

Notice of Meeting:

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

Date: Thursday 22 February 2024
Time: 9:30 am
Meeting Room: Council Chamber and Audio-Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Community and Natural Environment Committee

Te Roopuu Haapori me te oranga o te Taiao

OPEN AGENDA

Membership

Chairperson Cr Kesh Naidoo-Rauf
Heamana

Deputy Chairperson Cr Anna Casey-Cox
Heamana Tuarua

Members

Mayor Paula Southgate	Cr Louise Hutt
Deputy Mayor Angela O’Leary	Cr Andrew Bydder
Cr Maxine van Oosten	Cr Geoff Taylor
Cr Moko Tauariki	Cr Sarah Thomson
Cr Ewan Wilson	Cr Emma Pike
Cr Mark Donovan	Cr Melaina Huaki
Maangai Olly Te Ua	Vacancy

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Amy Viggers
Mana Whakahaere
Governance Lead

13 February 2024

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Purpose

The Community and Natural Environment Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety, and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. The execution of Council's infrastructure and operational plans and strategies across Community asset classes.
6. Funding to benefit the social, cultural, physical, and arts wellbeing of communities in Hamilton.
7. Governance of strategies, policies and plans relating to the wellbeing, protection, enhancement, and sustainability of Hamilton's natural environment as identified in this terms of reference.

In addition to the common delegations on page 10, the Community and Natural Environment Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

8. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
9. To develop policy, approve community-related strategies and plans, and monitor their implementation.
10. To receive and consider presentations and reports from stakeholders, government departments, organisations, and interest groups on community development and wellbeing issues and opportunities.
11. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
12. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
 - a) implementation of Government requirements;
 - b) contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
13. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
14. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
15. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities, and amenity.

16. To develop policy, approve, and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Domain Endowment Fund and strategic property.
17. To develop policy, approve strategies and plans for the sustainable use of Hamilton's natural resources, and to monitor their implementation as identified in this terms of reference.
18. To develop policy, approve strategies and plans for Council's corporate environmental sustainability, and to monitor their implementation.
19. To develop policy, approve strategies and plans for Council's biodiversity, and to monitor their implementation.

Special Notes:

- The Committee may request expert external advice through the Chief Executive as necessary.

The Committee is delegated the following powers to act:

- Approval of Reserve Management Plans.
- Performing the Council's functions, powers, and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act 1964 and the Reserves Act 1977.
- Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
- Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.
- Approval of the Heritage Fund grant allocation in line with the Heritage Plan.
- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of acquisition or sale or lease of properties owned by the Domain Endowment Fund consistent with the Domain Endowment Fund Investment Policy, for any endowment properties. Note that if the Mayor and Chair consider that a final decision is more appropriately made by Council due to its significance, they may direct that and decision remains recommendatory, requiring ratification by Council.

The Committee is delegated the following recommendatory powers:

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

Recommendatory Oversight of Strategies:

- Nature in the City
- Open Spaces Strategy
- Play Strategy
- Arts and Culture Strategy
- Age Friendly Plan
- He Rautaki Whakawhanake Hapori - Community & Social Development

Recommendatory Oversight of Policies and Bylaws:

- *Alcohol Control Bylaw*

- *Animal Nuisance Bylaw*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cemeteries and Crematorium Bylaw*
- *Cultural and Recreational Facilities Bylaw*
- *Disability Policy*
- *Dog Control Bylaw*
- *Dog Control Policy*
- *Domain Endowment Fund Policy*
- *External Funding Applications Policy*
- *Monuments and Memorials Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Open Space Provision Policy*
- *Parks, Domains and Reserves Bylaw*
- *Permanent Public Art Policy*
- *Provisional Local Alcohol Policy (if developed)*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw*
- *Public Places Bylaw*
- *Trading in Public Places Policy*
- *Safety in Public Places Bylaw*
- *Smokefree and Vapefree Outdoor Areas Policy*
- *TAB Board Venue Policy*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii 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.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Chair.

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

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

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Item 5

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Arnold Andrews

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance Manager

Report Name: Confirmation of the Open Community and Natural Environment Committee Minutes - 26 October 2023

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

That the Community and Natural Environment Committee confirm the Open Minutes of the Community Committee Meeting held on 26 October 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Community and Natural Environment Committee Minutes 26 October 2023

Community and Natural Environment Committee

Te Komiti Haapori me te oranga o te Taiao

OPEN MINUTES

Minutes of a meeting of the Community and Natural Environment Committee held in Council Chamber and Audio-Visual Link , Municipal Building, Garden Place, Hamilton on Thursday 26 October 2023 at 9.30am.

PRESENT

Chairperson	Cr Kesh Naidoo-Rauf
<i>Heamana</i>	
Deputy Chairperson	Cr Anna Casey-Cox
<i>Heamana Tuarua</i>	
Members:	Mayor Paula Southgate Deputy Mayor Angela O’Leary Cr Maxine van Oosten Cr Moko Tauariki Cr Ewan Wilson Cr Mark Donovan Cr Louise Hutt Cr Andrew Bydder (via audio-visual) Cr Geoff Taylor Cr Sarah Thomson (via audio-visual) Cr Emma Pike Maangai Olly Te Ua

In Attendance:	Helen Paki - General Manager Customer and Community Sean Murray General Manager Venues, Tourism and Events Aimee Haycock - Parks Planner Maria Barrie - Unit Director - Parks & Recreation Declan Callery - Project Delivery Team Leader Karen Kwok - Senior Advisor Community & Recreation Facilities Carmen Fookes - Policy Advisor Sandra Larsen - Social Development Team Leader Narelle Waite - Strategy and Policy Advisor Anita McKegg - City Investment Director Philippa Clear - Community & Social Development Manager
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Governance Staff:	Amy Viggers – Governance Lead Nicholas Hawtin and Arnold Andrews – Governance Advisors Corey Bruntlett – Governance and Elected Member Support
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The meeting was opened by Gayl de Boer and Kathy Taufalele of the Bahá’í Community (Interfaith) with a prayer.

1. Apologies – Tono aroha

Resolved: (Cr Donovan/Cr Naidoo-Rauf)

That the apologies for early departure from Cr Mayor Southgate, Cr Donovan, Cr Bydder and for absence from Cr Huaki were accepted.

2. Confirmation of Agenda – Whakatau raarangi take

Resolved: (Cr van Oosten/Cr Naidoo-Rauf)

That the agenda is confirmed.

Mayor Southgate and Deputy Mayor O'Leary joined the meeting at (9:36am) during the above item. They were present for the vote.

3. Declarations of Interest – Tauaakii whaipaaanga

No members of the Committee declared a Conflict of Interest.

4. Public Forum – Aatea koorero

Ro Toa spoke to item 6 (Chair's Report) concerning community houses.

David Bennett spoke to Item 13 (External Funding Policy Review) concerning long term lease for Marist football club.

Jamie Strange spoke to Item 13 (External Funding Policy Review) concerning long term lease for Marist football club.

Kay Kristensen (Problem Gambling Foundation) spoke to Item 13 (External Funding Policy Review) she spoke in favour of retaining the current policy.

Wayne Bates (Melville United AFC) spoke to Item 13 (External Funding Policy Review) concerning football clubs within the community and the impact of external funding to these clubs.

Dr Nicole Coupe (Kirikiriroa Family Services Trust) spoke to Item 8 (Community Occupancy Report) concerning the impact of community spaces.

Dr Rose Black (National Public Health Service Waikato) spoke to Item 13 (External Funding Policy Review) concerning external funding and spoke in favour of option 1 and the ethics of accepting gambling funds.

Blair Currie spoke to Item 8 (Community Occupancy Report) concerning community infrastructure improvement project. Talked about the benefit of the modern turf and its quality and standards. Proposed an extension of 25 years from 15 years that are recommended.

Cr Wilson joined the meeting (9.39am) during the discussion of the above item.

5. Confirmation of the Open Community and Natural Environment Committee Minutes - 10 August 2023

Resolved: (Cr Naidoo-Rauf/Cr Pike)

That the Community and Natural Environment Committee confirm the Open Minutes of the Community Committee Meeting held on 10 August 2023 as a true and correct record.

6. **Chair's Report**

The Chair took the report as read.

Resolved: (Cr Wilson/Cr Naidoo-Rauf)

That the Community and Natural Environment Committee receives the report.

7. **Ashurst Park Reclassification - Deliberations Report**

John Miller spoke to his petition and the requirement of petitions to be valid for Council meetings. Spoke to the Ashurst reclassification and the delay of decision making.

The Parks Planner introduced the report and highlighted the options within the report. Staff responded to questions from Members concerning project development and management, risk to Council through delay in decision making, inaccurate information on website, concern around negative/positive descriptions within report, community consultation opportunities, historic quantum of park and playground, soil composition of site options, updated costs for all options, tree maintenance and reuse of existing buildings.

Staff Action: *That a meeting with the community will be organised by Staff to discuss Ashurst Park before the December Council Meeting.*

Motion: (Cr Naidoo-Rauf /Deputy Mayor O'Leary)

That the Community and Natural Environment Committee:

- a) receives the report; and
- b) requests staff further investigate **Option 2** and that the costing, accessibility features, green spaces assessment and comparison to **Option 1** be incorporated into the final report concerning the approval of the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve, to be presented to the Council meeting of 14 December 2023.

Amendment: (Cr Taylor/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) **declines** the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve; and .
- c) requests the proposal to redevelop the Pukatea Neighbourhood House be considered as part of the 2024-34 Long Term Plan process next year where it can be considered alongside the council's other spending priorities.

The Amendment was put.

Those for the Amendment: Councillors Bydder, Taylor, Wilson and Donovan

Those against the Amendment: Cr Naidoo-Rauf, Councillors Casey-Cox, Pike, O'Leary, Hutt, Southgate, Thomson, van Oosten, Tauariki and Te Ua

The Amendment was declared LOST.

Resolved: (Cr Naidoo-Rauf /Deputy Mayor O’Leary)

That the Community and Natural Environment Committee:

- a) receives the report; and
- b) requests staff further investigate **Option 2** and that the costing, accessibility features, green spaces assessment and comparison to **Option 1** be incorporated into the final report concerning the approval of the reclassification of the approximately 6500m² portion of Ashurst Park, as shown indicatively on the plan included as **Attachment 1**, from Recreation Reserve to Local Purpose (Community Facilities) Reserve, to be presented to the Council meeting of 14 December 2023.

The meeting was adjourned from 10:51am to 11:10am during the discussion of the above item.

8. Community Occupancy Applications - Kirikiriroa Family Services Trust and Hamilton Marist Rugby Football Club Incorporated

The Recreation and Community Facilities Senior Advisor and Parks and Operational Planning and Capital Projects Manager took the report as read. Staff responded to questions from Members concerning the lease being increased from 15 to 25 years, financial implications to Council, purpose of the 5 year review, artificial turf, environmental impact assessment and definition of access/costing within lease agreement and capital expenditure for turf.

Resolved: (Mayor Southgate/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) approves a new *community group lease*, under section 54(1)(b) of the Reserves Act 1977, to **Hamilton Marist Rugby Football Club Incorporated** for land area of 905m² (clubhouse and cricket nets footprint) at Marist Park, being Part Lot 4 DPS 91207, Section 7 SO 462723 and Section 8 SO 462723 (as shown in **Attachment 1**) subject to the following terms and conditions:
 - i. Term – Twenty five (25) years
 - ii. Rent - \$599.69 plus GST per annum, based on 87.5% subsidy in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- c) approves in-principal, the inclusion of land area (approximately 10,000m²) required to enable an artificial turf and floodlights to be developed at Marist Park within the community occupancy agreement to **Hamilton Marist Rugby Football Club Incorporated**, being part Section 7 SO 462723 and Section 8 SO 462723 (as shown in **Attachment 4**) subject to the following terms and conditions:
 - i. Full funding, including how Hamilton Marist will fund future operating expenditure, prior to construction;
 - ii. notes that resource consent has been granted;
 - iii. notes that club is to work with Parks and Recreation staff to finalise exact location and landscaping design;
 - iv. notes that club is to work with Parks and Recreation staff around governance structure (management and operation of artificial turf);

- v. notes that an environmental information including how effects will be managed be circulated to Members;
- vii. a total occupancy agreement term of no more than Twenty five (25) years;
- viii. any agreement shall be subject to a 5-year review, to review the ownership, management and operational model of the artificial turf and floodlights in alignment with any future artificial turf developments in Hamilton City;
- d) delegates the approval of the artificial turf and floodlights component of the community occupancy agreement, including facility development conditions to the General Manager - Customer and Community;
- e) approves a new *community group lease* to **Kirikiroa Family Services Trust** for land (704m²) at 77 Norton Road, being Part Lot 101 Deeds 100 (as shown in **Attachment 2**) subject to the following terms and conditions:
 - i. Term – Fifteen (15) years;
 - ii. Rent - \$1,946.50 plus GST plus GST per annum, based on reduced subsidy (50%) in accordance with the Community Occupancy Policy;
 - iii. Notes that group are responsible for any consents required for activities;
 - iv. All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.

The meeting was adjourned from 12:18pm to 12:25pm during the discussion of the above item.

The meeting was adjourned from 12:45pm until 1:26pm.

Cr Bydder retired from the meeting during the above adjournment.

9. Class 4 Gambling and TAB Venues Policies - Deliberations and Approval

The Policy and Bylaw Advisor took the report as read. She responded to Members concerning alternative funding, impact of shutting venues on online gambling, relocation policy

Motion: (Cr Donovan/Cr Taylor)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy **Option 2**: a change to a Cap approach (capped at the number of locations at the time the Policy is adopted);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A **Option 2**: a change to a Cap approach (capped at the number of locations at the time the Policy is adopted); and
 - B. **Option C**: a change to the Relocation and Merger Provisions in the Policy to allow Movement and Mergers into Gambling Permitted Areas; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

Amendment: (Cr Hutt/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy with **Option 1**: the continuation of the sinking-lid approach (status quo);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A. **Option 1**: the continuation of the sinking-lid approach (status quo); and
 - B. **Option A**: the continuation of the current Relocation and Merger provisions in the Policy; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

The Amendment was put.

Those for the Amendment: Councillors Casey-Cox, Pike, O'Leary, Hutt, Southgate, Thomson, van Oosten, Tauariki and Te Ua

Those against the Amendment: Councillors Taylor, Naidoo-Rauf, Wilson and Donovan

The Amendment was declared CARRIED.

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

Resolved: (Cr Hutt/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) recommends that the Council:
 - i. approves the TAB Venues Policy with **Option 1**: the continuation of the sinking-lid approach (status quo);
 - ii. approves the Class 4 Gambling Venues Policy with:
 - A. **Option 1**: the continuation of the sinking-lid approach (status quo); and
 - B. **Option A**: the continuation of the current Relocation and Merger provisions in the Policy; and
- c) notes the amended schedule 1 (**Attachment 1**) to the report – indicators of gambling permitted areas.

Cr Wilson and Taylor Dissenting

10. Community Assistance Policy Review

The Social Development Team Leader took the report as read. She responded to questions from Members concerning the working group.

Resolved: (Cr Naidoo-Rauf/Mayor Southgate)

That the Community and Natural Environment Committee recommends that the Council:

- a) adopts the draft Community Grants Policy;
- b) delegate authority to:
 - i. The Community Grant Allocation Sub-committee to make the final grant allocation decisions for Community Partnership Agreement Grants and Community Services Grants;
 - ii. staff to make the final grant allocation decisions for Community Initiatives Grants;
- c) notes that the approval of this report will replace the cooperative Community Assistance Policy with the Community Grants Policy; and
- d) notes that all Elected Members will be invited to future Community Grants Allocation Sub-committee meetings and that staff will report to the Community and Natural Environment Committee on the outcome of all Community Grant allocations.

11. Determination Report - Animal Nuisance Bylaw 2013 Dog Control Bylaw 2015

The Strategy and Policy Advisor took the report as read.

Resolved: (Cr Tauariki/Cr van Oosten)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) determines that an Animal Nuisance Bylaw is the most appropriate mechanism for addressing issues relating to protection and maintenance of public health and safety, and regulating the keeping of animals;
- c) determines that a Dog Control Bylaw is the most appropriate mechanism for addressing issues of public safety relating to dog control, and for giving effect to the Dog Control Policy; and
- d) notes that staff will begin the review of the bylaws including the preparation of draft statements of proposal.

12. Cultural and Recreational Facilities Bylaw - Approval to consult

The Strategy and Policy Advisor took the report as read. Staff responded to questions from Members concerning the key differences between the bylaw and current legislation, any effects on staff the removal of the bylaw would have and the reasoning behind the creation of the bylaw.

Resolved: (Deputy Mayor O’Leary/Cr Donovan)

That the Community and Natural Environment Committee:

- a) receives the report;
- b) determines that a Cultural and Recreational Facilities Bylaw is no longer the most appropriate mechanism for minimising offensive behaviour at Council’s cultural and recreational facilities;
- c) approves the draft consultation document (**Attachment 1**) for public consultation from 8 November to 30 November 2023; and
- d) notes that feedback from the public consultation will be presented to a future Community and Natural Environments Committee.

13. External Funding Policy Review

The City Investment Director introduced the report and highlighted the consultation outcomes and class 4 gambling. Staff responded to questions from Members concerning impacts of the Long Term Plan, funding quantum, consultation and selection processes and grassroots funding.

Motion: (Cr Naidoo-Rauf/Cr Donovan)

That the Committee and Natural Environment Committee;

- a) receives the report;
- b) recommends that the Council approves Option 2 of the staff report the revised External Funding Policy.
- c) notes that the staff will review the policy in three years or when council balances its books (whichever occurs earlier); and
- d) notes that any applications to gaming funds are to be considered through an ‘equity and community benefit’ lens.

Amendment: (Cr Casey-Cox/Cr Hutt)

That the Committee and Natural Environment Committee;

- a) receives the report;
- b) recommends that the Council approves **Option 1** of the staff report the continuation of the existing External Funding Policy (Status Quo) no funding from Gambling Trust.

The Amendment was put.

Those for the Amendment: Councillors Casey-Cox, Thomson, Hutt, van Oosten and Te Ua

Those against the Amendment: Councillors Pike, O’Leary, Southgate, Taylor, Naidoo-Rauf, Thomson, Donovan and Tauriki

The Amendment was declared LOST

Resolved: (Cr Naidoo-Rauf/Cr Donovan)

That the Committee and Natural Environment Committee;

- e) receives the report;
- f) recommends that the Council approves Option 2 of the staff report the revised External Funding Policy.
- g) notes that the staff will review the policy in three years or when council balances its books (whichever occurs earlier); and
- h) notes that any applications to gaming funds are to be considered through an 'equity and community benefit' lens.

Cr Casey-Cox, Te Ua and Hutt Dissenting

Cr Wilson left the meeting at (2:40pm) during the above item, he was not present for the vote.

14. Status Update on the Age Friendly Plan, Welcoming Plan and Disability Policy Action Plan

The Community and Social Development Manager introduced the report and highlighted the need for strengthening relations with groups that have become distanced from the program. Staff responded to questions from Members concerning age friendly plan update and the disability policy status.

Resolved: (Cr Naidoo-Rauf/Cr Hutt)

That the Community and Natural Environment Committee receives the report.

15. Resolution to Exclude the Public

Resolved: (Cr Naidoo-Rauf/Cr Casey-Cox)

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 Public Excluded Community and Natural Environment Committee Minutes - 10 August 2023) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Civil Defence Emergency Management - Extension of Service Level Contract		
C3. Community Group Lease - Waikato Society of Arts Incorporated		

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

- | | | |
|----------|---|-------------------|
| Item C1. | to maintain legal professional privilege | Section 7 (2) (g) |
| | to enable Council to carry out negotiations | Section 7 (2) (i) |
| Item C2. | to enable Council to carry out commercial activities without disadvantage | Section 7 (2) (h) |
| Item C3. | to enable Council to carry out negotiations | Section 7 (2) (i) |

The meeting went into closed session at 3:10pm

The meeting was declared closed at 4:30pm

Council Report

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Arnold Andrews

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance Manager

Report Name: Chair's Report

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

That the Community and Natural Environment Committee receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

A busy summer!

Welcome to the first Community and Natural Environment meeting for 2024!

It's been a busy summer with many of our residents and visitors making the most of our beautiful city and all the fun it offers.

Here are some highlights provided by staff which I thought you would appreciate.

Visitor Destinations

- **Hamilton Gardens** has set a new record for the highest number of visits in a single month, with **75,370 visits recorded in January 2024**. This is an increase from the previous record of 72,785 visits in January 2021. Furthermore, Hamilton Gardens' YTD visitation is up by **10%** compared to the same period last year. All this despite construction works disruption at present. A new car park management regime has alleviated some of the car parking pressure normally experienced.
- **Hamilton Zoo** likewise had its busiest ever January, welcoming **24,343 visitors** excited to experience animals and connect to nature. This is nearly 20% up on January 2023 results. Year-to-date the Zoo is tracking **7.5%** ahead on FY2023. Contributing factors include fine days, the opening of the New Zealand Pest Exhibit and animals on display (ferrets), animal experiences and the announcement of the tiger cubs.
- **Waikato Museum Te Whare Taonga o Waikato** had **13,425 visitors** through the doors in January, an increase on the previous year. This has been driven by our wonderful exhibition programme with Wharenui Harikoa as well as Sandy Adsett: Toi Koru and our permanent exhibitions all of which have been attracting positive feedback and engagement. YTD visitation is up **20%** on 2023 numbers.

Aquatics update

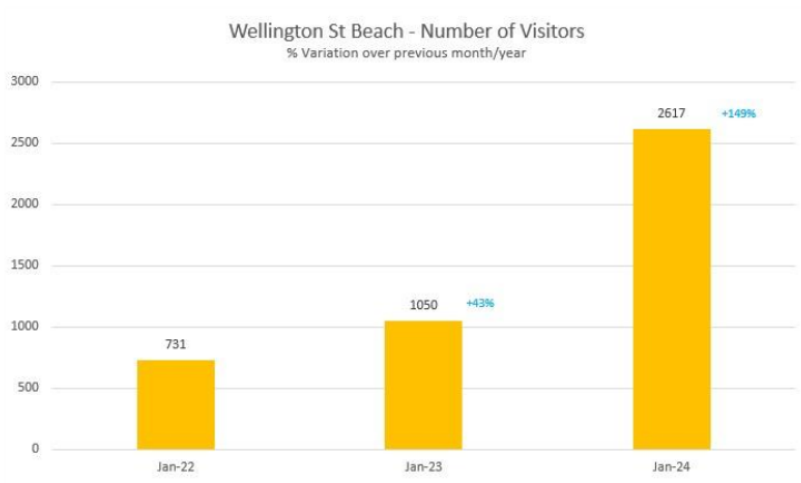
- Waterworld and Gallagher Aquatic centre are experiencing their busiest summer in seven years! Since October 2023, Waterworld is busier 2,000 swimmers and Gallagher Aquatic Centre by 14,000 swimmers in comparison to last summer. Successful recruitment for summer lifeguards means the team are able to manage the Health and Safety requirements to allow as many swimmers as possible. On a hot day Waterworld can have 650 swimmers across all pools and Gallagher Aquatic Centre 150 swimmers.
- Gallagher Aquatic Centre opened their new manu platform as an indoor bombing option. Waterworld successfully hosted the first ever Waikato qualifiers for the Z Manu World Champs. 14 of Waikato's best will head to Auckland Tamaki Makaurau for the grand final in March.

Libraries update

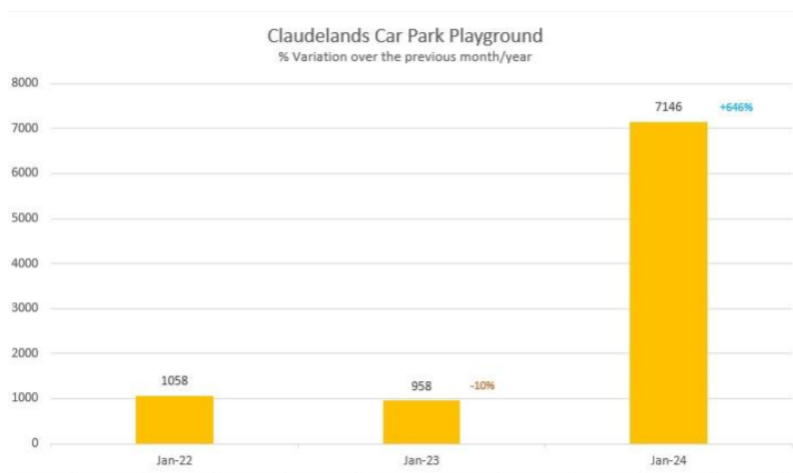
- Summer programmes at libraries have been successful with 400+ people attending (the very small) Dinsdale Library for one of the events (making terrariums). Visitation numbers have also doubled on most days
- 750+ people came to Central Library for Waitangi Day activities – again, a significant increase in daily visits

Parks and Recreation

- Wellington Street Beach has jumped up in popularity this January. A temporary pontoon was installed just before Christmas (after the jetty was removed due to significant structural damage during the previous winter). The pontoon has proven to be very popular.



- The Magical Bridge Playground has proven a hit with the community. The below graph shows the increase in use from when the old playground was at this location, to the new Magical Bridge playground being available.



One of this Council's priorities is to make "Hamilton a fun city to live in" and this short snippet of highlights prove that our residents and visitors appreciate and enjoy all that is on offer.

I'm sure you will join me in acknowledging all our Council staff and thanking them for their hard work, especially over what has been a phenomenal summer for our city!

Chair's Recommendation:

That the Community and Natural Environment Committee receives the report.

Council Report

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Cait Cresswell

Authoriser: Helen Paki

Position: Strategy and Policy Advisor

Position: General Manager Customer and Community

Report Name: Open Space Provision Policy - Deliberations and Approval

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

1. To inform the Community and Natural Environment Committee on the outcome of the public consultation for the proposed amendments to the Open Space Provision Policy 2018.
2. To seek a recommendation from the Community and Natural Environment Committee that the Council adopts the proposed Open Space Provision Policy.

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

3. That the Community and Natural Environment Committee:
 - a) receives the report;
 - b) recommends that the Council adopt the Open Space Provision Policy 2018 (amended 2024) (**Attachment 1**).

Executive Summary - *Whakaraapopototanga matua*

4. Hamilton Kirikiriroa has experienced significant growth and increases in population density since the Policy was first adopted in 2018. Best practise is for policies to be reviewed every three years, or with identified issues or changes in legislation. The policy was due to be reviewed and other factors also necessitated the review.
5. Factors included the changes in Council's approach to growth and intensification due to direction from Central Government, the introduction of new Council strategies and plans, and proposed changes to Hamilton's operative District Plan. These factors have impacted the need for parks within Hamilton Kirikiriroa to service current and future residents.
6. Staff have proposed to make changes to the Policy that reflect Hamilton's changing landscape.
7. The key changes proposed are:
 - i. Decrease walking distance provision targets for Neighbourhood and Community parks within Medium and High-Density Residential areas.
 - ii. The inclusion of a policy direction stating that Council will seek opportunities to acquire park land early within greenfield areas and emerging areas where possible to reduce costs to the ratepayer and development community.

8. The Provision Policy targets only set an intent for park provision, they do not require Council to purchase land if funding proposals are not approved through the LTP or Annual Plan.
9. Engagement consisted of an online survey hosted on Have Your Say and ran from 5 September to 3 October 2023. We received a total of 21 responses; 20 responses were received online, and one was a hardcopy response. Staff also engaged with Maaori partners through online meetings.
10. Staff consider the draft changes to the Policy to be of medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

11. The benefits of open space to the city include improvements to mental, physical, spiritual and social wellbeing, beauty and attractiveness, biodiversity, water filtration, city cooling, carbon capture, and the cities resilience to extreme weather events like flooding.
12. The current Open Space Provision Policy was adopted on 26 June 2018. The Policy provides guidance to Council for the provision of public open space in Hamilton.
13. The purpose and scope of the document is to:
 - i. Guide the Council in strategic planning and investment decisions on open space provision.
 - ii. Guide the Council in its decision-making processes regarding opportunities to acquire or dispose of open space.
 - iii. Guide open space provision in other plans and policies, or specific development projects.
14. The Policy review has been undertaken in response to changes that will impact on the demand for open space across the city, in particular:
 - i. Increasing population density in Hamilton.
 - ii. Adoption of new Council strategies.
 - iii. Increasing value of land.
15. Staff presented the amended draft policy to the [Community and Natural Environment Committee 10 August 2023](#) for approval to consult. No additional changes are being proposed in the attached draft policy.

Discussion - *Matapaki*

16. Hamilton's density has increased by 20% over the last decade with a large uptake of infill housing developments. Density is expected to increase by a further 18% over the next 10 years which will be largely influenced by Plan Change 12 and HUGS.
17. The "Are we building harder, hotter cities? – The vital importance of urban green spaces report" (Parliamentary Commissioner for the Environment, March 2023) report found that the amount of urban green space (including private and public) in Hamilton has declined by 15% since 1940, from 70% coverage to 55%. The reduction is predominantly due to dwellings being larger in proportion to the size of sections.
18. The World Health Organization recommends that all residents within an urban setting should be within 400m (5 minutes) direct walking distance from an open space that is at least 0.5ha in size (neighbourhood park).
19. Walking distance targets set under the Open Space Provision Policy set an aspirational goal for Council to improve the accessibility and quantity of green open space.

20. The 2018 Open Space Provision Policy sets the following walking distance accessibility targets for our neighbourhood and community parks:
 - i. Neighbourhood Parks – 500m walking distance for all residents
 - ii. Community Parks – 1,500m walking distance for all residents
21. The proposed amendments to the Policy include reducing walking distance targets in *Medium and High-Density Residential Areas*:
 - i. 400m for neighbourhood parks;
 - ii. 1,200m for community parks.
22. The walking distance targets for all other residential areas would remain at 500m and 1,500m respectively.
23. The updates to the walking distance targets aligns us with other metro councils including, Christchurch and Auckland.
24. The draft amendments also include broadening of options to fill existing gaps through the provision of pocket parks and linear parks where the walking distance targets are not being met.
25. As of June 2023, 83.85% of residents within Hamilton’s *Medium and High-Density Areas* were within a 400m walking distance of a neighbourhood park and 99% of residents were within 1,200m walking distance of a Community Park.

Public consultation

26. Public consultation through an online survey occurred between April and October 2023. Including four weeks of a public survey and targeted engagement with Mana Whenua and Maataawaka.
27. The public survey received 22 responses. Most respondents were in support of proposed changes to the policy:
 - i. 76% (16 respondents) supported the reduction of walking distance targets for neighbourhood parks from 500m to 400m and community parks from 1500m to 1200m within medium and high-density residential areas. 19% (4 respondents) did not support the proposed changes.
 - ii. 81% (17 respondents) supported the inclusion of policy direction requiring Council to seek opportunities to acquire park land early in greenfield and emerging areas where possible. 14% (3 respondents) did not support the proposed changes.
 - iii. Comments in support generally focussed on the benefits of green spaces for people and the environment and the ability to save money through investing early.
 - iv. Comments in opposition focussed on the costs of the changes or wanted more information on the proposal.
28. There were no requests by respondents to speak to their submission, so no hearing was required.
29. Initial meetings with Maaori partners occurred in April and May 2023. There was general agreement and support for the proposed changes.

Options

30. Staff have assessed that there are three reasonable and viable options for the Committee to consider. The options are set out below:
- Option 1:** Recommend to the Council that the proposed Open Space Provision Policy is adopted.
- Option 2:** Recommend to the Council that the proposed Open Space Provision Policy is adopted with further amendments.
- Option 3:** Do not recommend to the Council that the proposed Open Space Provision Policy is adopted.
31. Staff recommend **Option 1**, that the Open Space Provision Policy is adopted with proposed amendments.
32. If **Option 2** is approved, community would not have had the opportunity to provide feedback on those amendments.
33. If **Option 3** is approved, status quo will remain. This would prevent Council from achieving the positive outcomes sought through the proposed changes.

Financial Considerations - *Whaiwhakaaro Puutea*

34. The review of Policy is a regular operating activity funded through the Long-Term Plan. The standard cost for a Policy review is approximately \$15,000.
35. Open Space Provision Policy targets set an intent for park provision; it is important to note that they do not require council to purchase land that is not funded through a long-term plan process. From a financial perspective the Committee should consider:
- i. Where Policy changes recommend land is necessary to meet new walking distance targets in existing areas, staff will continue to bring any opportunities forward for council consideration.
 - ii. Opportunities for land to be purchased to meet provision targets can be identified early within new growth cells and provision may be possible through Private Developer Agreements.
 - iii. In emerging areas, the proposed policy changes intend to enable strategic park land purchase early when the value of that land is lower thus reducing costs in the long-term.

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

36. Staff confirm that all options provided comply with Council's legal and policy requirements.

Climate Change Impact Statement

37. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emissions assessment is required.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

38. 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').

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

Social

40. The proposed updates to the Open Space Provision Policy seek to provide for better park provision throughout Hamilton. Adequate park provision will ensure that Hamilton's residents have better access to a wide range of parks which will contribute towards people's sense of belonging and social inclusion.

Economic

41. Good park provision provides for a more prosperous community by contributing to the creation of an attractive city that people wish to call home. This brings economic benefits by making the city more enticing for investment, by attracting tourists, creating sources of employment, and by increasing property values.

Environmental

42. The proposed amendments to the Provision Policy seek to increase Council owned natural areas. Having more natural areas will enable biodiversity enhancement, the filtering of water, cooling the city, active modes of transportation and increasing the cities resilience to extreme weather events like flooding.

Cultural

43. Effective partnership with Iwi is integral to the success of the Provision Policy. Council respects the special status of tangata whenua, are committed to the principles of Te Tiriti O Waitangi and further Maaori aspirations through building mana-enhancing partnerships.
44. Staff place a high level of importance on the Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River) when undertaking this Policy review.
45. Iwi consultation was undertaken with Te Haa o Te Whenua o Kirikiriroa and Ngati Wairere April/May 2023. Both groups were supportive of the proposed amendments to the Open Space Provision Policy and the draft Policy will be sent to both groups for feedback during the public consultation period.

Risks - *Tuuraru*

46. There are no known risks associated with **Option 1** to approve the draft Open Space Provision Policy.
47. Proceeding with **Option 3**, creates a risk that Hamilton's residents will not be provided with an adequate amount of open space to accommodate an increasing population density.

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

48. 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.
49. Community views and preferences are already known to the Council through engagement on the draft policy undertaken in April and October 2023.
50. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Proposed Open Space Provision Policy 2024

Attachment 2 - Proposed Open Space Provision Policy 2024 - Track Change version

Attachment 3 - Open Space Provision Policy Review - Submission Insights Report

Item 7

First adopted:	26 June 2018
Revision dates/version:	4 April 2024
Next review date:	4 April 2027
Engagement required:	Special Consultative Procedure is not required (Part 2, Subpart 1, 5D(2) of the Act)
Document Number	
Associated documents:	
Sponsor/Group:	General Manager Community

Open Space Provision Policy

Purpose and scope

1. To guide Council in its strategic planning and investment decisions on open space provision.
2. To guide Council in its decision-making processes on opportunities to acquire, or dispose of, open space.
3. To guide open space provision in Council plans and policies, or specific development projects.

Principles

4. Council's open space provision will consider the needs of current and future residents.
5. Council's strategic planning and investment decisions will be well-informed and respond to growth and demand;
6. Council will apply consistent decision-making regarding requirements on the development community to set aside land for open space;
7. Council will enable the delivery of a high-quality open space network that:
 - a. Is well-distributed and well-connected to service communities;
 - b. Is functional and designed to support the community's formal and informal recreation needs;
 - c. Protects, maintains and enhances Hamilton's ecological, cultural and heritage values; and
 - d. Responds to local contexts.
8. Council will work to partner with other open space providers such as schools and tertiary education providers on opportunities to efficiently deliver open space.
9. Council will ensure open space provision is funded fairly and equitably between the development community, and ratepayers.
10. Council will endeavour to distribute open space equitably for all of Hamilton's residents.

Definitions

Definition	Detail
Existing urban area	The area within Hamilton where urban development has occurred.
Greenfield area	Undeveloped rural land within Hamilton where urban development has yet to occur.
Emerging Areas	Unplanned and out-of-sequence urban development areas outside of Hamilton's District boundary.
High Density Residential Area	Areas with the following Zoning under the Hamilton City District Plan: <ul style="list-style-type: none"> • High Density Residential Zone • Central City Zone
Medium Density	Areas with the following zoning under the Hamilton City District Plan: <ul style="list-style-type: none"> • Medium Density Residential Zone

Residential Area	
Hamilton	The jurisdictional area of Hamilton City Council.
LGA	Local Government Act 2002.
Open Space	<p>Council owned and/or administered land set aside primarily for recreation, sports, nature conservation, passive outdoor enjoyment and public gatherings. This includes public parks, gardens, reserves, Waikato River esplanade and gully network, and publicly owned forecourts and squares. This includes open space land that is leased.</p> <p>For the purposes of this policy “open space” does not include:</p> <ul style="list-style-type: none"> • Cemeteries • Council facilities e.g. Stadiums, Claudelands Event Centre, Zoo and Museum. • Pedestrian access-ways (road to road) • Green infrastructure – land that primarily accommodates public utilities, for the most part stormwater management and treatment facilities that mimics a natural environment.
Council	Hamilton City Council
Walking distance	Walkable catchment measured from any publicly accessible park entry, along the publicly accessible walking route. Cover the actual distance walked, not the linear (aerial) distance.

Background

11. The LGA specifies reserves, recreational and community amenities as core services the Council should have particular regard to in performing its role.
12. The provision of open space provides our communities with places to take part in formal and informal recreational activities.
13. Open space provides for biodiversity protection and enhancement opportunities which contribute to the Council’s role in giving effect to Council’s Nature in the City Strategy, the Waikato Regional Policy Statement and Te Ture Whaimana o Te Awa o Waikato. Hamilton’s open space network provides for a range of functions outlined in Schedule 2 of the policy.
14. Hamilton’s residential areas are expanding to the existing city boundaries, into the Rototuna, Peacocke, Ruakaura and Rotokauri growth cells. It is also anticipated the city’s boundary will be extended to incorporate new greenfield land in the future (emerging areas).
15. Residential density within Hamilton’s existing urban area has increased significantly in recent years and density is expected to increase further in the future.
16. As new residential areas are developed and densities within the existing urban areas increase, clear open space provision guidelines help to ensure the open space needs of residents are met, and that open space provision is appropriate and adequate.

Policy

17. The policy applies to open space provision in Hamilton’s existing urban area, greenfield areas and emerging areas.
18. Council will make decisions in relation to open space (strategic planning and investment, and acquisition or disposal of open space) in accordance with the requirements set out in Schedule 1 of the policy, and the requirements of those additional schedules where referenced in Schedule 1.

19. Council will seek to recover the costs of providing open space associated with growth through development contribution and financial contribution charges in accordance with Council Policy's and the LGA. In contexts where development contributions for the provision of open space do not apply, the Council will determine whether there is an appropriate alternative funding mechanism to deliver open space in accordance with the process set out in Schedule 4 of the policy.
20. Where the provision of open space requires the Council to purchase land, this will be subject to available budget approved by Council.
21. Council will seek opportunities to acquire park land early within greenfield areas and emerging areas where possible to reduce costs to the ratepayer and development community.
22. Council will only consider disposal of open space land when it has been clearly established that the land is surplus, and disposal would result in a clear benefit to the wider open space network and the open space needs of Hamilton residents.
23. Any proposed disposal of land will follow relevant council and legislative process including the Reserves Act 1977, and LGA.
24. The Council's decision making under this policy will be made in accordance with the requirements of Part 6 of the LGA.

Monitoring and implementation

25. Implementation of the policy will be monitored by the General Manager Community.
26. The policy will be reviewed in response to any issues that may arise, every three years, at the request of the Council or in response to changed legislative and statutory requirements (whichever occurs first).

SCHEDULE 1 – APPLYING THE POLICY

Who uses the policy and what is its intended use?

User	Intended use
Development community and related practitioners	<ul style="list-style-type: none"> To inform preparation of master plans, concept plans and subdivision plans for development. To understand Council's expectation for open space provision as part of development.
Council and Council staff	<ul style="list-style-type: none"> To inform strategic planning and guide Council's investment and funding decision-making. To inform the preparation of plans and policies. To guide assessment of acquisition and disposal of land for open space.

Applying the policy

Development community and related practitioners	
When	Process
Determining open space requirements what type, how much and where	<ul style="list-style-type: none"> Identify Council's requirements for open space using Schedule 2. Illustrate integration with the existing open space network, and where relevant, provides for open space in accordance with this policy. Proposals will be assessed against Schedule 3. Design assessed against Open Space Configuration Design Guidelines set out in Schedule 5 and Councils Open Space Strategy 2023.

Council and Council staff	
When	Process
Planning for open space provision as the city grows	<ul style="list-style-type: none"> Open space provision as the city grows will be guided by the requirements for open space set out in Schedule 2. Planning for the open space network will inform the funding requirements under Council's 10-Year Plan.
Council investment and funding decision-making	<ul style="list-style-type: none"> The priorities and considerations set out in Schedule 4 provide a framework for funding decisions, particularly on one-off opportunities to purchase land for open space.
Preparing plans and policies	<ul style="list-style-type: none"> The principles of the Policy inform plan and policy development where relevant to open space provision.
Assessing opportunities to acquire land for open space	<ul style="list-style-type: none"> Opportunities assessed as set out in Schedule 3. To assess quality of land for open space purposes, assess against Open Space Configuration Design Guidelines set out in Schedule 5. Schedule 4 will guide determining prioritisation of an acquisition opportunity, and for any funding requirements.
Assessing requests for the sale of existing open space.	<ul style="list-style-type: none"> The disposal of existing open space will be assessed against Schedule 3. Any disposal of open space is required to follow relevant process as prescribed by the LGA or Reserves Act.

SCHEDULE 2 – OPEN SPACE PROVISION GUIDELINES

Purpose

These guidelines provide metrics establishing a base level of functionality and associated land provision needed for a high-quality open space network.

The development of the guidelines has been informed by current provision levels across the city, best practice guidance and benchmarking against other New Zealand and international cities.

Where the District Plan, or any of Council's strategies or plans provide direction on open space provision, this policy should be used to further validate and clarify the open space provision requirements.

Table and Key

The following table sets out open space by park type and function to:

- establish the anticipated size, features, and distribution of future open spaces in greenfield areas
- guide assessment of the adequacy of open space provision in existing urban areas

Key

Term	Meaning	Considerations when using the guidelines
Type	The type of open space.	
Function	The key deliverable each open space provides for the required function/s.	
Size	The size of each open space including any typical or minimum size.	<ul style="list-style-type: none"> • The size of each open space will vary and be informed by the intended functionality of the park. • Minimum sizes (where applicable) must be met, unless: <ul style="list-style-type: none"> ○ The reduction in size is necessary, minor and does not impact functionality. ○ to ensure optimal configuration and useability • Any increase in minimum size should be relatively minor (e.g. <10%). • Where multiple functions are required within an open space area, the total area will be informed by a design illustrating that the various functions can be provided without being detrimental to any other function, particularly the primary function.

Provision target	The provision of open space required to establish a base-level of open space for a high-quality and accessible open space network.	<ul style="list-style-type: none"> Quantitative measures for some types of open space are provided. For those determined by local context the guidelines provide direction on the matters that require consideration when determining open space provision requirements. The provision of neighbourhood and community parks is based on a walking distance. To understand any requirement for neighbourhood or community park provision for greenfield development (where street layout and off-road connections are yet to be established), the following distances apply: 									
		<table border="1"> <thead> <tr> <th></th> <th>Walking distance</th> <th>As a radial distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Park</td> <td>All high and medium density residential areas - 400m All other residential areas - 500m</td> <td>300m 375m</td> </tr> <tr> <td>Community Park</td> <td>All high and medium density residential areas - 1,200m All other residential areas - 1500m</td> <td>800m 1125m</td> </tr> </tbody> </table>		Walking distance	As a radial distance	Neighbourhood Park	All high and medium density residential areas - 400m All other residential areas - 500m	300m 375m	Community Park	All high and medium density residential areas - 1,200m All other residential areas - 1500m	800m 1125m
	Walking distance	As a radial distance									
Neighbourhood Park	All high and medium density residential areas - 400m All other residential areas - 500m	300m 375m									
Community Park	All high and medium density residential areas - 1,200m All other residential areas - 1500m	800m 1125m									
Further considerations in lieu of provision target	Matters to be considered where an open space does not outline a specific provision target or size requirement.										
Location	The areas of the city where particular types of open space are anticipated to be provided (by land use e.g. residential).										
Indicative features	The features and amenities typically found in each type of open space.										

Provision guidelines table

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
Pocket Park	Small informal recreation and socialising spaces which cater to nearby residents, and improve connectivity and visual amenity of residential neighbourhoods	Typically between 0.1 to 0.3ha	No provision target Provided as part of resource consent by voluntary agreement at no cost to the Council; or provided by Council where appropriate. In addition to requirements for neighbourhood parks	Is there a greater level of residential density anticipated that justifies the provision of a pocket park? Will the proposed pocket park fill a neighbourhood park provision gap within an existing urban area?	Existing urban areas where there is a neighbourhood park provision gap. Residential areas, particularly those areas identified for increased residential density (excludes large lot >2000m2 residential developments) Central City	<ul style="list-style-type: none"> Trees, landscaping and gardens Furniture including seating and bins Hard surface and/or lawn areas May provide basic playgrounds/play features or hardcourts. <p><u>Examples</u></p> <ul style="list-style-type: none"> Junction Park Cobblestone Park, Wellington
Civic Spaces	Spaces for meeting, socialising, play and events	Size dependent on context Minimum of 0.1ha	No provision target Provided as part of resource consent by voluntary agreement at no cost to the Council; or provided by Council where appropriate. In addition to requirements for neighbourhood parks.	Is public space required in addition to an existing or proposed retail/commercial area? Does the size and scale respond appropriately to the scale and context of the area?	<ul style="list-style-type: none"> Central City, and suburban town/retail centres Proximate to main civic amenities/destinations 	<ul style="list-style-type: none"> Trees, landscaping and gardens Furniture including seating and bins Hard surfaced urban space May provide for public art May provide basic playgrounds/play features or hardcourts. <p><u>Examples</u></p> <ul style="list-style-type: none"> Garden Place Embassy Park (Riff

Neighbourhood Park	<p>Basic informal recreation and socialising space within easy walking distance for surrounding residents</p> <p>Improve connectivity and visual amenity of residential neighbourhoods</p>	0.5ha	<p>All Medium and High-Density Residential Areas Minimum of one park within 400m walking distance of all residential households</p> <p>All other Residential Areas Minimum of one park within 500m walking distance of all residential households</p>	N/A	<ul style="list-style-type: none"> Residential areas (excludes large lot >2000m² residential developments) 	<ul style="list-style-type: none"> Trees, landscaping and gardens Provide basic facilities and furniture including seating, bins and walkways Minimum flat 30m by 30m kick-around play space May provide basic playgrounds/play features or hardcourts. May provide restored or remnant native vegetation
Community Park	<p>Larger multi-function parks that provide informal recreation, socialising and event space for the wider community</p> <p>Can also accommodate</p>	<p>Minimum size of 3ha</p> <p>7ha+ in size when providing for sports fields</p>	<p>All medium and high-density residential areas One Park within 1,200m walking distance of all residential households</p> <p>All other residential areas</p>	N/A	<p>Residential areas (excludes large lot >2000m² residential developments)</p>	<p><u>Examples</u></p> <ul style="list-style-type: none"> Moonlight Drive Reserve Trees, landscaping and gardens. Provide multiple facilities and furniture including toilets, picnic and BBQ areas, seating, bins and walkways. Multiple flat 30m by 30m kick-

	<p>sports fields and facilities for organised recreation</p> <p>Provides a neighbourhood park function to surrounding residents</p>		<p>One park within 1,500m walking distance of all residential households</p>			<p>around play spaces.</p> <ul style="list-style-type: none"> • Outdoor space for community events. • Sports fields and facilities for organised recreation. • Car parking where required. • May provide bespoke destination playgrounds/play features, skate spaces or hardcourts • Potential location for community facilities • May provide restored or remnant native vegetation <p><u>Examples</u></p> <ul style="list-style-type: none"> • Days Park • Melville Park • Steele Park • Claudelands Park
Sport Park	Primarily provide for organised sport for local and city-	Usually a minimum additional 4ha required in conjunction with a	Land area required for sport fields and facilities will be	What are the number of dwellings, population or demand	Residential areas (excludes large lot >2000m2 residential	<ul style="list-style-type: none"> • Sports fields and facilities for organised

	<p>wide communities. community park</p> <p>Can also accommodate informal recreation/play activities</p> <p>Can provide a neighbourhood/ community park function to surrounding residents</p>	<p>community park</p>	<p>determined by demand projections based on population projections, sport and recreation trends, and participation numbers.</p> <p>Minimum 4 full-sized fields per park is considered an efficient and optimal outcome for field distribution across the city</p>	<p>projections resulting from the proposed development?</p> <p>Is there existing provision of land for sports fields and facilities to meet any demand resulting from the demand proposed development?</p>	<p>developments</p> <p>Sports fields and facilities in greenfield areas are proposed to be provided as part of community parks or destination parks, not as standalone parks</p>	<p>recreation</p> <ul style="list-style-type: none"> • May include floodlighting • Basic playgrounds/play features, skate spaces or hardcourts • Provide restored or remnant native vegetation <p><u>Examples</u></p> <ul style="list-style-type: none"> • Jansen Park • Galloway Park
<p>Destination Park</p>	<p>Provide a unique experience not found elsewhere within the open space network, with values, features and facilities that attract a large number of users</p> <p>A range of high-quality recreational and community facilities and activities serving City residents and visitors</p>	<p>Variable</p>	<p>No provision target</p> <p>Determined by local context and character</p>	<p>Is there a unique landscape feature, or an opportunity to provide a unique park experience in an area of the city where there are no Destination Parks</p>	<p>Residential areas (excludes large lot >2000m2 residential developments)</p> <p>Location of future destination parks in growth areas will be identified as part of structure plan or master planning processes</p> <p>Delivery of any additional destination parks within the existing urban area will involve the</p>	<ul style="list-style-type: none"> • Trees, landscaping and gardens • Provide facilities and furniture including picnic and BBQ areas, seating, bins and walkways • Outdoor space for community events • Car parking • May provide large-scale play features, skate spaces and hardcourts • Specialised sport and recreation facilities

	<p>May provide a neighbourhood park and/or community park function to surrounding residents</p> <p>Provide for community-based recreational needs, as well as preserving unique landscapes and open spaces</p>				<p>development of existing open space identified through the network planning process</p>	<ul style="list-style-type: none"> • Potential location for community facilities • Distinct natural, heritage or cultural features <p><u>Examples</u></p> <ul style="list-style-type: none"> • Hamilton Gardens • Ferrybank • Hamilton Lake Domain
Natural Area	<p>Open space for preservation of significant natural resources, enhancement of biodiversity values, remnant landscapes, open space, and visual aesthetics/ buffering</p> <p>Does not provide neighbourhood park function, but may connect to neighbourhood park</p>	Variable	<p>Council will seek to acquire natural areas of high ecological and biodiversity value.</p>	<p>Is there significant natural, ecological or biodiversity value?</p> <p>Is it identified as strategic land necessary to achieve 10% native vegetation cover in Hamilton.</p> <p>Is there significant cultural or historic value?</p>	<p>Identified at the time of master plan and structure plan preparation, and subdivision.</p> <p>Existing District Plan provisions identify areas of ecological significance, which may benefit from public ownership</p>	<ul style="list-style-type: none"> • Generally restored or remnant native vegetation • Provide basic facilities and furniture including seating, bins and walkways • May provide interpretation signage <p><u>Examples</u></p> <p>Gully networks</p> <ul style="list-style-type: none"> • Managakotukutuku • Kirikiriroa • Te Awa o Katapaki • Whatukoruru Pa site

<p>Esplanade Reserve</p>	<p>Provide for connected networks of open space and access to riparian margins</p> <p>Enable management of natural hazards, and the protection of the natural character of riparian margins</p>	<p>Minimum 20m in width from the edge of a qualifying waterbody</p>	<p>No Provision Target</p> <p>A minimum 20m wide esplanade reserve along rivers, lakes and streams in accordance with Resource Management Act 1991 provisions</p>	<p>Any deviation from the 20m requirement along qualifying rivers, lakes and streams – including any proposed reduction or necessary increase – will be considered to ensure adequate access and ability to give effect to the intended function of the esplanade reserve. Council retains discretion as to whether any dispensation on the 20m requirement is supported</p> <p>Land in addition to the minimum 20m width will be considered as part of network plans, and will be determined by local context</p>	<p>All riparian margins of qualifying rivers, lakes and streams</p>	<ul style="list-style-type: none"> • Trees, landscaping and gardens • Provide basic facilities and furniture including seating, bins and walkways • May provide interpretation signage <p><u>Examples</u></p> <ul style="list-style-type: none"> • Waikato River Esplanade • Lake Rotoroa Esplanade
<p>Linear Parks</p>	<p>Provide active transport corridors for off-road walking and cycling</p> <p>Can act as greenbelt or buffer between different land use</p>	<p>Minimum 20m width.</p>	<p>No provision target</p> <p>Provision depends on characteristics of an area</p>		<p>All areas of the city where applicable</p>	<ul style="list-style-type: none"> • Trees, landscaping and gardens • Provide basic facilities and furniture including seating, bins and walkways • May provide

	<p>activities</p> <p>Can also accommodate informal recreation/play activities</p> <p>Can provides a neighbourhood park function to surrounding residents</p>					<p>interpretation signage</p> <ul style="list-style-type: none"> • May provide play features <p>Examples:</p> <ul style="list-style-type: none"> • Rototuna North Linear Reserve
Park connections	<p>Provide pedestrian and cycling access to an open space from roads or other open spaces</p>	<p>Minimum 5m width</p>	<p>No Provision Target</p> <p>Provided as part of resource consent by voluntary agreement at no cost to Council.</p> <p>Provided by Council when opportunities arise and where appropriate to improve accessibility to existing parks.</p>	<p>For existing parks, does it lack accessibility?</p> <p>Will the provision of a park connection reduce the walking distance for residents to the park and help achieve provision targets?</p>	<p>All areas of the city where applicable</p>	<ul style="list-style-type: none"> • Trees and landscaping • Walkways

SCHEDULE 3 – OPEN SPACE PROVISION ASSESSMENT CRITERIA

Purpose

To guide Council's assessment and decision making in a consistent manner which reflects the principles of the policy.

Application

1. Assessment criteria – preparation of urban development plans

The following table outlines how opportunities will be assessed:

Assessment criteria	Consideration
Quantity of open space	<ul style="list-style-type: none"> Do the plans show the proposed open space network, including types, location, and size of each open space (clearly identifying area allocated by primary function)? Does the proposal adequately provide for open space in accordance with the Provision Guidelines in Schedule 2? Is land required to : <ul style="list-style-type: none"> Meet a provision target, Meet an identified need based on population trends and demographics of the community, Create or enhance an ecologically significant area Respond to the local character of the subject site?
Quality of open space	<ul style="list-style-type: none"> Does the proposed open space adequately reflect the Open Space Configuration Design Guidelines set out in Schedule 5?
Delivery of open space	<ul style="list-style-type: none"> What is the proposed approach to funding and implementation? Are there any other open space providers the Council can partner with?

2. Assessment criteria – opportunities to acquire land for open space

The following is to inform Council's decision-making on opportunities arising to acquire land for open space provision. This includes the assessment of open space provision requirements of subdivision developments received by the Council in its regulatory role.

The following table outlines how opportunities will be assessed:

Assessment criteria	Consideration
Quantity of open space Is open space required to meet an existing or forecast demand?	<ul style="list-style-type: none"> Does the proposal adequately provide for open space in accordance with the Provision Guidelines in Schedule 2? Is land required to meet a provision target, identified need based on population trends and demographics of the community, or in response to the local character of the subject site?

	<ul style="list-style-type: none"> • Is the land identified in the District Plan, Structure plan, or any other Council strategy or plan? • Is land required to address a gap in the open space network (as identified by Council)? • Does the land improve connectivity and accessibility of open space in the existing urban area? • Would the land improve or enhance the open space network over and above provision targets, or an identified need based on population trends and demographics of the community?
<p>Quality of open space Does the open space meet the required functionality?</p>	<ul style="list-style-type: none"> • Does the proposed open space adequately reflect the Open Space Configuration Design Guidelines set out in Schedule 5? • Does the land allow for optimally located, configured and well-designed open spaces as directed by the Open Space Configuration Guidelines set out in Schedule 5? • Are there any flooding, erosion or geotechnical issues that may impact the development and on-going management and maintenance of the proposed open space? • Is there existing or planned non-park infrastructure that may impact the functionality of the park? • How does the open space contribute towards improving biodiversity/ecosystem connectivity?
<p>Delivery of open space Cost to council, and available budget</p>	<ul style="list-style-type: none"> • What is the proposed approach to funding and implementation? • Are there any other open space providers Council can partner with? • Is there available budget within the Council’s 10-Year Plan, or will the land be delivered through an alternative mechanism? • What is the cost to the Council (including staff time) of acquisition? • What are the on-going costs for owning and maintaining the open space?

3. Assessment criteria – requests to dispose of open space land

The Council is required to comply with a number of legislative requirements (including consultation requirements) that apply to the sale of open space land and assets, which will determine the process prior to any Council decision to dispose of open space.

When proposals to dispose of existing open space are received, the Council will consider whether:

- The land is surplus. Does it currently, or could it in future, provide an open space function to meet the needs of the community?
- The land is poorly positioned. Does the land have poor accessibility, and does it lack visibility impacting on its usability to the surrounding community?
- The land is held under the Reserves Act 1977, and whether it is included in a reserve management plan approved under the Act.
- The disposal of the land would adversely affect the function, or configuration of an existing open space, or the wider open space network.
- The disposal would result in a clear benefit to the wider open space network and the communities open space needs, including any opportunity to utilise any proceeds of sale to improve open space provision.
- There would be any financial benefit to the community of disposing of the land, including the cost of the disposal process?

Proposals to dispose of land clearly identifying the merits of disposal based on the above considerations will be presented to elected members for decision-making.

SCHEDULE 4 – COUNCIL FUNDING AND INVESTMENT

Purpose

To outline how Council’s strategic investment and funding decisions for open space provision will be guided by this policy, as a framework to inform funding priorities.

1. Priorities for open space investment and funding

Council’s decision-making regarding open space provision will be prioritised differently for existing urban areas, greenfield areas and emerging areas. This is mainly due to challenges in providing additional land for open space in existing urban areas including cost of land, small lot sizes, and fragmented ownership.

When considering open space investment and funding the Council will prioritise the following:

Area of city	Priorities
Existing urban area	<ul style="list-style-type: none"> a. Improving the existing open space network before considering purchase of additional land. b. Optimising existing open space through reconfiguration, upgrades and development. c. Improving accessibility and connectivity to existing open space through alterations to the surrounding pedestrian network. d. Utilising other Council land (such as stormwater management areas and road corridors) to provide a neighbourhood park function. e. Establishing agreements with other open space providers such as schools and universities to formalise and develop shared public use. f. Efficiently managing and using existing open space and facilities, particularly for organised sport, through working with user groups on how they use open space. g. Acquiring land parcels of a suitable size to accommodate parks in areas where the provision targets in Schedule 2 cannot be met through the abovementioned priorities and acquisition opportunities arise.
Greenfield	<ul style="list-style-type: none"> a. Provide open space land to meet the provision targets in Schedule 2 to and ensure open space is developed as residential neighbourhoods are established. b. Seek opportunities to leverage investment in open space with the other Council, non-council infrastructure, and community facilities.

2. Council purchase of land

Where the provision of open space requires the Council to purchase land, this will be subject to available budget as approved by Council.

Following Council's delegation for land purchase, any open space provision requiring Council funding will be presented to Elected Members, or the Chief Executive, for approval.

Item 7

Attachment 1

When considering opportunities to purchase land requiring Council funding, the Council’s decision-making will be informed by the following:

Criteria	Priority
Land required to meet a provision target, and/or identified population-based trends or demographics of the community.	High
Land identified in the District Plan, a Structure Plan, or any other Council strategy or plan.	High
Land required to address a gap in the open space network (as identified by the Council).	High
Land that improves connectivity and accessibility of open space in the existing urban area	Medium
Land that would improve or enhance the open space network over and above provision targets, or an identified need based on population and demographics trends in the community.	Low

3. How Council will fund open space provision

The following table outlines the mechanisms Council uses to deliver open space:

Funding mechanism	Use
Development Contributions	<ul style="list-style-type: none"> a. Council will seek to largely recover the costs of providing open space and enhancing existing open space associated with growth through development contribution charges, in alignment with the reserve contribution provisions in Council’s Development Contributions Policy and the Local Government Act 2002. b. Council will require the relevant development contribution for reserves as a cash contribution, as opposed to land, however will consider land in lieu of a contribution when the land adequately provides for an identified need in accordance with this policy. c. This approach to funding open space land acquisition and development helps to ensure the costs of open space provision equitably fall to those who cause and benefit from open space provision. It also allows for those land owners who provide land benefitting the wider community to be fairly compensated.
Financial contributions	<ul style="list-style-type: none"> d. In accordance with the RMA financial contributions will be considered in situations where development contributions for the same purpose do not apply, and the vesting of land is required to mitigate adverse effects from the development. Particularly relevant where the vesting of land to protect natural resources is required to mitigate adverse effects from development.

Private developer agreements	e. Council will also consider alternative funding mechanisms such as private developer agreements, particularly in relation to large scale developments, to deliver optimal open space outcomes for the community.
Gifting	f. Offers to gift land for open space will be considered against the Schedule 2 Assessment Criteria.
Rates	g. Due to cause and benefit assumptions of open space provision, there is generally a component of funding for land purchase and development attributed to a general rate.
Proceeds from the disposal of reserve land	h. Any proceeds from the disposal of open space will be used to fund improvements to the open space network in accordance with relevant legislative obligations.

SCHEDULE 5 – OPEN SPACE CONFIGURATION DESIGN GUIDELINES

These Open Space Configuration Design Guidelines have been prepared as a schedule of the Open Space Provision Policy to provide direction to Council and the development community (and any related practitioners) when embarking on the initial concept design for open spaces. When looking at subdivision layout refer to the Subdivision Design Guide in the Hamilton City Council Operative District Plan and read with these guidelines.

These Guidelines focus on the location and configuration of open space to meet the requirements of the specific open space functions provided as part of the network as outlined in **Schedule 2**. These Guidelines are not intended as comprehensive open space design guidelines; the finer details around technical specifications, plant species etc, will be worked through at the detailed design stage.

The Guidelines are separated into two sections:

- The first section identifies the qualities that should be demonstrated across all open spaces regardless of function, although there will be varying levels to which they apply.
- The second section identifies the key elements required to the delivery each specific open space function.

Council’s Parks and Recreation unit is responsible for approving the design and development of new parks.

1. Key design considerations for all open spaces

The following location, configuration and design considerations should be demonstrated across all open spaces.

General Considerations	Details
Safety	<ul style="list-style-type: none"> - Adherence to Crime Prevention Through Environmental Design (CPTED) principles (Refer Ministry for the Environment’s <i>National guidelines for crime prevention through environmental design in New Zealand</i>). - Safety of all users (i.e. access to, internal configuration, slope) - Public/private interface designed to achieve good definition of open space while maintaining surveillance and interaction - Spaces foster good internal visibility - Location of/ability to accommodate internal infrastructure (e.g. lighting, seating, play spaces etc)
Connectivity	<ul style="list-style-type: none"> - Internal circulation and movement of users - Connection to broader open space network - Visual connections - Access to multiple transport options - Avoids barriers to pedestrian access - Integration with green infrastructure (such as stormwater management areas) where appropriate
Context/Character	<ul style="list-style-type: none"> - Responds to the character of the site and surrounding local context - Creates a sense of place and identity - Recognise any significant historic, archaeological and ecological values - Takes advantage of views - Preserves significant trees, vegetation and other natural ecosystems - Topography appropriate to function

Environment	<ul style="list-style-type: none"> - Incorporation of low impact urban design principles - Protection from or minimisation of climate conditions (e.g. windy, exposed sites, access to sunlight and shading) - Enable protection and enhancement of significant natural features and significant natural areas
Amenity	<ul style="list-style-type: none"> - Amenity landscaping - Facilitate passive and active recreation
Functionality	<ul style="list-style-type: none"> - Open spaces should be configured to meet their intended functions - Able to accommodate intended features and facilities (such as play spaces, sports fields, car parking)
Accessibility	<ul style="list-style-type: none"> - All open spaces should provide optimal accessibility for all users.

2. Key design considerations by open space function

The following key design considerations by function are supplementary to those above.

Pocket Parks

Pocket parks provide small informal recreation and socialising spaces which serve their immediate population.

- Appropriate in central city, and residential areas – particularly those areas identified for greater residential density than the general residential zone and parts of the existing urban area that do not meet the neighbourhood park provision targets in Schedule 2.
- Configuration is relatively square in shape e.g. avoiding long skinny spaces
- Site configured to optimise sunlight as well as providing for shaded areas. Minimum two road frontages
- Good passive surveillance is achieved due to the size of the open space
- Located where high pedestrian activity is anticipated
- Topography should be flat

Civic Spaces

Civic spaces are public environments which leverage off surrounding activities and destinations such as retail/commercial centres, and community hubs.

- Located in Hamilton’s central city, and suburban retail centres
- Configuration is relatively evenly proportioned e.g. avoiding long skinny spaces
- Co-located with retail and community facilities/activity
- Open configuration to provide for flexible use of space
- Access to sunlight and shade, and configured to optimise sunlight through orientation of space
- Active edges with adjacent properties (e.g. retail/commercial activity opening up to the space.

Neighbourhood Parks

Neighbourhood Parks provide basic informal recreation and socialising spaces within easy walking distance for surrounding residents, while improving connectivity and visual amenity of residential neighbourhoods.

- Centrally located within residential development and or the natural point of congregation
- Location avoids access barriers – e.g. major roads with no pedestrian crossing.
- Minimum two road frontages
- Flat topography

- Minimum of one flat 30m by 30m “kick around” play space.
- Avoid narrow access points
- Adjoins natural areas or green infrastructure where possible and appropriate
- Optimises natural features/characteristics
- Interface with adjacent residential properties enables good passive surveillance i.e. low and/or permeable fencing.



Poor outcome with poor road frontage, zero passive surveillance from public space, and limited narrow entrance points.



This example demonstrates excellent road frontage, and internal and external connectivity.

Community Parks

Community Parks are larger multi-functional open spaces providing informal recreation, socialising and event space for the wider community while providing a neighbourhood function to its surrounding residents. They can also accommodate sports fields and facilities for organised recreation.

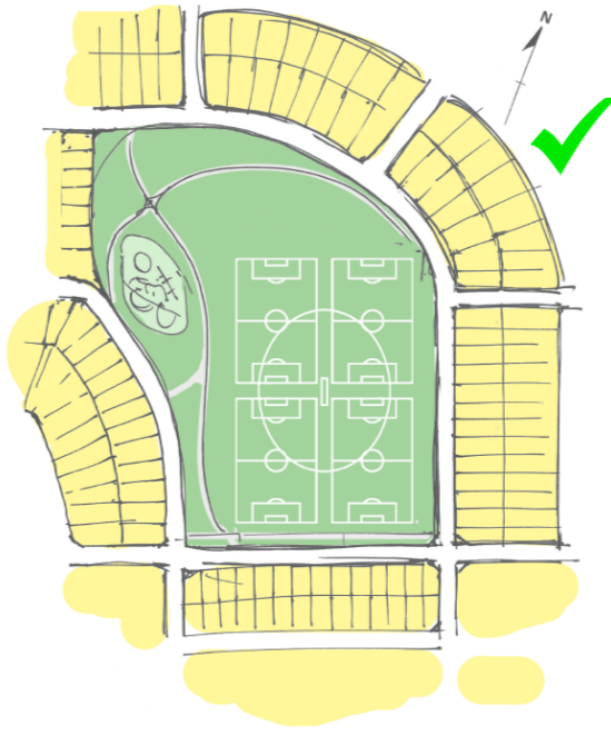
- Provided within residential areas and collocated with community nodes/suburban centres where appropriate
- Size and shape capable of accommodating user groups with a variety of spatial needs
- Minimum two road frontages
- Mostly flat with opportunities for slight variation in terrain, provided that multiple flat kick-around spaces are achievable.
- Integration with natural features including gullies and the river where possible
- Outdoor space capable of accommodating community events
- Adjoins natural areas or green infrastructure where possible and appropriate

Sports Fields and Facilities

Sports fields and facilities provide for the organised sporting needs of the local and city-wide communities of Hamilton.

- Sports fields and facilities in greenfield areas to be provided as part of community parks or destination parks, with multifunctionality and adaptability as key functions.
- Land area required for sports fields and facilities will be determined by demand projections and feasibility assessments.
- Parks with a sports field function are to be configured to efficiently accommodate the field and facility requirements
- Generally a minimum of four fields per park to ensure efficient distribution and on-going management of fields across the network
- Sports fields are appropriately oriented in relation to sunlight
- Outdoor space capable of accommodating informal recreation features

- Generally flat topography, prior to any modification, to enable cost-efficient development of fields.
- Minimum two road frontages



This indicative example demonstrates good configuration of sports fields in relation to sunlight, in an efficient layout, where the remainder of the open space could provide for a community function.

Destination Parks

Destination parks provide a unique experience not found elsewhere within the open space network. They provide a range of high-quality recreational facilities/activities while preserving unique landscapes and open spaces. Destination parks may also provide a neighbourhood and /or community park function to surrounding residents.

- Should be considered where there are existing landscape and natural features which have cultural or historic value and offer recreational opportunities unique to the city.
- The size, shape and layout of destination open spaces should be configured to capture the value of the area
- Maximise road frontage

Natural Areas

Natural open spaces are set aside for the preservation of significant natural resources, remnant landscapes, open space and visual aesthetics/buffering.

- Configured to adequately capture the naturally significant area, including areas requiring future restoration and management.
- Provides a high degree of pedestrian permeability
- Much of Hamilton's natural area is gully, which require open space buffers along the top of their banks to prevent privatisation of gully edges and improve:
 - Public surveillance
 - legibility
 - Improve access
- This can also be achieved through aligning the road network with gullies



Poor accessibility and public surveillance of reserve due to privatisation of reserve boundary.



Good example of public buffer provided along the top of gully to ensure it is a legible, accessible environment.

Esplanade Reserve

Esplanade reserves facilitate provision of public access, management of natural hazards, and the protection of the natural character of riparian margins.

- A minimum 20m wide esplanade reserve along river, lakes and streams required in accordance with Resource Management Act and District Plan
- Further land, additional to the 20m where considered appropriate/necessary

Linear Parks and Park Connections

Provide contiguous networks of open space and buffering between incompatible land uses.

- Linear parks generally a minimum of 20m in width.
- Park connections provide access points to and between larger open spaces and are a minimum 5m in width.

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Next review date:	26 June 2021
Engagement required:	Special Consultative Procedure is not required (Part 2, Subpart 1, 5D(2) of the Act)
Document Number	D-2671669
Associated documents:	
Sponsor/Group:	General Manager Community

Open Space Provision Policy

Purpose and scope

1. To guide Council in its strategic planning and investment decisions on open space provision.
2. To guide Council in its decision-making processes on opportunities to acquire, or dispose of, open space.
3. To guide open space provision in Council plans and policies, or specific development projects.

Principles

4. Council's open space provision will consider the needs of current and future residents.
5. Council's strategic planning and investment decisions will be well-informed and respond to growth and demand;
6. Council will apply consistent decision-making regarding requirements on the development community to set aside land for open space;
7. Council will enable the delivery of a high-quality open space network that:
 - a. Is well-distributed and well-connected to service communities;
 - b. Is functional and designed to support the community's formal and informal recreation needs;
 - c. Protects, maintains and enhances Hamilton's ecological, cultural and heritage values; and
 - d. Responds to local contexts.
8. Council will work to partner with other open space providers such as schools and tertiary education providers on opportunities to efficiently deliver open space.
9. Council will ensure open space provision is funded fairly and equitably between the development community, and ratepayers.

~~10. Council will endeavour to distribute open space equitably for all of Hamilton's residents.~~[DB1]

Definitions

Definition	Detail
Existing urban area	The area within Hamilton where urban development has occurred.
Greenfield area	Undeveloped rural land within Hamilton where urban development has yet to occur.
Emerging Areas	Unplanned and out-of-sequence urban development areas outside of Hamilton's District boundary. [DB2]
High Density Residential Area	Areas with the following Zoning under the Hamilton City District Plan: <ul style="list-style-type: none"> High Density Residential Zone Central City Zone
Medium Density	Areas with the following zoning under the Hamilton City District Plan: <ul style="list-style-type: none"> Medium Density Residential Zone[DB3]

<u>Residential Area</u>	
Hamilton	The jurisdictional area of Hamilton City Council.
LGA	Local Government Act 2002.
Open Space	<p>Council owned and/or administered land set aside primarily for recreation, sports, nature conservation, passive outdoor enjoyment and public gatherings. This includes public parks, gardens, reserves, Waikato River esplanade and gully network, and publicly owned forecourts and squares. This includes open space land that is leased.</p> <p>For the purposes of this policy “open space” does not include:</p> <ul style="list-style-type: none"> • Cemeteries • Council facilities e.g. Stadiums, Claudelands Event Centre, Zoo and Museum. • Pedestrian access-ways (road to road) • Green infrastructure – land that primarily accommodates public utilities, for the most part stormwater management and treatment facilities that mimics a natural environment.
Council	Hamilton City Council
Walking distance	Walkable catchment measured from any publicly accessible park entry, along the publicly accessible walking route. Cover the actual distance walked, not the linear (aerial) distance.

Background

11.10. The LGA specifies reserves, recreational and community amenities as core services the Council should have particular regard to in performing its role.

12.11. The provision of open space provides our communities with places to take part in formal and informal recreational activities.

~~13.~~ Open space provides for biodiversity protection and enhancement opportunities which contribute to the Council’s role in giving effect to Council’s Nature in the City Strategy [DB4], the Waikato Regional Policy Statement and Te Ture Whaimana o Te Awa o Waikato.

14.12. Hamilton’s open space network provides for a range of functions outlined in Schedule 2 of the policy.

15.13. Hamilton’s residential areas are expanding to the existing city boundaries, into the Rototuna, Peacocke, Ruakaura and Rotokauri growth cells. It is also anticipated the city’s boundary will be extended to incorporate new greenfield land in the future (emerging areas [DB5]).

14. Residential density within Hamilton’s existing urban area has increased significantly in recent years and density is expected to increase further in the future. [DB6]

15. As new residential areas are developed and densities within the existing urban areas [DB7] increase, clear open space provision guidelines help to ensure the open space needs of residents are met, and that open space provision is appropriate and adequate.

Policy

16. The policy applies to open space provision in Hamilton’s existing urban area, greenfield areas and emerging areas.

17. Council will make decisions in relation to open space (strategic planning and investment, and acquisition or disposal of open space) in accordance with the requirements set out in Schedule 1 of the policy, and the requirements of those additional schedules where referenced in Schedule 1.
18. Council will seek to recover the costs of providing open space associated with growth through development contribution and financial contribution charges in accordance with Council Policy's and the LGA. In contexts where development contributions for the provision of open space do not apply, the Council will determine whether there is an appropriate alternative funding mechanism to deliver open space in accordance with the process set out in Schedule 4 of the policy.
19. Where the provision of open space requires the Council to purchase land, this will be subject to available budget approved by Council.
20. Council will seek opportunities to acquire park land early within greenfield areas and emerging areas where possible to reduce costs to the ratepayer and development community. [DB8]
- ~~21-20.~~ Council will only consider disposal of open space land when it has been clearly established that the land is surplus, and disposal would result in a clear benefit to the wider open space network and the open space needs of Hamilton residents.
- ~~22-21.~~ Any proposed disposal of land will follow relevant council and legislative process including the Reserves Act 1977, and LGA.
- ~~23-22.~~ The Council's decision making under this policy will be made in accordance with the requirements of Part 6 of the LGA.

Monitoring and implementation

- ~~24-23.~~ Implementation of the policy will be monitored by the General Manager Community.
- ~~25-24.~~ The policy will be reviewed in response to any issues that may arise, every three years, at the request of the Council or in response to changed legislative and statutory requirements (whichever occurs first).

SCHEDULE 1 – APPLYING THE POLICY

Who uses the policy and what is its intended use?

User	Intended use
Development community and related practitioners	<ul style="list-style-type: none"> To inform preparation of master plans, concept plans and subdivision plans for development. To understand Council's expectation for open space provision as part of development.
Council and Council staff	<ul style="list-style-type: none"> To inform strategic planning and guide Council's investment and funding decision-making. To inform the preparation of plans and policies. To guide assessment of acquisition and disposal of land for open space.

Applying the policy

Development community and related practitioners	
When	Process
Determining open space requirements what type, how much and where	<ul style="list-style-type: none"> Identify Council's requirements for open space using Schedule 2. Illustrate integration with the existing open space network, and where relevant, provides for open space in accordance with this policy. Proposals will be assessed against Schedule 3. Design assessed against Open Space Configuration Design Guidelines set out in Schedule 5 and Councils Open Space Strategy 2023.

Council and Council staff	
When	Process
Planning for open space provision as the city grows	<ul style="list-style-type: none"> Open space provision as the city grows will be guided by the requirements for open space set out in Schedule 2. Planning for the open space network will inform the funding requirements under Council's 10-Year Plan.
Council investment and funding decision-making	<ul style="list-style-type: none"> The priorities and considerations set out in Schedule 4 provide a framework for funding decisions, particularly on one-off opportunities to purchase land for open space.
Preparing plans and policies	<ul style="list-style-type: none"> The principles of the Policy inform plan and policy development where relevant to open space provision.
Assessing opportunities to acquire land for open space	<ul style="list-style-type: none"> Opportunities assessed as set out in Schedule 3. To assess quality of land for open space purposes, assess against Open Space Configuration Design Guidelines set out in Schedule 5. Schedule 4 will guide determining prioritisation of an acquisition opportunity, and for any funding requirements.
Assessing requests for the sale of existing open space.	<ul style="list-style-type: none"> The disposal of existing open space will be assessed against Schedule 3. Any disposal of open space is required to follow relevant process as prescribed by the LGA or Reserves Act.

SCHEDULE 2 – OPEN SPACE PROVISION GUIDELINES

Purpose

These guidelines provide metrics establishing a base level of functionality and associated land provision needed for a high-quality open space network.

The development of the guidelines has been informed by current provision levels across the city, best practice guidance and benchmarking against other New Zealand and international cities.

Where the District Plan, or any of Council’s strategies or plans provide direction on open space provision, this policy should be used to further validate and clarify the open space provision requirements.

Table and Key

The following table sets out open space by park type and function to:

- establish the anticipated size, features, and distribution of future open spaces in greenfield areas
- guide assessment of the adequacy of open space provision in existing urban areas

Key

Term	Meaning	Considerations when using the guidelines
Type	The type of open space.	
Function	The key deliverable each open space provides for the required function/s.	
Size	The size of each open space including any typical or minimum size.	<ul style="list-style-type: none"> • The size of each open space will vary and be informed by the intended functionality of the park. • Minimum sizes (where applicable) must be met, unless: <ul style="list-style-type: none"> ○ The reduction in size is necessary, minor and does not impact functionality. ○ to ensure optimal configuration and useability • Any increase in minimum size should be relatively minor (e.g. <10%). • Where multiple functions are required within an open space area, the total area will be informed by a design illustrating that the various functions can be provided without being detrimental to any other function, particularly the primary function.

Provision target	The provision of open space required to establish a base-level of open space for a high-quality and accessible open space network.	<ul style="list-style-type: none"> Quantitative measures for some types of open space are provided. For those determined by local context the guidelines provide direction on the matters that require consideration when determining open space provision requirements. The provision of neighbourhood and community parks is based on a walking distance. To understand any requirement for neighbourhood or community park provision for greenfield development (where street layout and off-road connections are yet to be established), the following distances apply: 									
		<table border="1"> <thead> <tr> <th></th> <th>Walking distance</th> <th>As a radial distance</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Park</td> <td><u>All high and medium density residential areas - 4500m</u> <u>All other residential areas - 500m</u></td> <td>300m 375m</td> </tr> <tr> <td>Community Park</td> <td><u>All high and medium density residential areas - 1,200m</u> <u>All other residential areas - 1500m</u></td> <td>800m^[DB9] 1125m</td> </tr> </tbody> </table>		Walking distance	As a radial distance	Neighbourhood Park	<u>All high and medium density residential areas - 4500m</u> <u>All other residential areas - 500m</u>	300m 375m	Community Park	<u>All high and medium density residential areas - 1,200m</u> <u>All other residential areas - 1500m</u>	800m ^[DB9] 1125m
	Walking distance	As a radial distance									
Neighbourhood Park	<u>All high and medium density residential areas - 4500m</u> <u>All other residential areas - 500m</u>	300m 375m									
Community Park	<u>All high and medium density residential areas - 1,200m</u> <u>All other residential areas - 1500m</u>	800m ^[DB9] 1125m									
Further considerations in lieu of provision target	Matters to be considered where an open space does not outline a specific provision target or size requirement.										
Location	The areas of the city where particular types of open space are anticipated to be provided (by land use e.g. residential).										
Indicative features	The features and amenities typically found in each type of open space.										

Provision guidelines table

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
Pocket Park	Small informal recreation and socialising spaces which cater to nearby residents, and improve connectivity and visual amenity of residential neighbourhoods	Typically between 0.1 to 0.3ha	<p>No provision target Provided as part of resource consent by voluntary agreement at no cost to the Council; or provided by Council where appropriate.</p> <p>In addition to requirements for neighbourhood parks</p>	<p>Is there a greater level of residential density anticipated that justifies the provision of a pocket park?</p> <p><u>Will the proposed pocket park fill a neighbourhood park provision gap within an existing urban area?</u>^[DB10]</p>	<p><u>Existing urban areas where there is a neighbourhood park provision gap.</u>^[DB11]</p> <p>Residential areas, particularly those areas identified for increased residential density (excludes large lot >2000m2 residential developments)</p> <p>Central City</p>	<ul style="list-style-type: none"> Trees, landscaping and gardens Furniture including seating and bins Hard surface and/or lawn areas May provide basic playgrounds/play features or hardcourts.^[DB12] <p><u>Examples</u></p> <ul style="list-style-type: none"> Junction Park Cobblestone Park, Wellington
Civic Spaces	Spaces for meeting, socialising, play and events	<p>Size dependent on context</p> <p>Minimum of 0.1ha</p>	<p>No provision target Provided as part of resource consent by voluntary agreement at no cost to the Council; or provided by Council where appropriate.</p> <p>In addition to requirements for neighbourhood parks.</p>	<p>Is public space required in addition to an existing or proposed retail/commercial area?</p> <p>Does the size and scale respond appropriately to the scale of the and context of the area?</p>	<ul style="list-style-type: none"> Central City, and suburban town/retail centres Proximate to main civic amenities/destinations 	<ul style="list-style-type: none"> Trees, landscaping and gardens Furniture including seating and bins Hard surfaced urban space May provide for public art May provide basic playgrounds/play features or hardcourts.^[DB13]

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
						<p><u>Examples</u></p> <ul style="list-style-type: none"> • Garden Place • Embassy Park (Riff Raff) • Federal Square, Auckland • Lumsden Green, Auckland
Neighbourhood Park	<p>Basic informal recreation and socialising space within easy walking distance for surrounding residents</p> <p>Improve connectivity and visual amenity of residential neighbourhoods</p>	0.5ha	<p><u>All Medium and High-Density Residential Areas</u> <u>Minimum of one park within 400m walking distance of all residential households</u>^[DB14]</p> <p><u>All other Residential Areas</u> Minimum of one park within 500m walking distance of all residential households</p>	N/A	<ul style="list-style-type: none"> • Residential areas (excludes large lot >2000m2 residential developments) 	<ul style="list-style-type: none"> • Trees, landscaping and gardens • Provide basic facilities and furniture including seating, bins and walkways • Minimum flat 30m by 30m kick-around play space • <u>May provide basic playgrounds/play features</u> <u>or</u> <u>hardcourts</u>.^[DB15] • <u>May provide restored or remnant native vegetation</u>^[DB16] <p><u>Examples</u></p>

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
						<ul style="list-style-type: none"> • Moonlight Drive Reserve
Community Park	<p>Larger multi-function parks that provide informal recreation, socialising and event space for the wider community</p> <p>Can also accommodate sports fields and facilities for organised recreation</p> <p>Provides a neighbourhood park function to surrounding residents</p>	<p>Minimum size of 3ha</p> <p>Between 7-10ha 7ha^[PB17] in size when providing for sports fields</p>	<p>All medium and high-density residential areas</p> <p><u>One Park within 1,200m walking distance of all residential households</u>^[PB18]</p> <p>All other residential areas</p> <p><u>One park within 1,500m walking distance of all residential households</u></p>	N/A	Residential areas (excludes large lot >2000m2 residential developments)	<ul style="list-style-type: none"> • Trees, landscaping and gardens. • Provide multiple facilities and furniture including toilets, picnic and BBQ areas, seating, bins and walkways. • Multiple flat 30m by 30m kick-around play spaces. • Outdoor space for community events. • Sports fields and facilities for organised recreation. • Car parking where required. • May provide bespoke destination playgrounds/play features, skate spaces or hardcourts

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
						<ul style="list-style-type: none"> • Potential location for community facilities • <u>May provide restored or remnant native vegetation</u>^[DB19] <p><u>Examples</u></p> <ul style="list-style-type: none"> • Days Park • Melville Park • Steele Park • Claudelands Park
Sport fields and facilities ^{Park}	<p>Primarily provide for organised sport for local and city-wide communities.</p> <p><u>Can also accommodate informal recreation/play activities</u>^[DB20]</p> <p><u>Can provide a neighbourhood/community park function to surrounding residents</u>^[DB21]</p>	Usually a minimum additional 4ha required in conjunction with a community park	<p>Land area required for sport fields and facilities will be determined by demand projections based on population projections, sport and recreation trends, and participation numbers.</p> <p>Minimum 4 full-sized fields per park is considered an efficient and optimal outcome for field distribution across the city</p>	<p>What are the number of dwellings, population or demand projections resulting from the proposed development?</p> <p>Is there existing provision of land for sports fields and facilities to meet any demand resulting from the demand proposed development?</p>	<p>Residential areas (excludes large lot >2000m2 residential developments)</p> <p>Sports fields and facilities in greenfield areas are proposed to be provided as part of community parks or destination parks, not as standalone parks</p>	<ul style="list-style-type: none"> • Sports fields and facilities for organised recreation • <u>May include floodlighting</u> • <u>Basic playgrounds/play features, skate spaces or hardcourts</u> • <u>Provide restored or remnant native vegetation</u>^[DB22]^[DB23] • —

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
						<u>Examples</u> <ul style="list-style-type: none"> Jansen Park Galloway Park
Destination Park	<p>Provide a unique experience not found elsewhere within the open space network, with values, features and facilities that attract a large number of users</p> <p>A range of high-quality recreational and community facilities and activities serving City residents and visitors</p> <p>May provide a neighbourhood park and/or community park function to surrounding residents</p> <p>Provide for community-based</p>	Variable	<p>No provision target</p> <p>Determined by local context and character</p>	<p>Is there a unique landscape feature, or an opportunity to provide a unique park experience in an area of the city -where there are no Destination Parks</p>	<p>Residential areas (excludes large lot >2000m2 residential developments)</p> <p>Location of future destination parks in growth areas will be identified as part of structure plan or master planning processes</p> <p>Delivery of any additional destination parks within the existing urban area will involve the development of existing open space identified through the network planning process</p>	<ul style="list-style-type: none"> Trees, landscaping and gardens Provide facilities and furniture including picnic and BBQ areas, seating, bins and walkways Outdoor space for community events Car parking May provide large-scale play features, skate spaces and hardcourts Specialised sport and recreation facilities Potential location for community facilities Distinct natural, heritage or cultural features <p><u>Examples</u></p>

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
	recreational needs, as well as preserving unique landscapes and open spaces					<ul style="list-style-type: none"> Hamilton Gardens Ferrybank Hamilton Lake Domain
Natural Area	<p>Open space for preservation of significant natural resources, enhancement of biodiversity values, remnant landscapes, open space, and visual aesthetics/ buffering</p> <p>Does not provide neighbourhood park function, but may connect to neighbourhood park</p>	Variable	<p>No provision target <small>(DB25)</small></p> <p>Council will seek to acquire natural areas of high ecological and biodiversity value.</p>	<p>Is there significant natural, ecological or biodiversity value?</p> <p>Is it identified as strategic land necessary to achieve 10% native vegetation cover in Hamilton.</p> <p>Is there significant cultural or historic value?</p>	<p>Identified at the time of master plan and structure plan preparation, and subdivision.</p> <p>Existing District Plan provisions identify areas of ecological significance, which may benefit from public ownership</p>	<ul style="list-style-type: none"> Generally restored or remnant native vegetation Provide basic facilities and furniture including seating, bins and walkways May provide interpretation signage <p><u>Examples</u></p> <p>Gully networks</p> <ul style="list-style-type: none"> Managakotukutuku Kirikiroa Te Awa o Katapaki Whatukoruru Pa site
Linear park and park connections <small>(DB26)</small>	Provide for connected networks of open space and access to riparian margins	<p>Variable</p> <ul style="list-style-type: none"> Generally minimum 20m in width <p>Park connections that provide access to parks</p>	<p>No provision target</p> <ul style="list-style-type: none"> Provision depends on characteristics of an area 	<ul style="list-style-type: none"> Any deviation from the 20m requirement along qualifying rivers, lakes and streams including any 	All areas of the city where applicable	<ul style="list-style-type: none"> Trees, landscaping and gardens Provide basic facilities and furniture including

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
Esplanade Reserve	<p>Provide active transport corridors for off-road walking and cycling</p> <p>Enable management of natural hazards, and the protection of the natural character of riparian margin</p> <p>Can act as greenbelt or buffer between different land use activities</p>	are to be a minimum 5m in width	<ul style="list-style-type: none"> A minimum 20m wide esplanade reserve along rivers, lakes and streams in accordance with Resource Management Act 1991 provisions Land in addition to the minimum 20m width will be considered as part of network plans, and will be determined by local context 	<p>proposed reduction or necessary increase – will be considered to ensure adequate access and ability to give effect to the intended function of the esplanade reserve. Council retains discretion as to whether any dispensation on the 20m requirement is supported</p>		<p>seating, bins and walkways</p> <ul style="list-style-type: none"> May provide interpretation signage May provide play features <p><u>Examples</u></p> <ul style="list-style-type: none"> Waikato River Esplanade Lake Rotoroa Esplanade
Esplanade Reserve	<p>Provide for connected networks of open space and access to riparian margins</p> <p>Enable management of natural hazards, and the protection of the natural</p>	Minimum 20m in width from the edge of a qualifying waterbody	<p>No Provision Target</p> <p>A minimum 20m wide esplanade reserve along rivers, lakes and streams in accordance with Resource Management Act 1991 provisions</p>	<p>Any deviation from the 20m requirement along qualifying rivers, lakes and streams – including any proposed reduction or necessary increase – will be considered to ensure adequate access and ability to give effect to the intended function of the esplanade</p>	All riparian margins of qualifying rivers, lakes and streams	<ul style="list-style-type: none"> Trees, landscaping and gardens Provide basic facilities and furniture including seating, bins and walkways May provide interpretation signage <p><u>Examples</u></p>

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
	character of riparian margins			<p>reserve. Council retains discretion as to whether any dispensation on the 20m requirement is supported</p> <p>Land in addition to the minimum 20m width will be considered as part of network plans, and will be determined by local context</p>		<ul style="list-style-type: none"> Waikato River Esplanade Lake Rotoroa Esplanade^[DB27]
Linear Parks	<p>Provide active transport corridors for off-road walking and cycling</p> <p>Can act as greenbelt or buffer between different land use activities</p> <p>Can also accommodate informal recreation/play activities</p>	Minimum 20m width.	<p>No provision target</p> <p>Provision depends on characteristics of an area</p>		All areas of the city where applicable	<ul style="list-style-type: none"> Trees, landscaping and gardens Provide basic facilities and furniture including seating, bins and walkways May provide interpretation signage May provide play features <p>Examples:</p> <ul style="list-style-type: none"> Rototuna North Linear Reserve^[DB29]

Type	Function	Size	Provision target	Further considerations in lieu of provision target	Location	Indicative features
	Can provides a neighbourhood park function to surrounding residents ^[DB28]					
Park connections	Provide pedestrian and cycling access to an open space from roads or other open spaces	Minimum 5m width	<p>No Provision Target</p> <p>Provided as part of resource consent by voluntary agreement at no cost to Council.</p> <p>Provided by Council when opportunities arise and where appropriate^[DB30] to improve accessibility to existing parks.</p>	<p>For existing parks, does it lack accessibility?</p> <p>Will the provision of a park connection reduce the walking distance for residents to the park and help achieve provision targets?</p>	All areas of the city where applicable	<ul style="list-style-type: none"> • Trees and landscaping • Walkways

SCHEDULE 3 – OPEN SPACE PROVISION ASSESSMENT CRITERIA

Purpose

To guide the Council's assessment and decision making in a consistent manner which reflects the principles of the policy.

Application

1. Assessment criteria – preparation of urban development plans

The following table outlines how opportunities will be assessed:

Assessment criteria	Consideration
Quantity of open space	<ul style="list-style-type: none"> Do the plans show the proposed open space network, including types, location, and size of each open space (clearly identifying area allocated by primary function)? Does the proposal adequately provide for open space in accordance with the Provision Guidelines in Schedule 2? Is land required to : <ul style="list-style-type: none"> Meet a provision target, Meet an identified need based on population trends and demographics of the community, Create or enhance an ecologically significant area Respond to the local character of the subject site?
Quality of open space	<ul style="list-style-type: none"> Does the proposed open space adequately reflect the Open Space Configuration Design Guidelines set out in Schedule 5?
Delivery of open space	<ul style="list-style-type: none"> What is the proposed approach to funding and implementation? Are there any other open space providers the Council can partner with?

2. Assessment criteria – opportunities to acquire land for open space

The following is to inform the Council's decision-making on opportunities arising to acquire land for open space provision. This includes the assessment of open space provision requirements of subdivision developments received by the Council in its regulatory role.

The following table outlines how opportunities will be assessed:

Assessment criteria	Consideration
Quantity of open space Is open space required to meet an existing or forecast demand?	<ul style="list-style-type: none"> Does the proposal adequately provide for open space in accordance with the Provision Guidelines in Schedule 2? Is land required to meet a provision target, identified need based on population trends and demographics of the community, or in response to the local character of the subject site?

	<ul style="list-style-type: none"> • Is the land identified in the District Plan, Structure plan, or any other Council strategy or plan? • Is land required to address a gap in the open space network (as identified by Council)? • Does the land improve connectivity and accessibility of open space in the existing urban area? • Would the land improve or enhance the open space network over and above provision targets, or an identified need based on population trends and demographics of the community?
<p>Quality of open space Does the open space meet the required functionality?</p>	<ul style="list-style-type: none"> • Does the proposed open space adequately reflect the Open Space Configuration Design Guidelines set out in Schedule 5? • Does the land allow for optimally located, configured and well-designed open spaces as directed by the Open Space Configuration Guidelines set out in Schedule 5? • Are there any flooding, erosion or geotechnical issues that may impact the development and on-going management and maintenance of the proposed open space? • Is there existing or planned non-park infrastructure that may impact the functionality of the park? • How does the open space contribute towards improving biodiversity/ecosystem connectivity?
<p>Delivery of open space Cost to council, and available budget</p>	<ul style="list-style-type: none"> • What is the proposed approach to funding and implementation? • Are there any other open space providers Council can partner with? • Is there available budget within the Council’s 10-Year Plan, or will the land be delivered through an alternative mechanism? • What is the cost to the Council (including staff time) of acquisition? • What are the on-going costs for owning and maintaining the open space?

3. Assessment criteria – requests to dispose of open space land

The Council is required to comply with a number of legislative requirements (including consultation requirements) that apply to the sale of open space land and assets, which will determine the process prior to any Council decision to dispose of open space.

When proposals to dispose of existing open space are received, the Council will consider whether:

- The land is surplus. Does it currently, or could it in future, provide an open space function to meet the needs of the community?
- The land is poorly positioned. Does the land have poor accessibility, and does it lack visibility impacting on its usability to the surrounding community?^[DB31]
- The land is held under the Reserves Act 1977, and whether it is included in a reserve management plan approved under the Act.
- The disposal of the land would adversely affect the function, or configuration of an existing open space, or the wider open space network.
- The disposal would result in a clear benefit to the wider open space network and the communities open space needs, including any opportunity to utilise any proceeds of sale to improve open space provision.
- There would be any financial benefit to the community of disposing of the land, including the cost of the disposal process?

Proposals to dispose of land clearly identifying the merits of disposal based on the above considerations, will be presented to elected members for decision-making.

SCHEDULE 4 – COUNCIL FUNDING AND INVESTMENT

Purpose

To outline how Council's strategic investment and funding decisions for open space provision will be guided by this policy, as a framework to inform funding priorities.

1. Priorities for open space investment and funding

Council's decision-making regarding open space provision will be prioritised differently for existing urban areas, greenfield areas and emerging areas. This is mainly due to challenges in providing additional land for open space in existing urban areas including cost of land, small lot sizes, and fragmented ownership.

When considering open space investment and funding the Council will prioritise the following:

Area of city	Priorities
Existing urban area	<ul style="list-style-type: none"> a. Improving the existing open space network before considering purchase of additional land. b. Optimising existing open space through reconfiguration, upgrades and development. c. Improving accessibility and connectivity to existing open space through alterations to the surrounding pedestrian network. d. Utilising other Council land (such as stormwater management areas and road corridors) to provide a neighbourhood park function. e. Establishing agreements with other open space providers such as schools and universities to formalise and develop shared public use. f. Efficiently managing and using existing open space and facilities, particularly for organised sport, through working with user groups on how they use open space. g. <u>Acquiring land parcels of a suitable size to accommodate parks in areas where the provision targets in Schedule 2 cannot be met through the abovementioned priorities and acquisition opportunities arise.</u> [DB32]
Greenfield	<ul style="list-style-type: none"> a. Provide open space land to <u>meet the provision targets in Schedule 2 to</u> [DB33] respond to demand associated with growth, and ensure open space is developed as residential neighbourhoods are established. b. Seek opportunities to leverage investment in open space with the other Council, non-council infrastructure, and community facilities.

2. Council purchase of land

Where the provision of open space requires the Council to purchase land, this will be subject to available budget as approved by Council.

Following Council's delegation for land purchase, any open space provision requiring Council funding will be presented to Elected Members, or the Chief Executive, for approval.

When considering opportunities to purchase land requiring Council funding, the Council’s decision-making will be informed by the following:

Criteria	Priority
Land required to meet a provision target, and/or identified population-based trends or demographics of the community.	High
Land identified in the District Plan, a Structure Plan, or any other Council strategy or plan.	High
Land required to address a gap in the open space network (as identified by the Council).	High
Land that improves connectivity and accessibility of open space in the existing urban area	Medium
Land that would improve or enhance the open space network over and above provision targets, or an identified need based on population and demographics trends in the community.	Low

3. How Council will fund open space provision

The following table outlines the mechanisms Council uses to deliver open space:

Funding mechanism	Use
Development Contributions	<ul style="list-style-type: none"> a. Council will seek to largely recover the costs of providing open space and enhancing existing open space associated with growth through development contribution charges, in alignment with the reserve contribution provisions in Council’s Development Contributions Policy and the Local Government Act 2002. b. Council will require the relevant development contribution for reserves as a cash contribution, as opposed to land, however will consider land in lieu of a contribution when the land adequately provides for an identified need in accordance with this policy. c. This approach to funding open space land acquisition and development helps to ensure the costs of open space provision equitably fall to those who cause and benefit from open space provision. It also allows for those land owners who provide land benefitting the wider community to be fairly compensated.
Financial contributions	<ul style="list-style-type: none"> d. In accordance with the RMA financial contributions will be considered in situations where development contributions for the same purpose do not apply, and the vesting of land is required to mitigate adverse effects from the development. Particularly relevant where the vesting of land to protect natural resources is required to mitigate adverse effects from development.

Private developer agreements	e. Council will also consider alternative funding mechanisms such as private developer agreements, particularly in relation to large scale developments, to deliver optimal open space outcomes for the community.
Gifting	f. Offers to gift land for open space will be considered against the Schedule 2 Assessment Criteria.
Rates	g. Due to cause and benefit assumptions of open space provision, there is generally a component of funding for land purchase and development attributed to a general rate.
Proceeds from the disposal of reserve land	h. Any proceeds from the disposal of open space will be used to fund improvements to the open space network in accordance with relevant legislative obligations.

SCHEDULE 5 – OPEN SPACE CONFIGURATION DESIGN GUIDELINES

These Open Space Configuration Design Guidelines have been prepared as a schedule of the Open Space Provision Policy to provide direction to Council and the development community (and any related practitioners) when embarking on the initial concept design for open spaces. When looking at subdivision layout refer to the Subdivision Design Guide in the Hamilton City Council Operative District Plan and read with these guidelines.

These Guidelines focus on the location and configuration of open space to meet the requirements of the specific open space functions provided as part of the network as outlined in **Schedule 2**. These Guidelines are not intended as comprehensive open space design guidelines; the finer details around technical specifications, plant species etc, will be worked through at the detailed design stage.

The Guidelines are separated into two sections:

- The first section identifies the qualities that should be demonstrated across all open spaces regardless of function, although there will be varying levels to which they apply.
- The second section identifies the key elements required to the delivery each specific open space function.

Council’s Parks and Recreation unit is responsible for approving the design and development of new parks.

1. Key design considerations for all open spaces

The following location, configuration and design considerations should be demonstrated across all open spaces.

General Considerations	Details
Safety	<ul style="list-style-type: none"> - Adherence to Crime Prevention Through Environmental Design (CPTED) principles (Refer Ministry for the Environment’s <i>National guidelines for crime prevention through environmental design in New Zealand</i>). - Safety of all users (i.e. access to, internal configuration, slope) - Public/private interface designed to achieve good definition of open space while maintaining surveillance and interaction - Spaces foster good internal visibility - Location of/ability to accommodate internal infrastructure (e.g. lighting, seating, play spaces etc)
Connectivity	<ul style="list-style-type: none"> - Internal circulation and movement of users - Connection to broader open space network - Visual connections - Access to multiple transport options - Avoids barriers to pedestrian access - Integration with green infrastructure (such as stormwater management areas) where appropriate
Context/Character	<ul style="list-style-type: none"> - Responds to the character of the site and surrounding local context - Creates a sense of place and identity - Recognise any significant historic, archaeological and ecological values - Takes advantage of views - Preserves significant trees, vegetation and other natural ecosystems

	- Topography appropriate to function
Environment	- Incorporation of low impact urban design principles - Protection from or minimisation of climate conditions (e.g. windy, exposed sites, access to sunlight and shading) - Enable protection and enhancement of significant natural features and significant natural areas
Amenity	- Amenity landscaping - Facilitate passive and active recreation
Functionality	- Open spaces should be configured to meet their intended functions - Able to accommodate intended features and facilities (such as play spaces, sports fields, car parking)
Accessibility	- All open spaces should provide optimal accessibility for all users.

2. Key design considerations by open space function

The following key design considerations by function are supplementary to those above.

Pocket Parks

Pocket parks provide small informal recreation and socialising spaces which serve their immediate population.

- Appropriate in central city, and residential areas – particularly those areas identified for greater residential density than the general residential zone and parts of the existing urban area that do not meet the neighbourhood park provision targets in Schedule 2^[DB34].
- Configuration is relatively square in shape e.g. avoiding long skinny spaces
- ~~Access to sunlight, and configured to optimise sunlight through orientation of space~~ Site configured to optimise sunlight as well as providing for shaded areas^[DB35].
- Minimum two road frontages
- Good passive surveillance is achieved due to the size of the open space
- Located where high pedestrian activity is anticipated
- Topography should be flat

Civic Spaces

Civic spaces are public environments which leverage off surrounding activities and destinations such as retail/commercial centres, and community hubs.

- Located in Hamilton's central city, and suburban retail centres
- Configuration is relatively evenly proportioned e.g. avoiding long skinny spaces
- Co-located with retail and community facilities/activity
- Open configuration to provide for flexible use of space
- Access to sunlight and shade, and configured to optimise sunlight through orientation of space
- Active edges with adjacent properties (e.g. retail/commercial activity opening up to the space.

Neighbourhood Parks

Neighbourhood Parks provide basic informal recreation and socialising spaces within easy walking distance for surrounding residents, while improving connectivity and visual amenity of residential neighbourhoods.

- Centrally located within residential development and or the natural point of congregation
- Location avoids access barriers – e.g. major roads with no pedestrian crossing.

- Minimum two road frontages
- Flat topography
- Minimum of one flat 30m by 30m “kick around” play space.
- Avoid narrow access points
- Adjoins natural areas or green infrastructure where possible and appropriate
- Optimises natural features/characteristics
- Interface with adjacent residential properties enables good passive surveillance i.e. low and/or permeable fencing.



Poor outcome with poor road frontage, zero passive surveillance from public space, and limited narrow entrance points.



This example demonstrates excellent road frontage, and internal and external connectivity.

Community Parks

Community Parks are larger multi-functional open spaces providing informal recreation, socialising and event space for the wider community while providing a neighbourhood function to its surrounding residents. They can also accommodate sports fields and facilities for organised recreation.

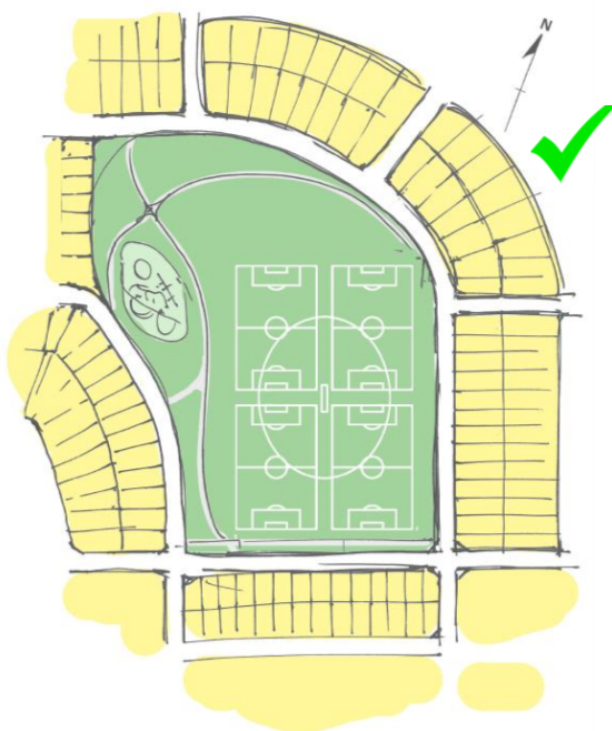
- Provided within residential areas and collocated with community nodes/suburban centres where appropriate
- Size and shape capable of accommodating user groups with a variety of spatial needs
- Minimum two road frontages
- Mostly flat with opportunities for slight variation in terrain, provided that multiple flat kick-around spaces are achievable.
- Integration with natural features including gullies and the river where possible
- Outdoor space capable of accommodating community events
- Adjoins natural areas or green infrastructure where possible and appropriate DB36

Sports Fields and Facilities

Sports fields and facilities provide for the organised sporting needs of the local and city-wide communities of Hamilton.

- Sports fields and facilities in greenfield areas to be provided as part of community parks or destination parks, with multifunctionality and adaptability as key functions.
- Land area required for sports fields and facilities will be determined by demand projections and feasibility assessments.
- Parks with a sports field function are to be configured to efficiently accommodate the field and facility requirements
- Generally a minimum of four fields per park to ensure efficient distribution and on-going management of fields across the network
- Sports fields are appropriately oriented in relation to sunlight

- **Outdoor space capable of accommodating informal recreation features**^[DB37]
- Generally flat topography, prior to any modification, to enable cost-efficient development of fields.
- **Minimum two road frontages**^[DB38]



This indicative example demonstrates good configuration of sports fields in relation to sunlight, in an efficient layout, where the remainder of the open space could provide for a community function.

Destination Parks

Destination parks provide a unique experience not found elsewhere within the open space network. They provide a range of high-quality recreational facilities/activities while preserving unique landscapes and open spaces. Destination parks may also provide a neighbourhood and /or community park function to surrounding residents.

- Should be considered where there are existing landscape and natural features which have cultural or historic value and offer recreational opportunities unique to the city.
- The size, shape and layout of destination open spaces should be configured to capture the value of the area
- Maximise road frontage

Natural Areas

Natural open spaces are set aside for the preservation of significant natural resources, remnant landscapes, open space and visual aesthetics/buffering.

- Configured to adequately capture the naturally significant area, including areas requiring future restoration and management.
- Provides a high degree of pedestrian permeability
- Much of Hamilton's natural area is gully, which require open space buffers along the top of their banks to prevent privatisation of gully edges and improve:
 - Public surveillance
 - legibility
 - Improve access
- This can also be achieved through aligning the road network with gullies



Poor accessibility and public surveillance of reserve due to privatisation of reserve boundary.



Good example of public buffer provided along the top of gully to ensure it is a legible, accessible environment.

Esplanade Reserve

Esplanade reserves facilitate provision of public access, management of natural hazards, and the protection of the natural character of riparian margins.

- A minimum 20m wide esplanade reserve along river, lakes and streams required in accordance with Resource Management Act and District Plan
- Further land, additional to the 20m where considered appropriate/necessary

Linear Parks and Park Connections

Provide contiguous networks of open space and buffering between incompatible land uses.

- Linear parks generally a minimum of 20m in width.
- Park connections provide access points to and between larger open spaces and are a minimum 5m in width.



OPEN SPACE PROVISION POLICY REVIEW: ENGAGEMENT AND INSIGHTS REPORT

Report prepared by:
Piper Shields, Research and Insights Advisor
Paris Miller, Communication and Engagement Advisor
October 2023.

Report reviewed by:
Dan Silverton; Communication and Engagement Manager; Partnerships, Communication and Maaori
Tegan Andrews; Senior Research and Insights Advisor; Partnerships, Communication and Maaori
October 2023.

SUBMISSIONS INSIGHTS

FEEDBACK THROUGH SUBMISSION FORMS (ONLINE & PAPER COPY)

The current Open Space Provision Policy was adopted on 26 June 2018. This policy provides guidance to Council for the provision of public open space in Hamilton Kirikiriroa.

The purpose and scope of this policy is to guide:

- Council in strategic planning and investment decisions on open space provision
- Council in its decision-making processes regarding opportunities to acquire or dispose of open space
- open space provision in other plans and policies or specific development projects.

This policy review was undertaken in response to changes that will impact the demand for open space across the city. These changes include the increasing population density, the adoption of new Council strategies, and the growing value of land.

Council is proposing to make changes to this policy to reflect the changing urban environment of Hamilton Kirikiriroa. The key changes proposed are:

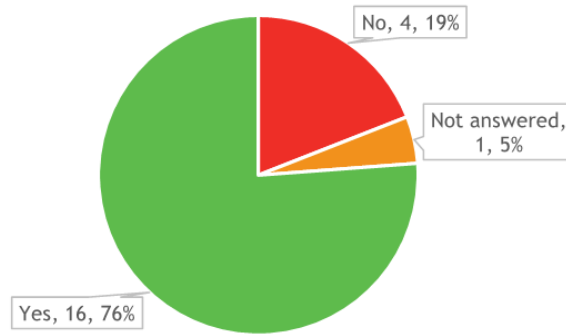
- to reduce the walking distance provision targets for neighbourhood and community parks within medium and high-density residential areas
- the inclusion of a policy direction requiring Council to seek opportunities to acquire park land early within greenfield and emerging areas where possible.

This engagement consisted of an online survey hosted on Have Your Say and ran from 5 September to 3 October 2023. The survey link was made available on the Council website, as well as in hardcopy forms in libraries and municipal building. We received a total of 21 responses; 20 responses were received online, and one was a hardcopy response. All submissions were made by individual respondents, representing themselves (e.g. not representing businesses, groups or organisations).

PROPOSAL TO REDUCE THE WALKING DISTANCE TARGETS FOR PARKS WITHIN MEDIUM AND HIGH-DENSITY RESIDENTIAL AREAS

We asked respondents whether they agreed with Council's proposal to reduce the walking distance targets for neighbourhood parks from 500m to 400m and community parks from 1500m to 1200m within medium and high-density residential areas. Around three-quarters (76%, $n = 16$) of respondents agreed with Council's proposal to reduce walking targets. Four respondents (19%) disagreed with the proposal, and one (5%) did not leave an answer.

Do you agree with the Council’s proposal to reduce the walking distance targets for parks within medium and high-density residential areas?



Respondents were given the opportunity to explain the reasons for their answers. 16 respondents provided comments.

Of the 16 respondents who agreed with the proposal, 11 left comments. The most common themes from those comments were:

- more parks would encourage people to spend more time outdoors (5 comments)
- green spaces help combat climate change (5 comments)
- high density areas need the support parks offer (5 comments)
- more parks would encourage people to be more active (4 comments).

All four respondents who disagreed with the proposal left comments. The themes from those comments were:

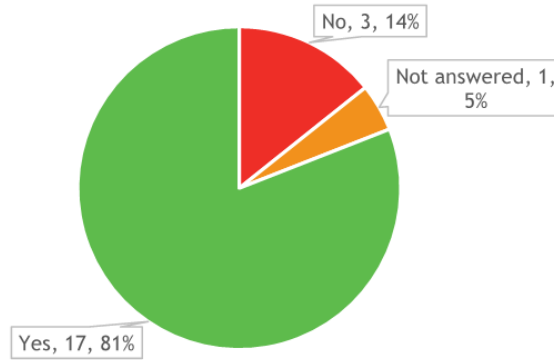
- the costs to change the walking targets outweigh the benefits (1 comment)
- opposition to 10-minute cities (1 comment)
- walking distance targets should be eradicated (1 comment)
- needs more information on the proposal, including how this change will be implemented (1 comment).

One respondent did not answer the question but left a comment. They suggested that Council should expand housing upwards (i.e. build more storeys on buildings), rather than expanding outwards, which would leave more room for green spaces in the city.

PROPOSAL TO REQUIRE COUNCIL TO SEEK OPPORTUNITIES TO ACQUIRE PARK LAND EARLY

We asked respondents whether they agreed with Council’s proposal to include a policy direction requiring Council to seek opportunities to acquire park land early in greenfield and emerging areas where possible. Most respondents (81%, n = 17) agreed with Council’s proposal to acquire park land early. Three respondents (14%) disagreed with the proposal, and one (5%) did not leave an answer.

Do you agree with the proposal to include a policy direction requiring Council to seek opportunities to acquire park land early in greenfield and emerging areas where possible?



Respondents were given the opportunity to explain the reasons for their answers. 11 respondents decided to leave comments.

Of the 17 who agreed with the proposal, nine left comments. The most common themes from those comments were:

- green spaces are important for Hamilton (4 comments)
- the sooner Council acquires park land, the better (3 comments)
- this proposal will save costs in the long run (3 comments)
- green spaces help combat climate change (2 comments).

Of the three who disagreed with the proposal, two left comments. The themes from those comments were:

- don't believe the proposal will save costs (1 comment)
- needs more information on the proposal, including what it would entail and why it was not put in place sooner (1 comment).

DEMOGRAPHIC COMPARISON OF RESPONSES FROM INDIVIDUALS

Note that this sample is size is small, with only 21 respondents. Therefore, it is not representative of all of Hamilton.

AGE GROUP

43% of respondents (n = 9) were aged 25-39 years old.

ETHNIC GROUP

Of the 21 respondents, 15 told us their ethnicity. All 15 identified as Paakehaa or otherwise European (British or Dutch). None identified as Maaori, Asian or Pasifika.

LOCATION

Only one respondent reported living outside of Hamilton.



Around a quarter of respondents (24%, $n = 5$) live in East Area 5 (Claudelands, Hamilton East, Peachgrove). We did not receive any responses from those who live in East Area 2 (Callum Brae, Huntington, Rototuna) or West Area 3 (Aberdeen, Dinsdale, Temple view).

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	Claudelds, 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

FEEDBACK FROM SOCIAL MEDIA

In addition to analysing formal submissions to the consultation, we also analysed comments made on the Hamilton City Council social media post relating to the consultation.

Hamilton City Council posted one Facebook post relating to the Open Spaces Provision Policy Review, which invited people to enter submissions on the survey. This was posted 5 September.

This Facebook post received 3 comments and 10 replies to comments, including 2 replies from Hamilton City Council.

The most common themes from these comments (excluding replies from Hamilton City Council) were:

- belief that Council does not listen to feedback from the public (5 comments)
- suggestion to impose regulations on developers, rather than on purchasing land (5 comments).

FEEDBACK FROM MEETINGS

Council held meetings regarding our Open Spaces Provision Policy with our Maaori partners.

Initial meetings with our Maaori partners occurred in April and May 2023. Key themes from these discussions include:

- Proposed reduction of walking distance targets for medium- and high-density areas
 - there was general agreement and support for this proposal
 - promoting green spaces within Hamilton was seen as important
 - belief that the more greenery in the city, the better.
- Proposed change in wording to approve ability for Council to acquire natural areas
 - there was general agreement and support for this proposal
 - belief there should be a focus on significant natural areas first
 - interest in expanding and enhancing green areas in the city.
- Proposed change in wording to support early purchase of open space in emerging areas
 - there was general agreement and support for this proposal
 - suggestions for Council to think bigger and to think longer term.

The proposed draft Policy was then shared with Maaori partners in November 2023. The proposed changes to the policy were in line with what was discussed in initial conversations. The groups were in support of the proposed changes to the draft Policy.

ENGAGEMENT TACTICS

GOAL

Understand the views of the community about the proposed changes to the Open Spaces Provision Policy.

OBJECTIVES

- All affected groups have the opportunity to make a submission before the consultation closes.

ENGAGEMENT OUTCOME

The public has the opportunity to understand the proposed changes in the policy and have their say on these changes.

ENGAGEMENT CAMPAIGN REVIEW

Campaign tactics were:

- Social media post
- Public notice in the Waikato Times
- Hard copies of the consultation in libraries
- Consultation with iwi

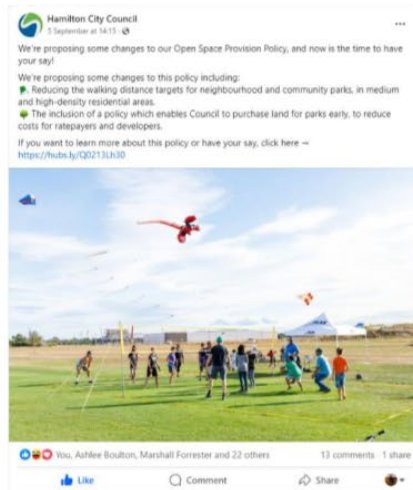
ENGAGEMENT RESULTS



SOCIAL MEDIA

We reached more than 6,600 people on social media with one organic post. More than 380 of those engaged with the post on Facebook.

We had 13 comments including two replies from Hamilton City Council. These are captured in the submissions insights section.



WHAT'S NEXT

This report will be presented at the 22 February 2024 Community and Natural Environment Committee.

Council Report

Item 8

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Cait Cresswell

Authoriser: Helen Paki

Position: Strategy and Policy Advisor

Position: General Manager Customer and Community

Report Name: Public Places Bylaw Review and Determination Report

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

1. To seek recommendation from the Community and Natural Environment Committee to the Council for approval to initiate the review of the Public Places Bylaw 2016.

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

2. That the Community and Natural Environment Committee:
 - a) receives the report;
 - b) recommends that the Council determines that a Public Places Bylaw is the most appropriate mechanism for addressing issues relating to the management of Public Spaces; and
 - c) notes that staff will begin the review of the bylaw including the preparation of draft statements of proposal subject to b) being approved by Council.

Executive Summary - *Whakaraapopotanga matua*

3. Staff are seeking approval to review the Public Places Bylaw 2016 (the Bylaw).
4. The Bylaw is reviewed every 10 years in accordance with Section 159 of the LGA. The review will align with the review of the [Trading in Public Places Policy 2009](#) (amended 2020), which is currently due.
5. Under Sections 155(1) and 160(1) of the Local Government Act 2002 (LGA) the Council is required to *determine whether a bylaw is the most appropriate way of addressing the perceived problem.*
6. In order to start the review, staff are seeking a recommendation to the Council for determination that the Bylaw remains the most appropriate way of addressing issues relating to management of trading in public places.
7. A full report with issues and options, proposed amendments and Statement of Proposal for community consultation will be brought back to the Committee through the review process.
8. Staff recommend **Option 1** – determine the bylaws are the most appropriate mechanism for management of trading in public places.

9. Staff consider the decision to commence the review of the bylaw has low significance and that the recommendations comply with Council’s legal requirements.

Background - *Koorero whaimaarama*

10. [Section 145](#) of the LGA 2002 empowers the Council to make bylaws for one or more of the following purposes:
 - i. protecting the public from nuisance (s.145(a) LGA);
 - ii. protecting, promoting, and maintaining public health and safety (s.145(b) LGA); or
 - iii. minimising the potential for offensive behaviour in public places (s.145(c) LGA).
11. More specifically, within [Section 146](#) of the LGA 2002, territorial authorities are empowered to make a bylaw for the purposes of trading in public places.
12. The process will align with the review of the [Trading in Public Places Policy 2009](#) (amended 2020), which is currently due.

Discussion - *Matapaki*

13. The Public Places Bylaw was developed in 2009 (first review 2016) to regulate trading and signs within public places.
14. The Public Places Bylaw sets rules to ensure protection and maintenance of public health and safety; and regulate trading and signs in public places. The bylaw enables Council to take relevant action if a nuisance does arise.
15. Staff believe that the Bylaw is an effective way to manage trading in public places. Through the review process staff will explore any issues and options for amendments to improve the application of the Bylaw.
16. Public Places are defined in the bylaw as: any place or space that is owned or controlled by Council and which is open to the public, and any road whether or not it is controlled by the Council, but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw).
17. The Public Places Bylaw applies to any public place within the Hamilton City Council boundary.
18. The Public Places Bylaw will be reviewed at the same time as the Trading in Public Places Policy due to their similar scope. The bylaw outlines the rules, conditions, outlines penalty provisions, and provides a means for enforcement, whilst the policy provides more detail to help inform decision making and trading practises.
19. A report that includes the Public Places Bylaw and the Trading in Public Places Policy will be brought to the June Community and Natural Environment Committee. Combining the reviews maximises use of staff time, engagement, and consultation processes.

Options

20. Two options are provided; however, staff recommend that the only reasonable option for the Council to consider is to make the proposed determinations to allow staff to commence the formal review process of Public Places review programme. The options are set out in the table below.

<p>Option 1 <i>(recommended)</i></p>	<ul style="list-style-type: none"> • Determines that a Public Places Bylaw is the most appropriate mechanism for addressing issues relating to the use of public places for trading. • Determines that a Public Places Bylaw is the most appropriate mechanism for addressing issues of public safety relating to protecting protection
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	<p>from nuisance, regulating trading and signs in public places, and for giving effect to the Policy.</p> <ul style="list-style-type: none"> • Staff will review the Public Places Bylaw and Trading in Public Places Policy as a programme of work which will allow Council to maximise the use of staff time and consultation costings.
Option 2	<ul style="list-style-type: none"> • Do not approve the review at this time.

21. Staff recommend **option 1** as this timing is proposed due to the Policy being due for review. Reviewing the Public Places Bylaw at the same time as the Trading in Public Places Policy will maximise use of staff time and reduce consultation costs.

Next steps

22. Staff will begin the review of the Public Places Bylaw and Trading in Public Places Policy through internal engagement. A full report with issues and options, a draft bylaw and Statement of Proposal for community consultation will be brought back to the Committee on 11 June 2023.

Financial Considerations - *Whaiwhakaaro Puutea*

23. Bylaw and Policy review is a regular operational activity accounted for in the LTP.
24. Including engagement costs and staff time the cost of the combined bylaw and policy review will be approximately \$15,000. Aligning the reviews saves money through efficiencies in staff time and engagement costs.

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

25. Staff confirm that the review of the bylaws, complies with Council’s legal and policy requirements.

Climate Change Impact Statement

26. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation or emissions assessment is required.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

27. 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’).
28. 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.
29. The recommendations set out in this report are consistent with that purpose.

Social

30. The review of the Public Places Bylaw will consider how to ensure public spaces are safe and used in ways that positively contribute to the city’s identity and people’s enjoyment of public spaces.
31. Safe public spaces positively contribute to social wellbeing by providing spaces for people to gather for activities or social engagement and interaction.

Economic

32. The review of the Bylaw will consider how trading in public places can provide culinary, entertainment and art experiences that generate activity and vibrancy for Hamilton Kirikiriroa.
33. The review of the Bylaw will consider how trading in public places is regulated in a way that strengthens the existing function of public spaces and the local economy, considering existing businesses and community needs.
34. The review of the Bylaw will also consider how trading in public places can promote a welcoming image of Hamilton Kirikiriroa to residents and to visitors, encouraging more people to visit and spend time in public spaces.

Environmental

35. The review of the Bylaw will consider the possible environmental impacts of trading in public places and ensure that public places are kept clean and safe.

Cultural

36. The review of the Bylaw will include engagement with Mana Whenua and other cultural groups to understand any cultural issues.

Risks - *Tuuraru*

37. There are no known risks associated with the decisions required for this matter.
38. The review of Bylaws is required every 10 years (or 5 years for first review), if we do not review bylaws they will lapse.

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

39. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.
40. There is a statutory requirement to consult as per legislation outlined below.
41. [Section 156](#) of the LGA 2002 and [Section 10](#) of the DCA 1996 provides direction on the level of public engagement required throughout the review process.
42. Engagement with Council partners and interested community stakeholders will take place to support the drafting of the bylaws.
43. Wider community consultation on the drafts will follow later in the process, and a Draft Statement of Proposal and any proposed amendments to the bylaw will be brought to the Committee for approval.

Attachments - *Nгаа тааpирihanga*

There are no attachments for this report.

Council Report

Item 9

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Narelle Waite

Authoriser: Helen Paki

Position: Strategy and Policy Advisor

Position: General Manager Customer and Community

Report Name: Cemeteries and Crematorium Bylaw - Deliberation and Adoption

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

1. To inform the Community and Natural Environment Committee on the outcome of the public consultation for the proposed amendments to the Cemeteries and Crematorium Bylaw 2012.
2. To seek a recommendation from the Community and Natural Environment Committee that the Council adopts the Cemeteries and Crematorium Bylaw 2012 (amended 2024).

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

3. That the Community and Natural Environment Committee:
 - a) receives the report; and
 - b) recommends that the Council adopts the Cemeteries and Crematorium Bylaw 2012 (amended 2024) (**Attachment 1**) effective from 10 April 2024, *or other date resolved by Council.*

Executive Summary - *Whakaraapopototanga matua*

4. The purpose of the Bylaw is to enable Council to set fees, control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.
5. The Cemeteries and Crematorium Bylaw 2012 (the Bylaw) is currently under review following Council's determination that the Bylaw remains the most appropriate method of managing Council's cemeteries and crematorium.
6. Minor amendments to improve the Bylaw were identified during the review and pre-engagement process. The proposed amendments were presented to the community during public consultation held from 23 August - 20 September.
7. Public consultation indicated general community support for the proposed amendments. Additional changes through the engagement process have been included in the attached Draft Bylaw.
8. Staff are requesting a recommendation to Council for the adoption of the Draft Bylaw (**Attachment 1**) to complete the review process and commence the updated Bylaw.

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

Background - *Koorero whaimaarama*

10. The Cemeteries and Crematorium Bylaw was first adopted in 2008 and reviewed in 2012.
11. The Bylaw is now under its second review as per legislative requirement (LGA 2002). Determination was 16 February 2023. [[Agenda](#), [Minutes](#)].
12. Preliminary engagement sought guidance and feedback from key stakeholders, including cemeteries operational staff, external stakeholders within the industry, and our Maaori partners.
13. Pre-engagement confirmed assumptions that the Bylaw was working well but would benefit from minor amendments to reflect community need.
14. The first draft was approved for community consultation at the 10 August 2023 Community and Natural Environment Committee meeting, and community consultation was undertaken from 23 August 2023 to 20 September 2023.
15. The most recent Draft includes revisions made to respond to feedback through public consultation. These additional amendments add to the goal of improving clarity and readability.

Discussion - *Matapaki*

Engagement with Mana Whenua and Maataa Waka

16. Throughout the process, Mana Whenua and Maataa Waka represented the importance of Hamilton's cemeteries being places of burial that are suitable for all Hamiltonians – considerate of the different cultures and cultural practices within our city.
17. Mana Whenua and Maataa Waka representatives chose not to submit to the online survey, and instead requested that their feedback through the review process was captured. They have viewed the current draft and are supportive of the additional proposed changes.

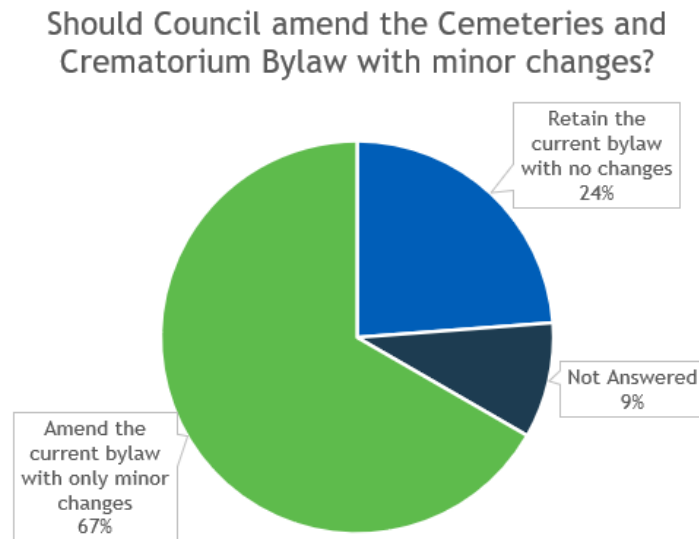
Public consultation

18. Consultation focussed on keeping the bylaw with the proposed minor amendments:
 - i. changes to make the bylaw more permissive of memorials and tributes that allow for greater cultural expression while retaining an environment that is welcoming and respectful.
 - ii. changes to better align natural burials to national best practice.
 - iii. changes to align the bylaw with updates in legislation and management practices, or to provide clarity.
 - iv. amending outdated references.
19. Consultation took place between 23 August and 20 September 2023, and was available online through Have Your Say and hardcopies at libraries and municipal building.
20. The approach also included an email to stakeholders and partners, elected member update, social media post to Facebook, public notice, and a news story in the New Zealand Herald.

Feedback received

21. The response rate to the consultation was low. However, this was anticipated considering the minimal proposed changes.

22. We received a total of 21 responses: 17 online submissions, two emails and two hard copy responses. Of the 21 responses, 18 were from individuals and three were from organisations, groups, or businesses. The full submissions can be read [online](#).
23. Of the responses received, 67% agreed with council's proposal to amend the current bylaw with minor changes, 24% disagreed with the amendments, and 9% did not answer this question. Two of the respondents who did not answer showed support for council's proposal within their written submission.



24. Feedback was also gathered from responses to the social media post, these comments largely focussed on maintenance at Hamilton Park Cemetery which is out of scope of the Bylaw review. Cemeteries staff are aware of this feedback and have responded where possible.
25. A full analysis of the Have Your Say responses is available in the Insights Report **Attachment 2**.

Deliberations

26. Of the comments from those in support, the most common reasons for supporting minor changes to the bylaw were:
- i. the understanding that minor changes are needed to modernise the bylaw (4 comments)
 - ii. support for the inclusion of greater cultural expression through memorials and tributes (3 comments).
27. Of the five respondents who disagreed, only three provided comments. The reasons for not wanting to see the bylaw amended were:
- i. concern that the amendment would mean the look and feel of the Hamilton Park Cemetery (Newstead) would change (2 comments).
 - ii. stating that more substantial change was required, without further suggestion as to what those changes might be (1 comment).
28. Comment on the visual aesthetic of Hamilton Park Cemetery was a theme across submissions for and against the proposed changes. The review process kept in mind the importance to maintain the visual aesthetic of Hamilton Park Cemetery and staff note that proposed changes will not impact the look and feel at our cemeteries.

29. Staff have reviewed and considered the feedback and propose the following additional minor changes to the Bylaw:
- i. remove the reference to Oversize Caskets in the Plot Dimensions table for clarity. There are no oversize plots set aside as Cemeteries manage the need for larger plots as required.
 - ii. define Beam and Berm for clarity. The initial draft removed definitions for Beam Cemetery and Berm Cemetery because these specific terms were not referred to in the Bylaw. Staff now propose to instead define Beam and Berm to explain these features.
 - iii. clarify that no amount of zinc is approved for a coffin for cremation, as required by Council’s Resource Consent – Discharge to Air.
 - iv. replace reference to ‘Veterans Affairs’ publications’ with Section 15(2) of the Burials and Cremation Act. This section of the Act provides for the Minister of Veterans’ Affairs to specify the operational service missions which allow for burial in service cemeteries. This will be a more direct way of presenting this rule.
30. Some submissions referenced recommendations outside of the scope of the bylaw review, including fees, parks improvements for accessibility and a memorial tree park. Staff can note this feedback for future parks planning and cemetery projects.

Next steps

31. Should Committee and Council approve the Draft Bylaw, it is proposed to take effect from 10 April 2024.
32. The proposed changes are relatively minor and if adopted, would not have major impacts to operational practices.

Options

33. Three options are set out in the table below:

<p>Option 1 (recommended) – recommend the Council adopt the draft Bylaw</p>	<ul style="list-style-type: none"> • The Draft Bylaw, provided as Attachment 1 will be recommended to the Council for Adoption. • The proposed changes will form part of the Cemeteries and Crematorium Bylaw 2012 (amended 2024) from 10 April 2024. • The updated Bylaw will include changes to improve the bylaw for accuracy, reflect modern management and cultural practices.
<p>Option 2 – maintain the existing Bylaw (status quo).</p>	<ul style="list-style-type: none"> • Recommend the Council approve the Bylaw with no amendments. • This option would not capture the needed improvements identified through the review, and parts of the Bylaw would be out of date.
<p>Option 3 – do nothing and revoke the bylaw</p>	<ul style="list-style-type: none"> • Do not approve the Draft Bylaw and cause the bylaw to be revoked in July 2024. • This option would leave Council with no bylaw to set rules to support the management and maintenance of Council’s three cemeteries and crematorium.

34. Staff recommend Option 1 because the Bylaw has been determined by the Council as the most appropriate mechanism for setting fees, controls and standards at our Cemeteries and Crematorium, and proposed changes have been supported by key stakeholders, Maaori partners and Elected Members throughout the review, and largely supported by the public in consultation.

Financial Considerations - *Whaiwhakaaro Puutea*

35. The costs associated with the review of the Bylaw are consultation materials, and staff time managing the review and engagement processes. The project costs are within the estimated \$15,000.
36. The review of the Bylaw is a regular operating activity funded through the Long Term Plan.

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

37. Staff confirm that the review of the bylaw, complies with Council's legal and policy requirements.
38. Staff will send the proposed Bylaw to the Minister of Health prior to the bylaw being confirmed as required by legislation (Burials and Cremation Act 1964). Staff note that the previous Associate Minister of Health has viewed and acknowledged the first draft Bylaw, as taken to consultation.

Climate Change Impact Statement

39. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation assessment is required due to the proposed recommendation having little to no impact on climate change emissions or the environment.
40. Staff have determined that there are no impacts on climate change emissions through the proposed draft bylaw and consultation plan.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

41. 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').
42. 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.
43. The recommendations set out in this report are consistent with that purpose.

Social

44. Reviewing the Cemeteries and Crematorium Bylaw is an opportunity to ensure Council best supports the Social Wellbeing of Hamiltonians by ensuring individuals, family, and whaanau have safe, healthy, and equitable access to farewell and remember loved ones.
45. The changes proposed to be more permissible of monuments and tributes were focussed on enabling the diverse members of our community to memorialise their loved ones in a way that suits their values.

Economic

46. Review of the Bylaw heard feedback from the community on fees and other costs that can be taken into future consideration.

Environmental

47. Cemeteries contribute to environmental wellbeing by ensuring that burials and cremation occur in safe and lawful ways. The bylaw ensures that all options for burial and cremations continue to be safe and protect environmental wellbeing.
48. Correction has been made to the draft to ensure the Bylaw details rules that are in line with our current practice in managing our crematorium and discharge to air consent.

Cultural

49. Cemeteries are inherently culturally sensitive and have a high level of cultural significance across the community. Review of the Cemeteries and Crematorium Bylaw provides an opportunity to ensure that cultural wellbeing is being supported through the implementation of the bylaw.
50. He Pou Manawa Ora sets out that Council will normalise the use of Te reo Maaori in Council communications. A bilingual title will respond to this action, and discussion with our Maaori partners supported the inclusion of a bi-lingual title for this Bylaw suggested as *Ture aa-Rohe mo nga Waahi Tapu me te Whare Tahu Tuupaapaku*.
51. He Pou Manawa Ora sets a goal to increase Maaori response rates to submissions. While the response of the consultation was low, 28% of respondents identified as Maaori which exceeds the strategy goal.

Risks - *Tuuraru*

52. If the staff recommendation is not approved the Bylaw risks being revoked by legislative requirement on 5 July 2024 ([s160A, LGA](#)).
53. Without the Bylaw it will be more difficult to effectively manage processes and protocols at our cemeteries and crematorium. In continuing to have the Bylaw Council will minimise compliance and reputational risk.
54. Unmanaged risk can lead to non-compliance with relevant legislation and may result in enforcement action on Council (including prosecution).

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

55. 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.
56. There is a statutory requirement to consult as per legislation outlined below.
57. When amending a bylaw made under the Local Government Act 2002 a local authority must consult (s156, LGA). Staff considered the impact of the proposed changes and completed a public consultation process from 23 August - 20 September 2023.
58. This report speaks to the public consultation undertaken and the community views and preferences heard throughout the consultation process.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hamilton City Cemeteries and Crematorium Bylaw 2012 (Amended 2024)

Attachment 2 - Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024) - final with mark up

Attachment 3 - Cemeteries and Crematorium Bylaw Review - Submissions insights report



Approved by: Council	Date adopted: 5 July 2012
Date in force: 01 August 2012	Reviewed: 4 April 2024
Version history: Amendments adopted by resolution of Council on 4 April 2024 and come in force 10 April 2024.	Next review date: 4 April 2034

Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024)

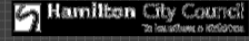
Ture aa-Rohe moo ngaa Waahi Tapu me te Whare Tahu Tuupaapaku

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002, the Burial and Cremation Act 1964, the amendments to those Acts, and any other relevant statutes.

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Hamilton City Council
BYLAWS



DRAFT

Item 9

Attachment 1

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1. This bylaw may be cited as the Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024)
- 1.2. The bylaw applies to every cemetery and crematorium now or in the future under the control of the Hamilton City Council.
- 1.3. The bylaw comes into force on 1 August 2012.
- 1.4. Amendments to this bylaw come into force on 10 April 2024.

2. REVOCATION OF EXISTING BYLAWS

- 2.1. All bylaws previously made by Council relating to cemeteries or crematoria, or any matter dealt with in this bylaw or inconsistent with this bylaw are hereby revoked.

3. PURPOSE

- 3.1. The purpose of this bylaw is to enable Council to set fees, control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.

4. COMPLIANCE WITH OTHER ACTS

- 4.1. Nothing in this bylaw shall detract from any provision of, or the necessity for, compliance with the:
 - a) Burial and Cremation Act 1964;
 - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973;
 - d) Health Act 1956; and
 - e) Local Government Act 2002;
 Or any subsequent amendments of the above Acts and Regulations.

5. DEFINITIONS

- 5.1. In this bylaw except where inconsistent with the context:

Adult	Means any person of fifteen years of age or over.
Ashes	Means the cremated remains of an individual person.
Authorised person	Means a person appointed or authorised by Hamilton City Council to carry out general or specific tasks arising from any of the provisions of this bylaw.
Authorised officer	Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties or exercise powers arising from any of the provisions of this bylaw and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.
Authority to open	Means a form or letter signed by the person owning the burial rights to a plot, or a funeral director acting as their agent, authorising the Manager to prepare the plot for burial of the deceased identified on the form.
Beam	Means a concrete beam flush with the ground, supplied by the Council, on which memorials of prescribed maximum dimensions are allowed to be placed.
Berm	Means a concrete kerb edging a garden on which plaques of prescribed dimensions are allowed to be placed.
Burial warrant	Means a certificate issued by the Council.

Child	Means any person under the age of fifteen years, but not a stillborn child.
Close relative	Means grandparent, parent, sibling, child, spouse, civil union partner, de facto partner.
Cemetery	Means any cemetery including closed cemeteries vested in or under the control of the Council now or in the future.
Council	Means Hamilton City Council.
Cremation	Means the reduction to ashes of dead bodies by burning.
Crematorium	Means a building and plant established by the Council for the cremation of the dead and any buildings used in connection therewith.
Denominational areas	Means any land within a cemetery set apart under this bylaw or on the grant of an application made under this bylaw, by one or more religious denomination to bury their dead in separate areas.
Low rise memorial	Means all headstones that are of the tilted raised plaque design made of a permanent material, fitted on an appropriate base including recess for flower vases, and in accordance with approved dimensions.
Manager	Means any person appointed by the Council to manage the operation of any cemetery and/or crematorium under the control of Council now or in the future and includes any person directed by the Council to perform the duties of a cemetery and/or crematorium manager for the time being.
Memorial	Means a plaque, or upright memorial/headstone on any grave as permitted by this bylaw.
Monument	Has the same definition as “Memorial”.
Natural burial area	Means an area that will be restored with natural vegetation that is set aside for the burial of bodies where the body is not embalmed and is contained in a casket or shroud made of biodegradable materials and the grave is not marked with any permanent memorial.
NZS 4242	Means the New Zealand Standard for Headstones and cemetery monuments (NZS 4242:2018) or successor standard.
Plot	Means a specified area set aside for the burial of a casket or ashes.
Services Cemetery	Means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicepeople as defined by Veterans’ Affairs New Zealand.
Specified agency	Has the same meaning as the Dog Control Act 1996.
Stillborn child	Means a child that is born without any signs of life after the 20 th week of pregnancy and or weighs 400 grams or more.
Religious denomination	Means the adherents of any religion and includes any church, sect, or other subdivision of such adherents.
Working day	means a day of the week other than— <ul style="list-style-type: none"> (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) the day observed in the appropriate area as the anniversary of the province of which the area forms a part.

6. LEGAL DESCRIPTIONS

- 6.1. **Hamilton West Cemetery**
Hamilton West Cemetery is the cemetery established by the Council on Allotments 213 and 214 of the Town Belt of Hamilton West, SO 23142, being approximately 0.8092 hectares.
- 6.2. **Hamilton East Cemetery**
Hamilton East Cemetery is the cemetery established by the Council on Allotment 252 of the Parish of Kirikiriroa SO 33208, SO 1433, and LT 1126A, being approximately 3.2366 hectares.
- 6.3. **Hamilton Park Cemetery**
Hamilton Park Cemetery is the cemetery established by the Council at Newstead on Allotment 282 of the Parish of Kirikiriroa described in Certificate of Title 556/230 limited as to parcels, being approximately 32.3748 hectares.

PART I: GENERAL

7. HOURS OF SERVICES AND BURIALS

- 7.1. Except to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, burial or cremation services shall take place between the hours of 8.30 am and 4.30 pm on working days and Saturdays. Burials and cremation services may take place at other times by approval from the Manager and on payment of the prescribed additional fee.

8. NOTICE OF SERVICE

- 8.1. The Manager shall be given not less than eight working hours' notice of any burial, cremation, or service. If such notice is not given the burial, cremation or service may be delayed for up to eight working hours to enable the Manager to complete the necessary arrangements. Any extra expenses incurred shall be payable by the funeral director or the person or persons arranging the funeral.

9. FEES

- 9.1. The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria. Unless specifically stated to the contrary, burials, cremations, and related services will only be carried out on payment of the prescribed fee or fees.

10. MAINTENANCE OF MEMORIALS

- 10.1. All memorials, including those with laminated photographs, shall be kept in proper order and repair by the owner of the plot or their representatives. Should a memorial fall into a state of decay or disrepair, it may at any time be dealt with by the Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

11. PHYSICAL WORKS ASSOCIATED WITH PLOTS OR OTHER WORKS IN ANY CEMETERY

- 11.1. Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an authorised person.
- 11.2. Any authorised person undertaking physical works within any cemetery must obtain prior approval from the Manager for the physical works.

12. VEHICLES

- 12.1. Any person driving within a cemetery must comply with any regulatory signs controlling traffic.
- 12.2. No vehicle is permitted to remain within a cemetery when closed.
- 12.3. Vehicles may only be driven on roads open for vehicular traffic and shall only be parked in a designated parking area.

13. DOGS AND OTHER ANIMALS

- 13.1 No person shall take any dog or other animal into any cemetery, or allow to remain, except for any disability assist dog or a dog kept by a specified agency.

14. SOLICITING TRADE

- 14.1. With the exception of the transactions of the Manager and their staff undertaken in the course of running the cemetery and crematorium, no person may solicit trade or accept orders for goods or services within a cemetery.

15. CONDUCT

- 15.1. No person shall:
- a) Enter or remain in the cemetery between the hours of sunset and sunrise without permission from the Manager.
 - b) Conduct themselves in a manner that is unlawful, violent, or improper.
 - c) Unlawfully or improperly interfere with or interrupt the carrying out of any burial, cremation, funeral service or ceremony in the crematorium or chapel or within any cemetery.
 - d) Remove or take from any plot or grave in any cemetery, any vase, wreath, plant, flower, shrub or other object, except for the purpose of tidying the grave and surrounding area.
 - e) Disturb, damage, take any cutting or flower from any plant or tree in a cemetery.
 - f) Light or allow any fires to be lit in a cemetery.
 - g) Dump household waste in cemetery bins.

PART II: CEMETERIES**16. EXCLUSIVE RIGHTS OF BURIAL**

- 16.1. The Council will not sell the exclusive right of burial in the Hamilton West Cemetery and no further burials or ash interments will be permitted.
- 16.2. The Council will not sell the exclusive right of burial in the Hamilton East Cemetery and only burials in valid reserved plots and ash interments will be permitted.
- 16.3. The Council will keep plans of the cemeteries it controls, records of all exclusive rights of burial granted and all burials and cremations in the cemeteries.
- 16.4. Interment and cremation records will be open for inspection by the public at the cemetery office during normal office hours and on the Council website.
- 16.5. **Sale**
- a) The Council may sell the exclusive right of burial in a plot. The selling of that right will give the purchaser, or a transferee approved by the Council, the exclusive right of burial in that plot subject to the provisions of this bylaw.
 - b) For the avoidance of doubt this does not create an ownership interest in the designated plot.
 - c) In the case of natural burials, there is no provision to reserve plots. The next available plot will be assigned to each new burial.
- 16.6. **Transfer or Repurchase**
- a) The purchaser of an exclusive right of burial in any plot may transfer that right to a close relative subject to the approval of the Council.
 - b) The Council may at its discretion purchase back any unused plot on such terms and conditions as it thinks fit.

16.7. Lapse of Right of Burial

- a) If no burial has taken place after 60 years from the original date of sale of the exclusive right of burial in a plot the right lapses and the Council shall not be liable for any refund of any fees paid.

17. BURIAL WARRANT AND AUTHORITY TO OPEN

- 17.1. No burial shall take place in any cemetery without the production of a Burial Warrant.
- 17.2. No burial in a reserved plot, or second interment, shall take place unless the Manager has previously received an Authority to Open, signed by the owner of the burial right, or a funeral director or solicitor acting as an agent on their behalf.
- 17.3. The Burial Warrant and, where applicable, the Authority to Open, issued for any burial shall be delivered to the Manager at least eight working hours before the burial.

18. GRAVE PLOTS AND GRAVES**18.1. Plot Dimensions**

Hamilton Park Cemetery	
Adult	2700mm (length) x 1200mm(width)x not less than 1800mm(depth)
Child	1800mm (length) x 900 mm (width) x not less than 1000mm(depth)
Stillborn Children	1000mm (length) x 500mm (width)
Natural Burial	2700mm (length) x 1200mm (width) and graves shall be 800mm below the surface to the top of the casket or shroud.
Minimum Cover	Minimum depth of cover for the uppermost casket in any grave shall not be less than 1000mm except in stillborn cemeteries where the cover shall be 500mm, and in Natural Burial Areas where the cover shall be 800mm. In extra depth graves the minimum depth between caskets shall be 100mm

18.2. Caskets

- a) A casket for an adult burial plot should not usually exceed 2300mm (length) x 610mm (depth) x 830mm (width). If a larger casket is required, the Manager must be advised at least eight hours in advance so that arrangements can be made for burial.
- b) If a child's casket is too large for a plot in the children's section, it shall be buried at single depth in an adult area at the fees applicable for a child's plot and burial.

19. DISINTERMENT/EXHUMATION

- 19.1. Disinterment of a body must be conducted pursuant to the Burial and Cremation Act 1964.
- 19.2. Casket disinterment will only be carried out upon receipt of a disinterment licence issued by the Ministry of Health, Burial Warrant and Authority to Open.

20. TRIBUTES**20.1. Removal of Tributes Placed at Time of Interment**

- a) After seven days from the date of interment, the Council may remove from any grave any flowers, wreaths, or tributes placed there at the time of interment and cause the surface of the grave to be levelled off and sown down in grass.
- b) A temporary grave marker made from timber or plastic, not exceeding 500mm in height may be placed on the concrete beam in a secure manner for up to 12 months following burial.

- c) In the case of designated natural burial area, the grave shall be generally levelled, and the area mulched to promote the planned native vegetation.

20.2. Permitted Tributes

- a) After a grave has been levelled and sown as described in section 19.1, tributes may only be placed on the concrete beam.
- b) Containers and temporary markers may not be placed on the beam or the grave once a memorial has been installed.
- c) In natural burial areas tributes must be limited to natural cut flowers only and no containers of any kind are to be placed on or near graves.

20.3. Removal and Disposal of Tributes

- a) Any object or artificial or natural cut flowers placed or remaining on any grave in contravention of 19.2 above or which have become unsightly, or any receptacle which has been broken or damaged, may be removed by the Manager.
- b) The Council shall be under no liability to any person in respect of such removal, destruction or disposal.
- c) Any fences and rails; any glass, plastic, ceramic or terracotta items; any rocks, stones or pebbles; any wire or other metal-based items may be removed from any grave by the Manager and may be destroyed or disposed of by the Council as it shall see fit.

21. MEMORIALS

21.1. General

- a) General memorials are to be installed by an authorised person.
- b) All foundations for memorials shall be placed and laid to the satisfaction of the Council and in keeping with the NZS 4242.
- c) Memorials must be of a permanent material, with a minimum predicted service life of 50 years, and be approved by the Council.
- d) Supply, delivery and installation of memorials shall be by a qualified monumental mason and at the expense of the owner of the exclusive right of burial or transferee, and shall be carried out after the Memorial Permit has been approved and at times agreed with the Manager.
- e) Approval may be declined for installation where the Manager believes the memorial does not comply with the bylaw or by matter of design or representations is not in keeping with what is common or usual in the said area, including dimensions.
- f) No person may construct, erect, place or repair any headstone, plaque, memorial or other memorial or any fence, kerb or other enclosure on a grave or plot unless a plan of the proposed erection has been submitted to and approved by the Council, and permission from the Manager has been issued and all prescribed fees paid.
- g) No memorial will be allowed to be placed on the plot where there are any outstanding cemetery debts relating to the deceased.
- h) Any one memorial may include no more than six inscriptions. Inscriptions may be engraved onto the memorial or be recorded on lawn plaques affixed to the permitted concrete base or low rise or upright memorials. No inscriptions are to be placed on the back of any memorial. The lettering, in the case of natural stone shall be embossed or incised and, in the case of metal, raised in a manner and to an extent approved by the Council.
- i) In all concrete beam areas, there must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the memorial must be 100mm clear from that edge, but if there is lawn to the rear of the beam a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.

21.2. Lawn Cemeteries

- a) No grave shall be enclosed with any railing or kerbing or similar; and no headstone, memorial, cross, marker or memorial shall be placed on any grave except a memorial plaque, which complies with the stated dimensions. Flower containers should be embedded below ground level.
- b) Only one plaque, or memorial will be allowed on any one grave, and it shall be placed on the grave in a position approved by the Council. A plaque for an adult grave will be 450mm (width) x 300mm (depth), and for a child's plot 380mm (width) x 230mm (depth).
- c) Every plaque must be securely embedded in a concrete base 610mm (width) x 460mm (depth) x 100mm (height) for adult grave and 560mm (width) x 410mm (depth) x 100mm (height) for a child's plot. The plaque must be embedded so that its upper surface is at the same level as the upper surface of the base.
- d) The plaque, set in its base, will be installed by the Council.
- e) In any given lawn the Council will keep the plaques edged for a period of ten years after the ordinary sale of the last plot. Thereafter the Council will locate and edge any plaque on request from a visitor to the cemetery.

21.3. Upright Memorial Cemeteries

- a) Upright memorials may be erected in areas of Hamilton Park Cemetery laid with a continuous concrete beam 850mm wide (single) or 1240 mm wide (double) supplied by Council.
- b) An upright memorial may be set directly on the beam or on a base. The memorial and/or base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot or plots.
- c) For an adult's plot the memorial must not exceed 1100mm (height) including an optional base x 420mm (depth) front to back x 1050mm (width) for single plot base or 2000mm (width) for a double plot base.
- d) For a child's plot the memorial must not exceed 700mm (height) including an optional base 350mm (depth) x 650mm (width).
- e) It is preferred that the design of the memorial include one or two recesses; within the memorial dimensions.
- f) Once a memorial has been installed tributes may only be placed in the recesses or on the concrete beam. Containers may not be placed on the beam or the grave.

21.4. Low Rise Memorial Cemeteries

- a) A low rise memorial may be erected in areas of Hamilton Park Cemetery with a continuous concrete beam 850mm wide (single) or 1320mm (double), supplied by Council. They may be erected at the head of the grave and set directly on the beam.
- b) An allowance of up to 10mm below the maximum memorial dimension or 5mm above the maximum shall be taken into consideration allowing for industry standard variations in cutting stone.
- c) It is preferred that the design of the memorial include one or two recesses for flower vases; within the memorial dimensions.
- d) Once a memorial has been installed tributes may only be placed in the recesses or on the concrete beam. Containers may not be placed on the beam or the grave.
- e) A low rise memorial must include a base and fit into one of the options stated below.
- f) Option 1

Desktop: 560mm (width) x 450mm (depth) x 50mm front (height) /150mm (back height).

Base: 920mm (width x 460mm (depth) x 100mm (height).

g) Option 2

Desktop: 560mm (width) x 380mm (depth) x 40mm front (height) /120mm (back height).

Base: 920mm (width) x 380mm (depth) x 100mm (height).

21.5. **Beam Plaque Cemetery**

- a) In areas of Hamilton Park Cemetery laid out with continuous sloping concrete beams 850mm wide (single) or 1220mm (double), supplied by Council.
- b) One plaque measuring 450mm x 300mm per plot or two plaques of equal size joined together in a horizontal or vertical position on the concrete beam equalling the single plaque dimensions.
- c) The plaque shall be set directly on the beam and must be placed equal distant from the side boundaries of the plot or plots.
- d) The plaque must be made of granite, bronze or porcelain material approved by Council. Plaques shall have a maximum thickness of 25mm.
- e) One vase receptacle is supplied at the top of the beam – to the left side of the plot when facing the beam/plaque.

21.6. **Areas for Stillborn Children**

- a) In areas of Hamilton Park Cemetery set aside for the purpose the interment of stillborn children the following shall apply:
 - I. No memorial is permitted on the plot, however a metal grave marker, supplied by the Council, will be installed at the foot of the plot including the name of the deceased, row and plot number.
 - II. A plaque of approved permanent material not exceeding 80mm x 60mm may be installed on a central plinth within the cemetery.
 - III. Delivery and installation of the memorial plaque will be by and at the expense of the owner of the memorial plaque and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - IV. The Manager will maintain the stillborn area as a garden setting and any item placed on the graves will be removed.

22. **NATURAL BURIAL AREAS**

22.1. In areas of Hamilton Park Cemetery set aside for natural burials the following conditions shall apply:

22.2. **General**

- a) Natural burials must comply with all legislative and regulatory requirements.
- b) There is no embalming of the deceased. Certified organic sanitisers are allowable.

22.3. **Acceptable Caskets**

- a) Caskets must be made of biodegradable, chemically untreated material. Pine, macrocarpa, wicker or willow is deemed acceptable. Casket linings and fittings must be biodegradable. Calico, wool and hemp are deemed acceptable.
- b) All items or contents in the casket (including clothing) must be of biodegradable material.

22.4. **Acceptable Shrouds**

- a) Shrouds must be made of natural fibre. Wool, silk or calico are deemed acceptable.

22.5. **Memorials**

- a) No permanent memorials are permitted on the plot. Temporary biodegradable markers, supplied by the Council, will be installed as soon as practical after interment.

- b) Cemetery interment records will be used to find burial plots once the area has returned to native vegetation.
- c) Trees or plants will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general, there shall be one tree for every few graves.

23. SERVICES CEMETERIES

23.1. Eligibility

- a) Areas of cemeteries may be laid out as Services Cemeteries. Those eligible for burial there are as defined in Section 15(2) of the Burial and Cremation Act 1964.

23.2. Hamilton Park Cemetery Services Cemetery

- a) Burial and ash interment will be permitted as allowed by Veterans' Affairs.
- b) Commemoration is by way of a plaque as approved by Veterans' Affairs.

24. DENOMINATIONAL AREAS

- 24.1. Council, at its discretion, may set aside a denominational area of burial plots for the use of a religious denomination.
- 24.2. The religious denomination may, at their own expense, place a central memorial and/or sign within the designated area subject to the plans being approved by Council.
- 24.3. The religious denomination may manifest that religious denomination's religion or belief in worship, observance or practice in the denominational area within reasonable limits.
- 24.4. The denominational areas will be either rows or blocks of plots within the existing cemetery.
- 24.5. Memorialisation will comply with the standards specified for the particular cemetery in which the denominational area is set aside.

PART III: CREMATION

25. THE CASKET

25.1. Materials

- a) The casket shall be made of readily combustible material approved by the Council.
- b) The casket may not be made of or lined with lead, iron or zinc.
- c) The Manager may decline to cremate any casket comprised of materials that during combustion may result in a breach of the Resource Consent held by the Council.
- d) The casket should not contain any material such as sawdust or pitch, or medical appliance e.g. Pacemaker or any item that could cause a hazard in the combustion process.

25.2. Fittings

- a) The casket may be polished and may have the usual furniture, but the handles and breast plate must be able to be easily removed; unless made of some readily combustible material approved by Council.

25.3. Dimensions

- a) A casket for cremation must not exceed 2200mm (length) x 440mm (depth) x 840mm (width).
- b) In the event a casket is over-sized the cremation will not take place.

26. COLLECTION AND STORAGE OF ASHES

- a) Ashes will have to be collected from the Crematorium within 14 days of cremation.

- b) If after fourteen days from the date of cremation the ashes have not been collected the Council will return the ashes to the Funeral Director or agent who delivered the deceased to the crematorium.
- c) Photo identification is required of the person specified to collect the ashes.

27. INTERMENT OF ASHES

27.1. On payment of the prescribed fee, ashes may be interred at Hamilton Park Cemetery by one of the following options:

27.2. Garden of Memories

- a) Only fresh flowers placed in the containers provided by the Council are allowed in the Garden of Memories.
- b) The Memorial Walk
 - I. The Memorial Walk provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two lots of ashes may be interred and one plaque installed at each plot.
 - II. Plaques shall be 250mm x 150mm made of bronze or granite or other approved permanent material.
- c) The Memorial Berm
 - I. The Memorial Berm provides a concrete berm on which memorial plaques may be installed and where ashes can be spread in the designated garden. The allowable memorialisation will be in accordance with that allowable for the section of the cemetery in which the particular plot is situated.
 - II. Sunken Garden 1: Plaques shall be 250mm x 150mm and made of bronze or granite as approved by the Council, or
 - III. Sunken Garden 2: Plaques shall be 180mm x 150mm made of bronze.
- d) The Memorial Wall
 - I. The Memorial Wall provides a wall in a sunken garden made of permanent material on which memorial plaques may be installed to memorialise ashes scattered in the surrounding gardens or interred under nearby trees. For each lot of ashes one plaque may be installed on the memorial wall.
 - II. Plaques shall be 150mm x 120mm made of Porcelain.

27.3. Garden of Remembrance

- a) The Garden of Remembrance provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two sets of ashes may be interred and one plaque installed at each plot except for the Bellbird garden where 2 plaques are allowed. Plaque dimensions are as follows for each of the named gardens.

Garden	Material	Dimension
Bellbird	Bronze	150mm X 100mm
Fantail	Granite	250mm X 150mm
Tui	Bronze	250mm X 150mm
Kea	Granite	250mm X 150mm

27.4. The Outdoor Book of Memories

- a) The Outdoor Book of Memories provides an exterior book located in a sunken garden in which memorial plaques may be installed for memorialisation. For each set of ashes one plaque may be installed.
- b) Plaques shall be 75mm x 30mm made of engraved plastic laminate.

27.5. Garden of Remembrance Columbarium Wall

- a) The plots allow for one set of ashes. Only ash containers supplied by the Council may be placed in a plot. A bronze plaque of 200mm x 180mm must be permanently fixed at time of interment to secure the ashes into the wall.

- b) The bronze plaque is to be provided by and at the cost of those persons requiring it and may be fixed or removed only by an authorised person.
 - c) A small bronze flower holder may be made as part of the bronze plaque and used to hold either fresh or artificial flowers.
- 27.6. **Burial Lawn Plots**
- a) Up to four sets of ashes may be interred in a burial lawn plot at Hamilton East Cemetery and Hamilton Park Cemetery. The allowable memorialisation will be in accordance with that allowable for the section of cemetery in which the particular plot is situated.
 - b) Flowers may be placed in accordance with that allowable for the cemetery in which the particular plot is situated.
- 27.7. **Web of Memories**
- a) Only ashes may be interred in these areas of the cemetery laid out with a continuous concrete beam 800mm wide (single) or 1300 wide (double) supplied by Council, on which upright memorials may be installed. Plots shall be 800mm (length) x 800mm (width) with additional 200mm path allowance at the foot of the plot.
 - b) The following provisions will apply:
 - I. A memorial must include a base. The memorial and base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot. Only one memorial per plot is permitted.
 - II. The combined dimensions of the base and memorial must be between a maximum 500mm (height) x 650mm (width) x 350mm (depth), and a minimum 400mm (height) x 450 (width) x 260mm (depth).
 - III. There must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the base may be 100mm clear from the edge, but if there is lawn to the rear of the berm a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.
 - IV. It is preferred that the design include one or two recesses for flower vases; within the base dimensions.
 - V. Delivery and installation of the memorial will be by and at the expense of the owner of the memorial and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - VI. Once a memorial has been installed tributes may only be placed in the recess in the base of the memorial. Containers may not be placed on the beam or the grave.
- 27.8. **Returned Service Persons**
- a) The Ash Berm

Only the ashes of servicepeople and their spouses may be buried in this area.

 - I. A maximum of two sets of ashes may be buried in any one plot.
 - II. Flower tributes may be left on the plot only in a standard flower container supplied by the Council.
 - III. Any Veterans' Affairs requirements or criteria relating to memorials or interment of returned service persons and their spouses shall apply.
 - b) The RSA Memorial Wall
 - I. A memorial strip made of bronze may be placed in commemoration of a serviceperson's cremated remains that are not otherwise memorialised within the services cemetery.
 - II. To establish eligibility to use this service application is made to the Hamilton Branch of the Returned Services Association. On approval an order and payment for the manufacture of a bronze strip 405mm wide by 30mm deep is to be made through the Hamilton Branch of the Returned Services Association.
 - III. Tributes are not permitted for this option.

PART IV: OFFENCES/BREACHES & PENALTIES

28. OFFENCES AND BREACHES

- 28.1. No person shall do anything or cause any condition to exist for which prior approval from Council is required under this bylaw without first obtaining that approval and the failure to do so shall constitute a breach of this bylaw.
- 28.2. No application for a prior approval from the Council, and no payment of or receipt or any fee paid in connection with such application or approval shall confer any right, authority, or immunity on the person making such application or payment.
- 28.3. Any person commits a breach of this bylaw who:
- Does or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary or otherwise than as provided by this bylaw; or
 - Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
 - Refuses or neglects to comply with any notice duly given to them under this bylaw; or
 - Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this bylaw; or
 - Fails to comply with any notice or direction given under this bylaw.
- 28.4. Any person commits a breach of this bylaw who:
- Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any memorial or any work or material of any description whatsoever, contrary to, or other than in accordance with the provision of this bylaw; or
 - Having omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by an authorised officer, fails to carry out the remedial action specified in that notice.
- 28.5. The notice issued under section this section shall state the time within which the remedial action is to be carried out and may be extended from time to time by written authority of the Council.

29. PENALTIES

- 29.1. Every person who fails to comply with any part of this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act and the other enabling enactments.
- 29.2. Where any person is alleged to have committed an infringement offence, that person may either:
- Be proceeded against summarily for the offence; or
 - Be served with an infringement notice as provided in the Local Government Act 2002.
- 29.3. The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this bylaw.
- 29.4. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 29.5. Any person found guilty of breaching the following sections of this bylaw, will be liable to an infringement fine in accordance with Section 16 (i) of the Burial and Cremation Act 1964.
- Section 11 offences relating to vehicles
 - Section 12 offences relating to animals and dogs
 - Section 13 offences relating to soliciting trade

- d) Section 14 offences relating to misconduct
 - e) Section 18 offences relating to authorised reopening of graves
 - f) Section 20 offences relating to memorials
- 29.6. The Council may in accordance with the Trespass Act 1980, serve a Trespass notice after warning a person to leave or warning to stay off its premises.

30. **MISCELLANEOUS**

30.1. **Dispensations**

- a) The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.

Hamilton City Council
BYLAWS



Approved b By: Council	Date a Adopted-: 5 July 2012
Date i n f orce: 01 August 2012	Review e d-Date: 4 April 2024
Version history: 05 July 2012 Amendments adopted by resolution of Council on 4 April 2024 and come in force 10 April 2024.	Next review date: 4 April 2034

**Hamilton City Cemeteries and Crematorium Bylaw 2012
(amended 2024)**

Ture aa-Rohe moo ngaa Waahi Tapu me te Whare Tahu Tuupaapaku

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002, the Burial and Cremation Act 1964, the amendments to those Acts, and any other relevant statutes.

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1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1. This bylaw may be cited as the Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024)
- 1.2. The bylaw ~~and~~ applies to every cemetery and crematorium now or in the future under the control of the Hamilton City Council.
- 1.3. The bylaw comes into force on 1 August 2012.
- ~~1.1.1.4.~~ Amendments to this bylaw come into force on 10 April 2024.

2. REVOCATION OF EXISTING BYLAWS

- ~~2.1.~~ The Hamilton Cemeteries and Crematorium Bylaw 2008 has been revoked.
- ~~2.2.~~ All matters and proceedings commenced under the bylaw listed in section 2.1 and pending or in progress on the coming into operation of this bylaw may be continued, completed and enforced under this bylaw.
- ~~2.3.2.1.~~ All bylaws previously made by Council relating to cemeteries or crematoria, or any matter dealt with in this bylaw or inconsistent with this bylaw are hereby revoked.

3. PURPOSE

- 3.1. The purposes of this bylaw ~~are~~ is to enable Council to set fees, control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.

4. COMPLIANCE WITH OTHER ACTS

- 4.1. Nothing in this bylaw shall detract from any provision of, or the necessity for, compliance with the:
- a) Burial and Cremation Act 1964;
 - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973;
 - d) Health Act 1956; and
 - e) ~~The~~ Local Government Act 2002; and
 - f) or any subsequent amendments of the above Acts and Regulations.

5. DEFINITIONS

- 5.1. In this bylaw except where inconsistent with the context:

- Adult** Means any person of fifteen years of age or over.
- Ashes** Means the cremated remains of an individual person.
- Authorised person** Means ~~an employee or contractor of the a person~~ Hamilton City Council appointed or authorised by Hamilton City Council to carry out general or specific ~~duties tasks~~ arising from any of the provisions of this bylaw ~~and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.~~
- Authorised officer** Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties or exercise powers arising from any of the provisions of this bylaw and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the

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Local Government Act 2002.

Authority to <u>open</u>	Means a form or letter signed by the person owning the burial rights to a plot, or a funeral director acting as their agent, authorising the Manager to prepare the plot for burial of the deceased identified on the form.
Beam cemetery	Means, a cemetery or an area of a cemetery in which memorials of prescribed maximum dimensions are allowed to be placed on a concrete beam flush with the ground, supplied by the Council, <u>on which memorials of prescribed maximum dimensions are allowed to be placed.</u>
Berm cemetery	Means <u>a concrete kerb edging a garden</u> a cemetery or an area of a cemetery in on which plaques of prescribed dimensions are allowed to be placed on a concrete kerb edging a garden.
Burial warrant	Means a certificate issued by the Council or authorised person, authorising the Manager to bury the person specified in that certificate.
Child	Means any person under the age of fifteen years, but not a stillborn child.
Close relative	Means grandparent, parent, sibling, child, spouse, civil union partner, de facto partner.
Cemetery	Means any cemetery including closed cemeteries vested in or under the control of the Council now or in the future.
Council	Means Hamilton City Council.
Cremation	Means the reduction to ashes of dead bodies by burning.
Crematorium	Means a building and plant established by the Council for the cremation of the dead and any buildings used in connection therewith.
Denominational areas	Means any land within a cemetery set apart under this bylaw or on the grant of an application made under this bylaw, by one or more religious denomination to bury their dead in separate areas.
Low rise memorial	—Means all headstones that are of the tilted raised plaque design made of a permanent material, fitted on an appropriate base including recess for flower vases, and in accordance with approved dimensions.
Manager	Means <u>any</u> the person appointed by the Council to <u>manage the operation have charge</u> of any cemetery and/or crematorium under the control of Council now or in the future and includes any person directed by the Council to perform the duties of a cemetery and/or crematorium manager for the time being.
Memorial	Means a plaque, or upright memorial/headstone on any grave as permitted by this bylaw.
Monument	Has the same definition as “Memorial”.
Natural burial area	Means an area <u>that will be restored with natural vegetation that is</u> set aside for the burial of bodies or ashes where the body is not embalmed and is contained in a casket or shroud made of biodegradable materials and the grave is not marked with any permanent memorial. <u>The area will be restored with native vegetation.</u>
<u>NZS 4242</u>	<u>Means the New Zealand Standard for Headstones and cemetery monuments (NZS 4242:2018) or successor standard.</u>
Plot	<u>Means a specified area set aside for the burial of a casket or ashes.</u> Means a

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~~grave site as shown on a cemetery plan held available for public inspection at a cemetery and/or offices of the Council.~~

Services Cemetery Means an area of a cemetery set aside for the burial of bodies or ashes of eligible service ~~men or women~~ people as defined by the Veterans' Affairs New Zealand.

Specified agency Has the same meaning as the Dog Control Act 1996.

Stillborn child Means a child that is born without any signs of life after the 20th week of pregnancy and or weighs 400 grams or more.

Religious denomination Means the adherents of any religion and includes any church, sect, or other subdivision of such adherents.

Working day means a day of the week other than—
(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
(c) the day observed in the appropriate area as the anniversary of the province of which the area forms a part.

6. LEGAL DESCRIPTIONS

- 6.1. **Hamilton West Cemetery**
Hamilton West Cemetery is the cemetery established by the Council on Allotments 213 and 214 of the Town Belt of Hamilton West, SO 23142, being approximately 0.8092 hectares.
- 6.2. **Hamilton East Cemetery**
Hamilton East Cemetery is the cemetery established by the Council on Allotment 252 of the Parish of Kirikiriroa SO 33208, SO 1433, and LT 1126A, being approximately 3.2366 hectares.
- 6.3. **Hamilton Park Cemetery**
Hamilton Park Cemetery is the cemetery established by the Council at Newstead on Allotment 282 of the Parish of Kirikiriroa described in Certificate of Title 556/230 limited as to parcels, being approximately 32.3748 hectares.

PART I: GENERAL

7. HOURS OF SERVICES AND BURIALS

- 7.1. Except to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, burial or cremation services shall take place between the hours of 8.30 am and 4.30 pm on ~~ordinary~~ week-working days and Saturdays. Burials and cremation services may take place at other times by approval from the Manager and on payment of the prescribed additional fee.

8. NOTICE OF SERVICE

- 8.1. The Manager shall be given not less than eight working hours' notice of any burial, cremation, or service. If such notice is not given the burial, cremation or service may be delayed for up to eight working hours to enable the Manager to complete the necessary arrangements. Any extra expenses incurred shall be payable by the funeral director or the person or persons arranging the funeral.

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9. FEES

- 9.1. The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria. Unless specifically stated to the contrary, burials, cremations, and related services will only be carried out on payment of the prescribed fee or fees.

10. MAINTENANCE OF MEMORIALS

- 10.1. All memorials, including those with laminated photographs, shall be kept in proper order and repair by the owner of the plot or their representatives. Should a memorial fall into a state of decay or disrepair, it may at any time be dealt with by the Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

11. PHYSICAL WORKS ASSOCIATED WITH PLOTS OR OTHER WORKS IN ANY CEMETERY

- 11.1. Maintenance or other work, including digging and/or filling any grave in a cemetery, may only be carried out by an employee of the Council, or a person authorised by the Council authorised person.

~~11.2.~~ Any authorised person undertaking physical works within any cemetery must;

~~11.3-11.2.~~ obtain prior approval from the Council Manager for the physical works;

~~a) pay all applicable fees;~~

~~b) adequately protect the surrounding plots, memorial and cemetery infrastructure;~~

~~c) not use any footpaths or other part of the Cemetery for placing or depositing any tools, planks or materials for a longer time than is reasonably necessary to complete that work.~~

12. VEHICLES

- 12.1. Any person driving within a cemetery must comply with any regulatory signs controlling traffic.

~~12.2.~~ ~~Vehicles must give way to any funeral procession.~~

~~12.3-12.2.~~ No vehicle is permitted to remain within ~~the~~ cemetery when closed.

~~12.3.~~ Vehicles may only be driven on roads open for vehicular traffic and ~~shall only should~~ be parked in a designated parking area.

13. DOGS AND OTHER ANIMALS

- 13.1 No person shall take any dog or other animal into any cemetery, or allow to remain, except for: any disability assist guide or hearing ear dog or, a dog kept by a specified Agency the Police or any constable, an officer of the Customs Department or the Ministry of Defence.

14. SOLICITING TRADE

- 14.1. With the exception of the transactions of the Manager and his or her their staff undertaken in the course of running the cemetery and crematorium, no person may solicit trade or accept orders for goods or services within a cemetery.

15. CONDUCT

- 15.1. No person shall:

a) Enter or remain in the cemetery between the hours of sunset and sunrise without permission from the Manager.

b) Conduct themselves in a manner that is unlawful, violent, or improper.

c) Unlawfully or improperly interfere with or interrupt the carrying out of any burial, cremation,

- funeral service or ceremony in the crematorium or chapel or within any cemetery.
- d) Remove or take from any [plot or](#) grave in any cemetery, any vase, wreath, plant, flower, shrub or other object, except for the purpose of tidying the grave and surrounding area.
- e) Disturb, damage, take any cutting or flower from any plant or tree in [the a](#) cemetery.
- f) Light or allow any fires to be lit in [the a](#) cemetery.
- g) Dump household waste in cemetery bins.

PART II: CEMETERIES

16. EXCLUSIVE RIGHTS OF BURIAL

16.1. The Council will not sell the exclusive right of burial in the Hamilton West Cemetery and no further burials or ash interments will be permitted.

16.2. The Council will not sell the exclusive right of burial in the Hamilton East Cemetery and only burials in valid reserved plots and ash interments will be permitted.

[16.3.](#) The Council will keep plans of the cemeteries it controls, records of all exclusive rights of burial granted and all burials and cremations in the cemeteries.

~~16.3.~~[16.4.](#) Interment and cremation records ~~Plans and records~~ will be open for inspection by the public at the cemetery office of the Council ~~of the Council~~ during normal office hours and on the Council website.

~~16.4.~~[16.5.](#) Sale

[a\)](#) The Council may sell the exclusive right of burial in a plot. The selling of that right will give the purchaser, or a transferee approved by the Council, the exclusive right of burial in that plot subject to the provisions of this bylaw. ~~On payment of the prescribed fee the Council will issue a receipt and/or certificate similar to the form set out in the First Schedule to this bylaw, which will constitute proof of ownership of the exclusive right of burial in the plot indicated. If the original of the receipt and/or certificate is lost or destroyed a duplicate will be issued on request, and upon payment of the prescribed fee.~~

~~a)b)~~ [For the avoidance of doubt this does not create an ownership interest in the designated plot.](#)

~~b)c)~~ [In the case of nNatural bBurials, there is no provision to reserve plots. The next available plot will be assigned to each new burial in a numbered sequence.](#)

~~16.5.~~[16.6.](#) Transfer or Repurchase

[a\)](#) The purchaser of an exclusive right of burial in any plot may transfer that right to a close relative subject to the approval of the Council ~~and on payment of the prescribed transfer fee.~~

~~a)b)~~ [The Council may at its discretion purchase back any unused plot on such terms and conditions as it thinks fit.](#)

~~16.6.~~[16.7.](#) Lapse of Right of Burial

a) If no burial has taken place after 60 years from the original date of sale of the exclusive right of burial in a plot the right lapses and the Council shall not be liable for any refund of any fees paid.

17. BURIAL WARRANT AND AUTHORITY TO OPEN

17.1. No burial shall take place in any cemetery without the production of a [Council](#) Burial Warrant ~~in the form set out in the Second Schedule authorising that burial.~~

17.2. No burial in a reserved plot, or second interment, shall take place unless the Manager has previously received an "Authority to Open" ~~in the form of the Second Schedule~~, signed by the owner of the burial right, or a funeral director, or solicitor acting as an agent on their behalf.

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17.3. The Burial Warrant and, where applicable, the Authority to Open, issued for any burial shall be delivered to the Manager at least eight working hours before the burial.

18. GRAVE PLOTS AND GRAVES

18.1. Plot Dimensions

Hamilton Park Cemetery	
Adult	2700mm (length) x 1200mm(width)x not less than 1800mm(depth)
Child	1800mm (length) x 900 mm (width) x not less than 10500mm(depth)
Stillborn Children	1000mm (length) x 500mm (width)
Over size-casket	2700 3000mm(length) x 1500mm (width)
Natural Burial	2700mm (length) x 1200mm (width) and graves shall be 1000 800mm below the surface to the top of the casket or shroud.
Minimum Cover	Minimum depth of cover for the uppermost casket in any grave shall not be less than 1000mm except in stillborn cemeteries <u>where the cover shall be 500mm, and in Natural Burial Areas where the cover shall be 800mm.</u> In extra depth graves the minimum depth between caskets shall be 100mm

18.2. Caskets

- a) A casket for an adult burial plot should not usually exceed ~~2130mm-2300mm~~ (length) x 610mm (depth) x ~~760mm-830mm~~ (width). If a larger casket is required, the Manager must be advised at least eight hours in advance so that arrangements can be made for burial ~~in the area designated for oversize caskets.~~
- b) If a child's casket is too large for a plot in the children's section, it shall be buried at single depth in an adult area at the fees applicable for a child's plot and burial.

19. DISINTERMENT/EXHUMATION

19.1. Disinterment of a body must be conducted pursuant to ~~sections 51 and 55 of~~ the Burial and Cremation Act 1964.

19.2. Casket disinterment will only be carried out upon receipt of a disinterment licence issued by the Ministry of Health, ~~Cemetery-Burial Warrant and Authority to Open form, completed by the funeral director.~~

20. FLORAL TRIBUTES

20.1. Removal of ~~Flowers-Tributes~~ Placed at Time of Interment

- a) ~~Only flowers, wreaths, and floral tributes may be placed on graves at the time of interment.~~ After seven days from the date of interment, the Council may remove from any grave any flowers, wreaths, or ~~floral~~ tributes placed there at the time of interment, and cause the surface of the grave to be levelled off and sown down in grass.
- b) A temporary grave marker made from timber or plastic, not exceeding 800mm 500mm in height may be placed on the concrete beam in a secure manner for up to 12 months following burial.

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b)c) In the case of designated natural burial area, the grave shall be generally levelled, and the area mulched to promote the planned native vegetation.

~~e)a) A temporary grave marker made from timber or plastic, not exceeding 800mm in height may be placed on the concrete beam in a secure manner for up to 12 months following burial.~~

20.2. Permitted Floral Tributes

a) After a grave has been levelled and sown as described in section 1920.1, ~~tributes artificial or natural cut flowers~~ may only be placed on the concrete beam ~~in the container set in recess in the base of the memorial.~~

a)b) Containers and temporary markers may not be placed on the beam or the grave once a memorial has been installed.

b)c) In natural burial areas tributes must be limited to natural cut flowers only and no containers of any kind are to be placed on or near graves.

20.3. Removal and Disposal of Floral Tributes

a) Any object or artificial or natural cut flowers placed or remaining on any grave in contravention of ~~20 19.2~~ above or which have become unsightly, or any receptacle which has been broken or damaged, may be removed by the Manager.

b) The Council shall be under no liability to any person in respect of such removal, destruction or disposal.

c) Any fences and rails; any glass, plastic, ceramic or terracotta items; any rocks, stones or pebbles; any wire or other metal-based items may be removed from any grave by the Manager and may be destroyed or disposed of by the Council as it shall see fit.

21. MEMORIALS

21.1. General

a) General memorials are to be installed by ~~a monumental mason or a person authorised by council who is familiar with Hamilton Park Cemetery health and safety and bylaw requirements. Memorials must be installed according to the NZS 4242:1995 2018 New Zealand Standard Headstones and cemetery monuments.~~ an authorised person.

b) All foundations for memorials shall be placed and laid to the satisfaction of the Council and in keeping with the ~~NZS 4242:1995 2018 New Zealand Standard Headstones and cemetery monuments Standards.~~

c) Memorials must be of a permanent material, with a minimum predicted service life of 50 years, and be approved by the Council. ~~and preclude such materials such as wood, clay, terracotta or aluminium.~~

d) Supply, delivery and installation of ~~m~~Memorials ~~will shall~~ be by a qualified monumental mason and at the expense of the owner of the ~~owner of the memorial~~ exclusive right of burial or transferee, and ~~will shall~~ be carried out after the Memorial Permit has been approved and at times agreed with the Manager.

e) Approval may be declined for installation where the ~~M~~manager believes the memorial does not comply with the bylaw or by matter of design or representations is not in keeping with what is common or usual in the said area, including dimensions.

f) No person may construct, erect, place or repair any headstone, plaque, memorial or other memorial or any fence, kerb or other enclosure on a grave or plot unless a plan of the proposed erection has been submitted to and approved by the Council, and permission from the Manager has been issued and all prescribed fees paid.

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- g) No memorial will be allowed to be placed on the plot where there are any outstanding cemetery debts relating to the deceased.
- h) Any one memorial may include ~~two or no~~ more than six inscriptions. Inscriptions may be engraved onto the memorial or be recorded on lawn plaques affixed to the permitted concrete base or low rise or upright memorials. No inscriptions are to be placed on the back of any memorial. The lettering, in the case of natural stone shall be embossed or incised and, in the case of metal, raised in a manner and to an extent approved by the Council.
- i) In all concrete beam areas, there must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the memorial must be 100mm clear from that edge, but ~~if~~ if there is lawn to the rear of the beam a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.
- 21.2. Lawn Cemeteries.**
- a) No grave shall be enclosed with any railing or kerbing or similar; and no headstone, memorial, cross, marker or memorial shall be placed on any grave except a memorial plaque, which complies with the stated dimensions. Flower containers should be embedded below ~~the~~ ground level.
- b) Only one plaque, or memorial will be allowed on any one grave, and it shall be placed on the grave in a position approved by the Council. A plaque for an adult grave will be 450mm (width) x 300mm (depth), and for a child's plotgrave 380mm (width) x 230mm (depth).
- c) Every plaque must be securely embedded in a concrete base 610mm (width) x 460mm (depth) x 100mm (height) for adult grave and 560mm (width) x 410mm (depth) x 100mm (height) for ~~children's a child's~~ plotgraves. The plaque must be embedded so that its upper surface is at the same level as the upper surface of the base.
- d) The plaque, set in its base, will be installed by the Council.
- e) In any given lawn the Council will keep the plaques edged for a period of ten years after the ordinary sale of the last plot. Thereafter the Council will locate and edge any plaque on request from a visitor to the cemetery.
- 21.3. Upright Memorial Cemeteries.**
- a) Upright memorials may be erected in areas of Hamilton Park Cemetery laid with a continuous concrete beam 850mm wide (single) or 1240 mm wide (double) supplied by Council.
- b) An ~~U~~upright ~~M~~memorial may be set directly on the beam or on a base. The memorial and/or base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot or plots.
- c) For an adult's plot the memorial must not exceed 1100mm (height) including an optional base x 420mm (depth) front to back x 1050mm (width) for single plot base or 2000mm (width) for a double plot base.
- d) For a child's plot the memorial must not exceed 700mm (height) including an optional base 350mm (depth) x 650mm (width).
- e) It is preferred that the design of the memorial include one or two recesses ~~for flower vases;~~ within the memorial dimensions.
- f) Once a memorial has been installed ~~artificial or natural cut flower tributes~~ may only be placed in the recesses or in the container set in vase on the concrete beam recess in the memorial. Containers may not be placed on the beam or the grave.
- 21.4. Low Rise Memorial Cemeteries**

Hamilton City Council BYLAWS



- a) A low rise memorial may be erected in areas of Hamilton Park Cemetery with a continuous concrete beam 850mm wide (single) or 1320mm (double), supplied by Council. They may be erected at the head of the grave and set directly on the beam.
 - b) An allowance of up to 10mm below the maximum memorial dimension or 5mm above the maximum shall be taken into consideration allowing for industry standard variations in cutting stone.
 - c) It is preferred that the design of the memorial include one or two recesses for flower vases; within the memorial dimensions.
 - d) Once a memorial has been installed ~~tributes may only be placed in the recesses or on the concrete beam. artificial or natural cut flowers may only be placed in the container set in vase recess in the memorial.~~ Containers may not be placed on the beam or the grave.
 - e) A Low Rise Memorial must include a base and fit into one of the options stated below.
 - f) Option 1
Desktop: 560mm (width) x 450mm (depth) x 50mm front (height) /150mm (back height).
Base: 920mm (width x 460mm (depth) x 100mm (height).
 - g) Option 2
Desktop: 560mm (width) x 380mm (depth) x 40mm front (height) /120mm (back height).
Base: 920mm (width) x 380mm (depth) x 100mm (height).
- 21.5. Beam Plaque Cemetery**
- a) In areas of Hamilton Park Cemetery laid out with continuous sloping concrete beams 850mm wide (single) or 1220mm (double), supplied by Council.
 - b) One plaque measuring 450mm x 300mm per plot or two plaques of equal size joined together in a horizontal or vertical position on the concrete beam equalling the single plaque dimensions.
 - c) The plaque shall be set directly on the beam and must be placed equal distant from the side boundaries of the plot or plots.
 - d) The plaque must be made of granite, bronze or porcelain material approved by Council. Plaques shall have a maximum thickness of 25mm.
 - e) One vase receptacle is supplied at the top of the beam – to the left side of the plot when facing the beam/plaque.
- 21.6. Areas for Stillborn Children**
- a) In areas of Hamilton Park Cemetery set aside for the purpose the interment of stillborn children the following shall apply:
 - I. No memorial is permitted on the plot, however a metal grave marker, supplied by the Council, will be installed at the foot of the plot including the name of the deceased, row and plot number.
 - II. A plaque of approved permanent material not exceeding 80mm x 60mm may be installed on a central plinth within the cemetery.
 - III. Delivery and installation of the memorial plaque will be by and at the expense of the owner of the memorial plaque and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - IV. The Manager will maintain the stillborn area as a garden setting and any item placed on the graves will be removed.

Hamilton City Council BYLAWS



22. NATURAL BURIAL AREAS

22.1. In areas of Hamilton Park Cemetery set aside for natural burials the following conditions shall apply:

~~22.2. Memorials~~

- ~~a) No permanent memorials are permitted on the plot. Temporary biodegradable markers supplied by the Cemetery will be installed at the time of interment.~~
- ~~b) A cemetery tracking system will be used to find burial plots once the area has returned to native vegetation, otherwise the burial plot will not be identifiable.~~
- ~~c) Trees will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general there shall be one tree for every few graves.~~

~~22.3-22.2. General~~

- a) Natural burials must comply with all legislative and regulatory requirements.
- b) There is no embalming of the deceased. Certified organic sanitisers are allowable.

~~22.4-22.3. Acceptable Caskets~~

- a) Caskets must be made of biodegradable, chemically untreated material. Pine, macrocarpa, wicker or willow is deemed acceptable. Casket linings and fittings must be biodegradable. Calico, wool and hemp are deemed acceptable.
- b) All items or contents in the casket (including clothing) must be of biodegradable material.

~~22.5-22.4. Acceptable Shrouds~~

- a) Shrouds must be made of natural fibre. Wool, silk or calico are deemed acceptable.
- ~~b) Shrouds must be fastened to a solid base for lowering purposes and made of biodegradable, chemically untreated material.~~

~~22.5. Memorials~~

- ~~a) No permanent memorials are permitted on the plot. Temporary biodegradable markers, supplied by the Council, will be installed as soon as practical after interment.~~
- ~~b) Cemetery interment records will be used to find burial plots once the area has returned to native vegetation.~~
- ~~c) Trees or plants will be selected and planted to be generally in keeping with the cemetery native vegetation restoration plan. In general, there shall be one tree for every few graves.~~

23. SERVICES CEMETERIES

23.1. Eligibility

- a) Areas of cemeteries may be laid out as Services Cemeteries. Those eligible for burial there are as defined in Section 15(2) of the Burial and Cremation Act 1964~~the Veterans Affairs New Zealand publications.~~

23.2. Hamilton Park Cemetery Services Cemetery

- a) Burial and ash interment will be permitted as allowed by ~~the above mentioned publications,~~ Veterans' Affairs.
- b) Commemoration is by way of a plaque ~~as described in the above mentioned publications or by any other means~~ as approved by Veterans' Affairs.

24. DENOMINATIONAL AREAS

- 24.1. Council, at its discretion, may set aside a denominational area of burial plots for the use of a religious denomination.
- 24.2. The religious denomination may, at their own expense, place a central memorial and/or sign within the designated area subject to the plans being approved by Council.
- 24.3. The religious denomination may manifest that religious denomination's religion or belief in worship, observance or practice in the denominational area within reasonable limits.
- 24.4. The denominational areas will be either rows or blocks of plots within the existing cemetery.
- 24.5. Memorialisation will comply with the standards specified for the particular cemetery in which the denominational area is set aside.

PART III: CREMATION

25. THE CASKET

25.1. Materials

- a) The casket shall be made of readily combustible material approved by the Council.
- b) The casket may not be made of ~~or lined with lead or, iron or zinc. If a metal case is necessary a thin zinc lining only may be used.~~
- c) The Manager may decline to cremate any casket comprised of materials that during combustion may result in a breach of the Resource Consent held by the Council.
- d) The casket should not contain any material such as sawdust or pitch, or medical appliance e.g. pacemaker or any item that could cause a hazard in the combustion process.

25.2. Fittings

- a) The casket may be polished and may have the usual furniture, but the handles and breast plate must be ~~so fixed as to be able to be~~ easily removed; unless made of some readily combustible material approved by Council.

25.3. Dimensions

- a) A casket for cremation must not exceed 2200mm (length) x 440mm (depth) x 840mm (width).
- b) In the event a casket is over-sized the cremation ~~may will~~ not take place, ~~and burial as an alternate option will have to be explored.~~

26. COLLECTION AND STORAGE OF ASHES

- a) Ashes will have to be collected from the Crematorium within 14 days of cremation.
- b) If after fourteen days from the date of cremation the ashes have not been collected ~~and no arrangements have been made for storage,~~ the Council will return the ashes to the Funeral ~~D~~irector or agent who delivered the deceased to the crematorium.
- c) Photo identification is required of the person specified to collect the ashes.

27. INTERMENT OF ASHES

- 27.1. On payment of the prescribed fee, ashes may be interred at Hamilton Park Cemetery by one of the following options:

27.2. Garden of Memories

- a) Only fresh flowers placed in the containers provided by the Council are allowed in the Garden

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of Memories.

- b) The Memorial Walk
- I. The Memorial Walk provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two lots of ashes may be interred and one plaque installed at each plot.
 - II. Plaques shall be 250mm x 150mm made of bronze or granite or other approved permanent material.
- c) The Memorial Berm
- I. The Memorial Berm provides a concrete berm on which memorial plaques may be installed and where ashes can be spread in the designated garden. The allowable memorialisation will be in accordance with that allowable for the section of the cemetery in which the particular plot is situated.
 - II. Sunken Garden 1: Plaques shall be 250mm x 150mm and made of bronze or granite as approved by the Council, or
 - III. Sunken Garden 2: Plaques shall be 180mm x 150mm made of bronze.
- d) The Memorial Wall
- I. The Memorial Wall provides a wall in a sunken garden made of permanent material on which memorial plaques may be installed to memorialise ashes scattered in the surrounding gardens or interred under nearby trees. For each lot of ashes one plaque may be installed on the memorial wall.
 - II. Plaques shall be 150mm x 120mm made of Porcelain.

27.3. Garden of Remembrance

- a) The Garden of Remembrance provides concrete berms on which memorial plaques may be installed and behind which ashes can be interred in a garden. Up to two sets of ashes may be interred and one plaque installed at each plot except for the Bellbird garden where 2 plaques are allowed. Plaque dimensions are as follows for each of the named gardens.

Garden	Material	Dimension
Bellbird	Bronze	150mm X 100mm
Fantail	Granite	250mm X 150mm
Tui	Bronze	250mm X 150mm
Kea	Granite	250mm X 150mm

27.4. The Outdoor Book of Memories

- a) The Outdoor Book of Memories provides an exterior book located in a sunken garden in which memorial plaques may be installed for memorialisation. For each set of ashes one plaque may be installed ~~in the book~~.
- b) Plaques shall be 75mm x 30mm made of engraved plastic laminate.

27.5. Garden of Remembrance Columbarium Wall

- a) The plots allow for one ~~(1)~~ set of ashes. Only ash containers supplied by the ~~cemetery~~ Council may be placed in a plot. A bronze plaque of 200mm x 180mm must be permanently fixed at time of interment to secure the ashes into the wall.
- b) The bronze plaque is to be provided by and at the cost of those persons requiring it and may be fixed or removed only by ~~persons duly authorised by the Council~~ an authorised person.
- c) A small bronze flower holder may be made as part of the bronze plaque and used to hold either fresh or artificial flowers.

27.6. Burial Lawn Plots

- a) Up to four sets of ashes may be interred in a burial lawn plot at Hamilton East Cemetery and Hamilton Park Cemetery. The allowable memorialisation will be in accordance with that allowable for the section of cemetery in which the particular plot is situated.
- b) Flowers may be placed in accordance with that allowable for the cemetery in which the

particular ~~grave-plot~~ is situated.

27.7. **Web of Memories**

- a) Only ashes may be interred in these areas of the cemetery laid out with a continuous concrete beam 800mm wide (single) or 1300 wide (double) supplied by Council, on which upright memorials may be installed. Plots shall be 800mm (length) x 800mm (width) with additional 200mm path allowance at the foot of the plot.
- b) The following provisions will apply:
 - I. A memorial must include a base. The memorial and base must be of a permanent material approved by the Council and must be placed equidistant from the side boundaries of the plot. Only one memorial per plot is permitted.
 - II. The combined dimensions of the base and memorial must be between a maximum 500mm (height) x 650mm (width) x 350mm (depth), and a minimum 400mm (height) x 450 (width) x 260mm (depth).
 - III. There must be a distance of at least 200mm between the edge of the base or memorial and the front edge of the beam. If the rear edge of the beam adjoins a garden, the base may be 100mm clear from the edge, but if there is lawn to the rear of the berm a full 200mm should be allowed. In either case this area must be kept clear, both front and rear.
 - IV. It is preferred that the design include one or two recesses for flower vases; within the base dimensions.
 - V. Delivery and installation of the memorial will be by and at the expense of the owner of the memorial and will be carried out after a Memorial Permit has been approved and at times agreed with the Manager.
 - VI. Once a memorial has been installed ~~artificial or natural cut flower~~tributes may only be placed in the ~~container set~~ in recess in the base of the memorial. Containers may not be placed on the beam or the grave.

27.8. **Returned Service Persons**

a) The Ash Berm

Only the ashes of ~~servicepeople servicemen and servicewomen~~ and their spouses may be buried in this area.

- I. A maximum of two sets of ashes may be buried in any one plot.
- II. Flower tributes may be left on the plot only in a standard flower container supplied by the Council.
- III. Any Veteran's Affairs requirements or criteria relating to memorials or interment of returned service persons and their spouses shall apply.

b) The RSA Memorial Wall

- I. A memorial strip made of bronze may be placed in commemoration of a ~~serviceperson's serviceman's or servicewoman's~~ cremated remains that are not otherwise memorialised within the services cemetery.
- II. To establish eligibility to use this service application is made to the Hamilton Branch of the Returned Services Association. On approval an order and payment for the manufacture of a bronze strip 405mm wide by 30mm deep is to be made through the Hamilton Branch of the Returned Services Association.
- III. ~~Flower~~tributes are not permitted for this option.

PART IV: OFFENCES/BREACHES & PENALTIES

28. **OFFENCES AND BREACHES**

28.1. No person shall do anything or cause any condition to exist for which prior approval from

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Council is required under this bylaw without first obtaining that approval and the failure to do so shall constitute a breach of this bylaw.

- 28.2. No application for a prior approval from the Council, and no payment of or receipt or any fee paid in connection with such application or approval shall confer any right, authority, or immunity on the person making such application or payment.
- 28.3. Any person commits a breach of this bylaw who:
- does or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary or otherwise than as provided by this bylaw; or
 - omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
 - refuses or neglects to comply with any notice duly given to him/her/them under this bylaw; or
 - obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this bylaw; or
 - fails to comply with any notice or direction given under this bylaw.
- 28.4. Any person commits a breach of this bylaw who:
- having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any memorial or any work or material of any description whatsoever, contrary to, or other than in accordance with the provision of this bylaw; or
 - having omitted to construct, affix, or provide any work or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by ~~the Council or any~~ authorised officer ~~of the Council~~, fails to carry out the remedial action specified in that notice.
- 28.5. The notice issued under section ~~28.3 and 28.4~~ this section shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of the Council.
- 29. PENALTIES**
- 29.1. Every person who fails to comply with any part of this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act and the other enabling enactments.
- 29.2. Where any person is alleged to have committed an infringement offence, that person may either:
- Be proceeded against summarily for the offence; or
 - Be served with an infringement notice as provided in the Local Government Act 2002.
- 29.3. The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this bylaw.
- 29.4. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 29.5. Any person found guilty of breaching the following sections of this bylaw, will be liable to an infringement fine in accordance with Section 16 (i) of the Burial and Cremation Act 1964.
- Section 1112 offences relating to vehicles

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- b) Section ~~1312~~ offences relating to animals and dogs
- c) Section ~~1314~~ offences relating to soliciting trade
- d) Section ~~1415~~ offences relating to misconduct
- e) Section ~~1817~~ offences relating to authorised reopening of graves
- f) Section ~~2021~~ offences relating to memorials

29.6. The Council may in accordance with the Trespass Act 1980, serve a Trespass notice after warning a person to leave or warning to stay off its premises.

30. MISCELLANEOUS

30.1. **Dispensations**

- a) The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.

~~30.2.— Schedules~~

~~30.3.— The First and Second Schedules do not form part of this bylaw.~~

- ~~a) — First Schedule — Certificate of Purchase of Exclusive Right of Burial.~~
- ~~b) — Second Schedule — Burial Warrant and Authority to Open.~~

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

Councillor: _____

Councillor: _____

Chief Executive: _____

FIRST SCHEDULE: Certificate of purchase of exclusive right of burial



CERTIFICATE OF PURCHASE OF EXCLUSIVE RIGHT OF BURIAL

In consideration of the payment to it of the sum of

The Hamilton City Council hereby grants to

of

The right to burial in that plot in the Hamilton Park Cemetery more particularly described as referred to on the plan of the said Cemetery held by the Council

This Certificate is in reference to the Official Invoice / Receipt

No: _____

Signed under the authority of the Hamilton City Council

Date: _____

Cemeteries and Crematorium Manager for Chief Executive

CERTIFICATE OF PURCHASE OF EXCLUSIVE RIGHT OF BURIAL

The above Grant of Exclusive Rights of Burial* in the above mentioned Cemetery has been duly transferred to:

Name: _____ Date: _____

Ref Documents: _____

Cemeteries and Crematorium Manager for Chief Executive

*As defined in the Hamilton City Cemeteries and Crematorium Bylaw 2012 and subsequent amendments. This Certificate is valid from the date of the fee for the plot described herein, is paid in full

CEMETERY BURIAL WARRANT

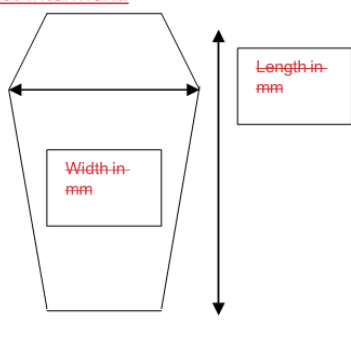
DECEASED'S DETAILS

Surname: _____
 Forename/s: _____
 Age: _____ Gender: _____ Date of Death: _____
 Last Address: _____

 Religion: _____
 Next of Kin Relationship: _____

BURIAL DETAILS

Funeral Director: _____
 Date of Burial _____ Day: _____
 Chapel Required? Yes: Length of time required: _____ No:
 Burial Start Time: _____ Re-open/2nd Interment: _____
 Cemetery (circle) Hamilton Park Hamilton East
 Area /Lawn: _____ Row/Area: _____ Plot: _____
 If the above plot is a new purchase, do family require a reserve next to it? Yes/No

<p><u>Ash Interment:</u></p> <p>HCC Container: <input type="checkbox"/></p> <p>Other Urn: <input type="checkbox"/></p> <p>Dimensions:</p> <p>Attended: <input type="checkbox"/></p> <p>Unattended: <input type="checkbox"/></p>	<p><u>Casket Interment:</u></p>  <p>(Size including handles)</p>
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OTHER REQUIREMENTS

Indemnity No: (if applicable): _____
 Authorised by Cemetery
 Manager _____

AUTHORITY TO OPEN A PRE-PURCHASED OR OCCUPIED PLOT IN THE HAMILTON INTERMENT FACILITIES

I.....

of.....

Being the person holding the burial right for the grave as described on this burial warrant, hereby give permission for The Late:

.....
to be interred in the said grave below.

Cemetery (circle one): Hamilton Park _____ Hamilton East

Area/Lawn Row/Area Plot.....

FOR RE-OPEN:

Name of person(s) previously interred:.....
.....

Signature of: Person holding burial right OR Funeral Director (delete one)

..... Date.....



CEMETERIES AND CREMATORIUM BYLAW REVIEW 2023: INSIGHTS REPORT

Report prepared by:
Tegan Andrews, Senior Research and Insights Advisor
Paris Miller, Communication and Engagement Advisor
October 2023

Report reviewed by:
Dan Silverton, Communication and Engagement, Partnerships, Communication and Maori
October 2023

Overview

Council is reviewing the Cemeteries and Crematorium Bylaw 2012. This bylaw sets rules to support the management and maintenance of our three cemeteries and crematorium – Hamilton East Cemetery, Hamilton West Cemetery and Hamilton Park Cemetery (Newstead). As part of the review process under the Local Government Act 2002, Council is considering continuing with the current bylaw with minor amendments. These amendments include:

- changes to make the bylaw more permissive of memorials and tributes that allow for greater cultural expression while retaining an environment that is welcoming and respectful
- changes to better align natural burials to national best practice
- changes to align the bylaw with updates in legislation and management practices, or to provide clarity
- amending outdated references.

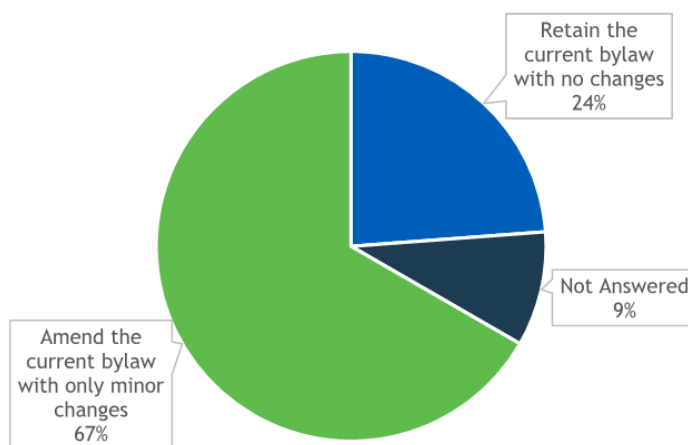
Council is proposing changes to the bylaw to enable the community to memorialise their loved ones in ways that are culturally appropriate, in an environment that is welcoming and respectful. We are also proposing changes to improve the bylaw for accuracy, and to reflect modern management and cultural practices – while still maintaining respect for appropriate tikanga (customary practices).

The consultation took place between 23 August and 20 September 2023, and was available online through Have Your Say and hardcopies at our libraries and municipal building. We received a total of 21 responses: 17 online submissions, two emails and two hard copy responses. Of the 21 responses, 18 were from individuals and three were from organisations, groups or businesses.

Submission Responses

Of the 21 respondents, 14 agreed with council’s proposal to amend the current bylaw with minor changes (67%), and 5 disagreed with the amendments (24%). One of those who did not answer (due to making an email submission) showed clear support for council’s proposal as well.

Should Council amend the Cemeteries and Crematorium Bylaw with minor changes?



When asked why they supported or did not support council's proposal to amend the current bylaw with minor changes, 17 respondents provided comment.

Of the comments of those in support, the most common reasons for supporting minor changes to the bylaw were:

- the understanding that minor changes are needed to modernise the bylaw (4 comments)
- support for the inclusion of greater cultural expression through memorials and tributes (3 comments).

Of the five respondents who disagreed, only three provided comments. The reasons for not wanting to see the bylaw amended were (each occurred once):

- concern that the amendment would mean the look and feel of the Hamilton Park Cemetery (Newstead) would change
- stating that more substantial change was required (without further suggestion as to what changes are required).

Eight respondents left suggestions for what they would like to see included within the bylaw, these included (comments occurred once unless specified):

- to allow for artificial flowers (2 comments)
- to ensure cemeteries are accessible for all users
- to ensure the look and feel of the cemeteries maintained
- to allow greater flexibility when burials are taking place
- the provision of a separate area for the burial of ashes in biodegradable containers
- to the section of the bylaw pertaining to Services Cemeteries to include the oversize casket depth or state where this may be located
- that 'or subsequent amendments' be inserted after the Act
- that beam/berm be made consistent
- that clarification is added to 'thin zinc' or replaced with a maximum thickness of acceptable zinc lining
- ensure the bylaw is clear that unattended candles, not just fires, are banned in cemeteries
- consider the introduction of a memorial tree park.

Questions or concerns raised include (all comments occurred once unless specified):

- Concern regarding the transparency around how council assesses applications for denominational areas, e.g. criteria for their allowance is unclear within the bylaw
- Concern regarding the (lack of) criteria set out for centralised monuments within the bylaw, e.g. size and design
- why the removal of providing receipts and / or certificates is considered.

There was an additional comment around people making their own choices for what happens in the eventuation of their death, which is out of the scope considered within the Cemeteries and Crematorium Bylaw.

Demographics

Data was not representative of Hamilton due to low number of individual responses ($n = 18$), however both NZ European (72% of respondents, 13) and Maaori (28% of respondents, 5) were well represented within the small sample.

FEEDBACK FROM SOCIAL MEDIA

In addition to analysing formal submissions to the consultation, we also analysed comments made on the Hamilton City Council social media post relating to the consultation. Hamilton City Council

posted one Facebook post relating to the Cemeteries and Crematorium Bylaw Review, which invited people to enter submissions on the survey.

This Facebook post received 22 comments (including replies to comments), including one reply from Hamilton City Council.

Relevant comments (excluding replies from Hamilton City Council) included concern burial site maintenance wasn't being kept up (1 comment), and a question regarding why some ornaments were allowed and others weren't (1 comment).

ENGAGEMENT TACTICS

GOAL

To make the public aware of the proposed changes to the Cemeteries and Cemetery Bylaw and to understand the views of the community.

OBJECTIVES

- All affected groups have the opportunity to make a submission before the consultation closes
- Our social media campaign reaches the relevant audiences.

ENGAGEMENT OUTCOME

The public has the opportunity to understand the proposed changes in the bylaw and have their say on these changes.

ENGAGEMENT CAMPAIGN REVIEW

Campaign tactics were:

- Elected Member update
- Emails to Maaori Partners
- Email to stakeholders
- Social media post on Facebook
- Public notice in Hamilton Press
- Hard copies of the consultation in libraries
- News story in the New Zealand Herald

ENGAGEMENT RESULTS

SUBMISSION FORM (ONLINE & PAPER COPY)

We received 19 responses to the survey. 17 were submitted online and two were hard copy submissions.



SOCIAL MEDIA

We reached more than 13,000 people on social media with one organic post. More than 1200 of those engaged with the post on Facebook.

We had 22 comments including one reply from Hamilton City Council. These are captured in the submission insights section.



Emails

We emailed funeral directors and monumental masons who work with Hamilton Cemeteries as well as reps for the Monumental Masons Association and Veterans Affairs about the consultation.

This email was sent from the Project Manager, and therefore we have no statistics on open or click-through rate. We received two replies, which were captured in the submission insights section.

WHAT'S NEXT

The analysis of this feedback will be presented to the Community and Natural Environment Committee on 22 February 2023. Council will then consider all the views and make a decision on the Bylaw.

Council Report

Item 10

Committee: Community and Natural Environment Committee

Date: 22 February 2024

Author: Narelle Waite

Authoriser: Helen Paki

Position: Strategy and Policy Advisor

Position: General Manager Customer and Community

Report Name: Cultural and Recreational Facilities Bylaw - Deliberations and Request to Revoke

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

1. To inform the Community and Natural Environment Committee on the outcome of public consultation for the proposed revocation of the Cultural and Recreational Facilities Bylaw 2012.
2. To seek a recommendation from the Community and Natural Environment Committee that the Council revokes the Cultural and Recreational Facilities Bylaw 2012.

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

3. That the Community and Natural Environment Committee:
 - a) receives the report; and
 - b) recommends that the Council revoke the Cultural and Recreational Facilities Bylaw 2012, effective from 1 May 2024, or other date resolved by Council.

Executive Summary - *Whakaraapopotanga matua*

4. The purpose of the [Cultural and Recreational Facilities Bylaw 2012](#) (the Bylaw) is to enhance public safety at cultural and recreational facilities under the ownership or control of Hamilton City Council, by minimising offensive behaviour and potential risk to patrons.
5. A review of the Bylaw revealed that minimising offensive behaviour at the facilities could be achieved using existing processes and without the need for the Bylaw.
6. Public consultation undertaken from 8 - 30 November 2023 on a proposal to revoke the Bylaw indicated public support.
7. Staff are requesting a recommendation to Council that the Bylaw be revoked effective 1 May 2024.
8. Staff consider the decision in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. The Cultural and Recreational Facilities Bylaw was first adopted in 2008 and reviewed in 2012. The Bylaw is now under its second review as required by the Local Government Act 2002 (LGA 2002).
10. Staff identified the Bylaw was surplus to requirement during the review process because current management processes and Government legislation provide staff the same ability to respond to offensive behaviour.
11. Preliminary engagement sought guidance from key stakeholders, including Maaori partners, cultural and recreational facilities staff, and Council legal services.
12. Pre-engagement confirmed that the management practices at facilities would remain unchanged whether or not Council maintained the Bylaw.
13. The Community and Natural Environment Committee meeting of 26 October 2023 [[Agenda](#), [Minutes](#)] determined that the Bylaw was no longer the appropriate mechanism for managing offensive behaviour at Council's cultural and recreational facilities (pools, libraries, the Waikato Museum and Artspost).

Discussion - *Matapaki*

Public Consultation

14. The public engagement approach for the revocation proposal was approved by the Community and Natural Environment Committee meeting of 26 October 2023 [[Agenda](#), [Minutes](#)].
15. Consultation took place between 8 - 30 November and was available online through Have Your Say and hardcopies at libraries, Water World, Waikato Museum, and municipal building.
16. Consultation also included meeting with Maaori partners, an elected member update, public notice, posters, and social media posts to the libraries, museum, aquatics, and HCC Facebook pages.
17. Staff recognised the proposal may cause concern to the community and communicated that the revocation would not affect how these facilities are currently managed.

Feedback Received

18. More than 11,500 people were reached on Council's Facebook pages with four posts. More than 725 of those reached engaged with the posts on Facebook, which had had 17 comments, 21 shares and 140 link clicks to the Have Your Say page.
19. Council received 14 survey responses. 10 agreed with the proposal to revoke the Bylaw and 4 disagreed. The full submissions can be read [online](#).
20. The key themes of those who agreed with the proposal to revoke the bylaw were:
 - i. agreement that the bylaw is surplus to need.
 - ii. requesting staff consider how our management practices may affect vulnerable communities.

21. Reasons for not supporting revocation were: a perception that library staff do not have the means to deal with nuisance behaviour.support for the current Hamilton City Pool Rules. review costs.In response to the concerns raised, staff note:
- i. should the Bylaw be revoked, staff will maintain the same ability to remove customers who do not abide by facility rules. Keeping the Bylaw, even with amendments, would not increase the capacity of Council to respond to offensive or nuisance behaviour.
 - ii. the Pool Rules will remain in place if the Bylaw is revoked.
 - iii. the Bylaw review is required by legislation and is budgeted within operational costs.
22. Abusive behaviour by customers towards our staff at facilities is never acceptable, Council has management policies and processes in place to respond to instances of unreasonable customer behaviour.
23. Most submitters had understood the impact of the proposal. However, some responses indicate that the community would benefit from staff continuing to communicate the effects of the revocation.

Options

24. Three options for consideration are set out in the table below:

<p>Option 1 (recommended) – recommend the Council revoke the Cultural and Recreational Facilities Bylaw 2012.</p>	<ul style="list-style-type: none"> • Recommendation to Council to revoke the Bylaw, effective from 1 May 2024. • The Waikato Museum, libraries and aquatics facilities can continue to manage customer behaviour with support of existing facility rules, charters, and policies.
<p>Option 2 – maintain the existing Bylaw (status quo).</p>	<ul style="list-style-type: none"> • Recommend the Council maintain the Bylaw with no amendments. • This option would mean Council retains a Bylaw that is not the best mechanism for responding to offensive behaviour. • Operational costs for ongoing reviews and Council reports to resolve amendments to facility rules will be required should the Bylaw remain.
<p>Option 3 – do nothing and cause the Bylaw to lapse.</p>	<ul style="list-style-type: none"> • The review will not be completed, and the Bylaw will be revoked in July 2024 by legislative requirement. • This option would have the same outcome as option 1 but includes potential risk that due diligence is not followed in completing the Bylaw review.

25. Staff recommend Option 1 – the Cultural and Recreational Facilities Bylaw 2012 be revoked. This option recognises that the Bylaw provides no additional capacity to respond to nuisance behaviour than our existing management practices, policies, and legislation. Similarly, no amendments would respond to the issue better than the existing policies and legislation already do.
26. The proposed revocation has been supported by key stakeholders, Maaori partners and Elected Members throughout the review, and largely supported by the public in consultation (71%).

Financial Considerations - *Whaiwhakaaro Puutea*

27. The costs associated with the review of the Bylaw are consultation materials, and staff time managing the review and engagement processes. The project costs have been approximately \$10,000.
28. The review of the Bylaw is a regular operating activity funded through the Long-Term Plan.

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

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

Climate Change Impact Statement

30. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation.
31. Staff have determined no adaptation assessment or emissions assessment is required.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

32. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
33. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
34. The recommendations set out in this report are consistent with that purpose.
35. There are no known **Environmental** or **Economic** Wellbeing considerations relevant to the decisions in this report.

Social

36. The review of the Cultural and Recreational Facilities Bylaw provides an opportunity to ensure Council is best enabling the community's safe and equitable access to facilities that strengthen social wellbeing through art, culture, sport, recreation, and education.
37. Revoking the Bylaw means we can be more flexible in responding to community needs and expectations.

Cultural

38. Our cultural and recreational facilities are community hubs that support the wellbeing of the community to share stories, values, customs, and to play. Our management policies cement rules for shared use of these spaces and enable the community to take advantage of these opportunities in a space that is safe.
39. The review process has provided an opportunity for alignment with He Pou Manawa Ora, and to seek input from Mana Whenua and Maataa Waka through the engagement period.
40. THaWK, Ngaati Wairere and Te Rūnanga o Kirikiriroa representatives have been consulted throughout the review and consultation process and all are supportive of the proposed revocation.

Risks - *Tuuraru*

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

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

42. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.
43. There is a statutory requirement to consult as per legislation outlined below.
44. When making, amending or revoking a bylaw made under the Local Government Act 2002 a local authority must consult (s156, LGA). Staff assessed the impact of the proposed revocation and held public consultation from 8 - 30 November under section 82 of the LGA 2002.
45. This report speaks to the public consultation undertaken and the community views and preferences heard throughout the consultation process.

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 Public Excluded Community and Natural Environment Committee Minutes - 26 October 2023) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987	Section 48(1)(a)

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

Item C1.	to maintain legal professional privilege to enable Council to carry out negotiations	Section 7 (2) (g) Section 7 (2) (i)
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