

**BEFORE THE INDEPENDENT HEARING COMMISSIONER
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application to demolish the Hamilton Municipal Pools

BETWEEN **HAMILTON CITY COUNCIL**
Applicant

AND **HAMILTON CITY COUNCIL**
Consent authority

**STATEMENT OF EVIDENCE
OF
KATHERINE MARY LUKETINA
ON BEHALF OF
SINK OR SWIM**

Dated 28 October 2019

Sink or Swim
36 Normandy Avenue
Hamilton 3206
Phone 021 0437 668 (Katherine Luketina)
Email: sink.or.swim.hamilton@gmail.com

INTRODUCTION

1. My full name is Katherine Mary Luketina. I am a geophysicist with a BSc, Post Graduate Diploma in Science (with distinction) and an MSc (Hons) in Physics from the University of Auckland. I also have a Post Graduate Diploma of Environment & Management (PGDipEnvMgt) (with Distinction) from Waikato University.
2. I have had more than twenty years' experience in local government administration of the Resource Management Act 1991 (the RMA) in a regional council. In addition to my role as a geophysicist involved in monitoring the state of the natural environment and evaluating resource consent applications for energy developments, I have been involved in developing policies and rules, and monitoring the exercise of resource consents. My work has brought together and developed my expertise in geophysics, planning and policy matters. I have presented scientific and planning evidence at resource consent applications for energy use, Regional Policy Statement and Regional Plan hearings, and in the Environment Court. I have also been involved in a High Court case on regional policy development.
3. However, I am here today as a resident and ratepayer of Hamilton, and as founding member of the Sink Or Swim (SOS) core group. SOS was formed in late 2011 by a group of regular swimmers at the Municipal Pools (the Pools) who were concerned about the proposed closure of the Pools by Hamilton City Council (HCC). SOS consists of a core group with a range of professional abilities, supported by a wider group of approximately 200 other concerned citizens. A petition we raised in 2012 to keep the Pools open was supported by 2500 signatures. Since the Pools were closed, SOS has continued to engage with HCC in an effort to encourage HCC to restore the Pools to an operational level.

CODE OF CONDUCT

4. I acknowledge that as a member of Sink Or Swim I am not independent of it, so my evidence cannot necessarily be regarded as expert evidence. Nonetheless, I have read the Environment Court Code of Conduct for Expert Witnesses, contained in the Environment Court's Practice Note 2014. I have complied with this practice note in preparing this statement of evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I am relying on the evidence of another person.
5. When discussing planning matters, I rely on my own considerable planning experience. When discussing heritage matters, although not a heritage expert in its narrow sense, I rely on my non-academic opinion as an informed member of the

community that values its heritage. When discussing engineering issues, I must state that I am not an engineer, but as a practicing physicist, I have good understanding of issues such as the structural strength of different materials, earthquake strengthening, weathering and aging of construction materials and so on.

6. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I have specified where my opinion is based on limited or partial information and identified any assumptions I have made in forming my opinions.
7. Sink or Swim have chosen to provide our evidence in this form, in writing and in advance, for the convenience of the hearing commissioner, as our evidence is quite substantial.

INTRODUCTION OF SUBMITTERS

8. I will briefly introduce Sink Or Swim's other submitters and outline their topics before presenting my own.
 - a. **Amenity:** Judy Patterson will present on the relative population densities of different parts of Hamilton and their proximity to swimming facilities
 - b. **Schools:** Debra White, Principal of Marian School, will describe how the continued closure of the Municipal Pools has affected the school's swimming curriculum.
 - c. **Health:** Dr Alison Hamilton will discuss the health benefits of swimming for all ages, and in particular the benefits of outdoor swimming. She will outline the drowning statistics and the need for water safety training. She will provide the results of a schools survey we undertook. She will also describe some of the many lido pools that are being refurbished in Britain due to popular demand.
 - d. **Parity:** Megan Bourke's evidence will focus on parity with other large cities in terms of swimming facilities and will outline Sink or Swim's analysis of the many different user groups that the Municipal Pools cater to.
 - e. **Associative Value:** Gail Jonson and Robin Hood ONZM will list some of the multitude of internationally acclaimed athletes and officials who have been associated with the Pools.

SUMMARY OF MY EVIDENCE

9. Sink or Swim opposes the application to demolish the Municipal Pools on the following grounds:

- a. The Hamilton Municipal Pools (the Pools) are an important heritage site in the South Victoria St heritage precinct and should be retained as such. The applicant's heritage assessment is deficient and misleading in that regard.
- b. The Pools are in an ideal site to provide much-needed lane swimming space for Hamilton, particularly those who live or work in the CBD, Hamilton East, and surrounding areas. They should be retained as a valuable swimming facility to provide much-needed lane space in a city that does not have enough swimming space to meet current demand, let alone future demand projections.
- c. The proposal is contrary to Part 2 of the RMA, (in particular s6), because it does not recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development.
- d. The proposal is contrary to the policies and objectives contained within the Waikato Regional Policy Statement that seek to preserve the historic heritage of Hamilton, among other matters.
- e. The proposal is contrary to the policies and objectives contained within the Vision and Strategy for the Waikato River that seek to preserve the relationship of the Waikato River with Waikato communities, among other matters.
- f. The proposal is contrary to the policies and objectives contained within the Hamilton District Plan that seek to enhance amenity and preserve the historic heritage of Hamilton, among other matters.
- g. The proposal is contrary to many HCC Strategies, Plans and Agendas
- h. The proposal will result in significant irreversible adverse effects on historic heritage values of the scheduled structure that cannot be avoided, remedied or mitigated.
- i. The proposal will result in loss of a finite heritage resource within the City.
- j. The application is inadequate in relation to its assessment of the heritage value of the structure and consideration of alternative options.
- k. The proposed demolition is contrary to multiple HCC Strategies, Policies and Rules and should be declined.
- l. The history of neglect of the Pools by HCC constitutes demolition by stealth and is contrary to the requirement of the Local Government Act.

SCOPE OF EVIDENCE

10. My scope of evidence is as follows:

- m. The statutory Plans, Policies, Rules and other instruments that the application is contrary to.
- n. The lack of a consideration of alternatives
- o. Heritage aspects of the site, and briefly, the differences and similarities in conclusion between the different heritage reports.
- p. Amenity and structural issues, and the lack of democracy in the process leading to this consent application.
- q. The S42A report and its heritage report by Mr Knott.
- r. I finish off with a personal note about what the Municipal Pools mean to me, and then conclude my evidence

11. The evidence I present is in part derived from the consent application document, the 2012, 2015, and 2018 LTP processes, engagement between HCC, SOS and other submitters and interested parties, and my own experience as a former regular user of the Municipal Pools.

MATERIALS CONSIDERED

12. In preparing my evidence I have reviewed the relevant documents provided

- a) Application document
- b) Assessment of Environmental Effects
- c) Appendix D: Assessment of Heritage Values
- d) Post-Notification Historic Heritage memorandum
- e) Heritage Peer Review Memo
- f) Section 42A Report
- d) Heritage Evidence by Richard Knott

THE STATUTORY FRAMEWORK

13. SOS opposes the application, on the basis that, if granted, the Application:

- Will not promote the sustainable management of resources, therefore will not achieve the purpose and principles of the RMA;

- Is contrary to Part 2 and other provisions of the RMA
- Will not meet the reasonably foreseeable needs of future generations;
- Will not enable social, economic and cultural wellbeing
- Is contrary to the purposes and provisions of the relevant planning documents, including the Hamilton City Operative District Plan and the Operative Waikato Regional Policy Statement; and
- Will not avoid, remedy or mitigate adverse environmental effects.

14. Without limiting the generality of paragraph 5 above, the specific reasons for which SOS opposes the application are below. Later in my evidence I discuss the context of the policy and other documents that the proposal does not comply with:

RMA s6

15. RMA s6 lists the Matters of national importance that HCC must recognise and provide for. These include the protection of historic heritage from inappropriate subdivision, use, and development. Demolishing the Municipal Pools does not achieve HCC's duties under RMA s6.

WAIKATO REGIONAL POLICY STATEMENT

16. The application is contrary to the following Waikato Regional Policy Statement (RPS) Objectives, numbered as per the RPS:

Objective 3.1 Integrated management, in that it does not recognise:

- c) the complex interactions between air, water, land and all living things;
- d) the needs of current and future generations;
- e) the relationships between environmental, social, economic and cultural wellbeing;
- f) the need to work with agencies, landowners, resource users and communities; and
- g) the interrelationship of natural resources with the built environment.

Objective 3.12 Built environment, in that it does not enable positive social, cultural and economic outcomes, including by:

- j) promoting a viable and vibrant central business district in Hamilton city.

Objective 3.18 Historic and cultural heritage: This states that "Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture." Demolishing the Municipal Pools does not achieve this Objective.

Objective 3.21 Amenity: This states that “The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.” Demolishing the Municipal Pools does not achieve this Objective.

VISION AND STRATEGY FOR THE WAIKATO RIVER

17. Demolishing the Pools is contrary to the following Objectives of the Vision and Strategy for the Waikato River:

Objective 2.5.3 d) The restoration and protection of the relationships of the Waikato Region’s communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.

Objective 2.5.2 e) The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River

HAMILTON DISTRICT PLAN

18. The consent application is contrary to the following District Plan Objectives:

Sustainable City:

Objective 2.2.1: regarding sustainable urban form

Objective 2.2.2: regarding efficient urban development

Objective 2.2.3: regarding safe, compact, sustainable, good quality urban environments

Central City, Business and Industry:

Objective 2.2.4: regarding serving the social, cultural, environmental and economic needs of the community

Waikato River:

Objective 2.2.8: regarding health and wellbeing of the Waikato River

Hamilton’s Identity, Character and Heritage:

Objective 2.2.11: Hamilton’s unique character, heritage and identity are reflected in its built environment

Resource Efficiency:

Objective 2.2.13: Efficient use and development of natural and physical resources, especially land, buildings and infrastructure.

Integrate Land Use, Transport and Infrastructure

Objective 2.2.14: Land use and development is integrated with the provision of infrastructure (including transport, Three Waters services and open space).

Historic Heritage

Objective 19.2.1: Significant buildings, structures, sites and items that define the City's historic heritage are identified and protected

Objective 19.2.2: The heritage values of a diverse and representative range of natural, physical and cultural resources are protected

Objective 19.2.3: The heritage values of significant buildings, structures, and their immediate surroundings are protected

HCC STRATEGIES, PLANS AND AGENDAS

19. Section 104(1)(c) of the RMA requires consideration of 'any other matter the consent authority considers relevant and reasonably necessary to determine the application'. Relevant matters include the following HCC Strategies, Plans and Agendas:

20. Central City Transformation Plan

The consent application is contrary to the Central City Transformation Plan Vision of "A prosperous commercial centre with a vibrant metropolitan lifestyle".

21. Biking Plan

The application is contrary to the Biking Plan in that it would remove the ability of cyclists to readily access a public swimming venue via the river path and Western Rail Trail.

22. Hamilton Central City Safety Strategy 2018 to 2021

The application is contrary to the Safety Strategy in that it would cause the removal of a facility that if it were open, would return vibrancy to the central city by means of patronage between the hours of 5:30 am and 9:00 pm.

23. Disability Policy

The application is contrary to the Disability Policy in that it would cause the removal of a facility that if redeveloped as a modern heritage swimming venue compliant with disability access requirements, would enable easy access for the disabled, particularly but not limited to those associated with the adjacent Celebrating Age Centre, to the therapeutic value of aquatic exercise in a safe environment.

24. Economic Development Agenda

The application is contrary to the Economic Development Policy in that it fails to provide for the best possible business environment and infrastructure that enables the city to function and prosper, and enhance the central city.

25. Frankton Neighbourhood Plan

The application is contrary to the Frankton Neighbourhood Plan in that the lack of a public swimming facility within close proximity to Frankton will fail to provide for Frankton to become “an increasingly desirable suburb for families and professionals interested in an urban village atmosphere and convenient, pedestrian-friendly proximity to work, education, cultural and social facilities”.

26. Hamilton East Neighbourhood Plan

The application is contrary to the Hamilton East Neighbourhood Plan in that the lack of a public swimming facility within close proximity to Hamilton East will fail to achieve the plan outcome “Hamilton East is a popular and attractive character suburb that remembers its history “ The Pools are within walking distance of Hamilton East and is considered part of the neighbourhood amenity. Demolition will fail to account for the areas heritage and history and .fail to provide amenity for residents

27. Hamilton Urban Growth Strategy

The application is contrary to the Hamilton Urban Growth Strategy because removal of a public swimming facility from the central city will fail to account for the Strategy’s following aspirations:

- Growing numbers.
- Strategic directions.
- Quality of life.
- Neighbourhoods and communities.
- Business and industry.
- Long-term thinking.
- Sustainable and well planned.
- Good urban design.
- Innovation precincts.
- Acknowledging the Waikato River.
- Reducing our footprint.
- Intelligent and progressive.
- Planning for choice.
- Community capacity and pride.

- Building on our competitive strengths.
- Planning for the future.
- Managing our land use.
- Getting around easily.
- Maximising opportunities.
- Enhancing the urban experience.
- Safe and enjoyable journeys.

28. Heritage Plan

Demolishing a heritage site does not in any way contribute to heritage.

29. Older Persons Plan

Demolishing the Municipal Pools fails to meet the objective of the Older Persons Plan by failing to “ensure Hamilton is a desirable place to live for older people” in that it will prevent the reopening of a public swimming facility that older people can readily access by multiple transport option and at which they can enjoy the health benefits of low-impact exercise in a warm, buoyant medium (hydrotherapy). It must be noted again that the Pools are next door to the Celebrating Age Centre.

30. Open Spaces Plan

Demolishing the Municipal Pools fails to meet the objective of the Open Spaced Plan by removing the amenity and heritage value that the Pools bring to the South End precinct, particularly the Reserve land the Pools sit within, and the riverside path. The location of the Pools provides connectivity between outdoor swimming and the other outdoor recreation activities of walking, running and cycling that exist in the immediate vicinity. This is particularly so for triathletes, who can undertake all their training segments from one venue, then shower and finish up with a visit to a local cafe.

31. River Plan

The application is contrary to the ethos of the River Plan in that it would demolish the amenity and heritage value that the Pools bring to the riverside South End precinct. One of the architects responsible for the design of the River Plan publicly stated that although the submitted design does not have the Municipal Pools in it, the plan was ‘highly flexible in this respect’. https://www.nzherald.co.nz/hamilton-news/news/article.cfm?c_id=1503366&objectid=11591768

32. Waikato Museum Strategic Plan

The application is contrary to the ethos of the Waikato Museum Strategic Plan in that it would demolish a facility that draws families and school groups into the immediate area. When the Pools were open, schools from within Hamilton and as far away as Taupo would make a day of visiting the Museum and the pools. If the Pools are demolished they are unlikely to be redeveloped as a swimming venue so this opportunity to increase Museum patronage will be lost.

33. Youth Action Plan

The application is contrary to the Youth Action Plan's priority "There are cool things for youth to do in the city." Sitting passively in the green space created by demolition of the Pools is nowhere near as cool as learning to swim, learning life guard training, learning kayaking basics, taking part in school carnivals, school reward days, swimming squad or water polo training, or having water play with your friends on the weekend, which are all activities that previously took place when the Pools were open.

CONSIDERATION OF ALTERNATIVES

34. Clause 1(b) of Schedule 4 of the RMA requires an assessment of the effects on the environment to include a description of any possible "alternative locations or methods" for undertaking an activity where the activity would result in any significant adverse effect on the environment or involve a discharge. In this instance, consent is not sought for a discharge, but this proposal will result in significant adverse effects, on heritage, amenity, and loss of community asset.
35. The Local Government Act 2002, Part 6, also requires councils to identify alternatives and consider community views on those alternatives as part of decision-making process.
36. No consideration of alternatives has been done.
37. Below are some alternatives that could have been considered:
38. **Sport Waikato and Swim Waikato Option:** In 2012 Sport Waikato and Swim Waikato presented council with a fully costed plan to redevelop the site as a covered pool. This would cater to swimming clubs.
39. **Private-Management:** Sink or Swim has been approached twice by Auckland Swimming Clubs that each have a commercial arm that builds and runs its own pools for club use, in Auckland and other cities. If the pool is on public land there is also a requirement for some public access. These clubs are proficient at building pools that work and state that they can do it more cheaply than other pool building options.

They are interested in rebuilding the Municipal Pools and operating them as a club and public facility.

40. **Fundraising Option:** in 2012 SOS investigated the possibility of raising funds for a refurbishment but without council approval that could not proceed. We identified 14 charities including Lotteries, pub charities and philanthropic trusts set up by businesses and individual, that had money available that could be applied for.
41. **Local Community Funding:** several supporters of the Pools had their own ideas including selling naming rights, selling life memberships, people sponsoring individual bricks etc. These would all be feasible if we had council approval to proceed.
42. **Mark Wassung Design:** The architect Mark Wassung developed concept plans for a refurbishment that retained the grandstand, included 2 new pools, a wide, welcoming entrance, a cafe overlooking both the pool and the river, and modern changing rooms and club facilities. This was costed at \$5 and could be accomplished in stages.
43. **River Plan:** The Municipal Pools belong in the River Plan. The architects responsible for the River Plan are open to that. In January, a mayoral candidates, Angela O'Leary, started a discussion on her Facebook page about the future of the Municipal Pools site. A lot of great ideas for such things as a Destination Water Playground or a hydroslide came from the discussion. Sink or Swim thinks the Municipal Pool site and adjacent park land could have it all.

HERITAGE EFFECTS

44. The proposed demolition of the Pools will result in adverse heritage effects for the site and the surrounding heritage precinct. The Pools are part of the lower Victoria St heritage precinct, which includes the following scheduled historic places, all within 300 metres of the Pools:
 - H08 Victoria Bridge
 - H12 Band Rotunda
 - H48 Former Waikato Brewery
 - H4 St Peter's Anglican Cathedral
 - H33 St Peter's Church Hall
 - H34 Barton & Ross building
 - H69 Reid Studio,
 - H70 Former George Smith House,
 - H35 Arts Post
 - H5 The Bank
 - H7 Hamilton Court Building

45. The Heritage Assessment submitted with the application is significantly negative in tone and conclusion compared to the HCC Built Heritage Inventory Record Form and the 2013 Matthews and Matthews Conservation Plan for the site, both of which were done to satisfy HCC's statutory requirements in regards to city heritage, rather than for the express purpose of justifying demolition.
46. The Heritage Assessment submitted with the application is factually incorrect in places and logically incorrect in its conclusion.
47. The wooden grandstand, in particular, has strong heritage and associative value for the people of Hamilton, and is an integral part of the sensory enjoyment of swimming and spectating at the Pools. Its closeness to the main pool provides a sense of immediacy and close involvement for spectators of swimming events.
48. Demolishing the Pools and returning the site to green space, of which there is already ample adjacent to the site, would strongly detract from the cohesion of the lower Victoria St heritage precinct and from the heritage record of Hamilton as a whole.
49. The application document (page 17) suggests that because the Pools are closed the site's historic heritage is obscured. The antidote to that is not to tear it all down but to reopen the Pools, preferably with a redeveloped swimming complex that incorporates its heritage elements. The argument that closing a historic site diminishes its heritage value is specious.
50. Redevelopment of the site as a modern swimming venue with historic significance could also make allowance both for parking and for full disabled access via the level back entrance off Grantham St, a concern expressed on page 17 of the application.
51. The application's proposed replacement of a functional swimming facility with installation of interpretive signage (page 17) is laughable in terms of providing for heritage and amenity.
52. Demolition flies in the face of the principles of the International Council on Monuments and Sites, which states that "Intervention should be the minimum necessary..."
53. Page 27 of the application states that "There are no practicable options appropriate for the refurbishment of the site that would not destroy the remaining heritage features of the facility." Yet, in 2013, the architect Mark Wassung presented to HCC a detailed set of concept plans that would do just that. Furthermore, sensitive redevelopment of heritage bathing sites has been accomplished to stunning effect at Auckland's Tepid Baths and Parnell Baths.
54. I would like to add that Mark Wassung's plans were backed up by a costing done by Kingstons. Planners provided a three-phase parking and access strategy, outlining

changes to Victoria St for the purpose of improving pedestrian access, traffic control and the re-siting of bus stops. All of this work, amounting to tens of thousands of dollars worth, was done pro-bono, indicating the level of community goodwill for the pools among the construction and planning sector.

55. The Heritage Assessment declares that “the associative value of the pool is little.” Yet Gail Jonson and Robin Hood will give evidence of the multitude of Olympians, Commonwealth Games and World Champion swimmers and divers, and internationally recognised coaches, timekeepers and other swimming and diving officials who have been associated with the Pools, in far greater numbers than any other Hamilton swimming facility has accomplished.

AMENITY EFFECTS

56. The Pools have strong associative intergenerational value to the people of Hamilton, with members of several generations of families having learnt to swim, undertaken school visits, swum in club squads, enjoyed leisure swimming, and exercised as adults at the Pools.

57. The pools have contributed to the streetscape of the area being a heritage resource and when operational enhanced the local environment as a community asset. The amenity of the locality will be adversely affected if consent is granted.

58. The Pools are in the highest population density area of all HCC pools, being surrounded by an ever-growing number of high-density apartments in the CBD, suburban Hamilton West and Hamilton East. The Pools are also within the highest daytime population of workers, as they are within the CBD.

59. The Pools are the easiest swimming facility to get to in Hamilton, being the only swimming facilities on the Orbiter route and with a bus stop right outside. They are within walking distance of 6 schools, and many other schools can take advantage of transporting their students to the Pools on scheduled buses rather than take the added expense of hiring a bus.

60. The Pools have had up to 80,000 visits per annum and could have that again if they were run effectively.

61. The application considers the costs of building a new facility on page 25, and declares that to be for the benefit of ‘sentimental value’. In our opinion, the provision of a central city swimming pool can hardly be dismissed as ‘sentimental value’, particularly at a time when HCC’s own documents indicate that it has a shortage of swimming facilities. The Waikato Regional Aquatic Facilities Plan, by Global Leisure

Group on behalf of Sport Waikato and Local Authorities including HCC, documents that the current lane space provision does not meet the National Baseline Provision in the National Strategy for Aquatic Facilities. It points out that 'When the projected future population is considered it can be seen that the potential gaps in provision increase (in the) future.' To meet ratio standards an additional 1177 sq m of pool space was needed, and by 2038, 2610 sq m. That roughly equals 20 lanes of a 25 m pool for 2017, and 40 lanes for 2038. The Pools provide 6 lanes currently (if they were open) as well as the learner pool, which could be replaced with another 6 lanes. The Aquatic Facilities Plan identifies Hamilton as a Priority Area for the provision of swimming facilities.

62. The Municipal Pools provided, and can provide again, daily access, 16 hours a day, to fitness and life skills for residents and workers in the central city and surrounding suburbs, and schools throughout Hamilton and even as far away at Taupo,

STRUCTURAL ISSUES

63. The demolition application document makes much of the poor condition of the Pools site and the supposed issues relating to redeveloping the site as a modern swimming facility. It needs to be borne in mind that the 1912 pool complex, built using the methods of the time, is still there. Further up Victoria St, on the edge of land far steeper than that of the Pools, multi-storey office blocks, hotels, and a casino have been built (none of which provide a pool for their patrons). There are no practical reasons why the site cannot still be used as a swimming complex.

64. The Pools have fallen into disrepair due to a lack of maintenance dating from the 1990s by HCC, which is required under the Local Government Act to maintain its assets, and therefore has been derelict in its duties in this regard. Nevertheless, the Pools were operational until HCC decided to close them citing safety claims.

65. The demolition application notes that the Pools are an earthquake-prone structure. HCC allocated budget some years ago to address this and the funding remains unspent.

66. The demolition application states that at the time of the Pools' closure, serious pool leaks were discovered. This is not correct. The leakage issue was well-known to the previous operators of the Pools and to HCC, and can be verified by HCC records of water usage for the site. The rate of leakage, although not ideal, is normal for a concrete in-ground pool of that vintage. Vinyl liners are a cost-effective solution to leakage and are employed widely in pool construction.

67. Subsequent to closure of the Pools, the plumbing firm CJ Cant was commissioned to investigate the rate of leakage and determined a fluctuating leakage rate. A fluctuating leakage rate is highly unlikely under controlled conditions. Leakage rate can be expected to decline as water level declines due to a reduction in overlying pressure, and because leakage points near the top of the pool are no longer available for water to leak from. There is no physical mechanism for leakage to fluctuate unless there is some other influence such as water ingress. No adjustment was made for rainfall during the investigation. No checks were made to determine whether there was any leakage from or ingress to the Pools via routes other than the pool surrounds, such as storm-water run-off, drains or other plumbing. For these reasons, the findings of the report cannot be relied on. However, it was used by council as evidence the Pools should be closed.
68. The demolition application states that the site is 'derelict'. According to the Oxford Living Dictionary, derelict means "dilapidated, ramshackle, run down, broken-down, worn out, tumbledown, in disrepair, in a state of disrepair, in ruins, ruined, falling to pieces, falling apart, rickety, creaky, creaking, decrepit, deteriorating, crumbling, deteriorated, neglected, untended, unmaintained, gone to rack and ruin, gone to seed, on its last legs, the worse for wear". While it is true that the Pools have been poorly maintained since the mid-1990s, the general sense of the term derelict is too strong.
69. The demolition application states that the Pools were closed in 2012 due to equipment failure. There was no equipment failure. Despite their current poor condition stemming from two decades of neglect by HCC, the Pools could be refilled, reheated, and operational within a week. That is not to say they do not deserve a substantial make-over, but they are not derelict
70. However, SOS acknowledges that the Pools site would benefit from modernisation, including renewing the pools, plant, entrance, clubrooms, and changing and reception facilities, in a manner that would preserve the heritage value and retain and enhance the amenity value to serve the people of Hamilton for another 100 years. SOS, with the assistance of architect Mark Wassung and other professionals, have previously submitted such a plan. Swimming Waikato has previously submitted a different plan. Sensitive modernisation of the Pools can and should be done, and for that reason we oppose destruction of the site as a heritage swimming venue.

BREAKDOWN IN DEMOCRACY

71. I will now outline the sad history of the neglect of the Municipal Pools by Hamilton City Council and the very poor democratic processes the council has engaged in with respect to this matter.
72. In the mid-1990s, HCC staff decided to run down the Municipal Pools facility and direct the depreciation offset elsewhere. This was not a decision made by Council, and contravenes the LGA requirement to maintain council assets. There was no public engagement, or public notification of the decision.
73. In July 2011, the Hamilton Amateur Swimming Club returned the management of the Pools back to HCC at the end of the lease period, because it was no longer economically sustainable for them to continue operating a pool that was not being maintained. HCC announced the decision to close the Pools permanently.
74. In February 2012 SOS was formed to lobby against the decision to close the Pools permanently, and 200 people attended a public meeting on the matter and signed up to support the campaign. Public outcry led to Council staff agreeing to keep the Pools open until June 2012.
75. However, during that time HCC repeatedly closed the Pools without warning, reopened them without advising the public, did not spend any money on the Pools or on advertising their availability, and refused to take group bookings. Swimmers had no idea whether the pools were open or not. Patronage fell steeply as a result. HCC now uses this loss of patronage as a reason to demolish the pools. If they had managed it properly it could have retained the patronage of 40,000 swims per annum it had when it was under club management.
76. In response, SOS core-group members started a facebook and text service to advise each morning whether the Pools were open or not, in the absence of any notification from HCC.
77. In April 2012 there were 42 submissions to the HCC LTP in favour of retaining the Pools, none against. SOS organised a petition over two weekends and obtained 2600 signatures from Hamilton residents in support of retaining the Pools. Swimming Waikato and Sport Waikato presented a proposal for a refurbishment of the Pools. HCC turned it down.
78. In June 2012 the Pools were closed.
79. In December 2012 SOS held a centenary party for the Municipal Pools. This was attended by about 250 people, including an octogenarian, Mary McWhannell, who

travelled from Taupo for the event. She had been a NZ representative swimmer and had trained at the Pools in her youth.

80. Once SOS had advertised the centenary party, HCC then advertised an anniversary party on the same day for the Founders Theatre (ironically, now also closed due to lack of maintenance). Nevertheless, several HCC councillors also attended the Pool party.
81. In 2013, following a query by a member of the public, the Audit office determined that the previous decision to run Munies down did not meet LGA requirements
82. In 2015, for the LTP process, HCC adopted a flawed informal consultation process in which potential submitters were invited to have chats with councillors at various venues instead of making written submissions or attending a hearing. SOS nevertheless chose to make formal written submissions. Some of these were grossly misrepresented in the Summary of Submissions, with the author of that document writing unfounded statements about SOS's reasons for their submission. In total there were 94 submissions in favour of retaining the Pools. None of these were in a standardised campaign format. It should be noted here that SOS has never promoted the form letter approach, instead asking supporters to write their own personalised submission.
83. Since 2011, the information that Councillors have received from staff regarding the state of the Municipal Pools and their place in the community has been full of errors, inconsistencies, inaccuracies, and omissions. Most councillors are not swimmers and do not have any day-to-day knowledge of the troubles that schools, swimming clubs, adult swimmers and parents of school-aged swimmers have in getting some lane space. Below is reproduced a critique by SOS of various council documents, submitted as part of a 2015 LTP submission. It is as relevant today as it was then.

APPENDIX: INCONSISTENCIES IN HCC INFORMATION

These critiques of HCC documents and comments are supplied at the request of some councillors.

HCC 2015 LTP Consultation Document

https://haveyoursay.hamilton.govt.nz/strategy-research/copy-of-hamiltons-10-year-plan/user_uploads/consultation-document_webdownload.pdf

Report text, page 33	SOS comment
An open-air pool would not address the shortfall of indoor space over winter.	Open air pools are used all year round. Munies was heavily used all year round by swimming club, CBD workers, triathletes, and Masters swimmers.

Council Report: Aquatic Facilities Unfunded Proposal dated 25 February 2015

https://haveyoursay.hamilton.govt.nz/strategy-research/801fad8d/user_uploads/aquatic-facilities-report---25-february-2015.pdf-3

Report text,	SOS comment
<p>page 20:</p> <p>Staff do not recommend an investment in the Municipal Pool based on the following factors:</p> <ul style="list-style-type: none"> • The pool is currently inoperable due to major structural damage requiring at least \$5.5m to repair and upgrade the site. • If repaired, an open air pool would not address the shortfall in indoor pool availability over winter. • The Waikato Regional Sports Facility Plan and Opus Review recommend closure of the Municipal Pool as the capital would be better invested in a new indoor community pool, 	<p>The pool was operable until HCC closed it. Wear and tear and lack of maintenance of an ageing facility are the primary reasons for its poor state.</p> <p>It would address the total lack of publicly available outdoor pool availability all year round.</p> <p>Waikato Regional Sports Facility Plan did not consult users, it merely surveyed existing facilities and made recommendations based on assumptions of what users required. While a northern pool is needed, HCC should look to maintaining existing sites first.</p>

preferably in the north-east of the city.	
<p>Page 21 :The Municipal Pool is not recommended due to the high cost of enclosing the pool and staff not supporting it as an open air option which is contrary to the National Aquatic Strategy and The Waikato Regional Sports Facility Plan recommendations. The operating costs of the both the Municipal Pool options are significantly higher than all other alternatives (excluding a new Aquatic Facility in Rototuna and projected visitor numbers are relative low</p>	<p>Comprehensive costing has been done only for the Municipal Pool. Realistic comparison cannot be made for other facilities until a similarly detailed design and costing has been produced for them. Nevertheless, it is difficult to see how a new covered pool at Waterworld Municipal Pools complex.</p> <p>The National Aquatic Strategy considers that outdoor pools are quite adequate for local uses.</p> <p>The Waikato Regional Sports Facility Plan does not offer any sound reasons for its recommendation regarding the Municipal Pools, and did not consult any user groups in its development.</p> <p>There is no basis give for the suggestion that projected visitor numbers would be low.</p>

Opus report on HCC Aquatic Facilities 2015

https://haveyoursay.hamilton.govt.nz/strategy-research/801fad8d/user_uploads/final-hamilton-city-council-2014-aquatic-facility-review.pdf

Report	SOS response
Review considers needs of ageing population	LTP does not plan for known ageing population increase
Opus report assumes older people want indoor pools.	Assumption is unfounded, and in SOS experience, false.

Waikato Regional Sports Facility Plan Reference Document dated September 2014

https://haveyoursay.hamilton.govt.nz/strategy-research/801fad8d/user_uploads/waikato-facility-plan-final-public-consultation-summary-_october-2014.pdf-2

Page no	Report text	SOS comment
17	Close the Municipal Pool	There is no basis for this recommendation – no costing, no user consultation was done in this report.

HCC Staff report December 2012

https://haveyoursay.hamilton.govt.nz/strategy-research/801fad8d/user_uploads/municipal-pool-report--11-december-2012.pdf

Para-graph	Text	Comment	Conclusion
9	<p>HCC staff report: the significant structural and services related issues identified within the Opus Municipal Pool Investigation Report:</p> <ul style="list-style-type: none"> • Inadequate strength of the main pool walls; • Voids under the main slab; • Rapid leakage (main pool emptied out over 12 days from being full) • Deteriorated piping; • Pool skimming of contaminants; • Poor water filtration; • Poor water and disinfectant distribution; • Insufficient bracing of 	<p>Agreed that pool needs rebuild. Opus report on existing conditions of the wall structures was in similar detail to that reported to council in earlier reports by the same firm together with MWH and G.A. Hughes sent in Jan 2002, June 2007 and June 2008, which made recommendations to council to carry out maintenance provisions which were never taken up.</p> <p>Opus investigation uses methods that are inappropriate for finding voids, and no voids are found.</p> <p>No doubt the pool leaks but there was no evidence that methods used for leak rate measurement included comprehensively sealing main drain from pool. A non-issue as new pool or \$50,000 latex liner will fix this.</p> <p>To be expected for a facility of that age</p> <p>Agreed</p> <p>Agreed. While the sand filter is of a high quality it does not meet current standard to filter giardia, some modification needed.</p> <p>Agreed. New pool should have overflow circulation</p> <p>Already budgeted for in existing asset</p>	<p>All the historic figures relating to water and heat loss dramatised in the report on present conditions would be irrelevant going into the future with the construction of a new pool. The average attendance numbers quoted by staff are also misleading under normal operational and managed conditions.</p>

Para-graph	Text	Comment	Conclusion
	<p>the buildings to withstand earthquake forces.</p> <ul style="list-style-type: none"> • No disability access • Lack of appropriate parking space 	<p>management budgets.</p> <p>Agreed. Easily fixed.</p> <p>800 parks in street, Meteor and Knox St carpark. Longtime users very infrequently suffer parking problems. Many people walk, run, cycle or take bus to Munies.</p>	
9	Lack of appropriate parking space	<p>Carparks within 100 m of the Victoria St entrance:</p> <p>Meteor Theatre: 62 parks</p> <p>Celebrating age centre: approx 60 parks.</p> <p>Victoria St between Bridge St and Knox St: approx 100 parks:</p> <p>Total 220 park</p> <p>Carparks within 100 m of Gallagher pool: 40 in carpark, Approx 20 in street.</p>	Municipal pool has more parking space than Gallagher Pool
30	The total number of schools and swimming clubs who used the Municipal Pools for either school water sports, or training during the 2011/2012 year totalled 5178.	<p>That equates to approximated 16 clubs or schools using the pool PER DAY. This is clearly wrong.</p> <p>The report may intend to say that 5178 patrons from schools or clubs used the pool in that time. The council figures are meaningless because they are grossly lower than the HASC patronage, due to multiple closures, a \$0 advertising budget, and reduced and inconsistent hours.</p> <p>Any patronage figures must be compared with annual patronage during club management of up to 48,000.</p>	The figure is meaningless. Council should make its decisions based on realistic figures, such as the 48,000 achieved under club management.
31	Hamilton Swimming Clubs...have been accommodated at either Waterworld or Gallagher Aquatic Centre.	Clubs are fighting among themselves for lane space during winter.	Hamilton Swimming Clubs have not been fully accommodated and are suffering.
33	The locality of the	Also Hamilton Boys' High, Hamilton	More schools than

Para-graph	Text	Comment	Conclusion
	Municipal Pools made it convenient for schools including Hamilton West, Hillcrest High, Sacred Heart College and Marion (sic) Catholic School to walk to the facilities...	Girls' High and Hamilton East School.	mentioned have been disadvantaged.
35	Play space for leisure activities is allocated around lane swimming demand during this period.	At times there is no play space available at either Waterworld or Gallagher's.	Play space is often not available at peak times.
36	The Municipal Pool patronage figures for 2011/12 were 13,557.	The council figures are meaningless because they are grossly lower than the HASC patronage, due to multiple closures, a \$0 advertising budget, and reduced and inconsistent hours. Any patronage figures must be compared with annual patronage during club management of up to 48,000.	The figure is meaningless. Council should make its decisions based on realistic figures, such as the 48,000 achieved under club management.
36	The annual operating costs ...equates to \$18.44 per visitor compared to \$3.52 for Waterworld	Costs were high because patronage was artificially low in some months due to closures etc. In February 2012 council records show 4350 patrons at a cost of \$1.95 per patron.	The figure is meaningless and misleading.
54	Significant work would be needed to address the access -issues for disabled persons.	Easily accommodated in new design	The disability issues are grossly overstated.
55	...there is no onsite car parking available adjacent to the Municipal Pools facility.	There are approximately 220 car parks in close proximity including the Celebrating Age Centre immediately adjacent. See para 9 above.	The parking issues are grossly overstated.
76	The Partner Pools are delivered through a Service Level Agreement, to provide access to the public for both recreational and leisure activities	The university pool is available to the public 6 hours a day for 4 months of the year, and closed the rest of the time. There is almost no public availability to the other partner pools, which are either closed or being used for squad swimming outside school hours	The public access to Partner Pools is almost non-existent.
80	The outcome of the Partner Pools programme review identified Fairfield College as the preferred	It is unlikely public access would be any better than currently, i.e. non-existent. It would be taken exclusively by a club. Also Fairfield College is 5 km from the	Fairfield is not a suitable replacement for the Municipal

Para-graph	Text	Comment	Conclusion
	option...	Municipal Pools and would not satisfy the needs of central city school, offices, apartment blocks, and suburbs.	Pools.
87	Build a new Learn to Swim pool at Waterworld at a capital cost of \$1.72m	This is in the wrong place, and it delivers a lesser range of facilities, i.e. a learner pool instead of the existing 2 learner pools and 25 m pool at the Municipal Pools.	Option 9 is unsuitable.
98	Heat the 50 m Lido Pool at Waterworld at a capital cost of \$4.43m...	This is in the wrong place, and it delivers a lesser range of facilities, i.e. a heated learner pool instead of the existing 2 learner pools and 25 m pool at the Municipal Pools.	
		<p>SOS Opinion:</p> <p>No 'level of service' analyses: The staff report does not provide a comparative analysis of 'level of service' provisions (e.g. the availability of swimming opportunities to the public – hours open, lane space, distance from home) of different options. Level of Service analysis should include (but not be limited to):</p> <ul style="list-style-type: none"> • Population per lane space city-wide • Number of hours open per week for each aquatic facility • Proximity of public aquatic facilities to population densities (e.g. how many people live or work within e.g. 1 km and 5 km of each facility) and schools • Future population densities in same radii, in e.g 10 yrs, 20 yrs. • Availability of non-lane space aquatic facilities (pools suited to water play and Learn to Swim) <p>No community input: SOS not consulted in the development of the reports and the conclusions have not been tested for community satisfaction. They lack robustness and rigour.</p> <p>Insufficient information: The staff report does not give councillors sufficient information to decide on the future of the Municipal Pools because realistic solutions have not been proposed or examined in the options presented.</p>	

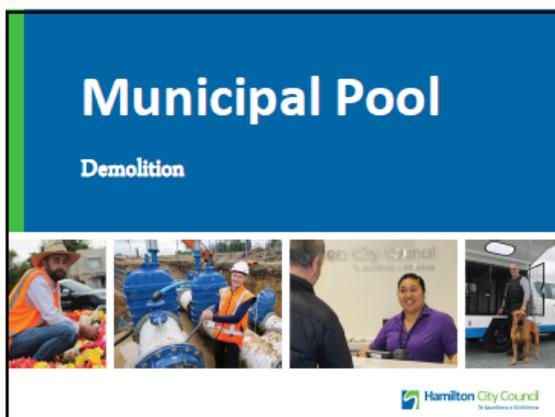
SOS responses to Staff and Councillor comments

Staff or Councillor comment:	SOS response
Councillor: "If people want to swim outdoors they can use St Pauls"	FACT: St Paul's pool is a private facility with no availability to general public except for very limited squad bookings.
Staff: Partner pools provide adequate public lane space	FACT: neither Fairfield nor Hillcrest pools provide any public lane space at all. During the week they are available only for school or club use. Weekends there is very limited, unadvertised water play availability, and no lane swimming at all.
Staff: "Will not recommend building an outdoor pool - as per National Aquatic Strategy"	FACT: National Aquatic Strategy considers outdoor pools adequate for local training and events.
Staff: "A plethora of outdoor pools in the Waikato Region"	FACT: Munies is the only publicly available all-year outdoor pool in Hamilton
Staff: "Elite athletes won't use the pool"	<p>Sarah Ulmer: "it's a no-brainer to fix the pool"</p> <p>Gail Jonson, NZ Olympian: "I love swimming at the Munies "</p> <p>Megan Arthur, Currently ranked 3rd in the world (1st NZ) in Ironman Age Group rankings: "If Muni pools were open I would be swimming there!!! Since the closure I've been swimming at St Paul's summer & winter. The benefits of swimming outdoors is not only physically but also mentally stimulating. We all know the benefits of getting outdoors into the fresh air; well the Muni Pools provides all of this. I live in Melville and would prefer to drive to St Paul's to swim outdoors than drive around the corner to swim at Gallagher's.</p>
Staff comment: Munies not appropriate for our aging population	FACT: Munies are right beside Celebrating Age centre. Can be accessed at rear, on level with Celebrating Age car park. Hoists, ramps etc are standard equipment for modern pools. Munies are well-used by over-60s. Rebuild can easily accommodate accessibility options.

84. In the 2018 LTP the closure of the Pools was not itemised in the main text of the draft LTP report but instead was hidden in a spreadsheet. This meant that the public were largely unaware that it was there. Nevertheless, there were 8 submissions in favour of the Municipal Pools, none against.

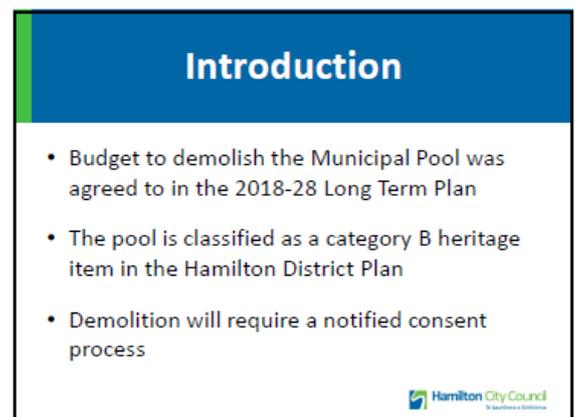
85. In 2019 HCC staff presented a report to Council that stated an application to demolish the Pools would be made. There was no motion put and no resolution made by Council to demolish the Pools. The statements made in the briefing notes to councillors were grossly inaccurate and unfounded, and painted a very pessimistic picture of the Pools. When SOS asked HCC for supporting evidence to back up the claims made HCC was unable to provide any. I will take you through these statements, because it on the basis of these statements that Councillors, by default and not actually passing any motion, allowed the demolition consent application to proceed. Below are copies of the staff Powerpoint slides, with my comments below them.

86. Slides 1 to 4



Municipal Pool
Demolition

The slide features a blue header with the title 'Municipal Pool' and the subtitle 'Demolition'. Below the header is a collage of four images: a construction worker in an orange vest, a person in a white hard hat and orange vest, a woman in a purple shirt, and a dog. The Hamilton City Council logo is at the bottom right.



Introduction

- Budget to demolish the Municipal Pool was agreed to in the 2018-28 Long Term Plan
- The pool is classified as a category B heritage item in the Hamilton District Plan
- Demolition will require a notified consent process

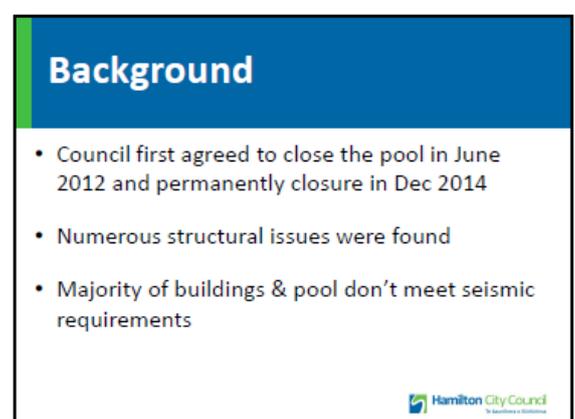
The Hamilton City Council logo is at the bottom right.



Today we will cover

- Background leading up to the closure of the pool in 2012
- Heritage value
- Costs to reinstate
- Next steps in the consent process

The Hamilton City Council logo is at the bottom right.



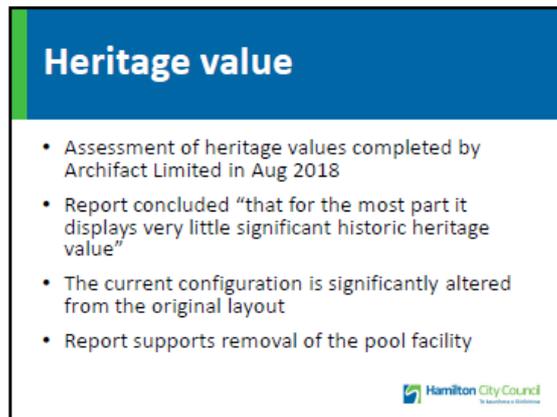
Background

- Council first agreed to close the pool in June 2012 and permanent closure in Dec 2014
- Numerous structural issues were found
- Majority of buildings & pool don't meet seismic requirements

The Hamilton City Council logo is at the bottom right.

87. The fourth slide, 3rd bullet point, fails to mention that budget was allocated several years ago to bring the site up to seismic standard, but remains unspent.

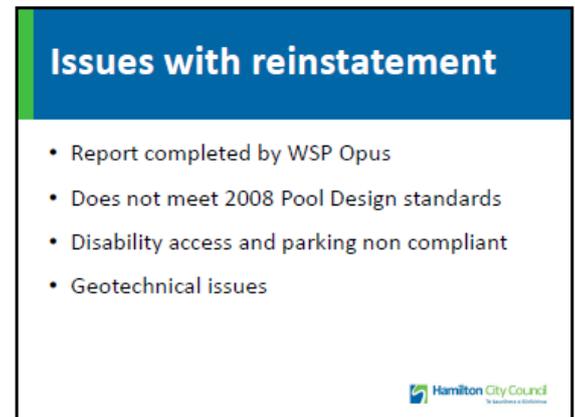
88. Slides 5 and 6



Heritage value

- Assessment of heritage values completed by Archifact Limited in Aug 2018
- Report concluded “that for the most part it displays very little significant historic heritage value”
- The current configuration is significantly altered from the original layout
- Report supports removal of the pool facility





Issues with reinstatement

- Report completed by WSP Opus
- Does not meet 2008 Pool Design standards
- Disability access and parking non compliant
- Geotechnical issues



89. Regarding Heritage value, the above LHS slide does not mention that there are two existing Heritage Assessments, undertaken by local firm Matthews and Matthews for HCC,. which both come to a much more positive conclusion regarding the historic value of the Pools. One of these was written in 2012 and constitutes the HCC Built Heritage Inventory Record form. It can be seen on pages 160 to 166 of the following document: <https://www.hamilton.govt.nz/our-council/council-publications/districtplans/ODP/Documents/s42A%20Final%20Reports/FINAL%20s42A%20Report%20-%20Historic%20Heritage.pdf>

90. The second Heritage Assessment forms part of the conservation plan and can be found [here: https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/ofi/LGOIMA%202019/LGOIMA%2019045%20Municipal%20Pools%20Conservation%20Plans_Redacted.pdf](https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/ofi/LGOIMA%202019/LGOIMA%2019045%20Municipal%20Pools%20Conservation%20Plans_Redacted.pdf)

91. When I asked HCC staff if councillors had seen these reports, they said they had, in 2012 and 2013. That was a different set of councillors. One has to wonder why council staff decided it was necessary to get an out-of-town firm to do a heritage assessment to support the demolition application when there were existing reports available, and why the current councillors were not given access to the previous reports for the sake of completeness and impartiality. It can be expected that a report by a local expert would have more accurate community information available.

92. The above RHS slide regarding Issues with Reinstatement states that the Pools do not meet 2008 Pool Design Standards and that Disability Access and Parking are non-compliant. As an existing activity, the Pools do not need to meet these standards. However, if the council spent one tenth of what they have recently spent on Waterworld, these problems could be easily sorted out. There is ample parking on

the flat at the rear entrance, which is part of the Celebrating Age carpark. The rear entrance, normally used for deliveries and maintenance matters, is wheel-chair accessible. Any redevelopment of the Pools would naturally allow for modern standards and this can easily be accomplished at the site.

93. Sides 7 and 8

Other important information	Timeline for consent process
<ul style="list-style-type: none">• Patronage on the Muni Pools for 11/12 FY were 13,557• Comparative visitation at GAC and WW for same period was 639,000• There is not a shortage of uncovered water space in the city• Fastlane Fitness operates a pool on Victoria St which is open to the public 	<ul style="list-style-type: none">• Resource consent lodged 31 October• Public notification 21 Nov – 20 Dec• Hearings 25-26 March• Decision mid-late April 

94. Slide 7 discusses the patronage statistics, stating that the patronage for the Pools for the 2011-2012 year was 13,557. In paragraph 75 I have already discussed the reason for the low patronage that year, down from the usual 40,000, due to frequent closure, refusal to allow bookings, and lack of advertising. The H88 report cites a patronage figure of 80,000.

95. Slide 7 then goes on to compare the Pools patronage for that one abysmal year with Gallagher and Waterworld Complexes combined. I asked for the patronage statistics for those pools, and found that they include caregivers, spectators, and non-swimmers attending for other purposes such as barbecues, birthday parties and attending full-immersion baptisms. The Pools patronage figures I cite include only swimmers.

96. Waterworld is a large complex with no less than six pools as well as hydroslide, zero-depth water park, cafe and large outdoor barbecue area with facilities for other informal sports such as volley ball. It is the only Olympic Standard pool in the Waikato and is frequently used for major swimming events. To compare the patronage of Waterworld and the Municipal Pools is like comparing the traffic count of a supermarket and a corner dairy. It is much more realistic to compare between Gallagher and Municipal Pools patronage. Both have two pools and an outdoor area, although the second pool at Gallagher is a toddler pool. The total patronage of Gallagher Pool in 2011-2012, excluding spectators, was 83,382, which is close to the Municipal Pool figure quoted by the H88 report.

97. The third bullet point on slide 7 states that there is not a shortage of uncovered water space in the city. Let us assume they mean swimming pools that have some level of public availability. On the face of it, it is true that there are such pools, but their availability and amenity value is another story. The pools that fit the criteria are the Waikato University pool and some school pools. They are all only open for 6 months of the year, apart from the University pool, which is only open for four months. The school pools are not available to the public during school hours. Nor are they available before and after school, and on Saturday mornings, as they are used by swimming clubs during that time. Below is a list of all pools that are open to the public to some degree and their actual availability, plus some comments about each one:

- University Pool, open December to March, noon to 6 pm. Unheated, available only for lane swimming but not favoured by some due to perceived high rate of ear infections acquired by swimming there
- Boys' High Pool, 6 hours per day on weekends, and daily in January.
- Hillcrest Normal School pool: Open to the public for four hours on Saturdays, Sundays, and Public Holidays during school term, with an additional 6 hours Monday to Friday during the school summer holidays.
- Fairfield High School pool: Open to the public for water play, not lane swimming, a few hours on the weekend. Cold showers only.
- Te Rapa Primary, open to the public for four hours each Sunday during school term, with an additional 6 hours Monday to Friday during the school summer holidays.

98. This shows that there is currently no publicly available heated outdoor swimming pool in the city during winter, and that in terms of other outdoor heated pools, availability and amenity of the university and schools pools is severely limited. The statement that there is no shortage of outdoor swimming space is misleading, to say the least.

99. The Fastlane Fitness gym two kilometres north of the Pools is a privately-run facility. Its pool is open to the public for lane swimming only. It does not advertise widely its availability, as it is there primarily for Fastlane patrons. It is a modern indoor lane-swimming pool with good showering facilities, but it does not have a grandstand, and is not available for school sports or incentive days, or for water play.

100. Generally, slide seven conveys a message that the Municipal Pool is not needed because the qualities and amenities it provides are available elsewhere, which is simply not true, not even near to being true. It is grossly misleading. HCC's own reports on Sports and Swimming Facilities point out that that Hamilton is

deficient in swimming facilities. The Aurecon National Facilities Strategy for Aquatic Sports of August 2013 shows that Hamilton is short of a pool. The Hamilton City Council Aquatic Facility Review of December 2014 identifies a deficit of 805 square metres, which equates to approximately 2 x 25 metre pools with 7 lanes each. It noted that many of the school pools currently relied on are aging and in need of maintenance. The Waikato Regional Aquatics Facilities Plan by Global Leisure Group in November 2017 lists Hamilton as being highly deficient in all seven of its Priority Actions and states a need for an additional 1177 square metres swimming space (ca. 20 lanes).

101. Together, the briefing slides that councillors were given are incomplete in the information they provide and misrepresent the nature of the available information on the true state and public value of the Municipal Pools, and their place in providing swimming amenity.
102. In summary, from the mid-1990s to today, in respect of the Municipal Pools, HCC has engaged in repeated fundamental failures to dispense its legal requirements under the LGA, to comply with its own policies and plans, to listen to the voice of the residents of Hamilton, and to engage properly in the democratic process. Councillors have never voted to have the Pools demolished.

COMMENTS ON THE S42A REPORT

103. In Mr Johnson's report, his discussion of the site's heritage values in section 11 downplays its heritage value because it a) has been altered over time and b) because in recent years it has not been adequately maintained. Mr Knott's s42a report makes similar comments. They both seem to be wanting a 'bob each way' in this respect, effectively implying that keeping the place going with maintenance and continuous improvement negates its heritage value, and not maintaining it also negates its heritage value.
104. Surely, either you maintain a facility in working order or you don't. Any continuously used structure that is over 100 years old will naturally have needed maintenance and occasional upgrading to meet new standards and new uses. In effect, it is a living structure that changes with the needs of the times. The maintenance needed can range from repainting and replacing degraded materials to additions and alterations. As long as the alterations are done in a way sensitive to the aesthetic of the building, I don't see that this negates the heritage value. Swimming pool best practice and design have moved a long way in the 107 years since the Pools were built and naturally there have been modifications and alterations

to keep up with improving standards in water heating, circulation rates, filtration and water purification.

105. An example of a heritage building adapting with the times is the Arts Post building just up the road, a brick building that has been earthquake-strengthened. Starting life as a post-office, it has been sensitively restored and repurposed as an art gallery and studio. Similarly, other 'living' heritage buildings and structure in the vicinity that have been maintained, strengthened, modernised and adapted over time while retaining their heritage values include the H08 Victoria Bridge, H48 Former Waikato Brewery and H5 The Bank.
106. In recent years in Auckland City, both the Tepid Pools and the open-air Parnell Baths have been lovingly restored in a way that celebrates and maintains their heritage values, while upgrading them to meet modern standards in pool design and function, and building code. This is entirely possible for the Municipal Pools.
107. Sink Or Swim recognises that the two pools on site will need rebuilding using modern construction methods. The entire site can be made more accessible and functional while maintaining its heritage values.
108. Elsewhere in the city, Council has created a heritage facility from scratch. The Mansfield Garden celebrates the heritage of the great author, one of her works, and the cultural sensitivities of the Edwardian colonial expression. In my opinion, retaining and refurbishing an existing heritage site has a lot more authenticity than building a completely new facility.
109. Mr Johnson is all doom and gloom in interpreting engineering reports on structural issues and the site's local geology, talking of voids and so forth, yet this site has a gentler slope and a longer history of building use than further up Victoria St, which has multi-storey buildings perched on much steeper slopes. The proposed Regional Theatre site is only a few hundred metres up the road. And the Pools are still there after 107 years. For a replacement pool, modern methods of construction will easily ensure a sound footing and earthquake compliance.
110. Mr Johnson's s11.15 discusses the loss of a recreational facility and cites the proposed Rototuna pool as a replacement. The Rototuna pool has been mooted for twenty years or so, not as a replacement to the Municipal Pools, but because it was recognised back then that a new pool, in addition to the Municipal Pools, was needed for the north.
111. Mr Johnson cites 'the numerous pools located at secondary schools that are available on a more restricted basis during the summer holidays.' He does not mention that this 'restricted basis' actually means that they are available for no more

than a few hours per week, and that their hours of availability are very difficult to discover. They do not provide an adequate alternative to the Municipal Pools.

112. He refers to the private gymnasium pool on Victoria St. This is available only for lane swimming and not available to schools, clubs, or parents wishing to teach their children swimming. There is no grandstand, no outdoor barbecue facilities, and it is not an outdoor pool. It does not provide an adequate alternative to the Municipal Pools.

113. Mr Johnson's S11.18 'expects' that "most members of the community, will, by now, have found alternative venues...". He gives no data or any other basis to back this up. And to disprove it, here we are, with an application that has 33 submissions against, and one for, clear evidence that the community still wants the Municipal Pools.

114. He does not consider that demolition will result in a loss because in his opinion the loss occurred with the closure of the Pools. While the structure remains, its heritage value remains, and hope for its sensitive redevelopment remain. The loss has not occurred yet. If it is levelled, it is unlikely that a new swimming facility will be built there, and if it is, it is highly unlikely to have anything like the same heritage values as if a sensitive site redevelopment were enabled.

115. Mr Johnson's s12.18 discusses the grandstand. It is a simple, relatively light wooden structure that has so far lasted 107 years. Common sense dictates that here would be very little engineering involved to make it earthquake-compliant. It is not as if it is made of unreinforced masonry, glass, or any other sort of materials that are particularly problematic in an earthquake. It could easily be rebuilt with good foundations and support, either using existing materials where possible, or with completely new wood. Retaining or recreating the look, feel, and functionality of the existing grandstand would be relatively simple.

116. I note that the Claudelands Park Grandstand has been moved from one side to the park to another and completely refurbished. It is a much more ornate structure, yet its heritage value has been celebrated despite the obvious expense and technical hurdles that had to be overcome to bring it up to modern standards. A similar ethic should be applied to the Municipal Pools and grandstand.

COMMENTS ON RICHARD KNOTT'S S42A REPORT

117. Mr Knott's evidence at s6.7 discusses disabled access. He fails to mention that the back entrance has ample parking on a level surface that enables people in wheelchairs to park within a few metres and roll right in.

118. In s7.4 Mr Knott states "I believe that these current flaw with the buildings have contributed to the lack of investment in the pools complex and its continued deterioration, rather than vice versa.' Council decisions are not a matter of 'belief' or uninformed opinion. Unless Mr Knott can point to any documentary evidence to support his 'belief' then it has no value at all.

A PERSONAL NOTE ABOUT THE MUNICIPAL POOLS

119. Before the Municipal Pools closed in 2012 my then primary-school-aged daughter and I were regular swimmers there. I was in an adult squad and my daughter in a junior squad. I also regularly swam at lunchtimes, during the rare times when the pool was not booked out by schools. I worked in Hamilton East and then in the central city, and in both places could easily walk or cycle to the Pools. The adult squad was a group of masters swimmers, triathletes, open water swimmers, and people who just swam for exercise. Its members included business owners, professionals, labourers, tradespeople, housewives, and the retired. We had the benefit of two of the country's best coaches, John Pike who had trained many national reps, and Rob de Villiers, former South African champion. Close friendships were developed and remain in place. Similarly, the lunchtime swimmers were a diverse group from all walks of life, including university professors, hospital medical specialisists, and the intellectually or physically handicapped, among others. Together they generated a strong camaraderie not experienced at other pools.

120. Closure of the Pools severely inconvenienced us all. My daughter and I then had to battle rush-hour traffic to get her to Fairfield for swimming as she insisted on an outdoor pool. Sink Or Swim set up a Saturday morning squad at St Paul's College Pool to replace the adult Munies squad. It was oversubscribed almost immediately, with 6 swimmers to each of the six lanes, but we couldn't get lane space anywhere for a second squad. I moved my weekday swimming to Gallagher Pool, Melville, near where I live. I developed a chlorine allergy from swimming there and can no longer swim in heavily chlorinated indoor pools.

121. Like many Hamiltonians, I long for the day when I can swim outdoors at a refurbished Municipal Pools, and vie for swimming space with a multitude of schools,

adult and junior swimming squads, and all the others users who would flock to it if it were open.

CONCLUSION

122. The Hamilton Municipal Pools is a heritage site within a heritage precinct with strong amenity and associative value for the people of Hamilton. Demolition of the Pools would impoverish the heritage and amenity values of Hamilton city, and reduce the opportunities for swim training, recreation, and fitness of the people of Hamilton. The Pools site should be retained and redeveloped as a heritage swimming site for the people of Hamilton to enjoy and make use of for another 100 years.
123. The adverse effects of the proposal are significant.
124. The proposed demolition of the Pools is contrary to LGA, RMA s6, the Objectives of the Waikato Regional Policy Statement, the Vision and Strategy for the Waikato River, the Hamilton District Plan, and most of the other Plans, Strategies and Agendas of HCC.
125. No consideration of alternatives, as required by law, has been carried out.
126. For these reasons, the application should be declined.