLICKR.COM)

WWW.HERITAGE.ORG.NZ

Item 9

Attachment 5

Council Report

Committee: Council **Date:** 08 December 2020
Author: Lee-Ann Jordan **Authoriser:** Lance Vervoort
Position: Visitor Destinations Manager **Position:** General Manager Community
Report Name: Zoo/Waiwhakareke Shared Entry Precinct- Brymer Road Urban Upgrade alignment

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

1. To seek approval from the Council to better align the construction, phasing and timing of the Zoo Waiwhakareke Shared Entry Precinct and the Brymer Road Urban Upgrade.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves **Option 3** of the staff report which aligns stages 1 and 2 with the portion of the Brymer Road Urban Upgrade from Baverstock intersection to the northern boundary of the Zoo; and
 - c) approves the funding to align the projects as per point b) above, for the purpose of inclusion in the draft 2021/31 Long Term Plan.

Executive Summary - *Whakaraapopototanga matua*

3. Following the Community Committee recommendation at their meeting on 17 November 2020, staff have been looking at options to better align the Zoo Waiwhakareke Shared Entry Precinct with the Brymer Road Urban Upgrade.
4. Staff have assessed that there are 3 reasonable and viable options for the Council to consider. (**Attachment 1**– Options Map).
5. **Option 1:** (Status quo) Complete Stage 1 (1A and 1B) of the Zoo Waiwhakareke Shared Entry Precinct only as per approved funding in the 2020/21 Annual Plan.
6. **Option 2:** Complete stages 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct and complete the full length of the Brymer Road Urban upgrade in years 1 and 2 of the 2021-31 Long Term Plan (LTP).
7. **Option 3:** Complete stages 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct as well as a section of the Brymer Road Urban upgrade, namely the section from Baverstock Road to the northern Zoo boundary in year 1 of the 2021-31 LTP.
8. Staff recommend **Option 3**.

9. Staff consider the decision in this report has low significance as assessed under the Significance and Engagement Policy and that the recommendations comply with the Council's legal requirements.

Discussion - *Matapaki*

10. At their meeting on 17 November 2020, the Community Committee resolved to:
"request staff work on options to better align the Brymer Road Urban Upgrade project and stage 1 and 2 of the Zoo/Waiwhakareke Shared Entry Precinct Programme and to bring updates back to a future Community Committee meeting"
11. Consequently, staff have been investigating options to better align the Zoo Waiwhakareke Shared Entry Precinct with the Brymer Road Urban Upgrade.
12. The project dependencies between the Zoo Waiwhakareke Shared Entry Precinct and the Brymer Road Urban Upgrade have been highlighted to Council: initially in the Business Case that had been presented as part of the 2020/21 annual plan process (which led to the approval to commence with stages 1A and 1B and advance the detailed design of the Brymer Road Upgrade); and the report to the November 17 Community Committee meeting which outlined these project dependencies more fully as a result of the detailed design.
13. Stages 1A and 1B of the Zoo Waiwhakareke Shared Entry Precinct as currently approved will create a visible connection between the two sites, currently separated by Brymer Road, to create one combined destination.
14. Brymer Road is a rural road running between the two sites, with no safe pedestrian and cycle paths and no safe crossing points between these sites.
15. The road does not allow for an on-road bus stop and therefore the Zoo car park is currently used as bus stop and turn around zone.
16. These factors combined with Brymer Road's higher speed limits of 50km/h in front the Zoo and 80km/h after the northern Zoo exit, currently creates an unsafe traffic environment for visitors and the local community as 50km is problematic without a designated safe crossing point between the sites and as drivers tend to accelerate before the 80km/h zone.
17. The Brymer Road upgrade will deliver the ability to provide a safe traffic environment with a reduced speed limit of 30km/h, safe pedestrian /cycleway connections and crossings and bus stop.
18. Stage 2 of the Zoo Waiwhakareke Shared Entry Precinct is the arrival area at both sites for multi-modal transport options whether access is via walking, cycling, public transport or car, including landscaping and visitor connections.
19. Waikato Regional Council have endorsed in principle the public transport components (bus stop and bus turnaround zone) proposed in Stage 2 of the Zoo Waiwhakareke Shared Entry Precinct – Option 3. The will continue to be engaged in the detailed design process with HCC staff.
20. To ensure a real sense of arrival at the destination, safe access and sufficient capacity to accommodate the projected increase in visitors through all modes of transport, the timing alignment between the roading upgrade/urbanisation and stage 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct is important.
21. Through the 2020/21 Annual Plan, the Council approved bringing forward funding to complete the detailed design for the Brymer Road Urban Upgrade project to year 2020/21 so that alignment opportunities with the Zoo Waiwhakareke Shared Entry Precinct project could be determined.

Item 10

22. Following detailed design, Zoo, Transportation and Capital Delivery staff have met several times to discuss the urbanisation of Brymer Road, the interdependencies of both projects and options for delivery.
23. Taking an organisational view, staff believe Stage 1A/B, Stage 2 and the Brymer Road Upgrade works should be considered as one project as this will deliver the safety and visitor experience benefits described and address the significant concerns identified if the projects are delivered separately and at different times.
24. Alignment of projects will also present a benefit opportunity relating to potential cost and time savings over the combined project, and the minimisation of disruption for visitors to the Zoo Waiwhakareke and local residents.
25. An additional benefit will be further connections to existing and proposed pedestrian and cycle networks between and through the destinations to other parts of the City (Attachment 2 Rotokauri Cycle Network Map).
26. The alignment of these projects supports the overall outcome sought which is the creation of a real sense of arrival to the Zoo Waiwhakareke destination as well as better logistics for public transport and safe and effective access for visitors and locals, particularly pedestrians and cyclists.
27. The Brymer Road Urban upgrade construction is funded in years 2024/25 and 2025/26 of the 2018-28 10 Year Plan but is currently proposed in years 2028/29 and 2029/30 in the draft 2021-31 Long Term Plan.
28. Stage 2 of the Zoo Waiwhakareke Shared Entry Precinct project (multi-modal arrival area and connections) is currently proposed for years 2024/25 and 2025/26 in the draft 2021-31 Long Term Plan.
29. Detailed Design for the Brymer Road Urban upgrade is already in progress and will be completed in April 2021. With this detail design an engineer's estimate will inform construction costs. The below figures for Brymer Rd construction are indicative (low to medium confidence) – they are currently informed by best information with contingency allocated for known constraints at this early stage.
30. If the Council approves the staff recommendation, detailed design for Stage 2 of the Entry Precinct can be completed in time for delivery together with the Brymer Road Urban upgrade.
31. The staff recommendation supports the Zoo Waiwhakareke Master Plan 2014 and the Waiwhakareke Natural Heritage Park Development Plan 2018 along with connectivity into Hamilton City that is consistent with the land use spatial framework, Rotokauri Structure Plan and achieves the strategic direction established by Access Hamilton (including biking and micro mobility).

Options

32. Staff have assessed that there are 3 reasonable and viable options for the Council to consider.

Option 1 – Status Quo

33. Complete Stage 1 of the Zoo Waiwhakareke Shared Entry Precinct as per approved funding only.
34. This option includes the completion of the already approved new Zoo entry building (stage 1A) as well as the visual connections between the Zoo and Waiwhakareke (stage 1B). With this option, an interim gravel pedestrian and cycle link will be provided from the Baverstock Road intersection to the southern Zoo entrance (this is being delivered through the Baverstock Road Urban Upgrade).

Benefits	Dis-Benefits
New Zoo Entry Building (Stage 1A).	Existing access area and parking capacity is reduced due to change to building layout. No opportunity for pedestrian and cycling pathways.
Visual connection to Waiwhakareke (Stage 1B).	Inadequate pedestrian and cycle connection to the Zoo Waiwhakareke Precinct.
Within approved capital spend.	Bus stop will still be within existing Zoo car park, further reducing visitor transport capacity. Pedestrian access through this area to bus stop creates safety issues.
Higher visitation due to improved amenities.	Car parking on the Waiwhakareke side of Brymer Rd is removed to construct Stage 1B, further reducing capacity.
	Compromised pedestrian safety, due to existing rural Brymer Rd remaining undeveloped and anticipated increased visitation, particularly noting visitors are often families with small children.
	Ongoing safety issues not addressed.
	Prolonged/Disjointed construction approach.
	Not providing a visitor destination environment so not meeting visitor expectation on arrival to the new precinct.
	Contract bundling opportunities not realised.

Option 2

35. Complete stages 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct and complete the full length of Brymer Road Urban upgrade in year 1 and 2 of the 2021-31 LTP
36. This option includes the completion of the already approved new Zoo entry building and the visual connections between the Zoo and Waiwhakareke (stage 1A and 1B). It also proposes to deliver Stage 2 of the Zoo Waiwhakareke Shared Entry precinct in Year 1 of the 2021-31 LTP, along with the full Brymer Road Urban Upgrade.
37. Stage 2 of the Zoo Waiwhakareke Shared Entry Precinct includes the multi-modal arrival area and connections at a cost of \$3.9m (currently unfunded in the 2018-28 10 Year Plan).
38. This option suggests urbanising the full length of Brymer Road in years 1 and 2 of the 2021-31 LTP at a cost of \$8m currently funded in Years 2024-26 of the 2018-28 LTP.

Benefits	Dis-Benefits
New Zoo Entry Building (Stage 1A).	Advancing this project at the expense of other capital works in the city.

Item 10

Connection to Waiwhakareke (Stage 1B).	More construction work happening concurrently which may reduce visitor experience during construction phases (likely to be 24 months).
Sense of arrival projects a visitor experience consistent with a high quality visitor destination.	Stage 2 of Zoo/Waiwhakareke Shared Entry Precinct currently unfunded (but proposed through 21-31 LTP).
Bus stop provided outside of car park.	Construction of a road ahead of development, creating an urban road in a rural environment.
Capacity for transport modes increased at the Zoo and Waiwhakareke.	
Urbanised Road creating pedestrian and cycle links between the destinations and to existing and proposed networks for visitor and the local community.	
Safer crossing and reduced speed environment.	
Potential bundling opportunities and delivery efficiencies can be realised.	

Option 3- Staff recommended option

39. Complete stages 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct as well as a section of the Brymer Road Urban upgrade, namely the section from Baverstock Road to the northern Zoo boundary in year 1 of the 2021-31 LTP.
40. This option includes the completion of the already approved new Zoo entry building and visual connections between the Zoo and Waiwhakareke (Stage 1A and 1B).
41. It also proposes to deliver Stage 2 of the Zoo Waiwhakareke Shared Entry precinct in Year 1 at a cost of \$3.9m (currently unfunded in the 2018-28 10 Year Plan) along with completing the urbanisation of Brymer Road between Baverstock Road and the northern Zoo boundary only at a cost of \$4.5m currently funded in Years 2024-26 of the 2018-28 LTP.
42. Brymer Road urbanisation construction is bought forward from years 2024/25 and 2025/26 of the 2018/28 LTP to Year 1 of the 2021/31 draft LTP to align with Stages 1 and 2 of the Zoo Waiwhakareke Shared Entry Precinct.
43. The remaining roading urbanisation would be completed in later years driven by developer timing, currently proposed in 2024/25 and 2025/26 of the 2018/28 10 Year Plan.
44. Staff recommend option 3 as delivering optimal benefits, including enabling a high quality visitor experience at the Zoo Waiwhakareke destination, project cost and time efficiencies and advancing public transport, pedestrian and cycling infrastructure and connections in the north west of the City.

Benefits	Dis-Benefits
New Zoo Entry Building (Stage 1A)	Advancing this project at the expense of other capital works in the city.
Connection to Waiwhakareke (Stage 1B)	More construction work happening concurrently which may reduce visitor experience during

	construction phases (likely to be 12 months).
Sense of arrival projects a visitor experience consistent with a high quality visitor destination.	Stage 2 of Zoo/Waiwhakareke Shared Entry Precinct currently unfunded (but proposed through 21-31 LTP).
Bus stop provided outside of car park	
Capacity for transport modes increased at the Zoo and Waiwhakareke.	
Urbanised Road creating pedestrian and cycle links between the destinations and to existing and proposed networks for visitor and the local community.	
Safer crossing and reduced speed environment.	
Potential bundling opportunities and delivery efficiencies can be realised.	

Financial Considerations - *Whaiwhakaaro Puutea*

45. The total cost to complete the staff recommended option (option 3) within the 2021-31 LTP is \$10.9m.
46. A majority of the cost is already funded - \$2.5m funded through the 20/21 Annual Plan for stage 1 (currently underway) and \$8.0m funded through the 2018-28 LTP to complete the Brymer Road Urban upgrade (in its entirety).
47. The remaining \$3.9m to complete stage 2 of the Zoo Waiwhakareke Shared Entry Precinct is currently unfunded and proposed in the 2021-31 LTP in years 2028-30.
48. Staff recommended option 3 seeks the Council's approval to commit to the \$3.9m in year 1 (2021/22) of the 2021-31 LTP so that the timing of both projects can be aligned without compromising the existing Stage 1 works and achieve all benefits listed under the options analysis. If approved, this will be a binding commitment within the 2021-31 LTP.
49. Option 3 also recommends bringing \$4.5m of the funded Brymer Road Upgrade budget forward to year 1 (2021/22) to complete the section between Baverstock Road and the northern Zoo boundary. If approved, this will be a binding commitment within the 2021-31 LTP. The remaining budget of the road upgrade is recommended in years 6 and 7 of the 2021-31 LTP.
50. The total capital costs of the 3 options within the 2018-2028 LTP are as follows:

Indicative capital cost	Option 1	Option 2	Option 3
Remaining works of the Zoo Waiwhakareke Entry Precinct Stage 1 (FUNDED)	\$2.5m	\$2.5m	\$2.5m
Zoo Waiwhakareke Entry Precinct Stage 2 (UNFUNDED)	\$0	\$3.9m	\$3.9m
Brymer Road	\$8.0m (deliver in 2024/25)	\$8.0m (deliver in full in Y1+2 of	\$4.5m (deliver Baverstock-Zoo section

Item 10

(FUNDED)	and 2025/26 of the 2018/28 LTP)	the 2021-31 LTP)	in Y1 of the 2021-31 LTP)
Total	\$10.5m	\$14.4m	\$10.9m

51. The financial implications of re phasing budget allocations-

	Project	20/21 (in progress)	Y4 21/22	Y5 22/23	Y6 23/24	Y7 24/25	Y8 25/26	Y9 26/27	Y10 27/28	Total Y1-7 of 2018-28 LTP
Option 1 18-28 LTP Approved Budget	Zoo/W Stage 1*	\$4.6m	\$2.5m							\$2.5m
	Road	\$0.7m		\$0.2m	\$0.9m	\$3m	\$3.1m	\$0.4m	\$0.4m	\$8.0m
	Total	\$5.3m								\$10.5m
Option 2 Budget Phasing	Zoo/W Stage 1+2	\$4.6m	\$6.4m							\$6.4m
	Road	\$0.7m	\$4.5m	\$3.5m						\$8.0m
	Total	\$5.3m								\$14.4m (\$3.9m of new funding)
Option 3 (Preferred) Budget Phasing	Zoo/W stage 1+2	\$4.6m	\$6.4m							\$6.4m
	Road	\$0.7m	\$4.5m							\$4.5m
	Total	\$5.3m								\$10.9m (\$3.9m of new funding)

*Zoo/Waiwhakareke Shared Entry Precinct Stage 1 is already in progress with \$686k spent to date, bringing the total project cost for stage 1 to \$7.2m from 2018-19 to 2021-22 (excluding the \$350k new visitor attraction)

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

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

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

Social

56. The Zoo Waiwhakareke Shared Entry Precinct provides significant social benefit to residents in this area through providing a community hub, which will support community development and liveability of this area.

57. The Zoo Waiwhakareke Shared Entry Precinct will enable social development through providing additional opportunities for individuals to engage with the natural environment within the city.

Economic

58. Delivery of the Zoo Waiwhakareke Shared Entry Precinct will contribute to Hamilton's economic capacity and will attract visitors to Hamilton and the Waikato.

Environmental

59. Delivery of the Zoo Waiwhakareke Shared Entry Precinct along with the Brymer Road Urban Upgrade projects will support sustainable transport modes including walking and cycling and provide enhanced network connectivity, both for recreation and commuter purposes.

Cultural

60. The Zoo-Waiwhakareke is a site of significance for mana whenua. The development of the Shared Entry Precinct design and the ongoing development at Waiwhakareke have been subject to consultation and engagement with Te Haa o te Whenua o Kirikiriroa (THaWK).

Risks - *Tuuraru*

61. Risks associated with Options are:

62. The delivery of Option 1:

- will create a compromised safety environment, due to an improved visitor destination on an existing rural road remaining undeveloped and this could result a serious accident.
- will not provide a visitor destination environment. Therefore, will not meet visitor expectations on arrival to the new precinct.
- will create a reputational risk due to public perception of mis-aligned opportunities of delivery adjacent projects together.
- will create long term disruption for visitors, local community and the Zoo due to other Stages of the Waiwhakareke Shared Entry Precinct and the Brymer Rd project being delivered separately.

63. The delivery of Option 2:

- will provide a fully urbanised road in an undeveloped area (rural) prior to development being ready and will be confusing to motorists

64. The delivery of options 2 and 3:

- Potential Increase in cost or time delays due to unidentified issues, these will be managed by engineers estimates and ongoing programme monitoring and reporting.
- Alignment of construction programmes will focus construction activities into a condensed area, this may cause greater disruption but for a much shorter period – this will be managed by contractor coordination meetings, fit for purpose Traffic Management and communications with key stakeholders.

Item 10

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

Significance

Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Zoo Waiwhakareke Options Map

Attachment 2 - Rotokauri Cycle Network Map

ZOO WAIWHAKAREKE CONCEPT

OPTION 1 SITE PLAN - STAGE 1A + 1B

1. ZOO ENTRANCE
 2. ZOO BUILDING - CAFE, RETAIL & TICKETS
 3. GARDEN TERRACES & ACCESS TO ZOO PATH NETWORK
 4. PICNIC LAWN & PLAZA
 5. ARRIVAL GARDENS/ PLAYSPACE
 6. COVERED WALKWAY
 7. EXISTING CARPARK RETAINED
 8. RONGĀ BOARDWALK / INTERPRETATION GARDENS
 9. WAIWHAKAREKE ENTRANCE GARDEN
 10. WAIWHAKAREKE ENTRANCE (FUTURE GATE)
 11. ZOO SERVICE ACCESS
 12. ZOO SERVICES/ DELIVERY BAY
 13. LOOK-OUT TOWER
 14. DROP OFF ZONE
 15. EXISTING ACCESS - CARPARK VEHICLE CROSSING RETAINED
- SCOPE OF WORKS



ZOO WAIWHAKAREKE CONCEPT

OPTION 2

SITE PLAN - STAGE 1 + 2 + BRYMER ROAD URBAN UPGRADE PROJECT (FULL ROAD)

1. ZOO ENTRANCE
2. CAFE, RETAIL & TICKETS
3. GARDEN TERRACES & ACCESS TO ZOO PATH NETWORK
4. PICNIC LAWN & PLAZA
5. ARRIVAL GARDENS/ PLAYSPACE
6. COVERED WALKWAY
7. SHARED ENTRANCE / CROSSING
8. LAWN EVENTS SPACE
9. RONGĀ BOARDWALK / INTERPRETATION GARDENS
10. RETAINED OAK
11. WAIWHAKAREKE ENTRANCE GARDEN
12. WAIWHAKAREKE ENTRANCE (FUTURE GATE)
13. ASPHALT CAR PARKING
14. REINFORCED LAWN PARKING
15. AGGREGATE PATH
16. TRAFFIC TABLE WITH SCULPTURAL ENTRANCE MARKERS
17. ZOO SERVICE ACCESS
18. ZOO SERVICES/ DELIVERY BAY
19. OVERFLOW PARKING/ FUTURE CARPARK
20. WAIWHAKAREKE PLAYSPACE
21. LOOK-OUT TOWER
22. DROP OFF ZONE
23. BUS DROP OFF/ PICK UP
- FUTURE SHARED PEDESTRIAN/ CYCLEWAY
- FUTURE SHARED FENCE-LINE TRACK
- - - SCOPE OF WORKS



ZOO WAIWHAKAREKE CONCEPT

OPTION 3

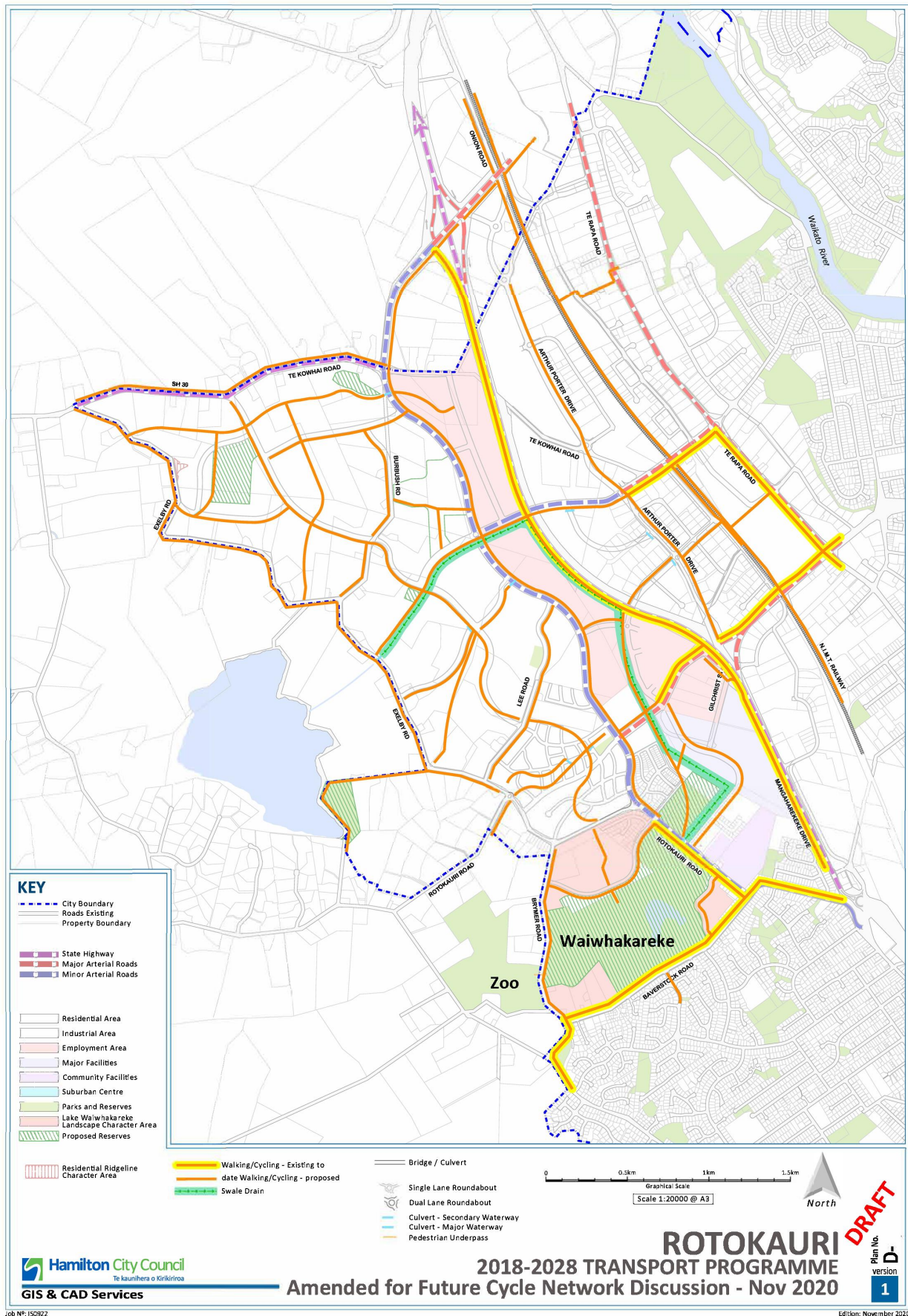
SITE PLAN - STAGE 1 + 2 + BRYMER ROAD URBAN UPGRADE PROJECT (BAVERSTOCK TO ZOO)

1. ZOO ENTRANCE
2. CAFE, RETAIL & TICKETS
3. GARDEN TERRACES & ACCESS TO ZOO PATH NETWORK
4. PICNIC LAWN & PLAZA
5. ARRIVAL GARDENS/ PLAYSPACE
6. COVERED WALKWAY
7. SHARED ENTRANCE / CROSSING
8. LAWN EVENTS SPACE
9. RONGĀ BOARDWALK / INTERPRETATION GARDENS
10. RETAINED OAK
11. WAIWHAKAREKE ENTRANCE GARDEN
12. WAIWHAKAREKE ENTRANCE (FUTURE GATE)
13. ASPHALT CAR PARKING
14. REINFORCED LAWN PARKING
15. AGGREGATE PATH
16. TRAFFIC TABLE WITH SCULPTURAL ENTRANCE MARKERS
17. ZOO SERVICE ACCESS
18. ZOO SERVICES/ DELIVERY BAY
19. OVERFLOW PARKING/ FUTURE CARPARK
20. WAIWHAKAREKE PLAYSPACE
21. LOOK-OUT TOWER
22. DROP OFF ZONE
23. BUS DROP OFF/ PICK UP
24. BAVERSTOCK ROAD
- - - FUTURE SHARED PEDESTRIAN/ CYCLEWAY
- - - FUTURE SHARED FENCE-LINE TRACK
- - - SCOPE OF WORKS



Attachment 2

Item 10



Council Report

Item 11

Committee: Council **Date:** 08 December 2020
Author: Kelvin Powell **Authoriser:** Jen Baird
Position: City Safe Unit Manager **Position:** General Manager City Growth
Report Name: Proposed Fee Structure for Personal hire (Transport) Devices

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

1. To inform the Council of the request from Lime Technology (Lime) to review the Personal Hire (Transport) Device (PHD) fee structure.
2. To seek approval from the Council of a PHD fee structure that is calculated on a per ride basis as opposed to a per device fee.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) approves a Personal Hire (Transport) Device per ride fee structure until the end of the current trial (March 2021), effective immediately;
 - c) approves the per ride fee to be set at \$0.13 until the end of the current trial (March 2021); and
 - d) notes that following the completion of the current trial (March 2021), staff will report to the Infrastructure Operations Committee with the outcome of the trial and to recommend any amendments to ongoing fees and charges for permitting of Personal Hire Devices.

Executive Summary – *Whakaapopototanga matua*

4. A request from Lime Technology (Lime) seeking a review of their fees and charges and a further extension of their approved period of exclusivity was considered by the Infrastructure Operations Committee on [8 October 2020](#). The Committee resolved to approve the request by Lime to extend their period of operating exclusivity until the end of the current trial (March 2021).
5. Lime indicated to the Infrastructure Operations Committee that the approved fee structure based on the number of permitted PHD devices was not sustainable in the post Covid-19 environment and put at risk the commercial viability of their Personal Hire Device (PHD) operation in Hamilton.
6. The Committee also requested staff to report back to the next Infrastructure Operations Committee on the risks and opportunities of changing the fee structure to a per ride fee model.
7. At the 19 November Infrastructure Operations Committee meeting, a deferall for this this report was approved to come to the 8 December Council meeting for timing reasons.

Item 11

7. A fee structure that calculates the operator fees based on the number of rides taken as opposed to the maximum number of scooters permitted is viewed as a viable alternative structure.
8. It is suggested that a per ride fee structure incentivises the operator to maximise rides. This could then help to potentially fill transit gaps across the city and support the city's goal of increasing active transport options.
9. The potential exists for both the operator and Council to collect more fees if there is a surge in the number of rides taken. However, if demand decreases this will potentially result in less fees being collected and impact both the operator and Council.
10. The operation of a per ride fee structure would result in additional administrative costs being borne by Council due to the need to complete detailed ride verification reviews and to introduce monthly invoicing to the operator.
11. The adoption of a demand driven per ride fee scheme presents some challenges in being able to accurately forecast revenue Council could expect to receive, especially in the first year of operation.
12. Staff consider the matters in this report have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

13. At the Infrastructure Operations Committee meeting on [27 February 2020](#), it was recommended to Council that fees and charges to be applied for PHD's were:
 - \$300 (incl. GST) annual permit fee;
 - \$85 (incl. GST) per permitted device per annum (for enforcement and management);
 - A \$10,000 (incl. GST) safety fund per operator, with an understanding that there will be future ongoing funding shared among all Operators for Council and user education; and
 - Liability insurance of \$2M required by each operator
14. It was also decided at this meeting that:
 - Lime would be the preferred e-scooter operator for 6 months with up to a maximum of 600 permits;
 - other operators could apply for permits for devices such as e-bikes; and
 - following the 6 months, other e-scooter operators could apply for permits to trade in Hamilton
15. Shortly after the start of new trial, Covid-19 struck and interrupted the trial. Lime was unable to operate under their existing Permit to Trade during Covid-19 Alert Levels 4 and 3.
16. Data provided by Lime since the Covid-19 alert levels were lifted show a low level of activity. Staff analysis of the information available also confirm the effects of Covid-19 and the variable use, combined with the weather, have significantly impacted upon the number of trips undertaken in the first six months of the new trial period.
17. Lime has formally requested that the Council consider changing the approved fee structure and invited the Council to consider the introduction of a fee structure based on the number of rides taken by each PHD, such as \$0.10 per trip or similar.
18. Tauranga City Council is the only local authority who has committed to operating a per ride fee structure and they commence their initial PHD trial at the end of October 2020. Tauranga City Council have agreed a \$0.15 per ride fee with Lime, based on an initial 320 PHD devices, with scope to expand to 400 devices. Additionally, a \$2,500 non-refundable deposit was required

to be made prior to Tauranga City Council issuing Lime with a permit to operate. The initial monthly operator fees are to be deducted from the deposit.

Discussion – *Matapaki*

19. The fees and charges applied to Lime since the 27 February 2020 Infrastructure Operations Committee meeting was \$85 per PHD per year based on 600 devices. This equates to \$51,000 annually or \$4,250 per year.
20. Fees and charges collected during the trial period have contributed towards the recovery of some of the costs Council have incurred associated with administration, compliance, stakeholder engagement, reporting, education and data analysis undertaken by a range of staff members.
21. Staff are not aware of any local authority that has a fee regime that fully recovers costs of staff time required to fully implement a PHD programme.
22. Lime have advised that an agreed fee scheme of \$0.10 per ride would allow them to manage the costs of their Hamilton operation including their warehouse lease, maintain appropriate staffing levels, ensure that their devices are maintained to the highest standards and that rebalancing and other enquiries are completed in a timely manner.
23. Internationally, there has been a wide range of approaches adopted around how fee structures for PHD's are created and applied. These include flat fees for reviewing an application, flat fees for permit granting, per device fees, per trip fees, a combination of device and trip fees and parking duration fees.
24. In New Zealand there has likewise been a myriad of fee approaches adopted, from fees based on m² calculations in Christchurch, to graduated tiered location approaches in Auckland, to zero fees in Dunedin and most recently the adoption of a per trip fee structure in Tauranga.
25. Several other Councils are now actively considering the potential opportunities that could be created through operating a per trip fee structure either with or without a dynamic cap as opposed to the maximum number of devices permitted currently in use.
26. A key metric when considering PHD hire schemes is the number of times, on average, each scooter is used each day. Overseas research and operator discussions suggests that the optimum for an operator is to achieve around 3.0 rides per vehicle per day (RVD). An RVD greater than 3.0 would suggest an excess in demand that is not being adequately met and potential customers will experience difficulties in locating a PHD for hire. An RVD of less than 2.5 would suggest there is an oversupply of PHD's on the streets.
27. Per ride fee structures operate on the principles of supply and demand. There are two types of per ride fee structures in operation – a fixed cap or a dynamic cap system.

Fixed Cap Structure

28. These tend to be operator managed and allow operators to provide a service to the community year-round as the number of devices available for hire adjust depending on demand. The total number of PHD's that can be deployed are capped at the time of the issue of the permit to operate and operators cannot exceed this limit.
29. In times of low demand (reduced RVD) operators would be permitted to have less devices available for hire and would only pay the per hire fee for those devices hired. This assists the operator to fix their costs and eliminates scooters that are being used infrequently. However, this approach would also result in less fees being collected by Council for this period of lowered demand.

Item 11

30. Alternatively, during times of high demand there would be an increase in both usage of the devices and in the quantum of fees applied. In this instance the model incentivises both the operator and Council to maximise the number of rides taken.

Dynamic Cap Structure

31. This approach allows for the introduction of a flexible or dynamic cap to be incorporated into the PHD allocation. A dynamic cap is the framework that provides an operator with an initial allocation of devices and the ability to increase or decrease from their initial operating cap, based on the outcome of performance reviews (quarterly). These reviews involve both operator and the local authority and could lead to the evaluation of a range of agreed factors that could include such things as:
- Current demand i.e. rides per vehicle per day (RVD) over the period
 - Forecasts (RVD) for next quarterly period
 - Compliance with the bylaw and code of practice
 - Overall performance, including safety initiatives undertaken
 - Adherence to recycling requirements for end of life devices and component parts
32. In such circumstances assessed good performance, compliance and a high RVD are rewarded with the incentives of an increase in fleet size, however instances of non-compliance could result in a reduced fleet, penalties which in turn will drive operators to achieve safety outcomes and reduce nuisance concerns. This approach eliminates scooters that are being used infrequently and allows companies with higher demand to increase their fleet size proportionately.
33. It is suggested that a per ride fee structure would provide a better reflection of the impact that PHD's have when usage is higher or lower than expected on our streets, footpaths and the wider community.
34. Either approach reduces the financial risk to the operator as the fee structure is still based on the number of trips taken – less trips taken equates to lesser fees charged, while higher numbers of trips taken will enhance the profitability of the operator.
35. Per ride fee structures present some initial challenges when trying to accurately forecast potential revenue that Council could derive from such a scheme. This is especially so in the first year of such an operation. Hamilton City Council PHD revenue projections based on a range of differing fees and incorporating varying demand volumes are set out in Fee Projection Heatmap, **Attachment 1**. This is discussed further in the Financial Considerations section of this report.
36. The adoption of an effective PHD fee structure that provides operator sustainability would create opportunity to achieve transport related goals of creating a modal shift in active means of transport and replacing single occupant car trips with more accessible forms of transport that compliment Hamilton's cycle network and existing public transport network.
37. Staff consider that if a per ride fee structure was adopted then it would be appropriate for operator fees to be set at \$0.13 per ride.

Options

38. Staff have assessed that there are four viable options for the Committee to consider. These are:

Option1 - Implement a fee structure based on \$0.10 per ride with a fixed total of 600 devices until the end of the current trial (March 2021).

Option 2 – Implement a fee structure based on \$0.13 per ride with a fixed total of 600 devices until the end of the current trial (March 2021).

Option 3 – Implement a fee structure based on \$0.15 per ride with a fixed total of 600 devices until the end of the current trial (March 2021).

Option 4 – Keep the current fee structure in place until the end of the current trial (March 2021).

39. Staff recommend **Option 2**. This is viewed as being a viable middle ground that would offer financial relief to Lime. It would offer them incentives to increase the number of rides taken and support them to becoming a sustainable operator in Hamilton while at the same time minimising any loss of revenue to Council. With only three months remaining until the completion of the current trial (March 2021), this offers opportunity to have an early assessment of the impact of the recommended option and make any necessary amendments.

Financial Considerations - *Whaiwhakaaro Puutea*

40. Current demand profiles for Lime for the next 12 months would suggest that unless there was an increase in demand, the revenue Council could expect to receive under a per ride fee scheme would be less than is currently received.
41. The proposed fees and charges set for this activity are not enough to fully cover the costs associated with implementation, monitoring, compliance and education activity involving PHDs. As an example, Council currently receives revenue of \$51,000 pa from fees, however based on the number of rides taken during the high season and averaged over the full year (October 2019 – February 2020 RVD= 1.8) a per ride fee scheme at \$0.10 per ride would generate revenue of \$36,000pa, \$0.13 per ride would generate \$46,000 in revenue and \$0.15 per ride would generate \$54,000. See data in Hamilton PHD Revenue Projections, **Attachment 2**.
42. Other options for Council's consideration to offset the reduced revenue might include:
- Requiring permit holders to pay an additional monitoring deposit and allow Council to make deductions from that for monitoring and compliance activity; or
 - Initiating a process that allows Council to recover costs involved in monitoring and managing complaints and code of practice issues. Such costs could be invoiced directly to the permit holder.

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

43. PHDs are permitted under the Public Places Bylaw.
44. Staff confirm that staff recommendation complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Item 11

Social

48. PHDs provide an alternative form of transport for people to connect and engage with their communities. Although only in operation for 12 months, e-scooters have become an alternative form of transport for residents and visitors. This type of activity supports the priority outcome of the Access Hamilton Strategy 'Choice – everyone has travel options for moving around the city'.

Economic

49. PHDs can be an economic way of travelling around the city.
50. Visitors to the city can access PHDs to move around the city on short trips or to local attractions, therefore supporting Hamilton's economy.

Environmental

51. PHDs are an alternative transportation choice for residence and visitors to move around the city offering sustainable transportation options.
52. Some PHD schemes utilise electric devices, while others may use devices with components which may or may not be able to be recycled. Consideration of recycling is given to the end-of-life management of all devices, which is outlined in the Hamilton City Council Personal Hire Devices Code of Practice and application process.
53. There have been instances during the trial where devices have ended up in the Waikato River and Hamilton Lake. Lime has gone to great lengths to ensure that these are retrieved immediately on notification. Within the terms and conditions of the PHD Permit, the KPI for retrieval of a device from the river is within five (5) hours of being notified.

Cultural

54. The process used to implement the Code of Practice for Personal Hire Devices was previously discussed with Te Haa o te Whenua o Kirikiriroa (THaWK).

Risks - *Tuuraru*

55. If the fees and charges change there is a risk that this activity may not be able to be fully resourced which could have an impact on levels of service.

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

Significance

56. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

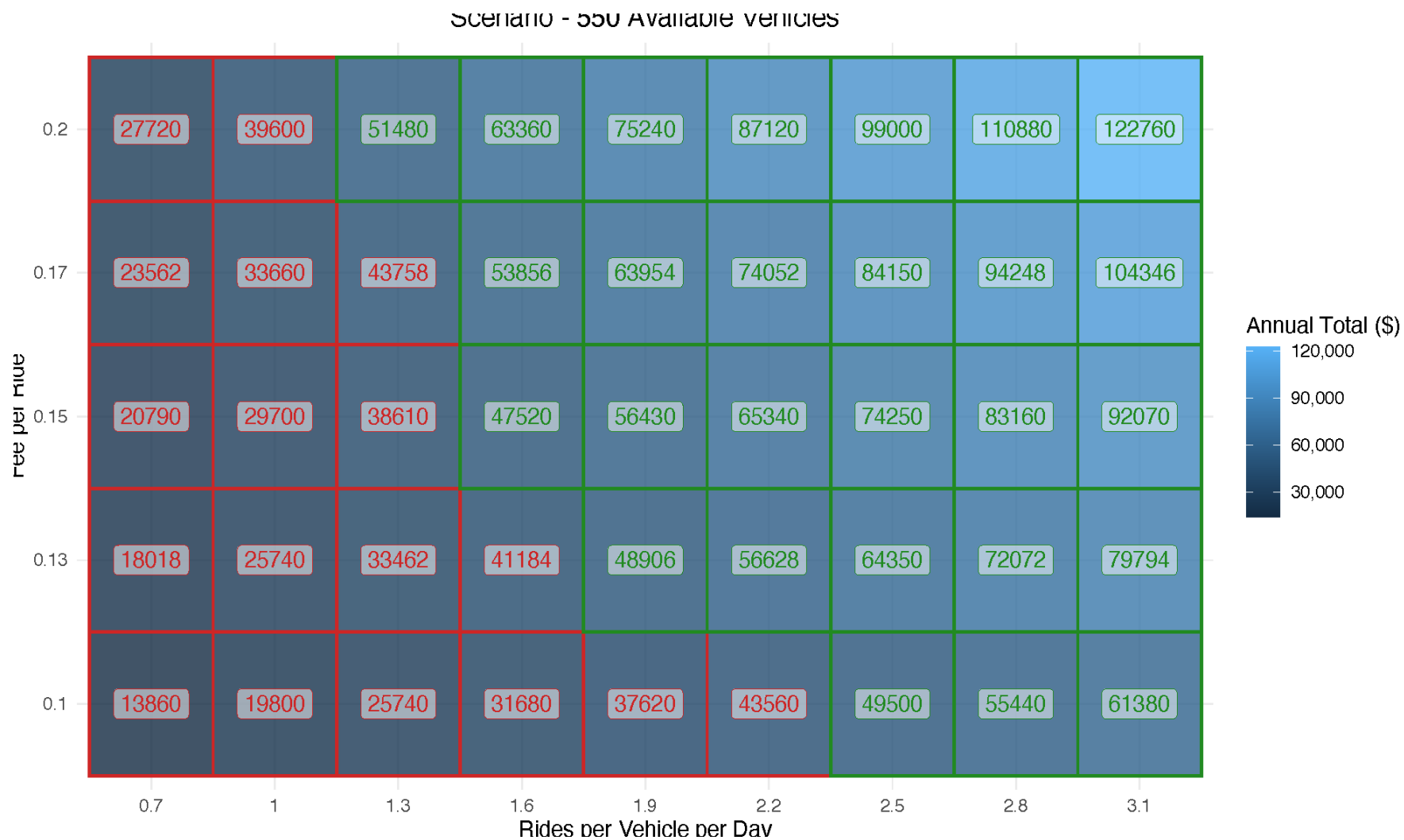
Engagement

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

Attachments - *Ngaa taapirihanga*

Attachment 1 - Fee Projection Heatmap

Attachment 2 - Hamilton PHD Revenue Projections



Item 11

Attachment 1

Hamilton PHD Revenue Projections

10C P/Trip									
Trips P/Month	15,000	20,000	25,000	30,000	35,000	40,000	45,000	50,000	55,000
RVD P/Month	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.1	3.4
Monthly Fee	\$1,500	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000	\$4,500	\$5,000	\$5,500
Annual Fee	\$18,000	\$24,000	\$30,000	\$36,000	\$42,000	\$48,000	\$54,000	\$60,000	\$66,000
13C P/Trip									
Trips P/Month	15,000	20,000	25,000	30,000	35,000	40,000	45,000	50,000	55,000
RVD P/Month	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.1	3.4
Monthly Fee	\$1,950	\$2,600	\$3,250	\$3,900	\$4,550	\$5,200	\$5,850	\$6,500	\$7,150
Annual Fee	\$23,400	\$31,200	\$39,000	\$46,800	\$54,600	\$62,400	\$70,200	\$78,000	\$85,800
15C P/Trip									
Trips P/Month	15,000	20,000	25,000	30,000	35,000	40,000	45,000	50,000	55,000
RVD P/Month	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.1	3.4
Monthly Fee	\$2,250	\$3,000	\$3,750	\$4,500	\$5,250	\$6,000	\$6,750	\$7,500	\$8,250
Annual Fee	\$27,000	\$36,000	\$45,000	\$54,000	\$63,000	\$72,000	\$81,000	\$90,000	\$99,000

Based on 550 PHD devices

Red= the point at which forecast revenue (per trip) matches or exceeds the \$51K currently generated based on a per device basis

Council Report

Item 12

Committee: Council **Date:** 08 December 2020
Author: Luke O'Dwyer **Authoriser:** Jen Baird
Position: City Planning Manager **Position:** General Manager City Growth
Report Name: District Plan change programme

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

1. To inform the Council of significant amendments to the Operative Hamilton City District Plan (District Plan) required by Government to be delivered by September 2022 and the proposed approach for delivering the programme of work.
2. To seek the Council's approval for staff to start the work that is necessary to ensure that notification of these amendments by September 2022 can be achieved.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report;
 - b) approves the proposed approach for delivering the District Plan amendments programme of work (**Option 3**, paragraph 26 of the staff report), the scope of amendments (paragraph 32) and the proposed governance structure (paragraphs 45-48 of the staff report) for making changes to the Hamilton City Operative District Plan (District Plan) for notification in September 2022;
 - c) requests staff to start work on these changes to the District Plan;
 - d) approves the formation of a District Plan Amendments Committee comprising one Maangai Maaori and five Elected Members with delegated authority to:
 - i. provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work;
 - ii. prepare and approve a draft set of District Plan amendments for the purpose of obtaining initial feedback and comment from the community, stakeholder and tangatawhenua groups.;
 - iii. recommend any proposed District Plan amendments to the Council for adoption and release for formal notification; and
 - iv. provide regular updates to the Council on the progress of the District Plan amendments programme of work.
 - e) notes staff will prepare the proposed District Plan amendments to the Operative Hamilton City District Plan in accordance with the obligations of the Joint Management Agreement (JMA) between Waikato-Tainui and Hamilton City Council dated February 2012;

Item 12

- f) requests staff form a Working Group comprised of senior staff from Waikato-Tainui and Hamilton City Council to ensure that key matters outlined in the JMA are delivered on throughout the District Plan-making process;
- g) notes that the Working Group will regularly report progress to the Hamilton City Council/Waikato Tainui Co-Governance Forum; and
- h) notes that given the significance of the Government reforms requiring the District Plan amendments referred to in 3 b) above, this work is treated as a political and organisational priority.

Executive Summary - *Whakaraapopototanga matua*

4. The purpose of the City Planning Unit is to enable an attractive, sustainable city that is fulfilling its economic potential. The District Plan is the main mechanism we have for achieving this purpose.
5. District plans are subject to ongoing amendments driven by internal and external drivers – by new or emerging issues identified by elected members, developers, the community, our own monitoring and review data, or by legislation.
6. The City Planning Unit's work programme includes six plan changes currently underway, all of which the Council has previously resolved to progress. Two are nearing completion (Plan Change 6 – Regulatory Efficiency and Effectiveness, and Private Plan Change 7 – Rotokauri North).
7. Recent reforms made by Central Government now require us to make significant changes to the District Plan that are outside of the existing programme. These changes are statutory requirements as outlined below:
 - The National Policy Statement on Urban Development (NPS-UD) requires the Council to notify an intensification plan change by September 2022;
 - The NPS-UD requires identifying new areas for greater urban regeneration at a scale and extent materially different from current settings;
 - New National Planning Standards and the requirement for an e-plan need to be implemented by April 2024, which will involve a major plan change;
 - The National Policy Statement for Freshwater Management (Freshwater NPS) and the National Policy Statement for Indigenous Biodiversity (NPS-IB) are expected to become operative in the first half of 2021 and will require new Significant Natural Areas (SNAs) to address critical habitats for endangered fauna.
8. At an Elected Member Briefing on 15 October 2020, staff presented an overview of the enlarged programme of work and the options that have been considered to deliver the programme to not only deliver on our legal obligations but also on substantive matters that have been raised by Elected Members and Maangai Maaori.
9. Staff recommend that the most effective option is to package the existing plan change programme (excluding the two referred to in paragraph 6 that will soon be completed and Plan Change 5 – Peacocke) with the NPS-UD intensification requirements, while also converting the whole District Plan into the new format required by the National Planning Standards by September 2022. This is Option 3 of three options considered.
10. The discussion section of this report covers the following:
 - Delivery options considered (Paragraphs 24-31)
 - Proposed scope of amendments (Paragraph 32)

- Integration with other initiatives (Paragraph 34)
 - What are the benefits we expect? (paragraph 35)
 - Principles to deliver the amendments (Paragraphs 36-43)
 - High-level schedule (Paragraph 44)
 - Proposed Governance structure (Paragraphs 45-49)
 - Why a full review of the District Plan is not required (Paragraphs 50-55).
11. 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 matters in this report.

Background - *Koorero whaimaarama*

12. The Operative Hamilton City District Plan (District Plan) was notified in 2012 and became operative in 2017 after hearings and resolution of appeals.
13. Hamilton City Council is constantly reviewing and updating its District Plan to make sure it is fit for purpose and enabling sustainable development and commensurate wellbeing outcomes for Hamilton.
14. Changes are driven by legislation and our own monitoring and review processes that identify new issues, issues identified by the community or elected members, or by private plan change requests (as was the case with Te Awa Lakes).
15. Since 2017, the following plan changes have become operative:
- Plan Change 3 – Temple View Boundary Alteration
 - Plan Change 2 – Te Awa Lakes (private plan change).
16. The plan changes currently underway include:
- Plan Change 5 – Peacocke
 - Plan Change 6 – Regulatory Efficiency and Effectiveness Review (nearing completion)
 - Plan Change 7 – Rotokauri North (private plan change – nearing completion)
 - Plan Change 8 – Heritage and Character
 - Plan Change 9 – Development Plans
 - Plan Change 10 – Te Rapa North Deferred Industrial.
17. These plan changes are all Council-initiated, except for Rotokauri North.
18. We now need to make substantial and significant changes to the District Plan, driven by recent Central Government planning reforms.

Recent Government amendments requiring substantive amendments to the District Plan

19. The previous Government introduced a series of planning reforms that require substantive amendments to the District Plan.
20. The National Policy Statement on Urban Development (NPS-UD) requires the Council to notify an intensification plan change prior to the local government elections in 2022. The NPS-UD requires the identification of new areas for greater urban regeneration at a scale and extent materially different from current District Plan settings.
21. Other planning reforms that have been made requiring amendments to the District Plan include:

Item 12

- the National Planning Standards and the requirement to have an e-plan need to be implemented by April 2024; this will involve an amendment to standardise our plan into a new national planning template format with nationally consistent definitions;
- the National Policy Statement for Freshwater Management (Freshwater NPS); and
- the National Policy Statement for Indigenous Biodiversity (NPS-IB), which is expected to become operative in the first half of 2021 and will require new Significant Natural Areas (SNAs) to address critical habitats for endangered fauna.

Political and community expectations for reform

22. Notwithstanding the above, feedback from elected members and the community provide clarity for the need to ensure the District Plan continues to evolve and address the following matters:
- the need to continuously improve quality urban design outcomes and the overall quality of urban development in the city,
 - improving housing affordability and diversity,
 - ensuring urban density is located in the right places,
 - protecting and enhancing biodiversity and nature,
 - improving transport choice and accessibility, and
 - preserving heritage and character.
23. While the proposed amendments are substantial, they do not constitute a full review of the District Plan.

Discussion - *Matapaki***Delivery options considered**

24. Prior to completing this report, staff considered the options available to implement the Government reforms within the legislative timeframes, while delivering a District Plan that responds to community and elected member expectations.
25. In analysing the options, staff also considered:
- alignment with Council strategies and wellbeing's,
 - ease of programme delivery,
 - cost and time efficiency,
 - ease of public participation,
 - plan format and ease of use (for both customers and internal staff),
 - duplication of process (and the risk of relitigating issues across multiple plan changes),
 - how well each option enhanced integrated resource management frameworks.
26. Staff identified three reasonable and viable options for the Council to consider as set out below and as summarised in **Attachment 1**.

Option	Description	Comments / Risks
1	Continue with existing plan change programme (not in new National Planning Standards format) PLUS NPS-UD plan change (new format) and then review and convert rest of plan to National Planning Standards format by 2024.	<ul style="list-style-type: none"> • District Plan would move from one document to being split into multiple documents in very different formats. • Requires another substantive process to be done by 2024 to convert entire District Plan to new format.

Option	Description	Comments / Risks
2	Bundle existing plan change programme with NPS-UD plan change (all in new format) and then review and convert rest of plan to National Planning Standards format by 2024.	<ul style="list-style-type: none"> Results in a District Plan made up of different parts but less complex than Option 1. Requires another substantive process to be done by 2024 to convert entire District Plan to new format.
3	Bundle existing plan change programme with NPS-UD plan change and review and convert the rest of plan to new format (all in new National Planning Standards format) by September 2022.	<ul style="list-style-type: none"> A single consolidated District Plan in consistent format, that meets all current statutory obligations. Although scope for this option would be the entire District Plan (due to National Planning Standards) the reality is that several existing chapters that are currently working well would only require reformatting to meet new format. This option would include changes to matters not explicitly required as part of NPS-UD such as biodiversity and scheduled tree protection.

27. Staff recommend **Option 3** because it:
- condenses cost and timeframes into a shorter period,
 - provides clarity of process as it's one single review,
 - reduces the risk of public participation fatigue,
 - results in a single plan in a consistent format – easier to use for everyone,
 - provides opportunity for cost efficiencies due to reduced administration, hearing costs, reduced re-litigation costs (but potentially introduces other optional costs e.g. tree schedule),
 - deals with the range of resource management issues in an integrated way.
28. Staff note, however, that delivering **Option 3** involves a significant amount of work in a relatively short timeframe.
29. Significant LTP 2021-31 funding is required for additional staff and consultants to manage the programme of work; engage with stakeholders, tangata whenua, developers and the community; and to undertake the significant technical investigations and studies that are required.
30. Political certainty for the approach is necessary to ensure we have a clear mandate to deliver the range of the changes to the District Plan in what is a challenging timeframe.
31. In addition to support from Elected Members, cross-organisational buy-in and input will be crucial to delivering the plan change on time. It needs to be a political and organisational priority, and mobilisation and alignment in this area has been underway for several months to ensure this can occur.

Proposed scope of amendments

32. The scope of the proposed amendments includes the following matters.
- Implementing the NPS-UD, including:
 - changes primarily to the residential zones to provide for new areas of residential intensification, and areas where density provisions could be revised;

Item 12

- enhancing the urban design provisions across all residential and business zones;
 - Making changes relating to business zones/suburban centres to extend height and other controls;
 - changes to the Central City (to reflect the emerging direction from the Central City Transformation Plan Refresh);
 - changes to address parking standards;
 - the existing plan change programme (refer paragraph 16),
 - NPS-IB – new/expanded Significant Natural Areas (SNA) and protection for indigenous habitat,
 - Other parts of the plan including reviewing the schedule of heritage listed sites and refreshing the protected tree schedule,
 - Reformatting the rest of the plan into the National Planning Standards and creating an e-plan and any consequential amendments arising from this translation,
 - Delivering land use change at Ruakura to give effect to the Hamilton-Waikato Metropolitan Spatial Plan.
33. Other parts of the District Plan will not be amended through this process (for example, the Peacocke Plan Change and private plan changes such as Rotokauri North).

Integration with other Council initiatives

34. The proposed work does not exist in isolation and will inform, and be informed by, the following Council initiatives:
- He Pou Manawa Ora – Pillars of Wellbeing (currently in draft),
 - Hamilton-Waikato Metropolitan Spatial Plan,
 - Hamilton Urban Growth Strategy,
 - Central City Transformation Plan Refresh,
 - Relevant Council strategies e.g. Housing and Nature in the City,
 - Emerging business cases that will shape strategic infrastructure investment,
 - Initiatives to improve mode shift to increase trips by cycling, walking or micro-mobility.

What benefits do we expect to arise from the programme of works?

35. The proposed scope of amendments outlined in this report is expected to generate the following long-term benefits for Hamilton when complete, and lie at the forefront for how staff are framing the programme of work over the next two years:
- Enhanced iwi input into resource management decision making by honouring our Co-Governance obligations under the Joint Management Agreement with Waikato-Tainui and by delivering on the Vision and Strategy for the Waikato River;
 - The creation of great places through well-designed intensification that protects and enhances built/Maori heritage and natural areas;
 - A more compact urban form for Hamilton which improves climate change performance;
 - Ensuring legal compliance with the NPS-UD, the Freshwater NPS, the emerging NPS-IB, and the National Planning Standards;
 - Maintaining a sufficient supply of business and housing land (and housing choice) over a 10-year period that is well integrated with infrastructure planning and funding;
 - Continuing the revitalisation of the central city by encouraging more people to live in the central city and other centres around Hamilton;

- Creating an urban form that supports an increased uptake of people making trips via walking, cycling, micro-mobility and public transport;
- Developing a District Plan in a consistent format that meets all current statutory obligations earlier than required by the National Planning Standards (i.e. by April 2024);
- Publishing a District Plan that is easy to use for both customers and internal staff;
- Simplifying public/stakeholder participation which is meaningful and timely.

Principles to deliver the amendments

36. There are three core principles for delivering the plan amendments. This is different from the scope and the benefits of the programme outlined in this report and informs how staff will approach the work as it is delivered over the next two years and beyond. These principles include:
- alignment with LTP vision,
 - engagement approach,
 - commitment to co-governance and the Joint Management Agreement.

Alignment with emerging LTP vision

37. Elected members recently adopted *Our vision for Hamilton Kirikiriroa*. It is made up of five key priorities for Hamilton over the next decade that will provide strong direction to address the needs of our community, our economy and our environment and for:



38. The scope of the work identified is consistent with the new LTP vision for Hamilton and in some cases actively gives effect to the priorities in a practical way.

Engagement approach

39. Effective community and stakeholder engagement that is clear, timely and meaningful is essential given the potential scale of amendments necessary to be delivered over the next two years.
40. The detail around how this would occur is yet to be developed. Nevertheless, staff recommend that a detailed strategy for effective and innovative engagement throughout the plan development process be undertaken and reported back to the Council when more detail on this is known.

Commitment to co-governance and the JMA

41. In February 2012, Waikato-Tainui and the Hamilton City Council entered a Joint Management Agreement (JMA), which provides for an enduring relationship through a shared exercise of functions, duties and powers that give effect to the overarching purpose to restore and protect the health and wellbeing of the Waikato River for future generations.
42. In working together under the JMA, both Waikato-Tainui and the Council:
- Commit to work together in good faith and in the spirit of co-operation,
 - Commit to open, honest and transparent communication,

Item 12

- Recognise and acknowledge that the parties will benefit from working together by sharing their respective vision, knowledge and expertise,
- Ensure early engagement,
- Recognise that the relationship between both parties will evolve,
- Recognise that co-management operates within statutory frameworks that must be complied with, and
- Commit to meeting statutory timeframes, and minimising delays and costs associated with those statutory frameworks.

43. These principles of co-governance will inform the development of the proposed amendments. In developing this report, staff have met with senior Waikato-Tainui representatives and they confirm that the content of this report is consistent with the relevant parts of the JMA.

High level schedule

44. The graphic below indicates the key elements of the plan change programme from late 2020 to notification of the plan change in September 2022 and beyond.



Proposed Governance structure

45. It is imperative, given the scale of amendments proposed in this report, that Elected Member input into policy development is provided throughout all phases of the programme.
46. To ensure this occurs, it is recommended that a Committee consisting of 5 Elected Members plus one Maangai Maaori representative be appointed to a District Plan Amendments Committee.
47. A formal Committee creates certainty of decision making for strategic direction that is necessary for staff to continue working at pace to meet what is challenging timeframe.
48. Furthermore, the benefits of a Committee are that it creates agility combined with elected member and maangai maaori oversight and direction. Similar Committees have been formed in the past, most recently to assist staff with the resolution of the District Plan Review Appeals. This process worked very well and struck a balance between the need to work at pace but in a manner that maintained elected member input.
49. In addition to this recommendation, staff will continue to provide full Elected Member and maangai maaori briefings and reports to maintain programme visibility.

Why a full review of the District Plan is not required

50. A full District Plan review is not necessary at this time.
51. It has been only three years since the District Plan became fully operative. Much of its content continues to provide a robust, sustainable management framework for Hamilton. The monitoring and evaluation data we have confirms this (for example, in terms of encouraging development in the central city, a more compact urban form, maintaining housing supply and enough land for employment).
52. The last review of the District Plan was a comprehensive and full review of the previous planning framework, which had not been updated since 1999. As such, the need for a review

was urgent and necessary to respond to a number of significant resource management issues identified in the first Future Proof Strategy and in the Waikato Regional Policy Statement (WRPS).

53. These issues included creating greater urban design controls to guide development, the creation of a centres hierarchy, and the preservation of industrial land for industrial purposes (amongst many other matters). These issues remain critical for the city, and the legislative requirement to comply with the high-level directions contained in the WRPS remain. From a legal perspective, our plan continues to give effect to the WRPS and, as such, does not need review to give effect to the WRPS.
54. The other matter to note is that the current District Plan reflects a range of community views, expert input, and the scrutiny of independent commissioners and the Environment Court. As such, it is a document that has been prepared with an evidence base and that has been subject to robust decision making in a way that no other Council document has. The currency of that evidence and decision making is still valid.
55. Finally, even if a full review were necessary, there is simply not enough time to complete one in the timescale demanded by the NPS-UD. The RMA requires the current District Plan to be reviewed and a Proposed District Plan to be notified in 2027 – the recommended option outlined in this report can address these statutory requirements by translating the District Plan to the National Planning Standards format by 2024.

Financial Considerations - *Whaiwhakaaro Puutea*

56. The estimated cost to complete this work is \$15,371,000, which is currently unfunded (noting these costs are being worked through the LTP process at present). Working assumptions used to inform the cost estimates were based on the last plan review, especially in relation to the number and scale of submissions that may occur throughout the process (including the number of appeals that may be received, let alone which may go trial). As the project progresses, any significant deviation from those working assumptions that impact financial projections will be reported to Council.
57. City Planning is seeking LTP 2021-31 funding for extra staff and consultants across the 10-year period to deliver the programme of work.
58. The funding would include not only the technical work and engagement required to get to the point of notifying the plan change by September 2022 but the statutory requirements of the RMA Schedule 1 process which involves submissions, further submissions, hearings with independent commissioners and then appeals to the Environment Court.
59. There is some provision in the current City Planning budget to start the work now, prior to the LTP budgets being confirmed.
60. The financial implications of the three options are summarised below, with the preferred option highlighted (**Option 3** – bundling the existing plan change programme with the NPS-UD plan change and reviewing and converting the rest of plan to new National Planning Standards format by September 2022).

Option	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	Total
1	\$3,675	\$2,610	\$1,297	\$1,570	\$1,715	\$1,715	\$980	\$560	\$560	\$560	\$15,242M
2	\$2,909	\$2,397	\$1,316	\$2,030	\$1,788	\$1,788	\$1,053	\$843	\$633	\$633	\$15,389M
3	\$3,647	\$2,324	\$1,211	\$1,662	\$1,788	\$1,788	\$1,053	\$633	\$633	\$633	\$15,371M

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

61. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements. As noted, implementation of the NPS-UD and National Planning Standards has been directed by Central Government. In addition, the Freshwater NPS and NPS-IB, which are expected to become operative in the first half of 2021, are also statutory requirements.
62. The legal implications of not undertaking this work are that Hamilton will not meet its statutory requirements under the RMA with regard to the NPS-UD. If we do not undertake this work, the NPS-UD must be taken into account when assessing resource consents or private plan changes, and the city could then be exposed to ad hoc and unplanned intensification.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

66. Social wellbeing is defined as the capacity of individuals, their families, whaanau, iwi, haapu and a range of communities to set goals and achieve them.
67. The proposed approach aligns with the recently adopted *Our vision for Hamilton Kirikiriria*, which provides direction for shaping a city that's easy to live in, where people love to be, a central city where people love to be, and a fun city with lots to do.

Economic

68. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
69. The NPS-UD recognises the national significance of providing sufficient development capacity to meet the different needs of people and communities and adequate opportunities for land to be developed to meet community business and housing needs.
70. This includes ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth. The intensification directed by Central Government will have a direct impact on housing pressure in Hamilton.

Environmental

71. Factors that make our cities more liveable (e.g. accessible public transport, great walking and cycling opportunities, ample green spaces and housing with access to services and amenities) can also help reduce our carbon footprint, increase resilience to the effects of climate change and protect ecosystems.
72. Elected Members recently agreed the vision to shape Hamilton as a green city.

Cultural

73. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi) and issues of concern to hapū and iwi.

Risks - *Tuuraru*

74. Risks were considered as part of the analysis undertaken on the three approaches considered. These are noted in the Comments/Risks column in the table in paragraph 26.
75. The main risk for **Option 3** (preferred) is the fact that a substantial volume of work needs to be completed in a very tight timeframe, putting pressure on staff and resources. The other significant risk/unknown is the fact that significant RMA amendments are expected to be delivered in the current term of this Government.
76. While the exact scope of those reforms is not known at this time, staff will continue to monitor any emerging legislative reform and report any impacts to the program as they arise.
77. Despite the risk posed by RMA reform, the work identified in the preferred Option 3 will be applicable should any RMA reforms necessitate a substantive change in scope, deliverables or timeframes. The planning issues being faced by Hamilton will remain the same irrespective of what the legal framework is – the need to continue to provide land for housing and jobs, creating great places, growing the Central City and protecting the natural and built environment will remain.
78. Other risks identified to date include:
- Covid-19 and remote working,
 - Balance between enabling growth and best practice sustainability and ensuring quality built form outcomes are delivered,
 - Tangata whenua, developer and community expectations,
 - Timing of related initiatives (including the Future Proof review, any amendments to the Waikato Regional Policy Statement and a HUGS review),
 - Project scope creep.
79. All of the risks identified in this report will be subject to a detailed risk workshop, the creation of a risk register and mitigation framework in early 2021.

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

Significance

80. 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.

Engagement

81. Any notification of amendments to the District Plan requires significant engagement and consultation prior to notification, as required under the Resource Management Act. This will occur as necessary and in accordance with the principles outlined in this report.




























Attachments - *Ngaa taapirihanga*

Attachment 1 - District Plan Change Programme - Options Analysis

Options analysis - considerations

Matter for consideration	How we've applied to options analysis
HCC strategy alignment/ Well-beings	Ability for community to inform the District Plan and participate; provide for well-being of our community and environment
Ease of programme delivery	How easy the option would be for staff to implement as an integrated work programme; notification timeframes
Cost efficiency	Total cost, spread of cost over LTP, any efficiencies from packaging together
Time efficiency	How efficient the option is to deliver the statutory changes required; how the option timeframes allows for robust evidence-base
Public participation	Simplicity or complexity of the public participation process
Plan format	How easy the resulting District Plan would be to work with
Duplication of process	Does the option involve or reduce duplication of process
Integrated approach	Does the option improve an integrated consideration of resource management issues

Options analysis

	Alignment with HCC strategy/ Well-beings	Ease of programme delivery	Cost efficiency	Time efficiency	Public participation efficiency	Plan format ease of use - customer	Plan format ease of use - internal	Duplication of process	Integrated approach
Option 1									
Option 2									
Option 3									

Item 12

Attachment 1

Council Report

Committee: Council **Date:** 08 December 2020
Author: Julie Clausen **Authoriser:** Sean Hickey
Position: Unit Manager Strategy and Corporate Planning **Position:** General Manager Strategy and Communications
Report Name: Community Outcomes

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

1. To seek approval from the Council for the five priorities stated in 'Our Vision for Hamilton' to be adopted as the Community Outcomes in the 2021-31 Long-Term Plan.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves the five priorities in 'Our Vision for Hamilton' be adopted as the Community Outcomes for use in the development of the 2021-31 Long-Term Plan;
 - c) notes a range of wellbeing indicators will be used to provide insight into the change of the social, cultural, environmental and economic wellbeing of the community over time; and
 - d) notes an annual Wellbeing Report will be produced commencing in October 2021 to report on the social, cultural, environmental and economic wellbeing of the community.

Executive Summary - *Whakaraapopototanga matua*

3. The Local Government Act requires is the Long-Term plan to 'describe Council's community outcomes' (LGA s93(6)(b)).
4. To provide alignment of our purpose of 'improving the wellbeing of Hamiltonians', it is proposed that the five priorities will be the community outcomes for the purpose of the Long-Term Plan.
5. Council has developed a set of wellbeing indicators to assess the impact on the social, cultural, environmental and economic wellbeing of delivering to the five priorities, along with the impact from other factors and activity within the community.
6. The change in the wellbeing indicators will be reported through an annual Wellbeing Report commencing in October 2021.
7. Staff consider the decision in this report has low significance as assessed under the Significance and Engagement Policy and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

8. Council has undertaken a range of engagements since November 2019 to build an understanding of what is important to the wellbeing of Hamiltonians and form the wellbeing outcomes.
9. The feedback from the engagement has also informed the development of five priorities, outlined in 'Our Vision for Hamilton'.
10. The Council approved the 'Our Vision for Hamilton' and the five priorities on 22 October 2020.
11. These priorities give focus to delivering the wellbeing outcomes and will be used to provide direction in the funding discussions for the 2021-31 Long-Term Plan.
12. On 22 October 2020 the Council requested staff to bring back an updated report to outline the connection of wellbeing indicator framework with the five priorities.

Discussion - *Matapaki***Five priorities**

13. The five priorities set out in 'Our Vision for Hamilton Kirikiriroa' are:
 - A city that's easy to live in – Ahuahungia teetehi taaone e tau ai te noho ki roto;
 - A city where our people thrive – Ahuahungia teetehi taaone e puaawai ai ngaa taangata katoa;
 - A central city where people love to be – Ahuahungia te pokapuu o teetehi taaone e arohaina ai e te taangata;
 - A fun city with lots to do – Ahuahungia teetehi taaone ngahau e tini ai ngaa kaupapa papai hei whai;
 - A green city – Ahuahungai teetehi taaone tiaki taiao.
14. These priorities describe the aspects of our city that our community said were important to improving their wellbeing.
15. The decisions council make on the activities, services, facilities and infrastructure to deliver to the five priorities will result in the social, cultural, environmental and economic wellbeing of the community being improved.
16. These decisions will be determined through the 2021-31 Long-Term Plan.
17. To provide alignment of the five priorities to delivering on improving the social, cultural, environmental and economic wellbeing of the community, the five priorities will be approved as the Community Outcomes as required under the Local Government Act.

Wellbeing Framework

18. The social, cultural, environmental and economic wellbeing of the community will be impacted by the decisions of Council, along with the factors and activities undertaken by others such as central government, other organisations and local community groups.
19. Council will measure the change in the social, cultural, environmental and economic wellbeing of the community through a range of proposed indicators.
20. The purpose of measuring the change in the indicators is to provide an understanding of what has influenced wellbeing over the last year and provide insight for future decisions and collaboration opportunities.

Item 13

21. The list of the initial indicators are in development and will be provided to Council in March 2021. These indicators may change over time as new data becomes available that provides better alignment to wellbeing.

Financial Considerations - *Whaiwhakaaro Puutea*

22. The costs for the development and production of the wellbeing framework has been budgeted as part of the 2021-31 Long-Term Plan programme and included in the 2020/21 budget.

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

24. The purpose of Local Government Act 2002 changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
25. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
26. The recommendations set out in this report are consistent with that purpose.

Risks - *Tuuraru*

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

Significance and Engagement Policy – *Kaupapa here wakahira/anganui*

Significance

28. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

29. Community views and preferences are already known to the Council through the engagement undertaken from November 2019 to April 2020.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Item 14

Committee: Council **Date:** 08 December 2020
Author: Richard Briggs **Authoriser:** Richard Briggs
Position: Chief Executive **Position:** Chief Executive
Report Name: Notice of Motion - Road Renaming, Dame Hilda Ross

Report Status	<i>Open</i>
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1. A Notice of Motion to alter a previous resolution was received by the Chief Executive on 13 October 2020.
2. The motion in question relates to the Road Renaming - Dame Hilda Ross resolution for the 14 December 2017 Council meeting.
3. The Notice of Motion is consistent with Standing Order 24.1.

Recommendation

4. That the Council revokes the following sections of the resolution pertaining to *Road Naming – Dame Hilda Ross Place* that was previously approved at the 14 December 2017 Council meeting:

That the Council:

- a) *approves the area on the corner of Ward Street and Worley Place, where the Dame Hilda Ross commemorative artwork is to be located, be named Dame Hilda Ross Plaza; and*
- b) *renames the east section of Ward Street between (Victoria Street and Worley Place) as Dame Hilda Ross Place*

Background - *Koorero whaimaarama*

5. At the 31 October 2017 Community and Services Committee, a report relating to an application from The Theatre of the Impossible Trust (TOTI) proposing to change the name of the eastern part of Ward Street to Dame Hilda Ross Way was considered. This related to a wider TOTI project to install a statue of Dame Hilda Ross and to also name the installation location (the square outside Starbucks on the corner of Ward Street and Worley Place) Dame Hilda Ross Plaza to commemorate all that Dame Hilda achieved during her lifetime.
6. The Committee declined the road name change but when the recommendation from the Committee meeting was considered at the full Council meeting on 14 December 2017, Council voted to approve the street name change. The name change has not been physically actioned due to the location of the placement of the TOTI statue changing. As per approvals under stages 1-3 of the Permanent Public Art Development Process the TOTI Dame Hilda Ross statue will now be installed in the north-eastern corner of Garden Place near Victoria Street.
7. The agenda for the 31 October 2017 Community and Services Committee meeting is accessible on our website [here](#) and the minutes [here](#).
8. The minutes of the 14 December 2017 Council meeting is accessible on our website [here](#).

Attachments - *Ngaa taapirihanga*

Attachment 1 - Notice Of Motion - Road Renaming - Dame Hilda Ross

Item 14

Notice of Revocation (Standing Order 24.1)

TO: Chief Executive
 FROM: Mayor Southgate
 DATE: 7 October 2020
 RE: Notice of Revocation – Council Meeting – 22 October 2020

In accordance with Standing Order 24.1, the Elected Members whose names and signatures appear below request that the following notice of revocation be considered at the Council Meeting to be held on 22 October 2020.

Motion to revoke a previous resolution: (Mayor Southgate / *DM Taylor*)

That the Council revokes the following sections of the resolution pertaining to *Road Naming – Dame Hilda Ross Place* that was previously approved at the 14 December 2017 Council meeting:

That the Council:

- a) *approves the area on the corner of Ward Street and Worley Place, where the Dame Hilda Ross commemorative artwork is to be located, be named Dame Hilda Ross Plaza; and*
- b) *renames the east section of Ward Street between (Victoria Street and Worley Place) as Dame Hilda Ross Place.*

Background:

At the 31 October 2017 Community and Services Committee, a report relating to an application from The Theatre of the Impossible Trust (TOTI) proposing to change the name of the eastern part of Ward Street to Dame Hilda Ross Way was considered. This related to a wider TOTI project to install a statue of Dame Hilda Ross and to also name the installation location (the square outside Starbucks on the corner of Ward Street and Worley Place) Dame Hilda Ross Plaza to commemorate all that Dame Hilda achieved during her lifetime.

The Committee declined the road name change but when the recommendation from the Committee meeting was considered at the full Council meeting on 14 December 2017, Council voted to approve the street name change. The name change has not been physically actioned due to the location of the placement of the TOTI statue changing. As per approvals under stages 1-3 of the Permanent Public Art Development Process the TOTI Dame Hilda Ross statue will now be installed in the north-eastern corner of Garden Place near Victoria Street.

Due to the change in location of the statue and because many property owners and tenants in Ward Street are not supportive of the name change, I am proposing that the following resolutions from the 14 December 2017 Council meeting be revoked and that the name of the eastern part of Ward Street (Worley Place to Victoria Street) be retained.

Attachment 1

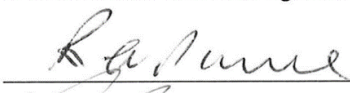
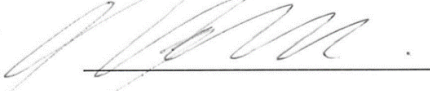



Links to previous reports/minutes:

[14 Dec 2017 Council Minutes](#)

[31 October 2017 Community and Services Committee Agenda](#)

[31 October 2017 Community and Services Committee Minutes](#)

Elected Member Name and Signature:

	Rob Pascoe
	Geoff Taylor
	Martin van Oort
	Mark Burdick
	

Item 14

Kind regards,

Mayor Southgate

 Paula Southgate

Cc: Governance Manager.

Council Report

Committee: Council **Date:** 08 December 2020
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Recommendations from Open Committee Meetings

Report Status	<i>Open</i>
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Purpose – Take

To seek the Council's approval of the following recommendations from Committee meetings:

- a) Finance Committee meeting of 2 December 2020, in respect of:
 - Financial Strategy Monitoring Report (Agenda [Here](#), Minutes [Here](#))
- b) Strategic Risk and Assurance Committee meeting of 4 December 2020, in respect of:
 - Waikato Regional Theatre – Risk Assessment Report (Agenda [Here](#), Minutes [Here](#))

Recommendations from the Finance Committee meeting of 2 December 2020

Financial Strategy Monitoring Report

That the Council:

- a) approves the capital movement as identified in paragraph 15 of the 2 December 2020 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 17 to 23 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 24 to 28 of the staff report.

Recommendations from the Strategic Risk and Assurance Committee meeting of 4 December 2020

Waikato Regional Theatre - Risk Assessment Report

That the Council:

- a) notes the Strategic Risk and Assurance Committee's endorsement of the risk assessment mitigations relating to the Council's contribution to the Waikato Regional Theatre as outlined in the proposed Funding Deed between Council and Waikato Regional Property Trust (attachment 2 of the report); and
- b) notes that a report will come back to a future meeting of the Council for consideration and execution of the final funding deed.

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 of 26 November 2020) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Hamilton Gardens Sponsorship Agreement) Official Information and) Meetings Act 1987)	
C3. Wairere Drive-Proposal for Speed limit Reduction		

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

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



Tō Tī - Your spirit
Tō Tā - Your creativity
Tō Toi - Your art

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6 December 2020

Memo to Mayor Paula, Councillors, CE Richard, & DCE Lance

Re Notice of Motion – Road renaming, Dame Hilda Ross

Refer 8 December 2020 Council agenda item 14: Notice of Revocation from Mayor Paula Southgate (dated 7 October, and removed from the council agenda of 22 October at that meeting – after ME raised this with the mayor)

Summary

Process (2012 -2020)

No notice given to TOTI of Notice of Motion (again)

This motion is not consistent with decision-making provisions in LGA 2002 sections 77-82 (re HCC Standing Order 24.1) - eg 'reasonable opportunities' to present views, plus 'open-mindedness'

Denies council's formal democratic planning process for hearing street renaming applications - eg In this case, TOTI application, fee paid, formal notice by Council to 32 property & business owners, Public Notice and call for submissions, then heard and considered

No evidence, no identification of the Mayor's claimed 'many property owners and tenants'

Disregard of TOTI's formal public support for the street re-naming, extensive & representative, including THAWK - (NB Also fails the proposed new Co-Governance test of Values & Principles – Agenda pg 16/249)

Denies council policy on street renaming – eg 'to avoid confusion where an existing street is severed' plus regard for history, notable persons etc.

Fails the tests of democratic accountability & natural justice

The Public Forum is not appropriate when a 'conversation' is at the very least warranted, with all interested parties able to present their case. Publicly. Accountably.

1. Background

Item 14: The attached reports (from the CE & the Mayor) are misleading & fail to include relevant facts.

Re 5.

- TOTI's street renaming application (formal hearings planning process) separate from the statue project (public art process)
- TOTI did NOT apply for the Starbucks site nor the plaza naming recommended by staff, always preferring Garden Place (or Civic Plaza) because of the site-specific link with Dame Hilda Ross & no underground infrastructure issues.
- Plaza naming separately recommended by staff (not TOTI) to Council (4 April 2017).
- Council unanimously recommended Ward Street East from street naming options presented by TOTI at that meeting (prior to TOTI lodging formal application as required).
- Council resolved that 'the name change occur at the time the statue installed and unveiled'. And TOTI agreed - to enable property & business owners to plan ahead.

Re 6:

- 31 October 2017 – Committee agreed with HCC Planning Guidance staff recommendation that TOTI's application for the street name change be declined, that naming a public place (eg plaza) or building more appropriate than renaming a street "with an unwieldy, long name for business and residential identity". The report stated the application met "many aspects" of the policy, but did not meet the preference of being 'short, generally not longer than 12 characters, or being a single word'.
- 14 December 2017 – **Council approved the street renaming**, with councillors' reference to new 'street re-naming policy' (adopted 29 September 2016) and the new provision for **renaming 'to avoid confusion where an existing street is severed'** (as with Ward Street's Downtown Mall)
- The name change has not been 'physically actioned' in accordance with the council's April 2017 resolution (to dovetail with the statue installation), NOT due to the change in statue site. TOTI assumed that all property owners and operators were notified by council after the name change approval on 14 December 2017 (which was also publicised by media).
- On 12 December 2019, this Council approved both a different statue (Matt Gaildie's) plus a different site (Garden Place).
- Council (at that meeting) noted 'the matter regarding the naming of the road will be brought back to the infrastructure operations committee'....
- Since then: Ongoing discussions & correspondence with staff plus the impact of Covid, and the final statue inspection & site sign-off ready for agreed 31 October unveiling date to mark the 101st anniversary of the 1919 Women's Parliamentary Rights Act
- Statue site confirmed by staff & TOTI in the south-eastern corner of Garden Place near Victoria Street NOT the north-eastern corner option (during on-site meeting 7 September), and unveiling event plan confirmed (18 September), with plaque installation a potential 2nd event (due to the tight time-table).
- Agreed that street renaming would dovetail with Dame Hilda Ross statue story-telling plaque installation planned for the week of International Women's Day 8 March 2021 (to link with other festivities planned for the CBD)

3. Notice of Revocation

As reasons in her Notice of Revocation (dated 7 October 2020), the Mayor refers to the change in location of the statue “and because many property owners and tenants in Ward Street are not supportive of the name change”.

- No identification
- No reasons
- No evidence

Looking Back: After extensive TOTI consultation 2013-2017, news and social media publicity, council’s formal Public Notice process in 2017 calling for submissions, and formal notification to 32 Ward Street property and business owners, there were six responses in opposition. These included one mall shop, three-out-of-town property investors, and one from Ward Lane wanting that commonly-used name confirmed (a point we had earlier raised), plus some thought the entire length of Ward Street was up for the name change (which it wasn’t).

In contrast: TOTI provided evidence of widespread and detailed support, reflecting what are now referred to as the 4 well-beings and the council policy of social, cultural, heritage, environmental and economic interests (beyond pecuniary interests), and representing the various chapters of Dame Hilda’s rich life and public service record:

Ross descendants, Te Haa (THAWK), Hamilton Central Business Association, Starbucks, and main property and business owners including Tower Building & Mall, plus MPs, Port Waikato Children’s Camp, Operatic Society & theatre groups, RSA and History Federation etc. Positive consultation with other major property interests (including Quest, TGH, and Matt Stark) was noted (refer TOTI’s application).

Further, after the street renaming application was lodged in early April 2017 (following council’s focus on Ward Street East), in September council staff advised TOTI the hearing had been deferred to October to enable “further feedback from several other key stakeholders” citing concern at the low response rate to the official notification process, and a staff member had been sent to talk with some locals. TOTI considered this a departure from proper process, with no input from TOTI and no record of what was said by staff. We were then advised there were 13 contacts made, including four we had consulted.

- As outlined above, the committee recommendation to decline the application was not accepted, and in December 2017 council approved the application.

4. Further information

- Dame Hilda Ross Project record (2012-2019) prepared for Mayor Andrew King 5 October 2018 (and staff) following the first publicity against the Captain Hamilton statue in Civic Plaza. Updated in January 2020 (available).

Public Art policy – 3 September 2013, Council approved site for Dame Hilda Ross statue recommended by staff (Starbucks). At the time, an on-site inspection with councillors and staff recognised the need for extensive landscaping and re-siting underground services.

Street Re-Naming policy - After October 2013 elections, mayor & staff ask TOTI to delay any street naming application until their policy review, to enable them to craft a new/initial ‘re-naming’ policy (following what was viewed as a lack of policy in the Sapper Moore-Jones

Place and Anzac Parade cases). TOTI recommended inclusion of provision/dispensation for 'proper names' to aid the 'story-telling/heritage retention concept eg former Prime Minister 'Sir Joseph Ward', or even Joseph Ward, to differentiate from Joe Ward city councillor & local lawyer. And to avoid nit-picking over 'one word, 12 letters, no punctuation (eg hyphens)' to fit standard sign length. This was not included in the new policy.

Consultation – It's been a long and widely consulted journey, prompted by the public debate about reviewing, retaining, and restoring history - including the teaching of our children... And three iterations of a sculpture – 'Hilda at the piano', 'Two Marvellous Women' and finally Matt Gauldie's concept now installed (31 October 2020).

TOTI's aim was to bring Dame Hilda Ross back to the public mind:

- One of Hamilton's outstanding characters
- One of the nation's great citizens and community leaders

- Once we had the Dame Hilda Ross Memorial in the Central Library
- The Dame Hilda Ross Nurses Home
- Even the memorial fountain at Founders Theatre is turned off....
- Thankfully we have Ryman's retirement village reminding of her name

- But we were unsuccessful with ideas to identify the Barton & Ross building in the heritage zone in Victoria Street South -to mark Dame Hilda's retailing legacy
- Waikato District Health Board turned down our request to name the new HQ in the old Farmers building after this long-term and pioneering board member (despite the efforts of members Martin Gallagher & Dave Macpherson...
- We are still working with the hospital's heritage guardian Peter Rothwell for some appropriate recognition there....
- Finally, her statue is in situ...

- **And we still think it most appropriate that Dame Hilda Ross has a central city street in her name....**

5. And Now?

In the spirit of democracy, of course we would be willing to have further conversations with this council and other interested parties on this matter.

We understood that was the agreement reached in October when this Notice of Motion was removed from the agenda for 22 October. Then, we raised the potential of negative publicity for the council on the eve of the statue unveiling.

Now, we are amazed that we were not notified of this Notice of Revocation.

We seek time in council's public forum on Tuesday morning 8 December to outline these views.

Thank you.

Margaret Evans (TOTI)

Phone 9594467 or 021 2044674

To whom this may concern.

Re. Public submission on proposed Ward Street name change..

Hi, as a Ward Street business, and a long term Hamilton CBD business of nearly 25 years, I am strongly against to the proposed name change of Ward Street. It's been Ward Street for nearly 100 odd years, named in honour of Sir Joseph Ward, a 2 time Priminster of NZ, and I cannot see any advantages of changing it, but I can see plenty of disadvantages, some of which are..

- Very disrespectful of Joseph Ward and the family that survive him.
- printed material with address's will need to be changed
- international web/ digital media will all be wrong
- confusion with directions like GPS type devices.
- Ward Street is well known as the CBD, Dame Hilda Ross way just doesn't flow..
- council expense in signage
- Printed maps of Hamilton streets are all around the world, in dozens of different languages, that's going to be a lot of lost tourists with incorrect maps..

Over and above these quick points, is the actual real cost to each effected business.. for me personally, 18 months ago I priced up reprinting all relevant material, business cards, letter heads, signage etc etc.. this will cost Texas Radio around \$2800.. this is real money out of a small business that survives purely on the hard work, dedication and passion that we have for Texas Radio and Hamilton.

Changing the name of Ward Street will achieve nothing at all and just cost money and cause confusion. I am yet to hear a valid/solid reason why it should be changed..

Leave it alone... (if it's not broken, don't fix it)

Kind regards

Marcus Potroz
Texas Radio
43 Ward Street
Hamilton CBD

Good Afternoon-

Sorry for the late email- the shop has been busy this afternoon-

This email is in regards to the yet again topic of changing Ward Street to Dame Hilda Ross Way.. We thought this issue had been dealt with and put in the bad idea pile long ago but yet here we are again- there are so many other important issues that Hamilton should be dealing with and this is a waste of everyones time and money- no one wants this change- everyone opposed it last time and we are still opposed now.

I firmly believe there isn't the public support or business owner support for this to be carried forward- The cost to the retailers in these tough challenging times is an issue all on its own and every client who walks in the door is 100% opposed to the change-

How can it be ok to change one end of Ward Streets name and not the other end- just because a few people want it- we dont.

Hart Jewellers has been a jewellers on Ward Street for 101 years this year and we are happy with our street name- just like every other retailer on this block- we are the ones who are here everyday and with public vote backing we all sing the same song- No Change- Our valued clients and customers alike all support our vote to keep the street name as it has always been- Ward Street- Please do the right thing and shelve this idea once and for all as you wont find anyone that works out here or shops out here who would vote yes to this change-

Linley Hart, Shannon Bryant and Nicole Crocombe

Hart Jewellers
12 Ward Street
Hamilton
07-8395666
hart.jewellers@xtra.co.nz

We oppose changing the “Ward Street” name.

Richard & Gael Wilkins

Sent from my iPad