

Notice of Meeting:

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

Date: Wednesday 28 July 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio-visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Hearings and Engagement Committee

Komiti Whiriwhiri Kaupapa

OPEN AGENDA

Membership

Chairperson Cr E Wilson
Heamana

Deputy Chairperson Cr M Gallagher
Heamana Tuarua

Members	Mayor P Southgate	Cr S Thomson
	Deputy Mayor G Taylor	Cr M van Oosten
	Cr M Bunting	Cr A O'Leary
	Cr R Hamilton	Vacancy
	Cr D Macpherson	Maangai Norm Hill
	Cr K Naidoo-Rauf	Maangai Olly Te Ua
	Cr R Pascoe	Maangai Te Pora Thompson-Evans

Meeting frequency As required

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

21 July 2021

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Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate advisory groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:
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Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
2. Consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of the establishment of hearings panels and their terms of reference.

The Committee is delegated the following recommendatory powers:

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

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipaaanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Council Report

Item 4

Committee: Hearings and Engagement Committee
Date: 28 July 2021
Author: Narelle Waite
Authoriser: Becca Brooke
Position: Governance Advisor
Position: Governance Manager
Report Name: Confirmation of the Hearings and Engagement Committee (He Pou Manawa Ora) Open Minutes of 24 March 2021

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

That the Hearings and Engagement Committee confirm the Open Minutes of the Hearings and Engagement Committee Meeting (He Pou Manawa Ora) held on 24 March 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hearings and Engagement Committee Open Unconfirmed Minutes (He Pou Manawa Ora) – 24 March 2021

Hearings and Engagement Committee

Komiti Whiriwhiri Kaupapa

OPEN MINUTES

(He Pou Manawa Ora Strategy)

Minutes of a meeting of the Hearings and Engagement Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio-visual Link on Wednesday 24 March 2021 at 1.00pm.

PRESENT

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson
Heamana Tuarua

Members

- Mayor P Southgate
- Deputy Mayor G Taylor (Audio Visual)
- Cr M Bunting
- Cr M Forsyth (Audio Visual)
- Cr R Hamilton
- Cr D Macpherson
- Cr K Naidoo-Rauf (Audio Visual)
- Cr R Pascoe
- Cr S Thomson (Audio Visual)
- Cr M van Oosten
- Cr A O'Leary (Audio Visual)
- Maangai T P Thompson-Evans

In Attendance

- Maangai N Hill
- Sean Hickey – General Manager Strategy and Communication
- Muna Wharawhara – Amorangi Maaori
- Ani Nock – Community Advisor
- Jarred Wilson – Kaiwhakahaere Hapori
- James Clarke – Director Mayor's Office
- Raewyn Napier – Business Support Coordinator

Governance Staff

- Amy Viggers – Governance Team Leader
- Carmen Fortin, Tyler Gaukrodger, Narelle Waite – Governance Advisors

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

1. Apologies – *Tono aroha*

Resolved: (Cr Gallagher/Maangai Thompson-Evans)

That the apologies for absence from Crs Pascoe, Forsyth, Maangai Rau and Te Ua, for partial attendance from Cr Bunting (Council Business) and Naidoo-Rauf are accepted.

2. **Confirmation of Agenda – *Whakatau raarangi take***

Resolved: (Cr Wilson/Cr Macpherson)

That the agenda is confirmed.

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

No members of the Council declared a Conflict of Interest.

The following members of public spoke to He Pou Manawa Ora (the strategy) engagement:

Jeremy Mayall (Creative Waikato)

Mr Mayall spoke to his submission in support of He Pou Manawa Ora, noting the holistic approach of the strategy, toi and Maaori focus on creative endeavours.

Cr Pascoe joined the meeting (1.11pm) during the above submission.

Wikitoria Tane

Ms Tane spoke to her submission in support of He Pou Manawa Ora, noting territorial engagement with Mana Whenua including engagement with Iwi in the development of this strategy.

Carolyn Hopa

Ms Hopa spoke to her submission in support of He Pou Manawa Ora and the pou in the benefits for Maaori and non-Maaori alike. She responded to questions from Members regarding budget and funding implementation of the strategy, and the environment.

Wiremu Puke (Ngati Wairere - Ngati Koura)

Mr Puke spoke to his submission, noting uncertainty regarding funding and implementation as a ratepayer, and transparency in decision-making. He responded to questions from Members regarding exclusion of financial ramifications, reasons for any opposition to vision and direction of the strategy.

Lillian Wikitoria Pompey-Paki

Ms Pompey-Paki spoke to her submission, outlining what prosperity would look like for Maaori in Hamilton and requested additional Maaori resourcing and support within the community.

Dr Gaurav Sharma (Member of Parliament)

Dr Sharma spoke to his submission in support of He Pou Manawa Ora, and the positive outcome of empowering young people, maaori communities, and supporting maaori health initiatives. He noted that further work was required for deliverable outcomes. He responded to questions from Members regarding financial support for Matariki celebrations in Hamilton.

Ana Kirk

Ms Kirk spoke to her submission, noting her support for koorero maaori but concern that a focus on larger entities which would shadow voices of Mana Whenua who may not be part of these entities. She requested further engagement that aligns with Mana Whenua and tikanga. She responded to questions from Members regarding best ways to communication with rangatahi.

Kataraina Berryman (Te Runanga o Kirikiriroa)

Ms Berryman spoke to their submission, noting that they were involved in the development of the strategy. She outlined the need to ensure accountability, and how best to ensure that rangatahi are supported. She responded to questions from Members regarding recommendations by the Runanga on measuring outcomes.

Marleina Ruka (Te Ohu Whakaita Charitable Trust)

Ms Ruka spoke to their submission in support of He Pou Manawa Ora, noting that it recognises consultation and partnership with Maaori. She outlined the need for adequate resourcing to support change, opportunities for leadership roles for Maaori within Council, establishment of an equity committee to enable sufficient progress, and Matariki. She responded to questions from Members regarding wider consultation with Maaori stakeholders, Maaori representation, funding opportunities, difference between Mana Whenua and Maaori, and partnerships opportunities with the Trust and Council.

Horiana Henderson

Ms Henderson spoke to her submission, noting that the strategy did not go far enough in supporting Maaori, nor recognising the lack of tino rangatiratanga. She further outlined a need to include Maaori in decision making and explained that she felt that the strategy did not address key concerns regarding wellbeing in areas where Maaori are vulnerable. She responded to questions from Members regarding addressing the gaps in the strategy.

Claudine Waitere

Ms Waitere spoke to her submission in support of He Pou Manawa Ora, noting the aspirations of the document, and participation and partnership with maaori networks. She responded to questions from Members regarding opportunities to hear submissions in a more supportive environment such as a marae, how to ensure outcomes of the strategy are achieved, and actions for Council to take to support wider conversations.

Thomas Reding, Anrika Beumer, and Ivirangi Moore (Rototuna Junior High)

The presenters spoke to their submissions, noting their support of the inclusion of other cultures within the pou and wellbeing projects. They agreed with the pillar of prosperity, celebration of cultures including maaori culture, however, encouraged partnership within all cultures. They responded to questions from Members regarding strengthening broader cultural richness and equality within the city.

Cr O'Leary retired from the meeting (3.01pm) during the above submission.

Era Peihopa and Vicky Young (Te Papanui Enderley Community Trust)

The presenters spoke to their submission in support of He Pou Manawa Ora, noting an appetite for more kaupapa maaori, to re-introduce maaori place names, and rejuvenating the Te Papanui forest. They responded to questions from Members regarding the re-naming opportunities, initiatives of the Trust, and support of multi-stakeholder considerations.

The meeting was adjourned from 3.15pm to 3.24pm.

Cindy Dargaville (Māori Equity and Health Improvement - Waikato District Health Board)

Ms Dargaville spoke to their submission in support of the He Pou Manawa Ora and their support of the Pou particularly as they relate to health. She suggested changes to word choice within the strategy to support accuracy and inclusion, ensure Te Tiriti principles are embedded throughout, the need for widespread education of te reo maaori, and a commitment to using maaori-owned businesses. She responded to questions from Members regarding implementing a social procurement model, and collaborating on health outcomes within the community.

Lady Tureiti Moxon (Te Kohao Health Ltd)

Lady Moxon spoke to their submission in support of He Pou Manawa Ora. She noted improvements could be made including a broader lens and the inclusion of Te Tiriti o Waitangi articles within the document. She requested the Council consider changing city placenames to reflect history, accessibility of diagnostics and health care to Maaori, Maaori Wards, social housing and infrastructure investment to enhance communities. She responded to questions from Members

regarding multi-culturalism, how to encourage strategy outcomes, vision for partnership, sovereignty concerning local government, and collaborative drive of the strategy.

Janny Puamanuka (United Families for Justice)

Ms Puamanuka spoke to their submission, and noted a need for parents to have mental health and community support. She responded to questions from Members regarding funding of the organisation, and what local government do to assist in the area of wellbeing.

Cr Bunting retired from the meeting (4.00pm) during the above submission.

Jahvaya Wheki

Ms Wheki spoke to her submission, noting the lack of partnership and representation, the need for further engagement of young people and Maaori, and changing the city crest and name. She responded to questions from Members regarding encouragement of engagement with rangatahi.

Cr Naidoo-Rauf retired from the meeting (4.09pm) during the above submission.

Jo Wrigley and Hauauru Brown (Waikato Environment Centre T/A Go Eco)

The presenters spoke to their submission in support of He Pou Manawa Ora, noting a need for continued conversation with Maaori to finalise the strategy. They acknowledge the value of partnerships with Maaori and the strategy's support of important conversations with those partners, and education of our history. They responded to questions from Members regarding strengthening kaitiakitanga and partnerships, and encompassment of social procurement.

H. Malcolm Oatway

Mr Oatway spoke to his submission in opposition to He Pou Manawa Ora, the strategy document and that in his opinion there was a lack of consideration of other cultural groups.

Paul Barlow

Mr Barlow spoke to his submission in opposition of He Pou Manawa Ora, noting that in his view the strategy as unfair, undemocratic, encouraged division, and did not accurately represent Hamiltonians.

Stanley Wong

Mr Wong spoke to his submission in support of He Pou Manawa Ora. He outlined how it could lead to opportunities to present maaori culture within the community, including more workplace programmes to inspire young Maaori in careers relating to tikanga and te ao maaori, historic storytelling at tourist destinations, and cultural art in the community.

Hannah Huggan

Ms Huggan spoke to her submission in support of He Pou Manawa Ora, noting environmental benefits are empowered through the strategy, importance of a maaori viewpoint in decision-making, and a need for consideration of whakapapa.

Geoff Lewis

Mr Lewis spoke to his submission in opposition to He Pou Manawa Ora, noting the strategy would create unequal treatment, and suggested that the strategy be re-developed to cover issues which faced Hamiltonians. He responded to questions from Members regarding partnership considerations of Te Tiriti o Waitangi.

[Jay Komene \(Waikato Bomb Club / Drop Bombz\)](#)

Mr Komene spoke to their submission, noting that their mahi to making Waikato Te Awa safe for all swimmers and the work needed to achieve this and their kaitiaki. He responded to questions from Members regarding inclusion of Wellington Street Beach proposals within the Long Term Plan and the restoration of te awa strategy.

[Robin Johnson](#)

Mr Johnson spoke to his submission, noting the role of the library in telling the history of Hamilton, the underrepresentation of Maaori within Council, and expressed the need for succession planning within Council. He responded to questions from Members regarding succession planning, mentoring, and role of the library in executing the strategy.

[Alex Theron](#)

Ms Theron spoke to her submission, noting that Hamilton is bi-cultural, the requirement for remediation, training, and partnership, including training and support for skilled jobs. She suggested additional funding through partnership, and succession planning. She responded to questions from Members regarding representation and utilising toi to tell different stories.

[Te Kopa King \(Protect Nukuhau\)](#)

Mr King spoke to his submission, noting a need of more consultation with Maaori, Maaori voices in decision-making over and above recognised iwi and hapuu, and the environment of Hamilton. He responded to questions from Members regarding achieving the cultural and environmental outcomes, and Mana Whenua status.

[Nia Suez](#)

Ms Suez spoke to her submission in support of the He Pou Manawa Ora noting importance of maaori voices on maaori issues and inclusion of maaori history and whakapapa. She responded to questions from Members regarding historical storytelling in Hamilton.

4. **He Pou Manawa Ora Engagement**

The report was taken as read. Members requested the following points be addressed in the deliberations report to the Community Committee meeting of 18 May 2021:

- next steps and action points;
- funding and budget;
- connection with Maaori Representation Review/Wards;
- strengthening partnerships;
- measurements and feedback mechanisms;
- engagement with youth;
- celebration of Matariki;
- multi-culturalism and cultural inclusion;
- engagement at marae;
- Hamilton City Council logo and crest;
- street names;
- collaborative spaces;
- vocabulary and terms used;
- education including Council roles;
- connecting Key Performance Indicators and intentions;
- succession planning;
- statistics of Rototuna High School submissions;
- submissions analysis;
- social procurement; and
- infrastructure in low decile areas.

Resolved: (Cr Pascoe/Cr Macpherson)

That the Hearings and Engagement Committee:

- a) receives the report;
- b) hears and considers verbal submissions on the He Pou Manawa Ora – Pillars of Wellbeing Strategy community engagement process (held from 3 February 2021 to 4 March 2021); and
- c) notes that a Deliberations Report including full analysis from the community engagement process will be brought to the Community Committee meeting for consideration and recommendation to Council on 18 May 2021.

Deputy Mayor Taylor re-joined the meeting (5.33pm) during the above discussions. He was present when the matter was voted on.

Mayor Southgate retired from the meeting (5.35pm) during the above discussions. She was not present when the matter was voted on.

The meeting was declared closed at 5.50pm.

Council Report

Committee: Hearings and Engagement Committee
Date: 28 July 2021
Author: Sandra Murray
Authoriser: Lance Vervoort
Position: Consultant
Position: General Manager Community
Report Name: Open Air Burning Bylaw - Hearings Report

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

1. To inform the Hearings and Engagement Committee of the submissions received in response to public consultation on the proposed revocation of the Open Air Burning Bylaw 2015 and to allow for verbal submissions.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Hearings and Engagement Committee:
 - a) receives the report;
 - b) hears and considers verbal submissions arising from the 1 May – 30 May 2021 community engagement process; and
 - a) notes that the Deliberation report will be presented to the Environment Committee meeting on 26 August 2021.

Executive Summary - *Whakaraapopototanga matua*

3. Council has undertaken a review of the Open Air Burning Bylaw 2015 (the Bylaw) in accordance with section 158 of the Local Government Act 2002 (the Act)
4. Consultation occurred from 1 May – 30 May 2021, submissions are available online [here](#).
5. Submitter views were evenly spread between the two options with 45% supporting the revocation of the bylaw (14 submitters) and 55% preferring to retain the bylaw (17 submitters).
6. Staff consider the matters in have low significance and that the recommendations comply with the Council's legal requirements.

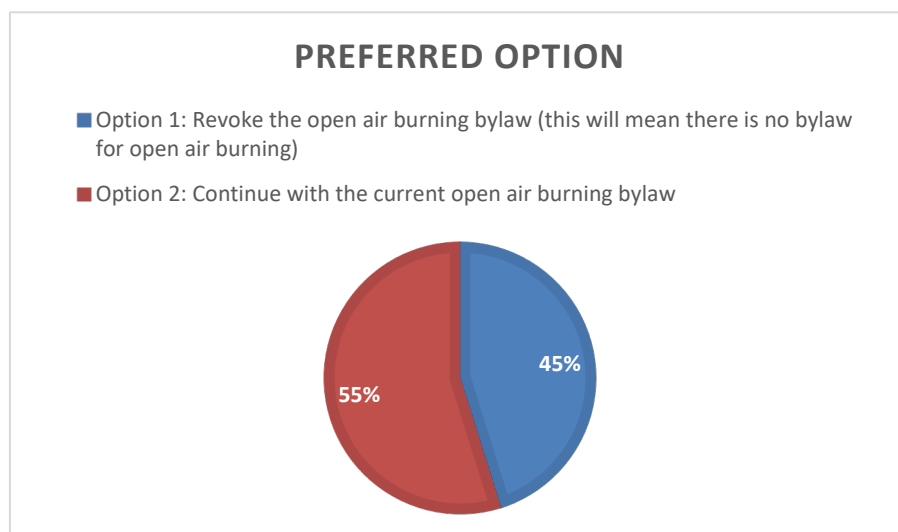
Background - *Koorero whaimaarama*

7. Council has undertaken a review of the Open Air Burning Bylaw 2015 (the Bylaw) in accordance with section 158 of the Local Government Act 2002 (the Act), which requires local authorities to review a bylaw made by it under the Act no later than 5 years after the date on which it was made.

8. The Bylaw came into effect on 5 March 2015 and was amended in August 2018 to align it with the Fire and Emergency New Zealand Act 2017 (FENZ Act).
9. The bylaw regulates the use of outdoor fires, including use of an outdoor fire device such as a barbeque or brazier. It also regulates use of incinerators and traditional food cooking such as haangi.
10. After a review of emissions levels and complaints received by Council as well as discussions with Waikato Regional Council, staff did not identify a substantive issue with open air burning.
11. At the Council meeting of 18th March 2021 [[Agenda](#), [Minutes](#)], Elected Members agreed to the recommendations of the Environment Committee meeting (2 March 2021) [[Agenda](#), [Minutes](#)]:
 - i. that the bylaw was not the most appropriate means of controlling the issue of open air burning in Hamilton; and
 - ii. to conduct consultation to determine the community's view on the matter.

Discussion - *Matapaki*

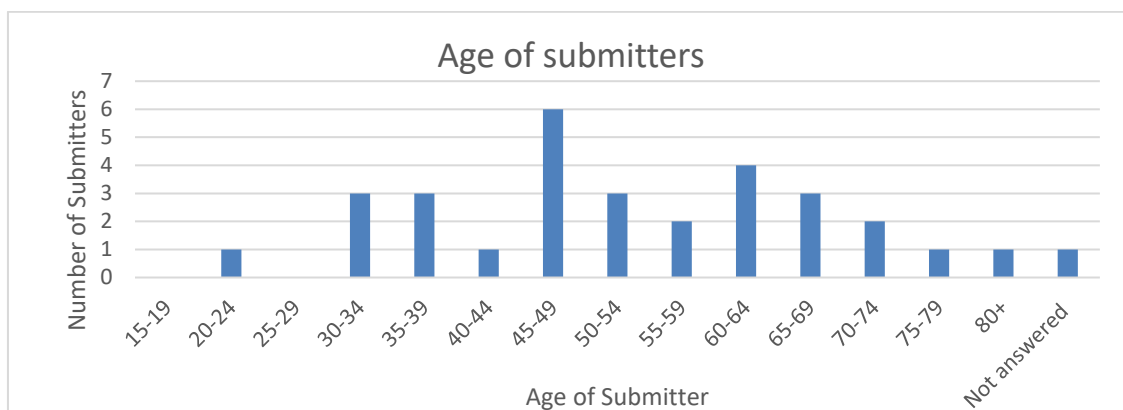
12. Consultation occurred from 1 May – 30 May 2021. The public and staff were informed of the consultation via:
 - i. a public notice in the Waikato Times on Saturday 1 May 2021;
 - ii. HaveYourSay webpage information with an overview of the proposal to revoke the bylaw;
 - iii. a detailed fact sheet including a visually appealing flow chart highlighting the implications of the proposed changes;
 - iv. social media: Two posts were shared on Council's Facebook page (Thursday 6 May and Monday 24 May). These reached a total of 8,242 users and drove 135 clicks through to the HaveYourSay webpage; and
 - v. a notice in the internal e-publication, Moorena Mail, on Tuesday 4 May 2021. Submissions were received from 31 submitters and no organisations.
13. Submissions are available online [here](#).
14. Submitter views were evenly spread between the two options with 45% supporting the revocation of the bylaw (14 submitters) and 55% preferring to retain the bylaw (17 submitters).



15. Of the 14 submitters in favour of revoking the bylaw, 6 submitters included a comment.
16. Themes from submitter comments in support of *revoking* the bylaw:
 - a) no need for a bylaw / other regulation sufficient (3 submitters);
 - b) no need for a bylaw / Council waste services are sufficient to manage waste without needing to burn rubbish (2 submitters); and
 - c) recommends a fire protection plan be developed to better protect lifestyle blocks and farms on which there are large areas of rough grazing and/or other vegetation which becomes dry in winter; and the open-air burning bylaw be revised to be more specific with regard to the type and extent of potentially hazardous vegetation which occurs adjacent to the boundaries of Hamilton. (1 submitter)
(Staff note these activities fall under FENZ Act rather than under council responsibilities).
17. Submitter comments indicated some submitters supporting the retention of the bylaw misinterpreted the impact of the revocation.
18. Of the 17 submitters supporting the retention of the bylaw, nine submitters made comments in their submission – eight of which expressed a view which misinterpreted the impact of the bylaw or Council's ability to revoke the bylaw.
19. Themes from submitter comments in support of *retaining* the bylaw:
 - a) would like to ban open air burning completely;
 - b) misinterpretation of impacts:
 - i. other regulation does not manage the burning of rubbish
(the Hamilton City Waste Management and Minimisation Bylaw 2018 prohibits the burning of rubbish);
 - ii. revoking the bylaw will mean Council will no longer respond to outdoor burning causing a nuisance
(Council would continue to respond to customer complaints about nuisance fires. However, revocation would mean enforcement measures would fall under different regulation); and
 - iii. revoking the bylaw will mean traditional open air cooking / braziers will be banned
(traditional cooking such as haangi and umu, as well as BBQ's and braziers, would continue to be allowed other than in areas Fire and Emergency New Zealand has designated as being within a restricted or prohibited season).
 - c) misinterpretation of legislation:
 - i. Council does not have the necessary legal power, authority, or jurisdiction to revoke the bylaw as the review was not completed by 25 February 2020.
(the LGA requires council to commence a review of a bylaw within 5 years of adoption rather than complete a review within 5 years. There is also a two year "grace period" under section 160A of the LGA. This means the bylaw would only be automatically revoked under the LGA on 26 Feb 2022, if Council did not resolve to continue, amend or revoke the bylaw before 26 Feb 2022).

Age, ethnic group and location of submitters

20. Submitters represented a range of age groups, with poorer representation in younger age groups.



21. Submitters were predominantly of European ethnicity.

Ethnic Group	Number of Submitters
Maaori	1
European	27
Indian	2
South African	1

22. Submitters predominantly lived in Hamilton with only two submissions from outside Hamilton.

Where submitters live	Number of Submitters	Where submitters live	Number of Submitters
Bader	1	Hillcrest	1
Chartwell	1	Maeroa	1
Claudlands	4	Melville	1
Dinsdale	5	Riverlea	1
Fairfield	1	Silverdale	1
Fairview Downs	2	St Andrews	1
Flagstaff	1	St James	1
Frankton	1	Temple View	1
Glenview	1	Elsewhere in New Zealand	1
Hamilton Central	1	Waikato	1
Hamilton East	2	Not answered	1

Financial Considerations - *Whaiwhakaaro Puutea*

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

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

24. Staff confirm that this matter complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

25. 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').
26. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
27. The recommendations set out in this report are consistent with that purpose.

Social

28. Although serious harm is unlikely if exposure is brief, smoke inhalation can cause problems for some people. It can particularly affect those with existing health problems, such as:
 - i. asthma sufferers;
 - ii. bronchitis sufferers; and
 - iii. people with heart conditions or some autoimmune conditions.
29. Open air burning also increases the risk of harm to others if the fire becomes uncontrolled or explosions occur:
 - i. fire can spread to fences or buildings and scorch trees and plants;
 - ii. rubbish may contain bottles or cans that can explode when burnt; and
 - iii. piles of garden waste are often used as a refuge by wildlife and sleeping pets.
30. Many people may also enjoy cooking outdoors (BBQs and pizza ovens), particularly in social settings. Some may find outdoor cooking is a low-cost way to cook. Both options will continue to allow outdoor cooking including traditional cooking methods.
31. Others may have had a lifetime of burning material, such as dried leaves, in an incinerator and consider the practice as 'normal' and 'not a problem', amendments to the bylaw effecting this may be perceived as an unreasonable infringement of personal liberty on private property.

Economic

32. An uncontrolled fire started by open air burning may cause damage to fences, buildings or other property resulting in insurance claims and other costs for repair or replacement.
33. 82. Any specifications related to incinerators, braziers or other open-air burning devices may impact the existing market for such products. For example, implementing a specification that incinerators must be a certain size or shape or function in a certain manner may make other devices un-saleable. If such a measure were to be introduced, further consultation with manufacturers and retailers would be recommended prior to introduction. Neither option proposes such specifications.

Environmental

34. Burning waste can be a nuisance to neighbours and can also pollute the air by releasing harmful chemicals. Many common household items contain toxic chemicals. Paper waste may contain synthetic materials, preservatives and even plastics. Disposable nappies contain gels, bleaches and plastics. Many wood products are treated with toxic chemicals to prevent rot.
35. Burning of such wastes in low-temperature uncontrolled fires creates toxic and dangerous by-products which are not destroyed by the fire but become airborne on soot particles. These can end up being inhaled or being washed out of the air and deposited onto surrounding soil and vegetation, where they can readily enter the food chain.
36. The Waste Management and Minimisation Bylaw 2019 prohibits the burning of waste materials.
37. The extent to which waste and recoverable materials are being incinerated in open air fires within the Hamilton area is unknown, but expected to be relatively low volume due to the availability of Council-provided services including a recently implemented food waste service and improved rates-funded recycling service.
38. Reducing use of open air burning may reduce air contaminants, particularly PM₁₀ and PM_{2.5}.

39. The provisions in the existing bylaw include a requirement to meet the Waikato Regional Plan, which includes the permitted activity rule 6.1.13.1:

Permitted Activity Rule – Open Burning and Incineration

The discharge of contaminants into air and any subsequent discharge of contaminants onto land from open burning and incineration* of:*

- Untreated wood and vegetative matter
- Paper and cardboard
- Food waste
- Non halogenated plastics
- Animal carcasses on production land

is a permitted activity.....

40. *The Waikato Regional Council – Air Quality Strategy* has a focus on the regulation of industrial and trade discharges of PM₁₀, with only a minor focus on backyard burning which has a low contribution to air quality issues.

Cultural

41. Open air burning can be a traditional way of cooking (e.g. haangi) and restricting or infringing on people's ability to cook according to traditional practice may be unfair or discriminatory.
42. The existing and amended bylaws continue to allow traditional cooking.

Risks - *Tuuraru*

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

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

Significance

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

Engagement

45. Community views and preferences are known to the Council through public consultation held 1 May – 30 May 2021.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Council Report

Committee: Hearings and Engagement Committee
Date: 28 July 2021
Author: Joanna van Walraven
Authoriser: Lance Vervoort
Position: Policy and Strategy Advisor
Position: General Manager Community
Report Name: Permanent Public Art Policy and Monuments and Memorial Art Policy- Hearings and Engagement Report

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

1. To inform the Hearings and Engagement Committee about submissions received during public engagement on the Draft Permanent Public Art Policy and the Draft Monuments and Memorial Art Policy.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Hearings and Engagement Committee:
 - a) receives the report;
 - b) hears and considers verbal submissions arising from the 17 June and 9 July 2021 community engagement process; and
 - c) notes that a deliberations report will be presented to the Community Committee on 31 August 2021.

Executive Summary - *Whakaraapopototanga matua*

3. The Draft Permanent Public Art Policy and the Draft Monuments and Memorials Art Policy (Draft Policies) have been established as part of a review of Council's Permanent Public Art Process.
4. Public engagement was carried out for the Draft Permanent Public Art Policy and the Draft Monuments and Memorial Art Policy (the Draft Policies) between 7 June and 9 July 2021.
5. During the consultation Council received a total 106 submissions that are available on the 'have your say' site [here](#).
6. Although some of the matters covered through the consultation have a high level of public interest, the Draft Policies are considered to have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

7. The Draft Permanent Public Art Policy and the Draft Monuments and Memorials Art Policy (Draft Policies) have been established as part of a review of Council's Permanent Public Art Process.

8. The Draft Policies have been developed through engagement with key stakeholders, meetings with Iwi and Hapuu, and Elected Member briefings.
9. The Draft Policies were approved for public engagement by the Community Committee at the 18 May 2021 meeting [[Minutes](#)].
10. Public engagement ran from 7 June 2021 to 9 July 2021. Information about communications and engagement is included in **Attachment 1**.

Discussion - *Matapaki*

11. During the consultation Council received a total 106 submissions. An analysis of the submissions is included in **Attachment 1**.
12. The purpose of the consultation was to measure community support for the proposals contained within the policies, and to seek feedback from a range of stakeholders about the best way to implement the proposals.
13. The consultation approach focussed on two main issues:
 - 1) the option of a public art panel to guide decisions about acquiring new artworks; and
 - 2) the option of a taskforce to guide decision making about existing art works that have caused significant upset.
14. More information about the engagement approach is included in **Attachment 1**.

Support for a Public Art Panel

15. The majority of submitters supported or partially supported the proposal to establish a public art panel. 51% of submitters (54) supported it, 23% (25) partially supported it, 22% (23) did not support it, and 2 were undecided. (**Page 8, Attachment 1**).
16. Key themes from comments by those who supported the proposal were:
 - i. suggestions about panel composition;*
 - ii. the panel should consider the social impacts of artwork on the community; and*
 - iii. the panel will help to elevate the importance of art and artists.*
17. Key themes from comments by those who partially supported the proposal were:
 - i. concerns or suggestions about panel composition;*
 - ii. the panel need to be impartial and curate art carefully; and*
 - iii. processes should be transparent.*
18. Key themes from comments by those who did not support the proposal were:
 - i. panel is unnecessary and not a good use of money; and*
 - ii. concerns or suggestions about panel composition.*

Adoption of a taskforce

19. A slightly larger majority of submitters supported the approach of setting up a taskforce. 58% (62) supported the proposal of the taskforce approach, 13% (14) partially supported the approach, 22% (23) did not support the approach of adopting a taskforce, and 5% (5) were undecided or did not answer the question. (Attachment 1, page 11).
20. Key themes from comments by those who support the proposal were:
 - i. the taskforce should consider the social impacts of artwork; and*
 - ii. suggestions about taskforce composition*

21. Key themes from comments by those who partially supported the proposal were:

- i. concerns or suggestions about taskforce composition; and*
- ii. a taskforce is unnecessary or is not a good use of money*

22. Key themes from comments by those who did not support the proposal were:

- i. a taskforce is unnecessary or is not a good use of money; and*
- ii. concerns or suggestions about taskforce composition.*

Other feedback

23. 48 (46%) of respondents provided an answer to the question, “Do you have any other comments on the Council’s Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy?”. 3 key themes were highlighted in these comments:

- i. ensure these policies reflects the diversity of Hamilton and its residents;*
- ii. the processes and funding need to be transparent and effective; and*
- iii. these policies are not a good use of ratepayer’s money.*

24. Some submitters gave feedback that were out of scope with the consultation. These included comments about parking, murals, or other temporary arts or infrastructure initiatives. These submitters were more likely to give negative feedback about the proposals contained within the policy.

Next steps

25. The proposed next steps in the process are outlined in the table below:

Meeting Date	Report	Committee	Notes
18 May	Decision to Consult	Community Committee	Public engagement: Monday 7 June – Friday 9 July Report contained Draft Policies and outline of proposed engagement.
28 July	Hearings Report	Hearings and Engagement	Purpose of this meeting is to hear and consider submissions arising from the 17 June and 9 July 2021 community consultation.
31 August	Deliberations Report	Community Committee	The purpose of the report is to provide an overview of submissions and respond to matters raised at the hearing from Members.
30 September	Adoption Report	Council Meeting	The purpose of the report is to present to the Council the final Draft Policy with a recommendation that the Policy be adopted.

26. If the recommendation is not approved the process will not progress to deliberations and public art applications will be assessed under the existing process.

Financial Considerations - *Whaiwhakaaro Puutea*

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

28. The estimated costs of carrying out the consultation was approximately \$10,000 including advertising, staff costs and printing.

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

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

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

33. The social benefits of public art are well documented; as well as providing interest and entertainment, they tell stories that can reflect both the history and the aspirations of a community. As a placemaking tool, public art can enliven spaces, and create talking points, social connections, and foster a sense of belonging and social inclusion.

Economic

34. Permanent Art works become icons for city that contribute to Hamilton's reputation as a culturally sophisticated, desirable place to live and visit.

Environmental

35. Applications are assessed to ensure that any negative environmental impacts are mitigated.
36. Public art has the potential to highlight and complement the natural environment in certain situations. It may build a greater appreciation of the natural environment by the community and enhance environmental wellbeing as a result.

Cultural

37. The arts are integral to the cultural wellbeing of many in the community including Maaori.
38. The adoption of a public art policy has the potential to enhance cultural wellbeing by providing a greater framework to assess public art projects. There is currently a lack of guidance to decision makers on how to assess the cultural appropriateness of public art, both at the time of installation and as cultural contexts change over time. The adoption of a policy will allow for more structured conversations to occur amongst elected members and the community, leading to more informed decisions.

Risks - *Tuuraru*

39. Some public art works have a high level of public interest associated with them which may create an element of political risk. Risks have been managed through an open public engagement process.

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

Significance

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

Engagement

41. Key arts and cultural stakeholders, including Maaori partners, were engaged with during the development of the policies and through the public engagement process.
42. Community views and preferences are known to the Council through public consultation held Monday 7 June – Friday 9 July.
43. Information about the full public engagement is included in **Attachment 1**.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft Permanent Public Art Policy and Draft Monuments and Memorial Policy 2021 - Engagement tactics and submissions insights report - Final



**DRAFT PERMANENT PUBLIC ART POLICY
AND DRAFT MONUMENTS AND
MEMORIAL ART POLICY CONSULTATION
2021:
ENGAGEMENT TACTICS AND
SUBMISSIONS INSIGHTS REPORT**

Report prepared by:
Poppy Barran, Research and Insights Analyst
Ruby Nyika, Communication and Engagement Advisor
July 2021.

Report reviewed by:
Nicole Nooyen, Team Leader, Communication and Engagement, Best in Business
Julie Clausen, Unit Manager, Strategy and Corporate Planning
July 2021.

D-3823533

1

EXECUTIVE SUMMARY

Public art plays an important role in the development of our city, giving expressions and energy to public places, so it is important that Hamilton residents have an input on the decisions of future artworks and monuments displayed in Hamilton. We asked the community and stakeholders for their views on two draft policies that aim to guide decisions made around public artwork, monuments, and memorials. Both policies aim to provide more clarity around what public art is, along with a better process for accepting and installing artwork, including monuments and memorials.

What we asked

The questions we asked the community focussed on three key areas:

- Feedback on the formation of a public art panel made up of key Council staff, Iwi and Haapu, and art and construction specialists to review and make recommendations around new artwork proposals.
- Feedback on the formation of a task force made up of Council staff, Elected Members, Māori, and other topic related experts to manage artworks that have caused significant upset to the community.
- Any other comments on the draft policies.

How we engaged

The community could submit their responses by completing an online survey administered via Have Your Say (<https://haveyoursay.hamilton.govt.nz/parks-and-open-space/artspolicies/>) or filling in hardcopies of the survey available at the libraries and the Municipal building.

The consultation was open from 7 June to 9 July 2021. There were 106 submissions to the survey. There were 85 submissions from individuals, 12 from artists, 4 from art organisations, 2 from Mana Whenua, and 3 identified as 'Other' (Waikato-Tainui, Hamilton Central Business Association, and Friends of Waikato Museum).

We also reached over 28,000 people through social media, generating 213 comments and 153 reactions.

What people said

The key insights from all online and hard copy responses are outlined below. A more detailed view of all themes from all sources can be found from page 8 onwards.

Support for the proposal to establish an art panel

104 respondents provided an answer to this question, with 51% (54) supporting the proposal. 23% (25) of respondents partially support the proposal and 22% (23) did not support the proposal. 93 respondents (87%) provided a reason to explain their level of support.

The key themes gathered from responses of those who support the proposal are:

- *Suggestions about panel composition*
- *The panel should consider the social impacts of artwork on the community*
- *The panel will help to elevate the importance of art and artists*

The key themes gathered from responses by those who partially support the proposal are:

- *Suggestions about panel composition*

- *The panel need to be impartial and curate art carefully*
- *Processes should be transparent*

The main themes gathered from answers of those who do not support the proposal are:

- *A panel is unnecessary and not a good use of money*
- *Suggestions about panel composition*

Support for the proposal to establish a taskforce

103 respondents provided an answer to this question, with 58% (62) supporting the proposal. 22% (23) of respondents did not support the proposal and 13% (14) partially support the proposal. 74% (78) of respondents also provided a reason for their level of support.

The key reasons provided by those who support the proposal are:

- *The taskforce should consider the social impacts of artwork*
- *Suggestions about taskforce composition*

The key reasons provided by those who partially support the proposal are:

- *Suggestions about taskforce composition*
- *A taskforce is unnecessary or is not a good use of money*

The key reasons provided by those who do not support the proposal are:

- *A taskforce is unnecessary or is not a good use of money*
- *Suggestions about taskforce composition*

Other comments on the Council's Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy

48 (46%) of respondents provided an answer to the question, "Do you have any other comments on the Council's Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy?". 3 key themes were highlighted in these comments:

- *Ensure these policies reflects the diversity of Hamilton and its residents*
- *The processes and funding need to be transparent and effective*
- *These policies are not a good use of ratepayer's money*

Key themes from social media

There were 213 comments on our social media posts. 157 were found to be not relevant because discussion in the comments related to other topics, such as the Innovating Streets project. Analysis was undertaken on the remaining 56 relevant comments. There were 2 key themes gathered from these comments:

- *The proposals and policies are not necessary and not a good use of money*
- *Suggestions about panel/taskforce composition*

How this information will be used

The feedback on these policies will help to ensure that future public art, monuments, and memorials are consulted on and reviewed before installed. The feedback will also ensure that there is a process for dealing with existing public art that has caused signification upset to the community.

This report will be taken to the Hearings and Engagement Committee on 28 July 2021. Deliberations will take place at a Community Committee meeting on 31 August 2021. This will inform any amendments that may be made to the two draft policies.

ENGAGEMENT TACTICS

GOAL

To understand community and stakeholder views on two draft policies that aim to guide decisions made around public artwork, monuments, and memorials.

OBJECTIVES

- Key stakeholders are offered and take up the opportunity to engage with Council and provide feedback on the two policies
- We reach out to the wider community to gauge their feedback on the two policies
- Respondents feel that their views and opinions are taken on board, and appropriate changes are implemented as a result

ENGAGEMENT OUTCOME

The policies that allow Hamilton City Council to make decisions on public artwork, monuments, and memorials, are informed by stakeholders' and the community's opinion.

Hamilton City Council has a process for reviewing artworks that have caused significant upset, that has been informed by the views of stakeholders and community.

ENGAGEMENT CAMPAIGN REVIEW

The *Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy* campaign opened on Monday 7 June and closed on Friday 9 July 2021. The campaign was promoted via 2 social media posts, and emails were sent directly to stakeholders from HCC staff. The social media posts and emails to stakeholders directed people to the Have Your Say online portal.

ENGAGEMENT RESULTS

We used a combination of digital and hardcopy communication and engagement tactics for this campaign. The following tactics were used:

1. Digital ads (Facebook, Instagram)
2. Brochures detailing key info such as FAQs, dates etc available at facilities (e.g., Museum, libraries etc)
3. Posters at Council facilities (e.g., Museum, libraries etc)
4. Newspaper ads (Waikato Times ad x1, Hamilton press ad x2)
5. Social media posts
6. Our Hamilton Story/media release

Some with the clothes in the
undry basket where he spends
a night.

So I've begun to plan his
ath.

I'm pretty pragmatic when it
comes to deciding when it's time
to let an animal go.

Years of experience in both
humans and veterinary practice
advise that the best death is
as that happens before things
tend, before there's an agony
and a trauma.

Years ago on the farm, it was
sister when suffering became
unbearable.

All it took was a quick dash
to the safe, a tracing of nerves,
some low words of apology, and
it was over.

But in urban life I've had too
many nights trying to explain to
something that doesn't speak
human to hold on, be brave,
we're getting help.

It's hell, on everyone, and
that's why I try to make the
decision before that happens.

It's a wild, insect science
when it comes to picking the
right moment – the one where
things are bad but not too bad;
when it's all starting to slide

quickly and irreversibly
towards the end. I reckon I've
got it right so far: raised it with
the last three dogs, cats, rabbit
and rat.

As for the cat, he's
incontinent, overfed, and
occasionally walks into
bedrooms to scream at their
inhabitants for no apparent
reason. He terrifies small
children.

We've taken to washing his
face after he eats because he
doesn't clean himself any more.
Sometimes we dry him with a
towel after he's fallen asleep in

the rain. We lift him to the
kitchen bench he used to leap on
to effortlessly.

Last year he started lying in
the middle of the intersection by
our house, and I began to
wonder if it was some sort of
sign.

Probably not, but I'd like one.
A few days ago I rang our
veterinary clinic: "We've made
up our minds," I told the nurse,
who made sympathetic noises
as she wrote in the
appointment.

"We've changed our minds,"
I told her an hour later, and she

him do nothing a little longer.

These days it feels like I keep
saying "It's the end of an era"
about everything, and the cat's
death really will be.

He's the last of the family
pets who were there from the
beginning, just doing nothing as
our lives played out around
him.

Maybe that's why it's so hard
to make the decision this time.
Maybe it's because doing
nothing means everything as
long as you're there in the
background.

Or maybe we're just all tired
of goodbyes.
Poor old cat, poor old us.



Public art, monuments, and memorials

Have your say

Should a panel help decide which art we display publicly?

We want to hear what you think about two draft policies that could guide decisions around Hamilton's public art.

Draft feedback forms are also available at Council offices and at your local library.

Give us your feedback by Friday 9 July.

You can find out more and have your say at haveyoursay.hamilton.govt.nz



WARD ST is OPEN FOR BUSINESS

We're creating a central city where people love to be.

We've installed some temporary changes to Ward Street so it's more attractive and safer for people to shop and move around in. Make sure you check them out!

GET INVOLVED + FIND OUT MORE!
hamilton.govt.nz/innovating-streets



working today at his job as a heavy
equipment operator at 1938
Construction.

More hours meant more money to
send home. Dumagan supported a lot
of people. They relied on him. Fishing
therefore was his weekend escape. His
break from work. But last weekend he
went out on a boat and didn't come
back.

An Dumagan and a friend tried to
cross the Bay of Plenty's most
dangerous bar on Saturday morning –
the Kaituma Cut – their small boat was
hit by large waves and capsized.

Rescue services were called
about 11.45am and a rescue mission was
launched. When the Māori
Coastguard arrived, they found the
overturned hull of the boat about 20m
offshore in the wave break. One person
could be seen clinging to the hull. There
was no sign of a second person.



Top left: Joseph Dumagan worked hard to support family back home in the Philippines.
Top right: He was a keen fisherman. Above: Jeffrey Baeyens and Samuel Gao say their good
friend Dumagan was a happy, friendly guy with a passion for fishing. JEFFREY BAAYENS



Public art, monuments, and memorials

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hamilton.govt.nz/innovating-streets

Dumagan was eventually pulled
from the water by rescuers, he was
given first aid and CPR, but he died a
short time later.

His friend made it to shore and was
taken to hospital in a serious condition.
He survived.

Neither man were wearing life
jackets.

Tauranga has a large, close-knit
Filipino community and news of
Dumagan's death filtered out as many
were attending a Philippines
Independence Day celebration on
Saturday.

"It hurts, really. It's shocking,"
Samuel Gao, a friend of Dumagan,
said this week.

When Dumagan first arrived in
Tauranga, after spending a few years
working in Christchurch, he moved in
with Gao and his wife and lived with
them for about two years. They became
good friends.

To him, I just want to say thank
you for everything," Gao, 31, said.
"And I'm really glad that I met him
here. I'm sad as well, but I just want to
say, 'forever now'."

Another friend, Jeffrey Baeyens, said
he had "a lot of happy memories" with
Dumagan.

"We feel so sad," he said.
Baeyens, 41, also lived with
Dumagan for a while in Tauranga. He

said he was one of those people you
describe as "always happy."

He was always talking about fishing.
Baeyens said, and always looking to find
a new area to fish – "the best spot".

Thus, after he went fishing, he would
talk about what happened. He would
also make videos about his various
fishing adventures and post them on
YouTube.

He was friendly, "easy going". He
loved playing guitar in his room,
singing, dancing. He kept people
smiling, was a joker. The life of the
party.

Gao and Baeyens aren't really into
fishing themselves, but said they would
still go fishing with Dumagan and have
a good time. He would keep them
interested and entertained.

Dumagan's plan, once the Covid-19
cloud lifted and the New Zealand border
opened, was to bring his son over to join
him, to study here. His two daughters
and son live in Manila.

Jesus Miao is a pastor at Living
Grace Fellowship church in Tauranga,
the congregation of which is largely
Filipino.

Miao has been in contact with
Dumagan's brother back in the
Philippines.

"Of course they are saddened about
what happened, but they would really
like to get him back."

He said the Philippines embassy in
New Zealand was now involved and
plans were being made to hopefully
repatriate Dumagan.

Miao said Dumagan's family
wanted to make sure he was honoured.
The Tauranga Filipino community
is now banding together to help and
plans are being made for a memorial
service.

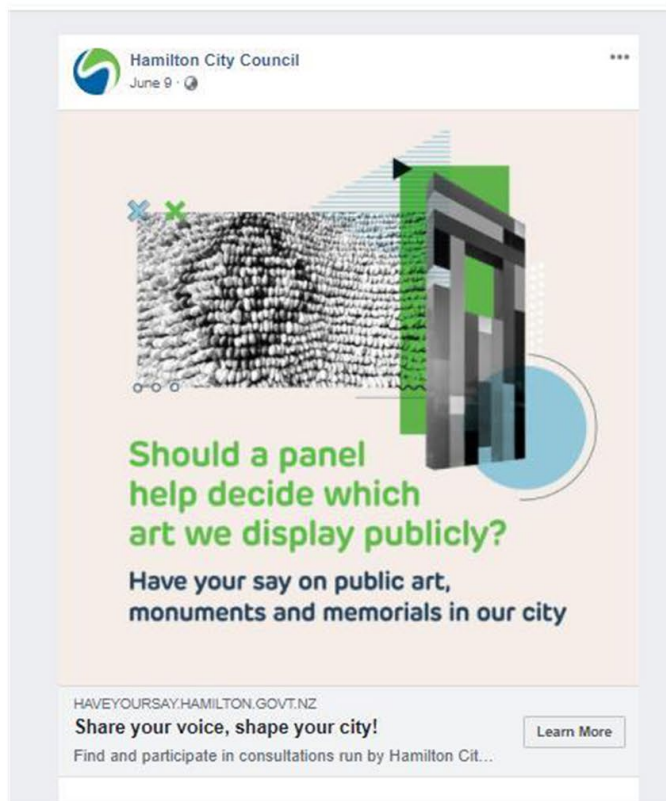
"May be one consolation is that what
took him is the very thing he loved
doing," Miao said. "At least he was out
there doing what he wanted to do."

YESTERDAY'S SOLUTION

Across: 1 Forest, 4 Heart (for dye), 8 Guts, 9
Drought, 10 Rascal, 11 Lips, 12 Six, 13 Seal, 15 Ship,
16 Wet, 17 Kite, 23 Agony, 25 Parage, 26 Icon,
27 Tide, 28 Adjet.

Down: 1 Figure, 2 Hensire, 3 Smoothly, 4 Heap, 5
Angel, 6 Ties, 7 Adore, 13 Assured, 16 Organs, 17
Caption, 19 Waived, 20 Reject, 22 Squat, 24 Bole.

The solution to today's Telegraph crossword will appear
with your next crossword.



SUBMISSION FORM (ONLINE & PAPER COPY)

We received a total of 103 submissions through the Have Your Say online portal. 3 submissions were received via email, and no hard copy submissions were received.

SOCIAL MEDIA

We reached over 28,000 people across 2 posts and 1 ad campaign via Facebook and Instagram. This generated 153 reactions, 213 comments and 12 shares. Our most popular demographic was women aged 55-64.

There were 221 link clicks through to the have your say page and 113 clicks through to the Our Hamilton Story.

EMAILS/ LETTERS

Staff emailed 15 stakeholders directly, to inform them that the consultation was live and to encourage their response. These emails also asked these groups to circulate within their own networks. Emails were sent 8 June with a 65.54% open rate.

The Community Development team also circulated the message to their community lists through their fortnightly email newsletter.

SUBMISSIONS INSIGHTS

FEEDBACK THROUGH SUBMISSION FORMS (ONLINE & PAPER COPY)

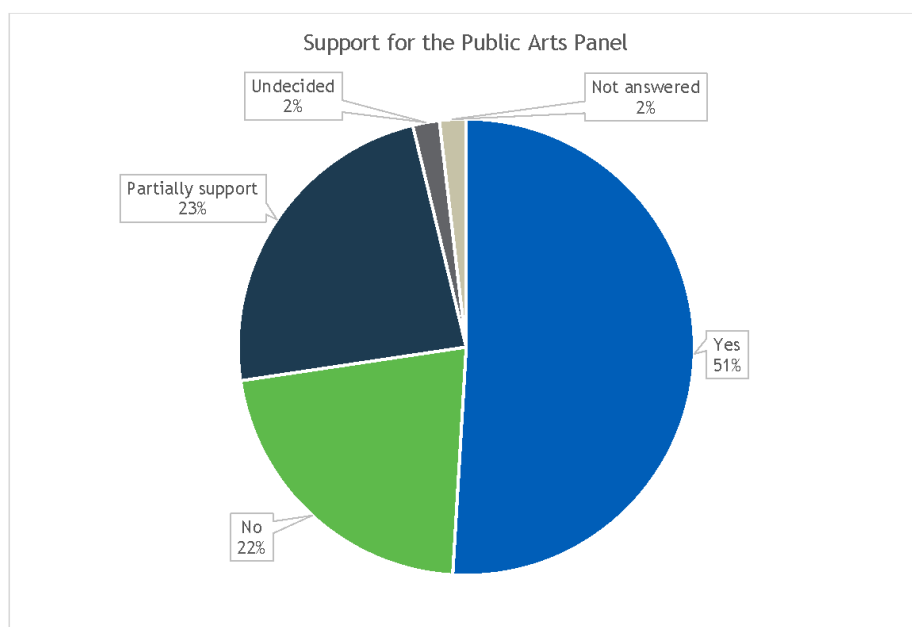
We received a total of 106 submissions via the Have Your Say online portal and email submissions.

There were 85 submissions from individuals, 12 from artists, 4 from art organisations, 2 from Mana Whenua, and 3 from groups identified as 'Other' (Waikato-Tainui, Hamilton Central Business Association, and Friends of Waikato Museum).

SUPPORT FOR THE PROPOSAL FOR A PUBLIC ARTS PANEL

51% (54 out of 106) respondents supported the proposal for a public arts panel. 23% (25 out of 106) partially supported it, 22% (23 out of 106) did not support it and 2% (2 out of 106) were undecided about their stance.

44% of artists and art organisations (7 out of 16) fully supported the proposal, 50% (8 out of 16) partially supported it and only 8% (1 out of 16) did not support it.¹



Key reasons for supporting the proposal

54 (51%) people supported the proposal and 43 provided comments for their answer. The main themes gathered from their answers are provided below, in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

- a) *Suggestions about panel composition*
40% of comments, or 17 out of 43 comments.

¹ Cuts of the different groups and their level of support have not been provided due to the small sample size. Instead, some key indications from different groups have been noted.

"Shouldn't just be up to staff and EM's to make these decisions, would be good to widen the group involved in making recommendations and decisions."

"A balanced group of culturally diverse art loving individuals should be asked to give their valued perspective. They need to be willing to volunteer their time and expertise to promote beautiful projects and question costs and relevance to Kirikiriroa and its peoples."

"My only recommendation for any EOI of Panel membership would be 'artwork fabrication' rather than construction / maintenance specialists. I get the impression this is the intent anyway when referring to construction specialists, but I think it is important to have construction sector representatives that have a good understanding of what goes into artwork fabrication, and ideally has been through the process of artwork fabrication beforehand. There are a number of local engineering and construction firms that have been involved in several large-scale public art projects that would hopefully have representatives they could put forward for consideration." (Truncated.)

- b) *The panel should consider the social impacts of artwork on the community*
21% of comments, or 9 out of 43 comments.

"Public art should add to the aesthetic appeal of a city, enhance community connection to a site, and when evoking narrative, tell appropriate narratives to connect community to each other and to the site. A public art panel, if the right range of people are included, will be able to advise on the suitability of a proposed work in relation to the perspectives signalled by me above. You could also include 'conservation' specialists as public art becomes community heritage if it is able to be conserved well."

"A collective approach will reduce the risk of offending a culture or specific people."

"Art that encourages discourse and debate should be encouraged; artwork that is offensive based on trauma caused in history should not be encouraged." (Truncated.)

- c) *The panel will help to elevate the importance of art and artists*
21% of comments, or 9 out of 43 comments.

"Public art is critical to cities and public life. I think that public art is not given the respect or mana it deserves so I think establishing a panel would help to elevate the importance of art and it's practitioners in Kirikiriroa." (Truncated.)

"This is a great opportunity to really showcase Hamilton. We have the room to really make our city stand out from the rest, listen to our community that are so proud of our city."

"Art is important, but it needs to be appropriate and maintained"

Key reasons for partially supporting the proposal

25 (23%) respondents partially support the proposal for a public arts panel and all provided comments for their answer. The main themes gathered from their answers are shown below in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

- a) *Suggestions about panel composition*
60% of comments, or 15 out of 25 comments.

"There is insufficient emphasis on the inclusion of expertise in the domains of public art and design history and practice ("art and construction specialists" is a bit vague) ... specialists in fine arts are not necessarily experts in public art and creative placemaking. Having more than 1 expert on the proposed panel is important to ensure success."

"I would need a guarantee that the panel will be a true representation of the different people that is in this city. BIPOC LGBTQ+ communities first and foremost and Mana Whenua."

"Excellent to include iwi and hapu representation. But the general public are missing here - where is the perspective of the everyday citizen whose life the art (presumably) is intended to enrich?"

- b) *The panel need to be impartial and curate art carefully*
12% of comments, or 3 out of 25 comments.

"I do not believe it should be the role of a PAP to consider artwork from an artistic perspective. I firmly believe the PAP should not be there to 'like' or 'dislike' certain works. This could cause serious issues." (Truncated.)

"It clearly should not include politicians, as they are not experts and have their professional agendas in relation to public life that would create conflicts of interest at every turn." (Truncated.)

- c) *Processes should be transparent*
12% of comments, or 3 out of 25 comments.

"Some transparency in the process would be good as I have no idea who decided on the current art or why." (Truncated.)

"It would depend on the expertise of the panel to make judgements on art and ability to communicate this judgement"

"In turn, with a wider membership, it may be necessary for these policies to be clearer on how the Panel's decision-making processes should be run." (Truncated.)

Key reasons for not supporting the proposal

23 (22%) respondents did not support the proposal and 22 provided comments for their answer. The main themes gathered from their answers are outlined below, in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

- a) *A panel is unnecessary and not a good use of money*
50% of comments, or 11 out of 22 comments.

"Such a committee could never reach a consensus. More waste of ratepayers money."

"Stop wasting money. If you're going to throw away money on art, at least ask the community, not some panel that answers to no one."

- b) *Suggestions about panel composition*
36% of comments, or 8 out of 22 comments.

“Exclude Iwi and Haapuu and get Artists”

“I don’t think that’s a good cross section of our community, you need representation from other cultural groups and maybe religious leaders and some youth and/or young adult voices too.”

“We need citizen representation on the panel.”

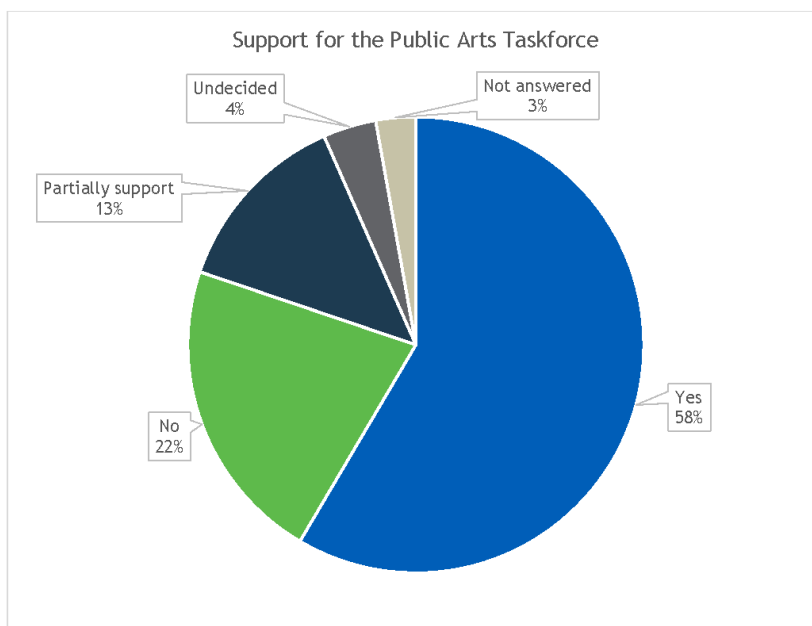
Key reasons for those who are undecided

2 (2%) respondents were undecided and only 1 respondent provided a comment for their answer. The main theme was that *a panel is unnecessary and not a good use of money.*

SUPPORT FOR THE PROPOSAL FOR A PUBLIC ARTS TASKFORCE

58% (62 out of 106) respondents supported the proposal for a public arts taskforce, 13% (14 out of 106) partially supported it, 22% (23 out of 106) did not support it and 4% (4 out of 106) were undecided about their stance.

56% (9 out of 16) artists and arts organisations fully supported the proposal, 31% (5 out of 16) partially supported it, none (0 out of 16) said they do not support it and 6% (1 out of 16) were undecided about it. All of those who did not support the proposal for a taskforce were individuals.²



Key reasons for supporting the proposal

There were 62 (58%) people who support the proposal and 41 provided comments for their answer. The main themes gathered from their answers are provided below, in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

² Cuts of the different groups and their level of support have not been provided due to the small sample size. Instead, some key indications from different groups have been noted.

- a) *The taskforce should consider the social impacts of artwork*
27% of comments, or 11 out of 41 comments.

"Social awareness is important, so all people are considered beforehand and not just say sorry afterwards"

"Absolutely, we need to consider the social climate at the time of installation and the society we are or claim to be today."

"Times are changing, and people are now more mindful of things like the ongoing trauma of colonisation. Making informed decisions through a clear process is a good way to navigate this." (Truncated.)

- b) *Suggestions about taskforce composition*
22% of comments, or 9 out of 41 comments.

"It's important to have knowledgeable individuals to investigate into art installations which may have caused upset."

"Some expert assessment should help to both strengthen decision-making and de-politicise it. As with the Public Art Panel, a Taskforce needs to include both Tangata Whenua and Tangata Tiriti. The Taskforce should always include an historian or two as controversy is most likely to arise over differing interpretations and understandings of historical people and events." (Truncated.)

"The advice of historians and other experts is key. Disinformation can be affective. It needs to be countered. The loudest voice (be it dissenting or supportive) should not be the only one heard." (Truncated.)

Key reasons for partially supporting the proposal

14 (13%) respondents partially support the proposal, and 13 provided comments for their answer. The main themes gathered from their answers are outlined below, in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

- a) *Suggestions about taskforce composition*
30% of comments, or 4 out of 13 comments.

"Where are the public art panel drawn from. They need to be members of the general public and residents of the location in which the art will be exhibited."

"Generally support, but think it is important to recognise that social mores change over time and therefore believe that there should be someone who provides ethical advice around public artworks."

"Like the Panel, the make-up and processes of the Taskforce should also be spelt out in greater detail in the policies than is currently the case, though it probably needs to be smaller group, so our specific proposals above need not all apply." (Truncated.)

- b) *A taskforce is unnecessary or is not a good use of money*
23% of comments, or 3 out of 13 comments.

“No need to spend thousands of ratepayer dollars pandering to the racists - it should be an efficient decision to get rid of colonisation art etc”

“Not really sure. I feel that having a separate task force from the previously proposed arts panel will just cause confusion and conflict. I would use the same panel for new art and any hideous art people want rid of.”

“I agree with the principle of having a taskforce to deal with controversial monuments and memorials especially ones currently in existence. However, with new contemporary artworks I feel the art panel would be able to decide in the first instance if a contemporary artwork would be offensive.”

Key reasons for not supporting the proposal

23 (22%) respondents did not support the proposal and 20 provided comments for their answer. The main themes gathered from their answers are outlined below, in decreasing order of popularity (based on the number of comments that represented this theme). Some examples of verbatim comments have been provided.

- a) *A taskforce is unnecessary or is not a good use of money*
30% of comments, or 6 out of 20 comments.

“Not needed, waste of money”

“Set up the Public Art Panel and get on with it. The process to create one requires expressions of interest and then advice from SLT for the elected wing to decide. You have enough taskforces; you don't need one for this.”

“Status quo is fine with me”

- b) *Suggestions about taskforce composition*
17% of comments, or 4 out of 20 comments.

“We need citizen representation on this taskforce.”

“There is no representation of the NZ European perspective in considering works, therefore the committee does not represent the bicultural nature of New Zealand. Care needs to be taken that in trying the right the wrongs of the past, when Maori culture was suppressed, we do not, in fact, repeat them by unfairly suppressing another culture.”

“I don't think that's a good cross section of our community, you need representation from other cultural groups and maybe religious leaders and some youth and/or young adult voices too.”

Key reasons for those who are undecided

4 (4%) respondents were undecided, and all provided comments for their answers. The main themes were that:

- *Suggestions about taskforce composition*
- *A taskforce is unnecessary and not a good use of money³*

Other comments on the Council's Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy

³ Examples have not been provided due to the low number of comments.

48 (45%) of the 106 respondents provided an answer to the question, “Do you have any other comments on the Council’s Draft Permanent Public Art Policy and Draft Monuments and Memorial Art Policy?”. 12 of these comments (25%) were not relevant, so analysis was undertaken on the 36 relevant comments.

The main themes gathered from these 36 responses are shown below, with the themes presented in decreasing order of popularity (measured by the number of comments that exhibited that theme). Some examples of verbatim comments have been provided.

- a) *Ensure these policies reflect the diversity of Hamilton and its residents*
28% of comments, or 10 out of 36 comments.

“The Draft Permanent Public Art Policy should be updated with an additional guiding principle: Hamilton City Council supports the development of a collection of permanent public art which reflects the diverse communities living in Hamilton/Kirikiriā. The Draft Monuments and Memorial Art Policy should also be updated with an additional guiding principle: Hamilton City Council supports the development of a collection of monuments and memorial art works which reflects the diverse communities living in Hamilton/Kirikiriā.” (Truncated.)

“Having a variety of art works that represent the many cultures and peoples in Hamilton.”

- b) *The processes and funding need to be transparent and effective*
22% of comments, or 8 out of 36 comments.

“Keep the processes open and lean, with clear operating guidelines and published minutes/recorded meetings.”

“No point having these groups if elected representatives ignore their recommendations. The findings must have some weight requiring a greater proportion of Councillors to veto. For example, the groups finding is worth two votes.”

- c) *These policies are not a good use of ratepayer’s money*
22% of comments, or 8 out of 36 comments.

“Don’t waste MORE ratepayers money - the Council is financially irresponsible without this extra wastage”

“Spend your time and ratepayers’ money on things that are important and don’t bow to a woke cancel culture few”

Responses by key stakeholders and partners

4 of the 106 responses were from arts organisations and 3 responses were from 'Other' key stakeholders and partners (Waikato-Tainui, Hamilton Central Business Association and Friends of the Waikato Museum). Below is a summary of what people responding on behalf of these key stakeholders and partners said.

Key stakeholder/partner	Summary of response
Waikato-Tainui	<p>The policies need to align with any strategies Council already has regarding culture and identity. The policies provide an opportunity to review all current public art, to ensure they are consistent with the city's identity and prevent further harm. The policies could also extend to street names and building developments.</p> <p>Supports the proposal of the taskforce and offers to support this.</p>
Laree Payne Gallery	<p>Supports the proposal of the public art panel, so long as this panel does not negatively impact or conflict with other arts organisations such as MESH. The panel members should be experts and their personal views should not affect decision-making.</p> <p>Supports the proposal of a taskforce.</p>
Creative Waikato	<p>Supports the proposal of the public art panel. Recognises the importance of including art professionals as they will provide expert insight and guidance.</p> <p>Partially supports the proposal of the taskforce, as it could limit the artworks that provoke helpful discussion. The taskforce should also include experts as members.</p> <p>Any future proposals for art should consider Council's existing strategic plans and policies. Council should look to the Waikato Arts Navigator framework for guidance.</p>
MESH Sculpture Hamilton	<p>Supports the proposal of a public arts panel, so long as this panel does not negatively impact the process for MESH to establish public art works. Council should outline the selection process for panel members and members must ensure that their personal views do not implicate decision-making.</p> <p>Supports the proposal of a taskforce.</p>

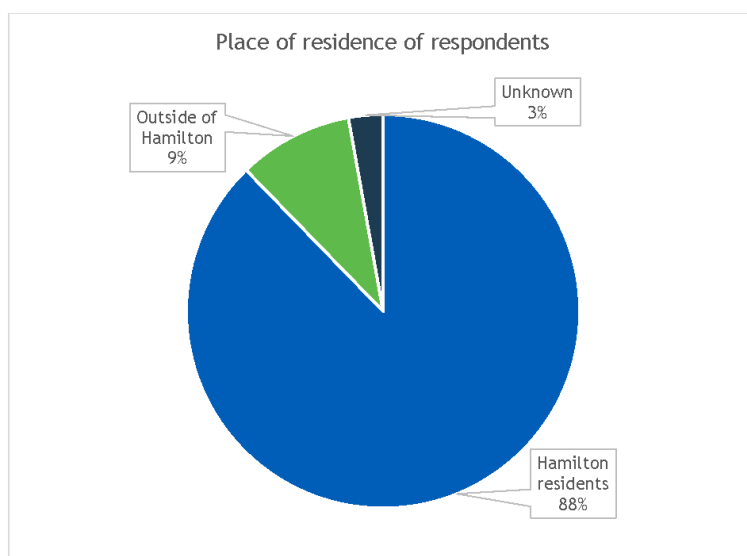
	Council should differentiate the process for monuments and memories from other public art, and MESH encourages discussion about who is commemorated and how (e.g., different forms and materials).
The Riff Raff Public Art Trust	<p>Partially supports the proposal for a public arts panel, however Council should be clearer on membership and ensure that this is balanced between experts and the community.</p> <p>Partially supports the proposal for a taskforce, however, considers their activation a last resort.</p> <p>Council should outline the processes of the panel and taskforce in greater detail and make these available to the community. Council should make it easy for people to participate in the public arts process.</p>
Hamilton Central Business Association	<p>Supports the proposal for a public arts panel and taskforce as they are fair and representative.</p> <p>The policies should clarify the cost of artworks to Council (if any) and have timeframes attached to decisions.</p>
Friends of Waikato Museum	<p>Partially supports the proposal for a public arts panel. The panel should include representation of the community and ensure independence from Council/Council staff. Council should look to others for guidance e.g., Wellington Sculpture Trust.</p> <p>Supports the proposal for a taskforce but recommends modifications over removal of artworks.</p> <p>The policy requires clarification around maintenance and maintenance costs, and what is meant by 'harm'.</p>

DEMOGRAPHIC COMPARISON OF RESPONSES FROM INDIVIDUALS

The demographics of respondents are shown below. Due to a low sample size (106 respondents), comparisons of responses with Hamilton city profile statistics would not yield meaningful insights.

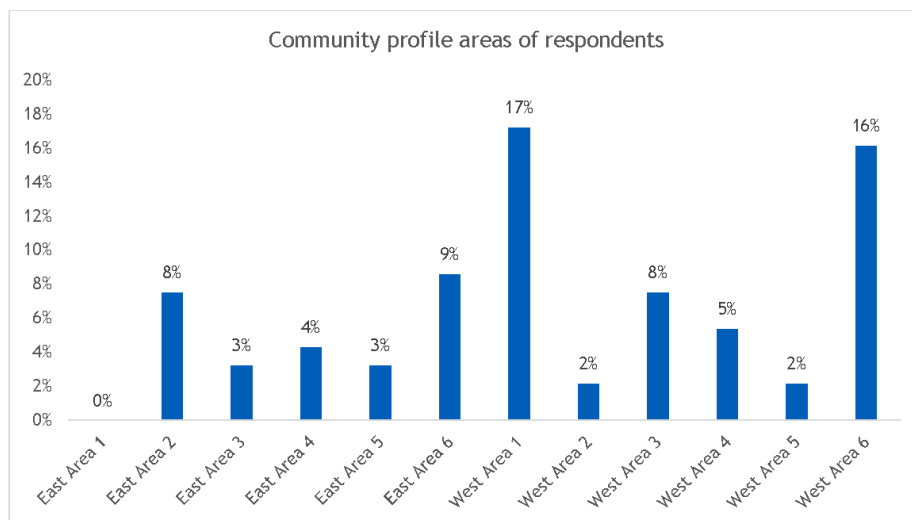
Place of residence

Hamilton residents constituted 88% (93) of the 106 respondents to our survey. 9% (10) were from outside of Hamilton (Waikato, Waipa, and elsewhere in New Zealand) and 3% (3) did not specify their location.



Community profile areas

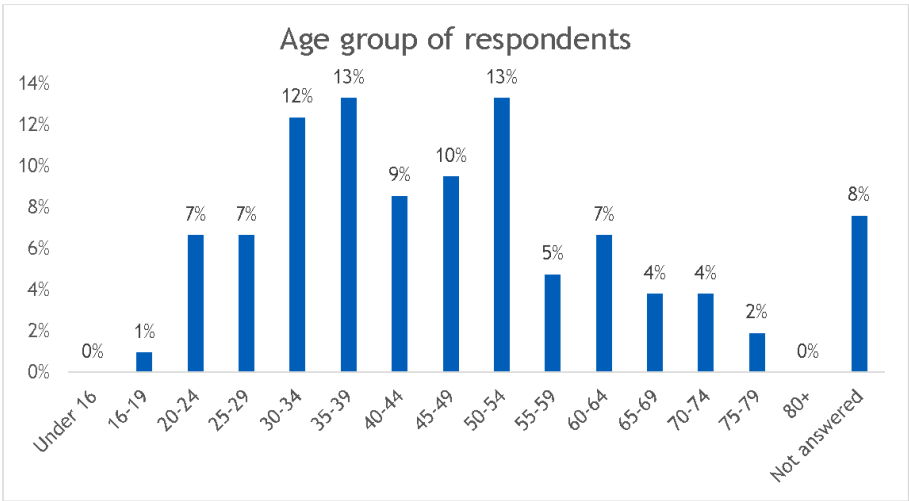
From the 93 Hamilton residents, we had a high representation from West Area 1 (Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews, Te Rapa) and West Area 6 (Bader, Deanwell, Fitzroy, Glenview, Melville, Peacocke) with 16 (17%) and 15 (16%) Hamilton residents living in these areas. There was no representation from East Area 1. See table below for a list of suburbs in these community profile areas.



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

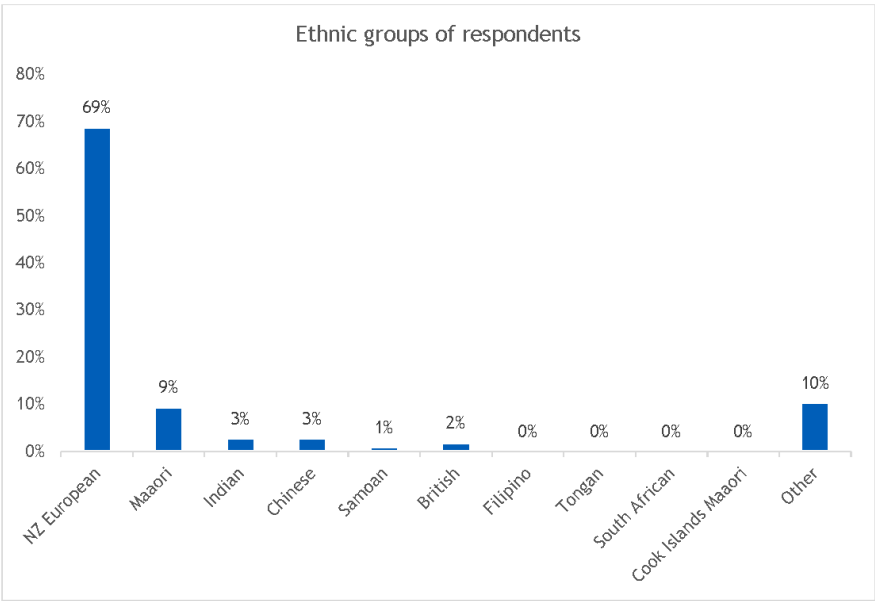
Age group

We had representation across most age groups except those under 16 years of age and those 80+. Those 30 – 54 years constituted 57% (60) of the respondents. 8% (9) of respondents did not provide their age.



Ethnic group

We had a high representation of NZ Europeans and Maaori with 69% of respondents identifying themselves as NZ European, and 9% as Maaori. There was no representation from the Filipino, Tongan, South African and Cook Island Maaori ethnic groups.



FEEDBACK FROM SOCIAL MEDIA

On our social media posts, there were 213 comments. Of the 213 comments, 157 were found to be not relevant to the Draft Permanent Public Art and Draft Monuments and Memorial Art policies. This is because discussion in the comments related to other irrelevant topics, such as the Innovating Streets project.

Analysis was undertaken on the remaining 56 relevant comments. There were 2 main themes gathered from these, as shown below. The themes are presented in decreasing order of popularity (measured by the number of comments that exhibited that theme). Some examples of verbatim comments have been provided.

- a) *The proposals and policies are not necessary and not a good use of money*
38% of comments, or 21 out of 56 comments.

“Don’t we have bigger issues? Waste of money at a time when honest kiwis need help”

“Take the public art budget and add it to the infrastructure update budget - and while you’re at it do the same with all other unnecessary spending - prioritise so we don’t get continual increases in rates/living costs”

“Definitely not. Leave as is, stop wasting money and focus on what you are meant to be doing.”

- b) *Suggestions about panel/taskforce composition*
30% of comments, or 17 out of 56 comments.

“A community and public panel would be advisable. I mean, art chosen by the people is art loved by the people.” (Truncated.)

“We also need Disability and Queer representation at all levels of city governance. And ... y’all better listen to and act positively upon your indigenous colleagues and peers’ advice!”

“A panel would be great. A small panel of experts in this field, who are passionate about art, history and Hamilton - not too many because then nothing gets done. Too many voices - too many choices.” (Truncated.)

FEEDBACK THROUGH EMAILS/LETTERS

We received 3 responses via email which have been included in the analysis above.

WHAT’S NEXT

This report will be taken to the Hearings and Engagement Committee on 28 July 2021. Deliberations will take place at a Community Committee meeting on 31 August 2021. This will inform any amendments that may be made to the two draft policies.