

## Notice of Meeting:

I hereby give notice that an ordinary meeting of Strategy & Policy Committee will be held on:

**Date:** Tuesday 3 November 2015  
**Time:** 1.30pm  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Strategy & Policy Committee OPEN AGENDA

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### Membership

Chairperson Cr A King  
Members Cr A O'Leary  
Her Worship the Mayor J Hardaker  
Cr G Chesterman  
Cr M Forsyth  
Cr M Gallagher  
Cr K Green  
Cr D Macpherson  
Cr G Mallett  
Cr R Pascoe  
Cr L Tooman  
Cr E Wilson  
Cr P Yeung

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Six weekly

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Brendan Stringer  
**Committee Advisor**

**27 October 2015**

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**Terms of Reference:**

- To develop and recommend strategies, plans and policies to the Council that advance the Council's vision and goals, and comply with the purpose of the Local Government Act.
- To monitor implementation and effectiveness of strategies, plans and policies.
- Develop and recommend bylaws to the Council.
- Develop and approve submissions to government, local authorities and other organisations.

**Power to act:**

- Recommend all strategies, policies and plans.
- Approve all submissions made by Hamilton City Council to other Councils, central government and other bodies.
- Recommend reserve management plans.
- In relation to bylaws, approve for consultation and consider submissions.

**Power to recommend:**

- Bylaws to Council.
- Strategies, policies and plans.
- Reserve management plans.

**Sub-committees:**

This Committee will be supported in its work by the:

- Civil Defence and Emergency Management Sub-committee.
- Community Forum Sub-committee.
- Business and Investment Sub-committee.
- Hearings Sub-committee.

Matters may be referred to this Committee from the:

- Event Sponsorship Sub-committee.
- External Funding Sub-committee.
- Council Controlled Organisations (CCO) Sub-committee.

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**1 Apologies**

**2 Confirmation of Agenda**

The Committee to confirm the agenda.

**3 Declaration of Interest**

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**

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 three 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 Democracy 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 Democracy by telephoning 07 838 6772.

**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015  
**Report Name:** Strategy and Policy Committee      **Author:** Brendan Stringer  
Open Minutes 22 September  
and 29 September 2015

<b>Status</b>	<i>Open</i>
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## Recommendation

That the Committee confirm and adopt as a true and correct record the Open Minutes of:

- a) the Strategy and Policy Committee Meeting of 22 September 2015; and
- b) the Strategy and Policy Committee Meeting of 29 September 2015.

## 1. Attachments

2. Attachment 1 - Strategy and Policy Committee Minutes - Open - 22 September 2015
3. Attachment 2 - Strategy and Policy Committee Minutes - Open - 29 September 2015

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## Strategy & Policy Committee

### OPEN MINUTES

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**Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 22 September 2015 at 1.30pm.**

#### PRESENT

Chairperson	Cr A O’Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker
	Cr G Chesterman
	Cr M Forsyth
	Cr K Green
	Cr G Mallett
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Richard Briggs – Chief Executive
	Blair Bowcott – Executive Director Special Projects
	Chris Allen – General Manager City Infrastructure
	Debra Stan-Barton – Acting General Manager City Environments
	Sean Murray – Executive Director H3 & Events
	Luke O’Dwyer – City Planning Unit Manager
	Aaron Fleming – Strategy & Research Unit Manager
	Kelvin Powell – City Safe Unit Manager
	Robyn Denton – Network Operations Team Leader
	Chris Simpson – Business Manager
	Emily Botje – Water Asset Manager
	Andrew Parsons – Waters Manager

Also In Attendance	Sandy Turner – General Manager, Hamilton Central Business Association
	Anthony Flannery – Chair, Urban Design Advisory Panel

Committee Advisors	Mr B Stringer and Mrs J Pani
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At the invitation of the Chairperson, Her Worship the Mayor Hardaker led a moment of silence in memory of the passing of Samantha Kudeweh, Hamilton Zoo curator.

## 1. Apologies

**Resolved:** (Cr O'Leary/Wilson)

That the apologies from Councillor Gallagher and Councillors Tooman and Macpherson (both for lateness) be received.

## 2. Confirmation of Agenda

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

The Committee to confirm the agenda.

## 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

## 4. Public Forum

**Sandy Turner**, represented the Hamilton Central Business Association ('HCBA'), spoke in favour of the draft Central City Transformation Plan ('CCTP' – Item 9). The HCBA was supportive of leading some of the proposed actions. In response to questions, Ms Turner noted:

- criteria to measure the success of the Plan would include increased pedestrian count; additional development and tenancies and more inner city workers; and
- some carparking facilities were under-utilised and further education was required to assist people with their commute to the city.

**Kiri Goulter**, represented Hamilton & Waikato Tourism ('HWT'), was not able to attend the Meeting but provided a written statement that was circulated to Elected Members. HWT supported the CCTP (Item 9) that, along with the River Plan, provided a clear framework for the transformation of the city. These plans sent a strong signal to attract businesses and investors to the city. HWT wished to thank Council for the opportunity to take part in the workshops to develop the CCTP.

## 5. Strategy and Policy Committee Open Minutes 11 August 2015

**Resolved:** (Crs O'Leary/Pascoe)

That the Committee confirm and adopt as a true and correct record the Open Minutes of the Strategy and Policy Committee Meeting of 11 August 2015.

## 6. Annual Reports from the Chairs of the Advisory Panels

The Chairperson welcomed Anthony Flannery, Chair of the Urban Design Advisory Panel ('the UD Panel'), who was supported by the City Planning Unit Manager. Mr Flannery highlighted the following from his report:

- The UD Panel acted at the invitation, and on behalf, of Council in expressing its opinions. It was open and willing to do more to help Council;

- There was a cross-representation of leaders from the urban design industry, including community advocates;
- It would be beneficial for the Vista Design Guide to be reviewed and refreshed – this would need to be addressed through a report at a future Committee meeting.

Mr Flannery and the City Planning Unit Manager responded to questions on the following:

- **UD Panel's Remit and Process**

The UD Panel's Terms of Reference enabled it to review and comment on projects above a specified scale.

*Voluntary Process*

It was voluntary for applicants to submit their project plans to the UD Panel for consideration. The UD Panel provided its advice directly to Council on a project, which staff would forward to the applicant. It was affirmed that the UD Panel's advice had no statutory weight and it was completely at the applicant's discretion whether to take on that advice.

Mr Flannery stated that for some applicants, the support of the UD Panel was important. There were no restrictions on the number of times an applicant could submit their project to the UD Panel.

*Formal Planning Consent Process*

The Acting General Manager City Environments reiterated that staff assessed a planning consent application to Council on the basis of the statutory framework – the District Plan and Resource Management Act. Where the UD Panel's advice had been included in the application, that opinion would only be considered in light of the requirements of the relevant District Plan and legislation; not in itself.

- **Cost**

The UD Panel's costs were borne by the Planning Unit's budget, not applicants. It was estimated this was \$40,000 per annum, though the City Planning Unit Manager advised he would need to check this.

- **UD Panel Membership**

The Property Council had a nominated appointee on the Panel and supported the Panel's work.

The Chairperson and Executive Director Special Projects suggested there should be a briefing for Elected Members to provide an opportunity for further discussion on the work and role of the UD Panel. It was acknowledged that a briefing for that purpose had been undertaken in February 2015.

In relation to the Amendment moved by Councillor King, the following was discussed:

- The Chief Executive advised that, if required, he could report back to the Committee in terms of a draft terms of reference and budget for the proposed independent review team;
- For Controlled activities, urban design issues were not usually relevant; and
- A review of the UD Panel was contemplated under the CCTP.

**Motion:** (Cr Chesterman/Cr Forsyth)

That the report from the Chairperson of the Urban Design Advisory Panel be received.

**Amendment:** (Cr King/Cr Mallett)

That:

- a) the report from the Chairperson of the Urban Design Advisory Panel be received; and
- b) Council set up an independent team (not consisting of staff) to be chosen and reporting to the Chief Executive, to talk with all those that lodged a Planning application as “Controlled”, “Discretionary” or “Restricted Discretionary” (guaranteeing name suppression) in the first half of this year, asking them about their experience, around Urban Design Planners requests on their projects, and the effects and report back to this committee by February 2016.

<b>Those for the Amendment:</b>	Councillors King, Green and Mallett
<b>Those against the Amendment:</b>	Her Worship the Mayor Hardaker, Councillors Wilson, Forsyth, Pascoe, Chesterman, Yeung, Tooman and O’Leary

**The Amendment was declared lost. The Motion was then put.**

**Resolved:** (Crs Chesterman/Forsyth)

That the report from the Chairperson of the Urban Design Advisory Panel be received.

<b>Those for the Motion:</b>	Her Worship the Mayor Hardaker, Councillors Wilson, Forsyth, Pascoe, Chesterman, Yeung, Tooman and O’Leary
<b>Those against the Motion:</b>	Councillors King, Green and Mallett

**The Motion was declared carried.**

Cr Tooman arrived during discussion of Item 6 (2:06pm).

Cr Wilson left (2:15pm) and returned to the Meeting (2:30pm) during discussion of Item 6. He took part in voting on that matter.

**The Meeting adjourned from 3:00pm to 3:15pm**

## **7. Review of the Hamilton City Public Places Bylaw - Determination Report**

The City Safe Unit Manager introduced his report and, in response to questions, noted that the public would be able to comment on the trading of pop-up shops and retail carts in Hamilton as part of the consultation process.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Pascoe)

**Recommendation to Council**

That:

- a) the report be received;
- b) Council determine that a bylaw continues to be the most appropriate mechanism to manage commercial activities in public places whilst ensuring pedestrian access and public safety is not compromised (Option 3); and
- c) Should Council determine that a bylaw is the most appropriate way forward and should be put in place prior to revocation (25 February 2016), that:
  - i. A draft bylaw, in conjunction with a draft policy, be presented to the Strategy and Policy Committee on 3 November 2015 to be adopted for public engagement; and
  - ii. An Extraordinary Meeting of Council be convened on 3 November 2015 to adopt the bylaw for public engagement.

**Minute Note:** Subsequent to the Meeting, it was advised that, subject to a recommendation from the Strategy and Policy Committee, a draft policy be presented to Council on 26 November 2015 to adopt for public engagement.

**8. Trade waste and Wastewater Bylaw - Determination Report**

The Water Asset Manager and Waters Manager took the report as read and responded to questions on the following:

- **Key Stakeholders**  
MWH (page 33 of the Agenda) referred to Montgomery Watson Harza.
- **Costs**  
Staff would provide an indicative cost of the bylaw process when they reported back to the Committee with a draft bylaw.
- **Review of Bylaw**  
Staff confirmed that a review of the bylaw once implemented, could occur at any point in time.
- **List of Discharged Matters**  
With reference to staff's preferred approach for Issue 1 (in the table on page 35 of the Agenda), staff were wanting to ensure that the current list of matters that could and could not be discharged to the wastewater system remained robust.

**Resolved:** (Crs Wilson/Forsyth)

**Recommendation to Council**

That:

- a) the report be received;
- b) Council determine that a combined trade waste and wastewater bylaw is the most appropriate mechanism to manage use of, and protect, the wastewater system; and
- c) staff work with key stakeholders and draft a proposed trade waste and wastewater bylaw, to be presented to the Strategy and Policy Committee on 23 February 2016 to be adopted for public consultation.

## 9. Central City Transformation Plan

The Executive Director H3 & Events, supported by the Business Manager, spoke to the report and noted that the CCTP provided a vision, and did not entail additional statutory powers for Council or to override the District Plan. They responded to the following questions:

- **Drivers for the CCTP**

The Plan was created following public demand across the city for leadership to be shown for central city issues.

- **Industry Growth**

Tertiary and scientific sectors in the central area were starting to grow, which was a positive sign. Market pricing in the central city was already determining which industries were looking to develop there, rather than as a result of the Proposed District Plan.

- **Previous Council Plans**

Previous plans for the central city were single-focussed and had not worked. The CCTP provided an over-arching framework from which the private sector could invest and take forward.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Forsyth)

That:

- a) the report be received;
- b) the Committee approves the draft Central City Transformation Plan for public engagement, noting that the final plan will be reported to the Committee for approval on 8 December 2015; and
- c) the Committee approves the timetable for public engagement.

**Councillors King and Mallett dissenting.**

**10. Recommendations from the Community Forum Subcommittee - 19 August 2015**

Councillor Yeung, Deputy Chair of the Community Forum Subcommittee, introduced the report.

*Sustainability Report*

The Executive Director Special Projects clarified the purpose of the report and the background to the recommendations. He confirmed that the recommendation in paragraph 9(a) of the staff report was intended to instruct the Chief Executive to undertake a 'stock-take' of Council activities that would fall within the Sustainability Framework.

The Chief Executive advised that the recommendations reflected best practice and not as a result of a legal requirement. The recommendation in paragraph 9(b) of the staff report required the Chief Executive to consider all options in relation to a Sustainability Strategy, including whether to discard such a strategy altogether.

**Resolved:** (Crs Yeung/Tooman)

That:

- a) the Sustainability Report be referred to the Chief Executive for review as to its application to Council's operations. The Chief Executive is to report to the Strategy and Policy Committee by February 2016; such report to include a summary of all initiatives within the organisation that fit within the Sustainability Framework contained in the Sustainability Report;
- b) the Chief Executive gives consideration to, consult with the Sustainability Panel on, and make a recommendation to the Strategy and Policy Committee as to whether the Council should have a stand-alone Sustainability Strategy; and
- c) the Voluntary Targeted Rates (VTR) Scheme (including the option for rates postponement) is considered in the 2016/17 Annual Plan.

**Cr Mallett dissenting.**

**11. Six Monthly Report from the Chairs of the Subcommittees to the Strategy and Policy Committee****Business and Investment Subcommittee**

The Chair of the Subcommittee, Her Worship the Mayor Hardaker, presented her report.

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

That the Business and Investment Subcommittee Chairperson's Report from February 2015 to July 2015 be received.

**Civil Defence and Emergency Management Subcommittee**

The Chair of the Subcommittee, Cr Tooman, presented his report. In response to questions, he advised that in the event of a civil defence emergency, Elected Members should ensure that they and their families were safe and well first before responding to any community needs.

**Resolved:** (Crs Tooman/ O'Leary)

That the Civil Defence and Emergency Management Chairperson's Report from February 2015 to July 2015 be received.

**Community Forum Subcommittee**

The Deputy Chair of the Subcommittee, Cr Yeung, presented the report in the absence of Cr Gallagher. He encouraged all members to attend the Subcommittee meetings.

**Resolved:** (Crs Yeung/ Pascoe)

That the Community Forum Subcommittee Chairperson's Report from February 2015 to July 2015 be received.

**Hearings Subcommittee**

The Chair of the Subcommittee, Cr Forsyth, presented her report. She explained the purpose and process of the Subcommittee.

**Resolved:** (Crs Forsyth/Yeung)

That the Hearings Subcommittee Chairperson's Report from February 2015 to July 2015 be received.

**12. Regional Roundup Report**

The General Manager City Infrastructure ('the General Manager'), supported by the Network Operations Team Leader, introduced the report. The General Manager noted that the National Speed Management Guide ('the Guide') had been issued after the staff report was produced, and was being reviewed by staff prior to being distributed to Elected Members. He highlighted and responded to questions in relation to the Guide:

- **Speed Management Plan**  
The New Zealand Transport Agency would use national data sets on travel speeds and safety risks and apply this to the One Network Road Classification to create a draft speed management plan for each local authority.
- **Speed Limits**  
The Guide detailed what was considered safe and appropriate speeds for cities in New Zealand that ranged from 30 to 50 kilometres per hour. A change of legislation would eventually be implemented to effect required variations to speed limits.
- **Waikato Demonstration Project**  
Waikato had been selected to test the Guide; from collation of data to discussion on recommended changes to speed limits. It was suggested a briefing was provided to Elected Members to discuss the demonstration project and its implications in detail, including costs and its effect on Council's Speed Management Policy and Speed Limit Bylaw.

The General Manager answered additional questions on the staff report on the following:

- **SH1 Gallagher Drive Intersection Improvements**  
This matter was actively being progressed.
- **National Land Transport Programme Expenditure**  
Funding was allocated on a nationally hypothecated basis, not necessarily based on the population of, or revenue accrued from, a specific region. Economic development and safety were the priorities of the current Government.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Forsyth)

That the Report be received.

**13. Action List for 22 September 2015; Actions Still Underway or Pending for HCC submissions to External Organisations; and Policy & Bylaw Review Scheduling**

Subcommittee Members requested that the status for the actions from 28 November 2013 be updated.

The Chairperson expressed concern as to changes made to the timing of actions to be reported back to Council, and requested that Democracy review the control process in that regard.

**Resolved:** (Crs O'Leary/Chesterman)

That the Report be received.

**The Meeting was declared closed at 4:52pm**

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## Strategy & Policy Committee

### OPEN MINUTES

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Minutes of a meeting of the Strategy & Policy Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 29 September 2015 at 1:00pm.

#### PRESENT

Chairperson	Cr A O'Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker Cr G Chesterman Cr K Green Cr D Macpherson Cr G Mallett Cr L Tooman Cr E Wilson Cr P Yeung

In Attendance	Debra Stan-Barton – Acting General Manager City Environments Aaron Fleming – Strategy and Research Unit Manager Kelvin Powell – City Safe Unit Manager Tegan McIntyre – Programme Manager – Policy & Bylaws Ihsana Ageel – Acting Programme Manager, Strategy & Relationships Management Julie Clausen – Programme Manager - Strategy
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Committee Advisors	Mr B Stringer and Mrs M Birch
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#### 1. Apologies

It was noted that Her Worship the Mayor (2:45pm) and Councillor Wilson (3:00pm) would need to retire early from the Meeting.

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

That the apologies from Councillors Gallagher, Pascoe and Forsyth be received and accepted.

## 2. Confirmation of Agenda

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

The Committee to confirm the agenda.

## 3. Declarations of Interest

Councillor Green declared a conflict of interest in relation to Item 5 – Local Alcohol Policy (LAP) deliberations report – and retired from the Meeting (1:04pm).

Councillor O'Leary declared an interest to the Committee by acknowledging that during the 2013 Local Body Election she received a donation from Good George Brewery. Councillor O'Leary affirmed that she did not believe a conflict of interest arose and that she was able to continue to perform her duties impartially.

## 4. Public Forum

A public forum was not required.

## 5. Local Alcohol Policy (LAP) - deliberations report

The City Safe Unit Manager ('Unit Manager') and Programme Manager – Policy & Bylaws ('Programme Manager') introduced the report and, in response to questions, confirmed that in the event that the Provisional Local Alcohol Policy ('PLAP') was appealed, a revised PLAP would be resubmitted to the Alcohol Regulatory Licensing Authority ('ARLA'). Staff advised that any person who sent a submission on the draft LAP would be entitled to appeal the revised PLAP to ARLA, even if they were not an original appellant. It was believed that the costs incurred for the appeal process would principally be borne by Council.

### Issues and Options

The Chairperson referred the Committee to the Issues and Options table (Attachment 3 to the staff report – 'the Issues Table') and proposed that the Committee work through the Issues Table in order to provide a clear decision, and rationale for each decision, in relation to the key issues.

A version of the Issues Table displayed in the Chamber, was updated during the Meeting for the purpose of recording the Committee's decisions and the rationale for each decision. This table would then be confirmed by the Committee in a "catch-all" resolution at the conclusion of the Meeting.

- **Issue 1: Trading hours of bars located outside the central city**

Staff provided a summary of the submissions received and highlighted that a number of submitters involved in the alcohol-service industry argued for longer maximum trading hours for suburban establishments.

The Unit Manager and Programme Manager responded to questions on the following points:

- The rationale for adopting different trading hours for bars located within the central city from those situated outside the area would need to be based on minimisation of harm, rather than economic development. There was limited evidence of harm that had

occurred as a result of the sale of alcohol in suburban on-licences.

- ii. The LAP set out a framework for maximum trading hours; the District Licensing Committee ('DLC') would have the discretion to restrict these further for any specific application.
- iii. The recommended option in the Issues Table advocated standard hours apply throughout the week for on-licences located outside the central city. Staff advised that generally submitters were agreeable to an extension from 11pm to 1am, Sunday to Thursday.

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

That the maximum hours of operation for on-licences and club licences located outside the central city be Monday to Sunday, 7am to 1am the following day.

**Amendment:** (Crs Macpherson/Tooman)

That the maximum hours of operation for on-licences and club licences located outside the central city be Sunday to Thursday 7am to 11pm, and Friday to Saturday 7am to 1am the following day.

**Those for the Amendment:** Councillors King, Wilson, Yeung, Tooman and Macpherson

**Those against the Amendment:** Her Worship the Mayor Hardaker, Councillors Chesterman, Mallett and O'Leary

**The Amendment was declared carried and Put as the Substantive Motion.**

**Resolved:** (Crs Macpherson/Tooman)

That the maximum hours of operation for on-licences and club licences located outside the central city be Sunday to Thursday 7am to 11pm, and Friday to Saturday 7am to 1am the following day.

**Those for the Motion:** Councillors King, Wilson, Yeung, Tooman and Macpherson

**Those against the Motion:** Her Worship the Mayor Hardaker, Councillors Chesterman, Mallett and O'Leary

- **Issue 2 – Commencement of trading hours of on-licences**

Staff clarified that the issue, in terms of amending the opening time of bars, related to all on-licences and club licences for both suburban and central city areas. It was acknowledged that following the Committee's resolution for Issue 1, the Committee's focus for this matter was on central city establishments.

**The Committee agreed to the recommended option – that is, no change to the draft LAP was required – which would be captured in the Committee's final resolution for the Meeting.**

- **Issues 3 and 15 – Trading hours of central city on-licence establishments**

Issues 3 and 15 in the Issues Table were discussed together. Staff responded to questions in relation to the introduction of a one-way door policy for central city on-licence premises:

- i. While a one-way door policy was not contemplated in the draft LAP, it was referred to in the consultation documents as a matter Council had considered and submissions were

received on the issue. Accordingly, inclusion of a one-way door policy in the PLAP would not require Council to re-consult on that document.

- ii. A review of the LAP would be triggered should a one-way door policy be included in the LAP and subsequently be removed by Council. Such a review would need to comply with the full legislative process.
- iii. Staff agreed to obtain legal advice to consider whether a one-way door policy for a trial period could be included in the LAP without requiring Council to re-consult on the LAP once a final position was adopted at the end of that trial period. This advice would be provided to the Committee with the draft PLAP at its meeting on 3 November 2015.
- iv. A one-way door policy would not affect the time that a bar was required to cease serving alcohol under the Sale and Supply of Alcohol Act 2012 ('the Act').
- v. The Unit Manager considered that, based on the international research that was reviewed, a one-hour period for a one-way door policy provided sufficient time for people to disperse from premises prior to closing time.
- vi. In relation to gauging which mechanism would provide a reduction in alcohol-related harm in the central city, a one-way door policy would be the most visible change in terms of impact at the relevant time that policy would operate (that is, one hour prior to establishments' closing time).

Definitions of 'one-way door restriction' and 'exempt person' in the Act were provided to Committee members present at the Meeting to assist with their understanding of the Motion and Amendment.

**Motion:** (Crs King/Tooman)

That Council introduce a one-way door policy for central city on-licences for the last hour before closing time.

**Amendment:** (Crs Chesterman/Yeung)

That Council introduce, for a 12-month trial period, a one-way door policy for central city on-licences for the last hour before closing time, and that staff report back on the evaluation process.

**Those for the Amendment:** Councillors King, Chesterman, Yeung,  
Tooman and Macpherson

**Those against the Amendment:** Her Worship the Mayor Hardaker,  
Councillors Wilson, Mallett and O'Leary

**The Amendment was declared carried and Put as the Substantive Motion.**

**Resolved:** (Crs Chesterman/Yeung)

That Council introduce, for a 12-month trial period, a one-way door policy for central city on-licences for the last hour before closing time, and that staff report back on the evaluation process.

**Those for the Motion:** Councillors King, Chesterman, Yeung,  
Tooman and Macpherson

**Those against the Motion:** Her Worship the Mayor Hardaker,  
Councillors Wilson, Mallett and O'Leary

**In relation to Issue 3 in the Issues Table, the Committee agreed to the recommended option – that is, no change to the draft LAP was required – which would be captured in the Committee's final resolution for the Meeting.**

Her Worship the Mayor Hardaker retired from the Meeting (2:43pm) at the conclusion of the debate on Issues 3 and 15.

- **Issue 4 – Different treatment for some on-licence premises**

In response to questions, the Unit Manager confirmed that following an appeal decision by ARLA, different trading hours to other on-licence premises was not permitted for an establishment simply on the basis of the nature of its business.

**The Committee agreed to the recommended option – that is, no change to the draft LAP was required – which would be captured in the Committee's final resolution for the Meeting.**

- **Issue 5 – Christmas Eve and New Year's Eve trading hours**

It was explained that the issue related to on-licence premises situated outside the central city. In response to questions, the Unit Manager advised that:

- Under the draft LAP, should Christmas Eve or New Year's Eve fall during Sunday to Thursday, a club or bar could apply for a special licence to trade for extended hours provided it met the threshold requirements for such a licence (that is, a special licence would not be granted simply to extend an establishment's 'business as usual' activities). This would be subject to the maximum trading hours for those dates under the Act for on-licence premises; and
- Council could not use 'goodwill' or economic benefits as a reason to permit extended hours under the LAP for suburban on-licence premises that traded on Christmas Eve or New Year's Eve.

**The Committee agreed to the recommended option – that is, no change to the draft LAP was required – which would be captured in the Committee's final resolution for the Meeting.**

**The Meeting adjourned from 2:50pm to 3:10pm during discussion on Issue 5**

Miscellaneous Decisions

In relation to the following issues, the Committee agreed to the respective recommended options in the Issues Table, which would be captured in the Committee's final resolution for the Meeting:

- Issue 10 – Application of 'new' and renewed licence under the LAP;
- Issue 11 – Sensitive sites;
- Issue 12 – Proximity restrictions and supermarkets;
- Issue 13 – Density of off-licence premises;
- Issue 16 – Notification of applications;

The Unit Manager clarified that applications for an on-licence, off-licence, club licence or renewed licence were displayed on Council's website.

- Issue 17 – Casino exemption;

Staff confirmed the recommended amendment to the draft LAP was necessary to comply with legal requirements.

- Issue 18 – Temporary authorities;
- Issue 20 – Principles in the LAP; and
- Issue 21 – Inclusion of reasons.

- **Issue 19 – Trading hours applying to caterers**

In response to questions, staff advised the following:

- i. The purpose of the recommended amendment was to clarify that caterers that obtained their licence outside of Hamilton were subject to the same trading hours' framework in the LAP as locally-licensed caterers. Staff were not aware of any other territorial authority that included such a provision in their LAP.
- ii. The organisers of the Hamilton Gardens Arts Festival would need to apply for a special licence, and comply with the timeframes involved in that regard, should they wish to sell alcohol at the Festival.
- iii. The on-licence of the Hamilton Gardens café would only apply to the stipulated footprint of the café. If the café wanted to serve alcohol outside that area for an event, it would need to obtain a special licence.

**Staff were asked to change the proposed amended wording in the Issue Table's recommended option to read "*Caterers endorsed licences and...*". Subject to this, the Committee agreed to that recommended option, which would be captured in the Committee's final resolution for the Meeting.**

- **Issue 8 – Off-licence trading hours**

The Unit Manager stated that staff did not have any evidence that extending off-licence hours to start from 7am instead of 9am increased the level of alcohol-related harm. In response to questions, he also confirmed that on the basis of an ARLA decision, the LAP had to apply the same trading hours for all off-licence premises.

**Motion:** (Crs Macpherson/Yeung)

That the hours for off-licences be 7am to 9pm.

**Amendment:** (Crs Chesterman/Wilson)

That the hours for off-licences be 7am to 10pm.

**Those for the Amendment:** Councillors Wilson, Chesterman and Mallett

**Those against the Amendment:** Councillors King, Yeung, Tooman, O'Leary and Macpherson

**The Amendment was declared lost. The Motion was then Put.**

**Resolved:** (Crs Macpherson/Yeung)

That the hours for off-licences be 7am to 9pm.

**Those for the Motion:** Councillors Wilson, Chesterman, King, Yeung, Tooman, O'Leary and Macpherson

**Those against the Motion:** Councillor Mallett

Councillor Macpherson retired from the Meeting (4:06pm) at the conclusion of the debate on Issue 8.

- **Issue 9 – Permitted location of new off-licence premises**

In relation to questions on the development of a supermarket on Peachgrove Road, staff noted that its application to the DLC was to be considered on 4 November 2015.

**The Committee agreed to the recommended options in the Issues Table, which would be captured in the Committee's final resolution for the Meeting.**

- **Issue 6 – Outdoor dining hours**

The Unit Manager explained a change was required to the recommended option in the Issues Table that was circulated as part of the Agenda. The revised option, as displayed to Elected Members present at the Meeting, was as follows:

Amend policy to read: *"The sale and consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day"*

The noted modification:

- was required as the sale and supply of alcohol had to be regulated under the LAP, not the Public Places Bylaw and the Public Places Policy;
- reflected current practice, which was supported by a number of submitters.

**The Committee agreed to the revised recommended option as presented at the Meeting, which would be captured in the Committee's final resolution for the Meeting.**

- **Issue 7 – Outdoor dining provisions**

Staff summarised the submitter’s request that the LAP expressly recorded restrictions on outdoor dining areas did not apply to such areas situated on privately-owned land. It was clarified that given the Committee’s agreed position on Issue 6 and that a ‘permitted outdoor dining area’ had to be Council-owned or operated land, the submitter’s suggested amendment was not required. Therefore, staff’s recommended option was that there was no change to the draft LAP.

**The Committee agreed to the modified recommended option as presented at the Meeting, which would be captured in the Committee’s final resolution for the Meeting.**

- **Issue 14 – Special licences**

Staff noted the following in response to questions:

- i. The recommended changes in paragraphs (1), (2) and (3) under the column ‘Possible options for consideration’ in the Issues Table were to avoid duplication with the Act.
- ii. The recommended option detailed in paragraph (5) in the Issues Table was intended to remove the prescriptive provisions in the draft LAP for special licences. Staff suggested such matters were best left for the DLC to determine when considering an application for a special licence.

**Resolved:** (Crs O’Leary/Chesterman)

That the following changes be made to the draft LAP:

- a) Delete 5.3.1 (i);
- b) Amend 5.3.1 (ii) to include events or series of events “of a similar nature”;
- c) Delete 5.3.1 (iii)); and
- d) Delete the “1am the following day” proposed in 5.3.1 (iv) and the ‘exceptional circumstances’ threshold and allow the DLC to make decisions on a case-by-case basis with regard to the location and nature of the event.

**The Meeting adjourned between 4.22pm to 4.25pm during debate on Issue 14.**

*Concluding Remarks*

The Chairperson referred to the Recommendations from Management on page 6 of the Agenda and stated that Recommendation (b) was intended to capture the decisions of the Committee at the Meeting. Such decisions, and the rationale for each decision, were reflected in the version of the Issues Table that was amended by, and displayed in the Chamber to, the Committee during the Meeting.

**Resolved:** (Crs Chesterman/O'Leary)

That:

- a) the report be received.
- b) Council confirm its decisions and rationales for each item in the 'Issues and Options' report (Attachment 3) and that these decisions be reflected in the development of the Provisional Local Alcohol Policy.
- c) in addition to these changes, the content of the policy be streamlined wherever possible and the language/content be simplified to reflect ARLA advice that a policy should be short and concise.
- d) the Provisional Local Alcohol Policy (PLAP) be brought back to Strategy and Policy Committee for adoption on 3 November 2015.

**Minute Note:** For completeness, the version of the Issues Table that was discussed, amended by agreement of the Committee to record its decisions and rationales, and displayed to the Committee during the Meeting was appended to these Minutes.

**The Meeting was declared closed at 4:32pm.**



## DECISIONS AND RATIONALES OF THE STRATEGY AND POLICY COMMITTEE ON DRAFT LOCAL ALCOHOL POLICY

Key issue	Decision	Rationale
1. Bars located outside of the central city advocated for longer trading hours ( <u>closing hour</u> ).	That the maximum hours of operation for on-licences and club licences located outside the central city be: i. Sunday to Thursday, 7am to 11pm; and ii. Friday to Saturday, 7am to 1am the following day.	<a href="#">Rationale</a> 11pm Sunday to Thursday is felt appropriate to reduce alcohol-related harm occurring in suburban locations.
2. Request that on-licence (Central City Area) maximum trading hours should be shorter ( <u>commence later</u> ).	No change to LAP.	<a href="#">Rationale</a> A 7am opening time has been provided for on-licences for many years and reported issues with alcohol-related harm at this time of day are minimal. 7am is considered appropriate as typical practice is that alcohol is served as part of a meal and more likely to be associated with a special occasion e.g. champagne breakfast, rather than a harmful activity.
3. Request that on-licence maximum trading hours should be shorter in the central city ( <u>close earlier</u> ). <i>Note the issue of maximum trading hours for on licenses in the suburbs is already addressed in issue 1</i>	No change to LAP.	<a href="#">Rationale</a> A 3am closing time has been provided for central city on-licences for a number of years. While there is evidence of higher levels of alcohol-related harm between 12midnight and 3am, the higher density of outlets makes this easier to manage or mitigate.
4. Request that some on-licence premises e.g. strip bars, be treated differently	No change to LAP.	<a href="#">Rationale</a> Supported by ARLA decision
5. Request for an exemption to hours for trading on New Year's and Christmas Eve when these do not fall on a weekend.	No change to LAP. When New Year's Eve and Christmas Eve fall during the Sunday to Thursday period, on-licences will be required to apply for a special licence to trade longer.	<a href="#">Rationale</a> Exemptions for New Year's Eve and Christmas Eve are based on business decisions and providing customer experience not on minimising alcohol-related harm. Trading beyond the maximum hours in the LAP can still be achieved through the application of a special licence.
6. Outdoor dining hours	Amend policy to read  <i>"The sale and consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day"</i>	<a href="#">Rationale</a> To appropriately capture the alcohol consumption component of outdoor dining and the use of an extended footprint for on-licences.
7. Outdoor dining provisions	No change in the Policy (other than wording change captured in Issue 6).	<a href="#">Rationale</a> The Policy does not apply to privately-owned property, therefore no change is required.

Key issue	Decision	Rationale
8. Off licence hours should be longer	That the hours for off-licences be 7am to 9pm.	<p><u>Rationale</u> There is a lack of evidence to support alcohol-related harm from sales of alcohol during the hours of 7am to 9am.</p> <p>The intent of the Act is to minimise harm; therefore any reduction in availability of alcohol during night hours would contribute to reducing harm.</p>
9. Concern that the approach taken in schedule 1 (where new off licence premises can locate) is too restrictive.	<p>No change to LAP.</p> <p><u>AND</u></p> <p>Remove map attached as part of the consultation material would not appear as part of a provisional LAP. Instead the areas of schedule 1 would be defined in line with the PDP.</p>	<p><u>Rationale</u> The approach taken aligns with the centre's based approach promoted in the Proposed District Plan (PDP) and responds to community desires to better protect neighbourhoods.</p> <p><u>Rationale</u> This allows for flexibility e.g. if the zoning in the PDP changes then LAP changes with it.</p>
10. Application of policy with regard to 'new' and impact in terms of location	<p>Amend the purpose and scope of document to reflect the following wording:</p> <p><i>The policy applies to the issue of new licences and on renewal of existing licences. An off and/or on-licence that changes ownership but continues to be licensed on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy.</i></p>	<p><u>Rationale</u> New wording responds to submitter requests and provides better clarity.</p>
11. Request to recognise additional 'sensitive sites' and the provision of a 100m buffer.	No change to LAP.	<p><u>Rationale</u> The approach taken to prevent new off-licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused, highly susceptible to alcohol advertising and marketing and most at risk of alcohol-related harm. The restriction is considered appropriate.</p>
12. Exemption requested for supermarkets from proximity restrictions	The wording around proximity to schools be further clarified to the principal entrance e.g. From the date this LAP comes into force, no further off-licences shall be issued for any <i>premises that directly borders any school or early childcare facility existing at the time the licence application is made. "Directly borders" includes across any road from such facility as shown in the graphic below</i>	<p><u>Rationale</u> The approach taken to prevent new off-licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused and at high risk of alcohol-related harm. The restriction is not limited to just the principal entrance as this does not address alcohol advertising typically associated with these premises nor the issue of greater availability.</p>
13. Density provisions should be considered	No change to LAP.	<p><u>Rationale</u> Density options were considered and analyzed but dismissed by the Councillor-led working group.</p>

Key issue	Decision	Rationale
<b>Other</b>		
14. Special licences considered too restrictive	<p>Delete 5.3.1 (i);</p> <p>Amend 5.3.1 (ii) to include events or series of events “of a similar nature”;</p> <p>Delete 5.3.1 (iii);</p> <p><b>AND</b></p> <p>Delete the “1am the following day” proposed in 5.3.1 (iv) and the ‘exceptional circumstances’ threshold and allow the DLC to make decisions on a case-by-case basis with regard to the location and nature of the event.</p>	<p><a href="#">Rationale</a> Unnecessary repetition of legislation</p> <p><a href="#">Rationale</a> To provide the DLC with greater clarity</p> <p><a href="#">Rationale</a> Already a legal requirement. The inclusion was only for informational purposes.</p> <p><a href="#">Rationale</a> Special licences for premises that aren’t already licensed (5.3.1.(v)) be changed to align with the maximum trading hours proposed for on-licences and allow DLC to make decisions on a case by case basis with regard to the location and nature of the event. This streamlining of requirements around special licences better recognizes that appropriate maximum trading hours will vary depending on the event and the location of the event.</p>
15. One way door restrictions should be reconsidered or trialed	That Council introduce, for a 12-month trial period, a one-way door policy for central city on-licences for the last hour before closing time, and that staff report back on the evaluation process.	<p><a href="#">Rationale</a> Staggering the departure of patrons from central city on-licences helps manage undesirable behaviours and increase safety. There is enough evidence to suggest there are benefits in relation to alcohol-related harm minimisation in having this provision.</p>
16. Additional notification of individual applications for licences to assist public involvement in the process	No change to LAP.	<p><a href="#">Rationale</a> This is not a policy issue. Council has changed its process to upload all applications onto its website.</p>
17. Clarifying the wording around the casino exemption	<p>Amend the wording of section 5.1.1 (iv) to provide greater clarity as follows:</p> <p><i><u>The gaming floor in the Hamilton Casino (currently at 340 to 348 Victoria Street), is exempted from this provision the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003.</u></i></p>	<p><a href="#">Rationale</a> Accurately reflects the legislative nature of the exemption and the location of the casino.</p>
18. Temporary Authorities	Remove section on ‘Temporary Authorities’	<p><a href="#">Rationale</a> Supported by ARLA decision in the Wellington City Council Appeal and also the need to be succinct.</p>
19. Trading hours applicable to caterers	<p>Amend the draft policy to include the following statement:</p> <p><i><u>Caterers endorsed licences and conveyance on-licences will be subject to the maximum trading hours for the Hamilton area they are operating in at the time of the event.</u></i></p>	<p><a href="#">Rationale</a> To provide greater clarity as to maximum trading hours for operators that are mobile or provide services outside of their premises.</p>

Key issue	Decision	Rationale
20. Concern over the principles	Remove the principle section in its entirety.	<a href="#">Rationale</a> Acknowledges the ARLA decision in the Wellington City Council Appeal, and also the need to be succinct and only address legislative issues.
21. Inclusion of reasons	Amend the policy to include an explanatory section (as an appendix) outlining the reasons for each policy clause and direction.	<a href="#">Rationale</a> Supported by ARLA decision.

**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Annual Report from the  
Chairperson of the Older  
Persons Advisory Panel

**Author:** Deanne McManus-Emery

<b>Status</b>	<i>Open</i>
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## Recommendation

That the report from the Chairperson of the Older Persons Advisory Panel be received.

### 1. Attachments

- Attachment 1 - Older Persons Advisory Panel Chairperson's Report - 2015



## Older Persons Advisory Panel Chairperson's Report

November 3, 2015

1. THIS IS THE ANNUAL CHAIRPERSON'S REPORT TO THE STRATEGY AND POLICY COMMITTEE OF COUNCIL

2. ADVISORY PANEL MEETINGS SINCE INCEPTION

- 17 April 2014
- 13 June 2014
- 5 September 2014
- 7 November 2014
- 13 February 2015
- 17 April 2015
- 19 June 2015
- 4 September 2015

3. UPDATE ON THE ADVISORY PANEL'S WORK PROGRAMME

### ***Advice***

The panel will continue to provide early advice to Council on a range of work that has a particular impact on older people. This will include the Lake Domain Management Plan and the Hamilton East Neighbourhood Plan.

### ***Plan for obtaining the views of and communicating with Older People***

As set out in the panel's Terms of Reference, a Plan is being developed to communicate with and obtain the views of older people. This will be an ongoing piece of work for the remainder of 2015.

#### 4. MAJOR ACHIEVEMENTS

##### ***Older Persons Plan***

The Older Persons Plan has been the major piece of work for the Panel since inception. The Plan was developed over a number of months with an overall aim to make Hamilton a more desirable place for older people to live. The Plan sets out 20 actions to be completed in the next two years and was approved by Council in May 2015.

##### ***Previous Advice***

The Advisory Panel has provided feedback and input on a number of Council plans and policies. A member of the panel was on the working group that contributed to the Hamilton City Libraries Strategic Plan. Early feedback was provided on the Frankton Neighborhood Plan, the review of the Class 4 Gambling Policy, on the Ten Year Plan and the Hamilton Biking Plan. Feedback has also been sought from the panel on a number of bylaw reviews, including:

- Public Places Bylaw
- Alcohol Control Bylaw

In giving such advice, the panel has emphasised the need for policy and planning to include older persons by ensuring safety, access and inclusion (see Older Persons Plan).

#### 5. EMERGING ISSUES

The panel will be pursuing the issue of finding effective ways for older peoples' views to be communicated to Council. This issue will be at the heart of the creation of a plan to communicate and obtain the views of older people, which will be a primary focus for the panel in the next year.

#### 6. RECOMMENDATIONS

That the Chairperson's Report for the Older Persons Advisory Panel be received.

**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Hamilton Central City Safety  
Plan Update Report

**Author:** Deanne McManus-Emery

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	
<b>Financial status</b>	<i>There is a budget allocated Amount \$314,000</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is/is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. The purpose of the report is to provide a 6 monthly update on the implementation of the Hamilton Central City Safety Plan

## 3. Executive Summary

4. Delivery of the Safety Plan is on track. Twelve of the actions in the Safety Plan have been achieved and the balance of actions are on track or are determined as no longer required.
5. There has been a significant improvement in the public's and business community's perception of safety in the central city.
6. The People's Project has been operating for one year and is delivering excellent outcomes in addressing issues for the city's homeless population.
7. The Police presence and patrols in the central city have almost doubled since last year with positive feedback from businesses and visitors.
8. The Plan is being delivered within the budget set by Council.

## 9. Recommendations from Management

- a) That the report be received;
- b) That the following changes are made to the status report on the actions in the Hamilton Central City Safety Plan:
  - i. Remove the 12 completed actions that have been previously reported on from the action list;
  - ii. Removed the 3 "no longer required" actions from the action list;
  - iii. Remove the 1 success indicator that is no longer required; and

- iv. Report on trend comparative data for the 0800 calls in the next 6 monthly report.
- c) That Council acknowledges and thank the stakeholders assisting with implementation of the Plan and in particular the Hamilton Central Business Association, the Police and the People's Project.

## 10. **Attachments**

- 11. Attachment 1 - Hamilton Central City Safety Plan Action Nov S&P-2015-21-09
- 12. Attachment 2 - Hamilton Central Safety Plan Success Indicators
- 13. Attachment 3 - Hamilton City Safety Perception Survey- Community
- 14. Attachment 4 - Hamilton City Safety Perception Survey- Business
- 15. Attachment 5 - City Safe 0800 calls report

## 16. **Key Issues**

### 17. Background

The [Hamilton Central City Safety Plan](#) was adopted by Council in September 2014 and will be reviewed in 2017. The first 6 monthly report was received by Strategy and Policy Committee on 24 February 2015.

### 18. Status Report on the Actions

19. A status report on the actions contained in the Plan is Attachment 1. In summary:

- There are a total of 26 actions.
- 12 actions are completed.
- 11 actions are on track to be delivered and are ongoing for continued monitoring.
- 3 of the completed actions should be removed as they are no longer required.

### 20. Status Report on the Success Indicators

21. The Plan has nine success indicators and the status report on achievement is Attachment 2.

- There are 9 success indicators.
- 2 success indicators are completed.
- 6 success indicators are on track to be delivered and are ongoing for continued monitoring.
- 1 success indicator should be removed as it is no longer required.
- In preparation for this report Hamilton City Safety Perceptions Surveys were undertaken by the Council and the Hamilton Central Business Association using the same questions and method of surveying as used in 2014. The surveys completed in September and October 2014 were used to establish the benchmark for subsequent reporting.
- The Community Survey Report is Attachment 3. The Business Survey Report is Attachment 4. Both surveys compare the 2014 results with the 2015 results. In summary these surveys both show that there has been an increase in people's perception of feeling safe and a decrease in concerns about safety.
- Key findings from the general public's perception of safety are:

- A 15% increase in the number of people feeling reasonably safe or very safe during the daytime, (up from 63.2% to 78.8%) and at night, (up from 42.5% to 57.4%).
- A decrease across all categories of specific concerns, particularly noticeable was in the area of city safe and police visibility, crime and nuisance behaviour during the day time and night time.
- Key findings from the business community's perception of safety are:
  - Perceptions of safety during various times over the 24 hour period showed a marked improvement during the hours of 7am-5pm, especially from 9am -3pm.
  - Perceptions of safety during 9pm – 11pm remain unchanged as moderate concern.
  - Apart from public toilets, the contribution of layout features and amenities to nuisance behaviour has reduced considerably, with Garden Place, river paths/stairs, alleyways and seats showing the most improvement.
  - Perceptions about the contribution of homeless or vagrants to problematic behaviour has decreased.
  - There has been a positive increase in businesses contacting police for support about safety issues.
  - Business rate the central city as safer in 2015 than in 2014, with a higher level of satisfaction and a more positive view of the Council's response to safety.
  - There are a number of significant differences between 2014 and 2015 in relation to propriety areas of concern with sleeping rough moving from the most urgent issue in 2014 to number 4, begging is also down, but an emerging priority issue that is recorded as the top issue is loud swearing and arguments close to businesses.
- Since the implementation of the Plan, the Police have agreed to provide statistical information within the approved defined CBD Central boundary.
- Police prevention activity has near doubled in the Hamilton CBD, and in conjunction with HCC efforts, has led to a significant reduction in offending and victimisation. Increased Police foot patrols and directed patrolling in the right places at the right times have contributed to a 30% reduction in crime in 2014/15 compared to the previous 2013/14 fiscal year. Positive feedback has also been received from business and visitors to the city. The Police will be available to respond to questions from the Committee.
- City Safe monitor and report 0800 calls. Attachment 5 provides a summary of the calls for the period 1 January 2015 to 30 June 2015. The data has not been previously reported. Trend comparative data will be made available when the next 6 monthly report is required.
- The level of reporting on the City Safe 0800 number has remained static during the year, with two thirds of all reports originating from inner city business premises and remainder split evenly between HCC staff and the public at large. There has been an increase in the number of 0800 calls with actionable information, which indicates the increased confidence from the public and business owners in the service provided.
- There have been no infringements or prosecutions under the Safety in Public Places Bylaw or under the Litter Infringement Policy. City Safe work with people to change behaviour and the increased presence of City Safe has vastly improved behaviour.
- The People's Project commenced one year ago and the number of people registered for help as of September 2015 is 344 and 108 people have been housed. Julie Nelson (CEO) will be available to respond to questions from the Committee.

- The Ministry of Education released its Truancy Reporting figures and these were presented to the Community Forum Subcommittee in August 2015. [Hamilton Truancy Report](#) This report highlights that Truancy is no longer a major concern for Hamilton. A service delivery contract between MOE and Te Kohao Health provides an integrated Attendance Service to 180 schools including 8 schools in Hamilton with the purpose of reintegrating truant students back into education.

## 22. Financial and Resourcing Implications

- The Plan is being delivered within budget set by Council. The budget that supports safety in the city is \$314,000 per year allocated as follows:
  - City Safe Ambassador Patrols \$94,000
  - Bylaw monitoring and enforcement \$80,000
  - Vegetation management \$75,000
  - Litter collection and cleaning \$65,600
- There was also a one off capital cost to extend the CCTV Camera Network
  - Extension of CCTV Camera Network \$48,000
- The Council has approved a 3 year Multi-Year Grant of \$180,000 to Zeal to support young people in the central city. Their programmes support the delivery of the Safety Plan.

### Signatory

Authoriser	Lance Vervoort, General Manager Community
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ACTIONS	Timeframe	Status	Comments
Develop a Communications and Engagement Plan	Dec-14	Completed	<ul style="list-style-type: none"> <li>Action was completed and reported in February 2015. Action no longer required.</li> </ul>
Develop and produce effective reporting on key data	Oct-14	Completed	<ul style="list-style-type: none"> <li>A set of reporting measures have been established and the data required to measure performance against the success indicators started being collected from September 2014.</li> <li>The data will continue to be collected over a 3 year period.</li> </ul>
With HCBA, support the People's Project in delivering self help training for business	Oct-14	Completed	<ul style="list-style-type: none"> <li>Action was completed and reported in February 2015. Action no longer required.</li> </ul>
Expand the CCTV Network to provide 360 degree coverage including river pathway	Dec-17	On Track	<ul style="list-style-type: none"> <li>Six additional cameras were purchased and installed during the last financial year and were temporarily installed in high value locations to provide additional coverage for the Cricket World Cup and FIFA U20 tournaments. The cameras have now been permanently relocated to identify hot spots.</li> <li>Based on legal advice obtained, discussions have commenced with local business owners to consider access to their existing external CCTV footage in a public/ private sharing arrangement that will enhance the CCTV network across the City.</li> <li>CAPEX funding for additional camera purchases in the 2015/16 year have been approved in the LTP.</li> </ul>
Increase Police foot patrols by 31/9/14		Completed	<ul style="list-style-type: none"> <li>Action completed and reported in February 2015. Action no longer required.</li> </ul>
Review the role of the Alcohol Accord to deliver more effective support to the hospitality sector	Jun-15	On Track	<ul style="list-style-type: none"> <li>There is strong commitment of the Hamilton Alcohol in CBD Group from the industry (chaired by Police and involving Police, Council, ACC, Population Health, Bar Owners, Hospitality NZ, HCBA and Waikato University Student Union). The Alcohol in CBD Group has effectively replaced the Alcohol Accord.</li> <li>The Hamilton Alcohol in CBD Group is supported by a Licensees Network – that gathers and share information across the alcohol industry.</li> <li>Achievements to date include trialling of high visibility clothing by security staff, specific door training with police staff and shared communications equipment trial.</li> </ul>

ACTIONS	Timeframe	Status	Comments
Complete a review of City Safe and implement any changes and new KPIs	Dec-14	Completed	<ul style="list-style-type: none"> <li>Action completed and reported in February 2015. Action no longer required.</li> </ul>
Provide Maori Warden patrols during weekday afternoons		No longer required	<ul style="list-style-type: none"> <li>Maori Wardens are committed to existing patrolling commitments at the Transport Centre and to night time patrolling in the central city in conjunction with police and to various other community activities. They are not resourced to be able to provide regular afternoon patrolling but do endeavour to have a visible presence in the city whenever staffing will allow'</li> </ul>
Adopt the Safety in Public Places Bylaw	Dec-14	Completed	<ul style="list-style-type: none"> <li>Action completed and reported in February 2015. Action no longer required.</li> </ul>
Adopt a Litter Infringement Policy and the appropriate enforcement sections of the Litter Act	Dec-14	Completed	<ul style="list-style-type: none"> <li>Action completed and reported in February 2015. Action no longer required.</li> </ul>
Review the Public Places Liquor Control Bylaw (renamed Alcohol Control Bylaw 2015)	Sept -15	On Track	<ul style="list-style-type: none"> <li>The Public places liquor control bylaw was reviewed and was adopted for public consultation (renamed Alcohol Control Bylaw 2015).</li> <li>Consultation concluded on 1 September 2015, with hearings and deliberations scheduled to for 30 Sept 2015. The Bylaw is expected to be adopted by Council in November 2015.</li> </ul>
Approve and implement the Local Alcohol Policy		On Track	<ul style="list-style-type: none"> <li>At the Council meeting 30 April 2014, Council deferred deliberations and any decision (scheduled for 27 May 2014) making until Alcohol Regulator and Licensing Authority has made its decisions and some key issues had been resolved.</li> <li>A Local Alcohol Policy update was provided to Councillors at the briefing in September 2014 and then again in July 2015. It was agreed at the 22 July 2015 briefing that the Councillor LAP working group reconvene to progress the work again.</li> <li>The LAP Working Group has requested that deliberations be brought to an S&amp;P meeting in September 2015.</li> </ul>
Bylaw Enforcement Officers and Litter Control Officers	Dec-14	Completed	<ul style="list-style-type: none"> <li>Action completed and reported in February 2015. Action no longer required.</li> </ul>
Explore expanding the Smoke-free Environments Policy to include the whole CBD with designated smoking areas	Nov-14	On Track	<ul style="list-style-type: none"> <li>Meetings with the Smoke-Free CBD group (Cancer Society, Population Health, HCBA, and Council) noted a significant reduction in prevalence of smoking in Garden Place.</li> <li>Due to the potential implications for business owners as identified</li> </ul>

ACTIONS	Timeframe	Status	Comments
			<p>by HCBA, it was considered not practical to expand the area covered by policy at this time. Noting that the policy is educational and self-policing and is supported by persuasion rather than punitive enforcement. Staff will continue to encourage adherence with the existing policy via City Safe in an attempt to improve compliance.</p> <ul style="list-style-type: none"> <li>• New signage is now in place to help support the policy.</li> <li>• Further work to explore the potential to install designated smoking areas will be undertaken over next three months.</li> <li>• Recommendation is to retain status quo at this time.</li> <li>• The Smoke-free Environment Policy has been updated into the new template and the updated policy has included on the Council website.</li> </ul>
Implement the Local Approved Products Policy		On Track	<ul style="list-style-type: none"> <li>• The Hamilton Local Approved Products Policy was adopted by Council on 27 February 2014.</li> <li>• New regulations were introduced in 2014 revoking prior approval granted to a range of products. The intention of these regulations was to introduce a pre-market assessment of these substances for safety and quality and would only allow low risk products to be sold.</li> <li>• Potential importers and manufacturers need time to develop their systems in order to meet the new requirements.</li> <li>• There has been no new product approval to date.</li> </ul>
Provide clear and effective signage	Dec-14	Completed	<ul style="list-style-type: none"> <li>• CCTV signage in place.</li> <li>• The remaining signage that included No Smoking was erected in Garden Place. Additional No Smoking and No Skateboarding signs were erected in Civic Square by June 2015.</li> <li>• Monitoring of the public behaviour will be completed over the next 6-8 months, with the view to expand the signage further into the CBD area.</li> </ul>
The People's Project is implemented	Aug-14	Completed	<ul style="list-style-type: none"> <li>• Action completed and reported in February 2015. Action no longer required.</li> </ul>
Work with HCBA to develop a Truancy Free "no sale" zone		No longer required	<ul style="list-style-type: none"> <li>• Discussions held with HBCA and the Central Business Owners, identified this was no longer a concern in the CBD.</li> </ul>

ACTIONS	Timeframe	Status	Comments
			<ul style="list-style-type: none"> <li>This has been confirmed by key stakeholders. The action is closed and no longer required.</li> </ul>
<p>Monitor the effectiveness of truancy programmes delivered by other organisations (including Whai Marama Youth Services and schools)</p>		No longer required	<ul style="list-style-type: none"> <li>A Truancy Report was presented to the Community Forum Subcommittee meeting in August 2015, highlighting that Truancy was no longer a significant concern for Hamilton City as it once was previously.</li> <li>Preventative interventions implemented by the Youth Offending Team has significantly impacted truant behaviour, as confirmed by the Police.</li> <li>A service delivery contract between MOE and Te Kohao Health providing an Integrated Attendance Service to 180 schools including 8 schools in Hamilton City, with the purpose to re-integrate truant students back into an education pathway.</li> <li>This action is now closed and no longer required.</li> </ul>
<p>Continue to support Zeal</p>	Jul-15	Completed	<ul style="list-style-type: none"> <li>Zeal officially opened it's new premises to the Youth community in February 2015</li> <li>Zeal was successful in securing a Multi-Year Community Grant from Council in July 2015. The total value of \$180,000 over a 3 year period.</li> </ul>
<p>Youth Advisory Panel to review the Youth Action Plan and recommend actions that contribute to the goals in this safety plan</p>	Jun-15	Completed	<ul style="list-style-type: none"> <li>The Youth Action Plan was reviewed and report presented to Strategy and Policy Committee in August 2015.</li> <li>The Youth Action Plan will be reviewed in 2017.</li> </ul>
<p>Monitor the effectiveness of the increased level of litter collection approved in the 2014 Annual Plan</p>		On Track	<ul style="list-style-type: none"> <li>The increased litter collection has been effective. To date there have no complaints received relating to CBD litter, and only three requests to pick up litter during the 2014/15 financial year.</li> <li>Litter in the CBD is an activity that the Infrastructure Alliance closely monitors.</li> </ul>
<p>Continue the current level of service for graffiti removal</p>		On Track	<ul style="list-style-type: none"> <li>The Graffiti removal programme for the year end completed 6,591 jobs, removing a total of 54,967 square metres of graffiti.</li> <li>The end of year KPI of reported jobs completed within 2 working days was exceeded by 2% achieving 98%.</li> </ul>
<p>Monitor the effectiveness of the Alliance Contract delivery in the central city</p>		On Track	<ul style="list-style-type: none"> <li>The monthly co-ordination meetings are effective providing an opportunity to raise issues and discuss opportunities when planning work in the CBD ensuring the Infrastructure Alliance</li> </ul>

ACTIONS	Timeframe	Status	Comments
			<ul style="list-style-type: none"> <li>continues to communicate and notify works proactively.</li> <li>The feedback received from Hamilton Central Business Association remains very positive.</li> </ul>
Increase vegetation management in key planting sites to improve central city appearance		On Track	<ul style="list-style-type: none"> <li>Central City Planting in Civic Square and Victoria Street are completed with on-going maintenance of key sites being proactively managed.</li> <li>Positive feedback received from the public.</li> </ul>
Support the HCBA's initiatives: "Lick of Paint" and "Steam Clean"		On Track	<ul style="list-style-type: none"> <li>The Steam clean initiative commenced at the end of 2014 and completed 2 buildings within HCBA budget. A further 4 buildings are under way to be completed in 2015.</li> <li>The Lick of Paint initiative has had a positive outcome for other business owners, who have taken the initiative to enhance their properties.</li> </ul>

The actions under the Hamilton Central Safety Plan will be reviewed annually.

Success Indicators	Timeframe	Status	Comments
Reported satisfaction levels for safety amongst central city users is 80% or higher by 2017	June- 2017	On Track	<ul style="list-style-type: none"> <li>A 15% increase in the number of people feeling reasonably safe or very safe during the daytime, (up from 63.2% to 78.8%) and at night, (up from 42.5% to 57.4%).</li> </ul>
15% reduction in specified crimes in the Central City by 2017, in line with the police target. <ul style="list-style-type: none"> <li>Specified crimes: assault; offences against a person ; theft (including shoplifting); property damage and environmental pollution; public order offences</li> </ul>	June-2017	On Track	<ul style="list-style-type: none"> <li>Official data no yet available for public release.</li> <li>Unofficial Police statistical data indicate a 30% reduction in crime.</li> <li>The data will continue to be collected and monitored over a 3 year period.</li> </ul>
25% reduction in 2014 reported nuisance behaviours By 2017.	June - 2017	On Track	<ul style="list-style-type: none"> <li>A set of reporting measures was established 1 January 2015, to collect the data required to measure performance against this success indicator.</li> <li>Comparative trend data will be provided with the next 6 monthly report.</li> </ul>
Truancy Free “no sale” zone is implemented		No longer required	<ul style="list-style-type: none"> <li>HCBA have received no complaints from business owners regarding truants, and have highlighted that a truancy free zone was no longer warranted.</li> <li>The success indicator is no longer required.</li> </ul>
Homeless population is zero by 2016	Dec 2016	On Track	<ul style="list-style-type: none"> <li>The People’s Project has had 344 people register for support and have housed 108 people since August 2014.</li> <li>The People’s Project Governance Group will continue to monitor the performance against the success indicator.</li> </ul>
Youth Action Plan implemented	June 2016	On Track	<ul style="list-style-type: none"> <li>Youth Action has been reviewed and updated and was approved at the August 2015 Strategy and Policy Committee.</li> <li>Implementation of the plan is underway.</li> </ul>
Safety in Public Places Bylaw is implemented and enforced	Dec- 2014	Completed	<ul style="list-style-type: none"> <li>Action completed. No further reporting required.</li> </ul>
Central city safety and amenity data is available and publicly reported	June – 2017	On Track	<ul style="list-style-type: none"> <li>A set of reporting measures has been established to measure performance against the success indicators in the Plan, and is reported through Strategy and Policy Committee 6 monthly.</li> <li>This is the second progress report to Strategy and Policy..</li> </ul>

HAMILTON CENTRAL SAFETY PLAN – Success Indicators

Litter infringement Policy is implemented and enforced.	Dec- 2014	Completed	<ul style="list-style-type: none"> <li>Action completed. No further reporting required.</li> </ul>
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## Hamilton City Safety Perception Survey - Community July - September 2015

This report provides an overview of key findings from the Hamilton City Safety Perception Survey. This was carried out between 28 July and 25 September 2015. Results have been compared with the original survey carried out in September 2014. 2015 results are labelled as "July 2015" as this is when data collection began.

A total of 337 responses were collected compared with 584 collected in the original survey.

### 1. Methodology

Information collection was carried out in a consistent manner and the same questions were asked in both surveys to ensure comparisons could be made.

The Community Development Advisors used iPads and were located within the CBD approved boundary over several days, during both daytime and night time to enable the community to complete the survey.

The Survey was also placed on the Hamilton City Council website.

### 2. Summary of Findings

General Perceptions of safety have improved in the July 2015 survey, as compared to September 2014.

- A 15% increase in the number of people feeling reasonably or very safe during the daytime (up from 63.2% to 78.8%), and at night (up from 42.5% to 57.4%)
- A decrease across all categories of specific concerns, particularly noticeable was in the area of city safe and police visibility, crime and nuisance behaviour, both during the daytime and at night.
- Just fewer than 80% of survey respondents lived in Hamilton, similar to the September 2015 result.
- There were a larger proportion of respondents who were female in the 2015 survey. Around 63% of respondents were female and 37% were male. This compares to 57% female and 43% male from the first survey.

In terms of main concerns within the central city, respondents were asked to rate how concerned they were in terms of safety. The results are detailed in the figures below. The scale used in the survey was:



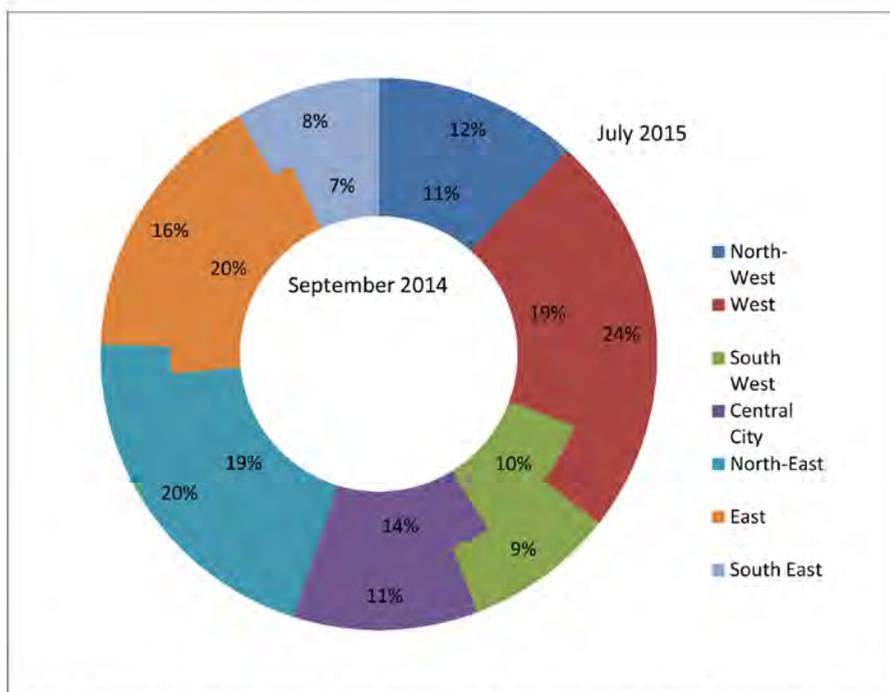


Figure 1: Responses to Question 2: Whereabouts do you live in Hamilton, September 2014 and July 2015.

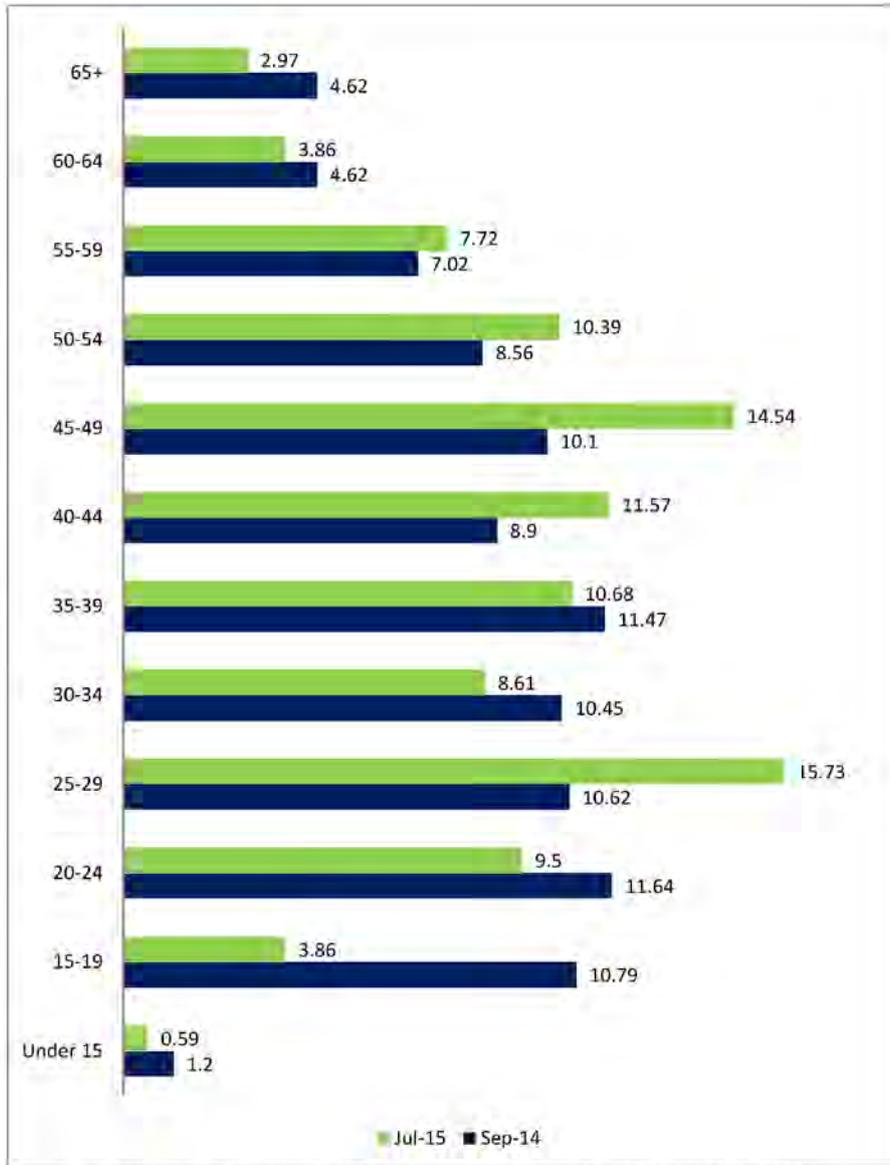


Figure 2: Response to Question 3: What is your age, September 2014 and July 2015

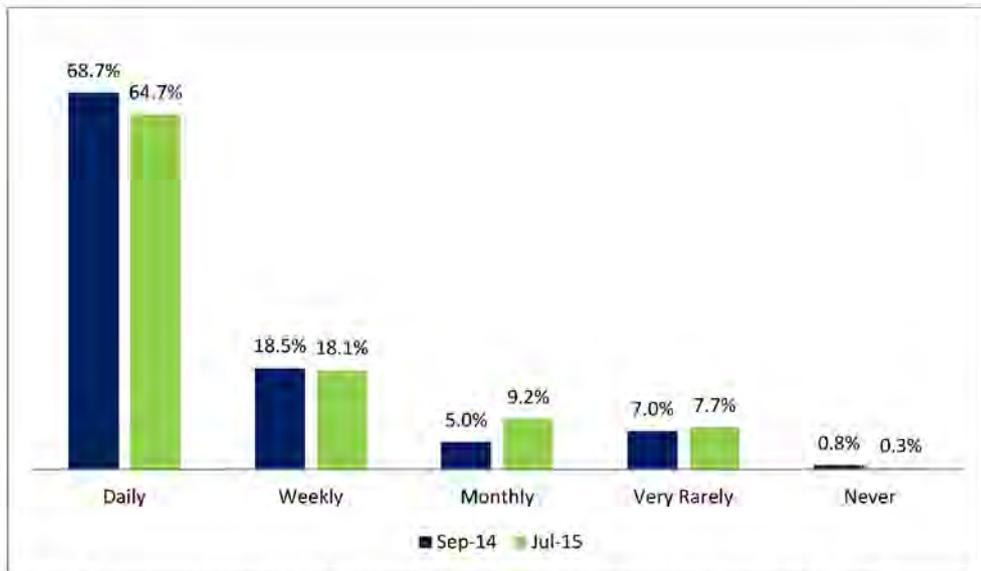


Figure 3: Responses to Question 5 – How often do you visit the central city during the day, September 2014 and July 2015

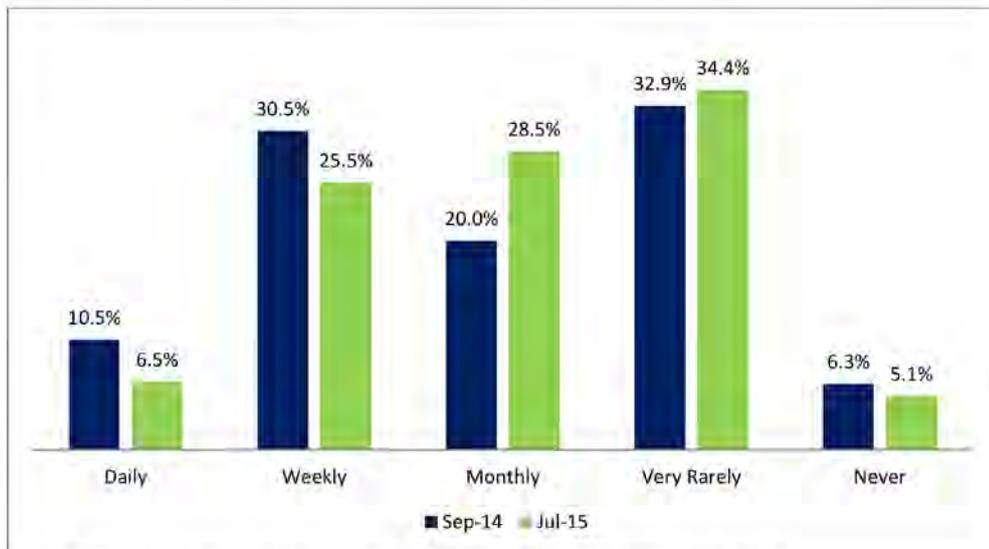


Figure 4: Responses to Question 10 – How often do you visit the central city in the evening/night, September 2014 and July 2015

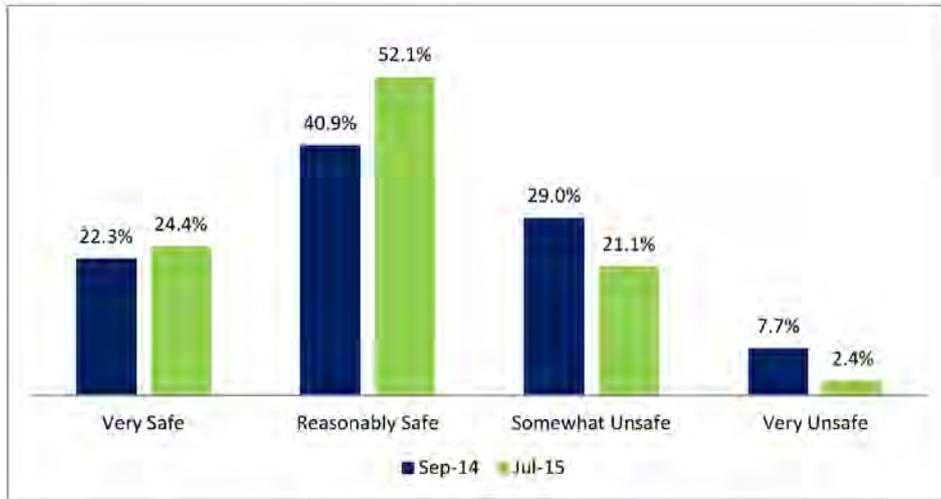


Figure 5: Responses to Question 8: How safe do you feel in the central city during the daytime, September 2014 and July 2015

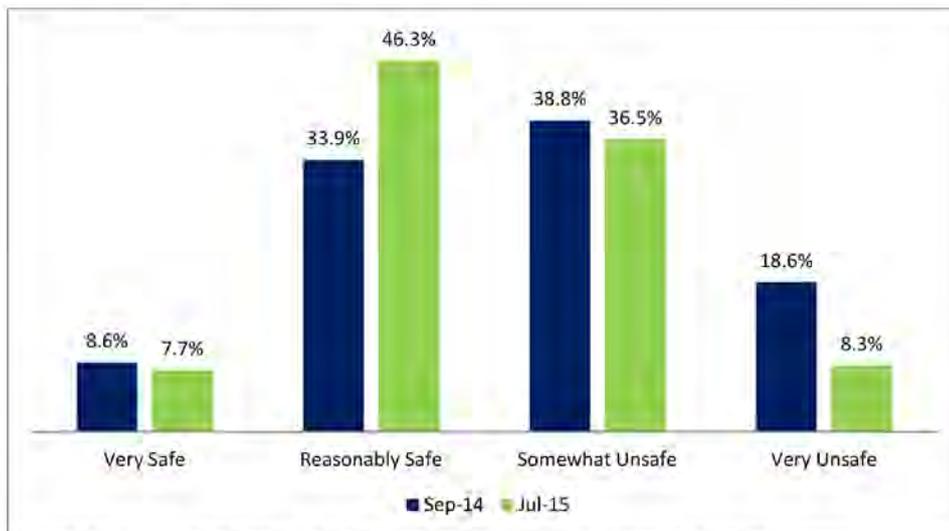


Figure 6: Responses to Question 13: How safe do you feel in the central city in the evening/at night, September 2014 and July 2015

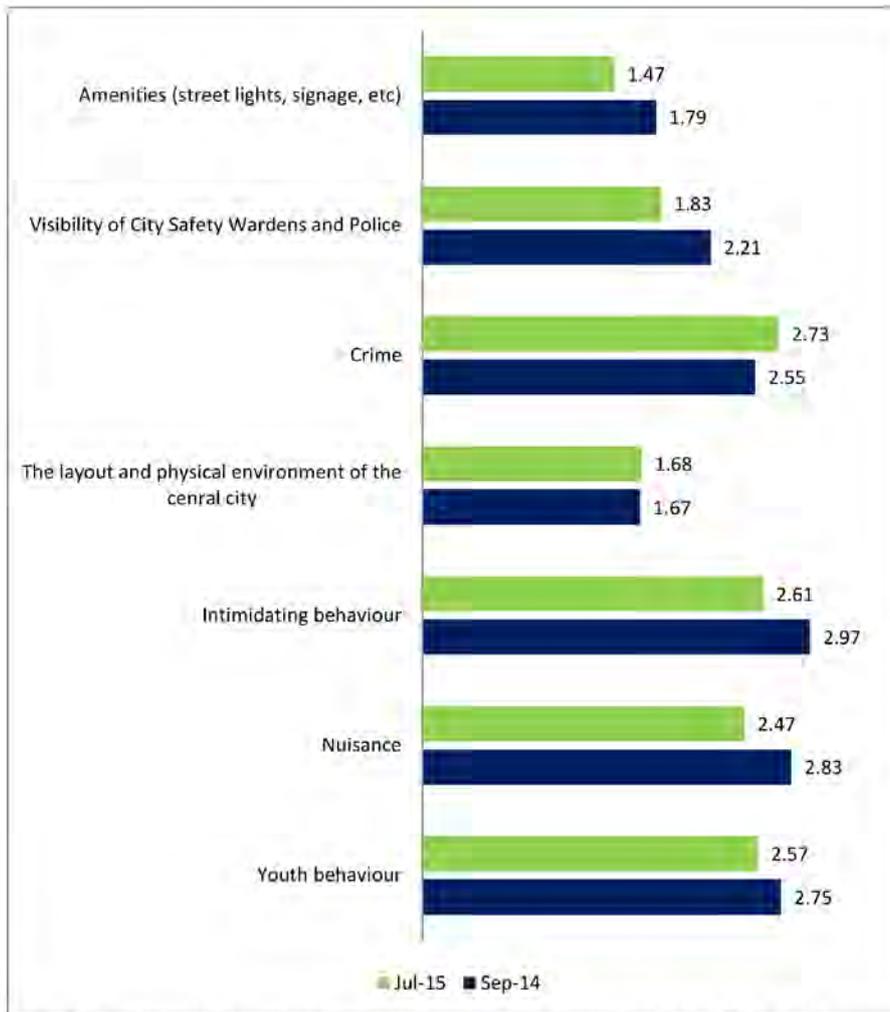


Figure 7: Responses to Question 9 – what are your main concerns about safety, in the central city during the day, September 2014 and July 2015

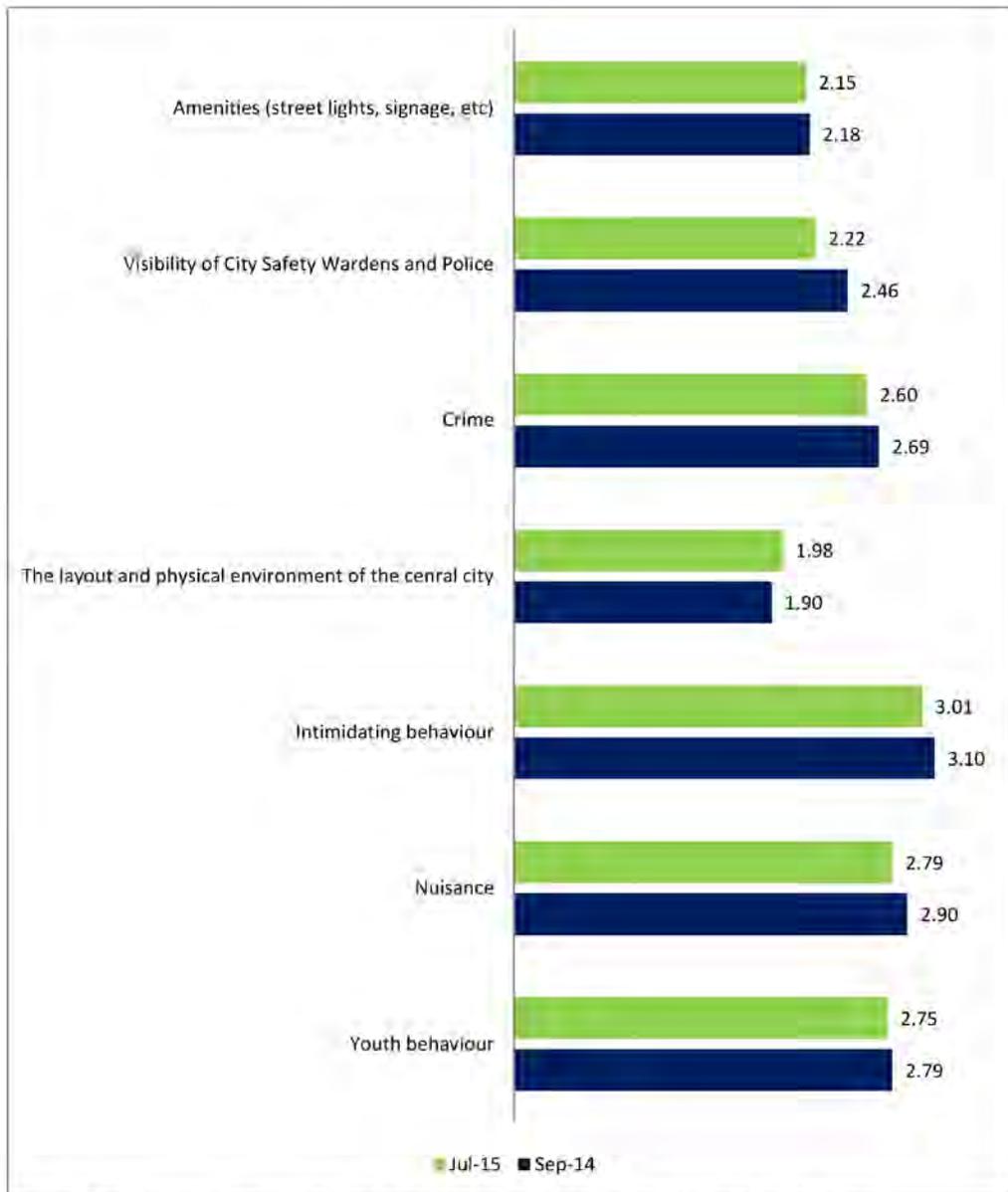


Figure 8: Responses to Question 14 – what are your main concerns about safety, in the central in the evening/at night, September 2014 and July 2015

## Hamilton City Safety Perception Survey - Business July 2015

This report provides an overview of key findings from the Hamilton Central Safety Perception Survey for Businesses. This survey was carried out in July 2015 by the Hamilton Central Business Association. Results have been compared with the original survey carried out in October 2015.

A total of 82 businesses participated in the survey. Of this group, 54 businesses filled out the majority of questions (Figs 1,2).

### **1. Methodology**

Information collection was carried out in a consistent manner and using the same questions was used in both surveys to ensure comparisons could be made. Surveys were distributed by the Hamilton Central Business Association (HCBA) to businesses based in Hamilton Central. Results were provided to Hamilton City Council by HCBA.

### **2. Summary of Findings**

- Perceptions of Safety during various times over the 24 hour time period show a marked improvement during the hours of 7:00am – 5:00pm, especially from 9:00am – 3:00pm.
- Perceptions of Safety during 9:00pm-11:00pm remain unchanged as being of moderate concerns.
- Apart from public toilets, the contribution of layout features and amenities to nuisance behaviour has reduced considerably. Garden Place, river paths/stairs, alleyways and seats have shown the greatest improvement.
- Perceptions about the contribution of homeless or vagrants to problematic behaviour has decreased.
- There has been a decrease in the number of businesses feeling the need to contact police for support about safety issues.
- Business rate the central city as safer, with a higher level of satisfaction and a more positive view of Council's response to safety.
- There are a number of significant differences between 2014 and 2015 responses in relation to priority areas of concern in the central city. Sleeping rough has moved from a top concern to 4<sup>th</sup>, and begging has decreased as a concern.
- An emerging priority issue is loud swearing and arguments close to businesses.

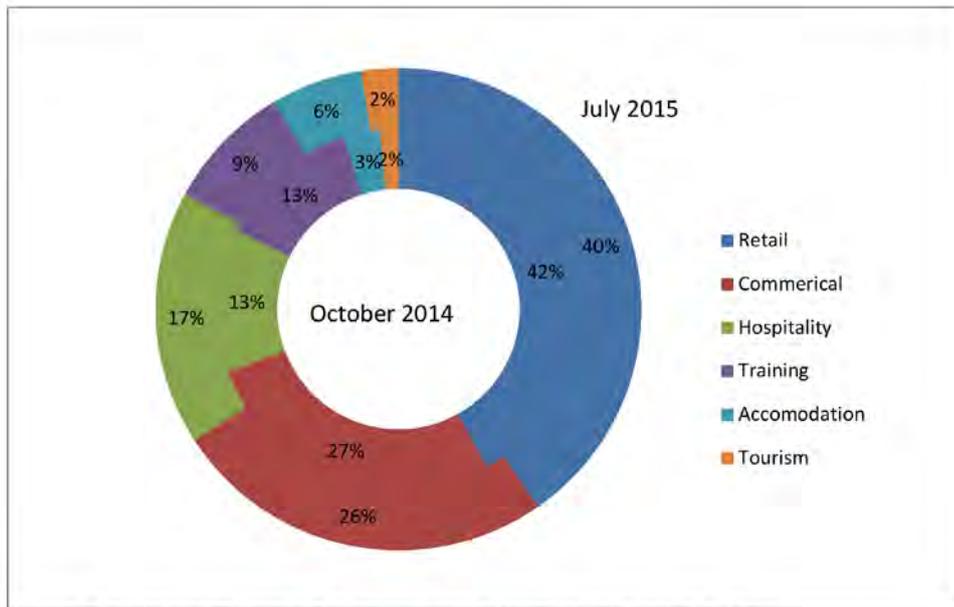


Figure 1: Responses to Question 4: Business Type, October 2014 and July 2015

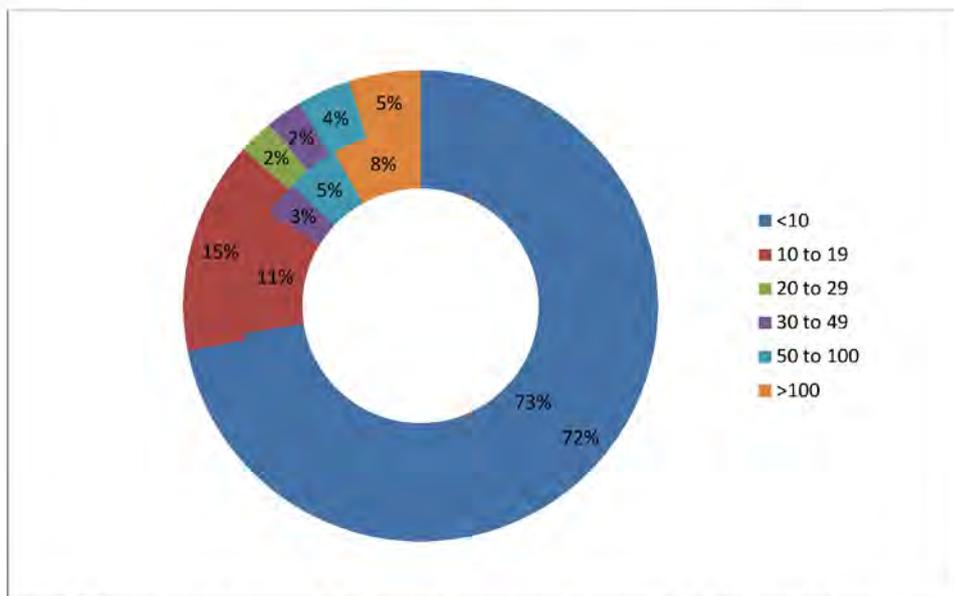


Figure 2: Responses to Question 2: Number of Employees, October 2014 and July 2015

### 3. Frequency of Visits to the Central City

Businesses were asked to rate a number of factors and how much these were a problem for them and are reported on the following scale. The lower the result, the less the factor was seen as a problem (Figs. 3-6).

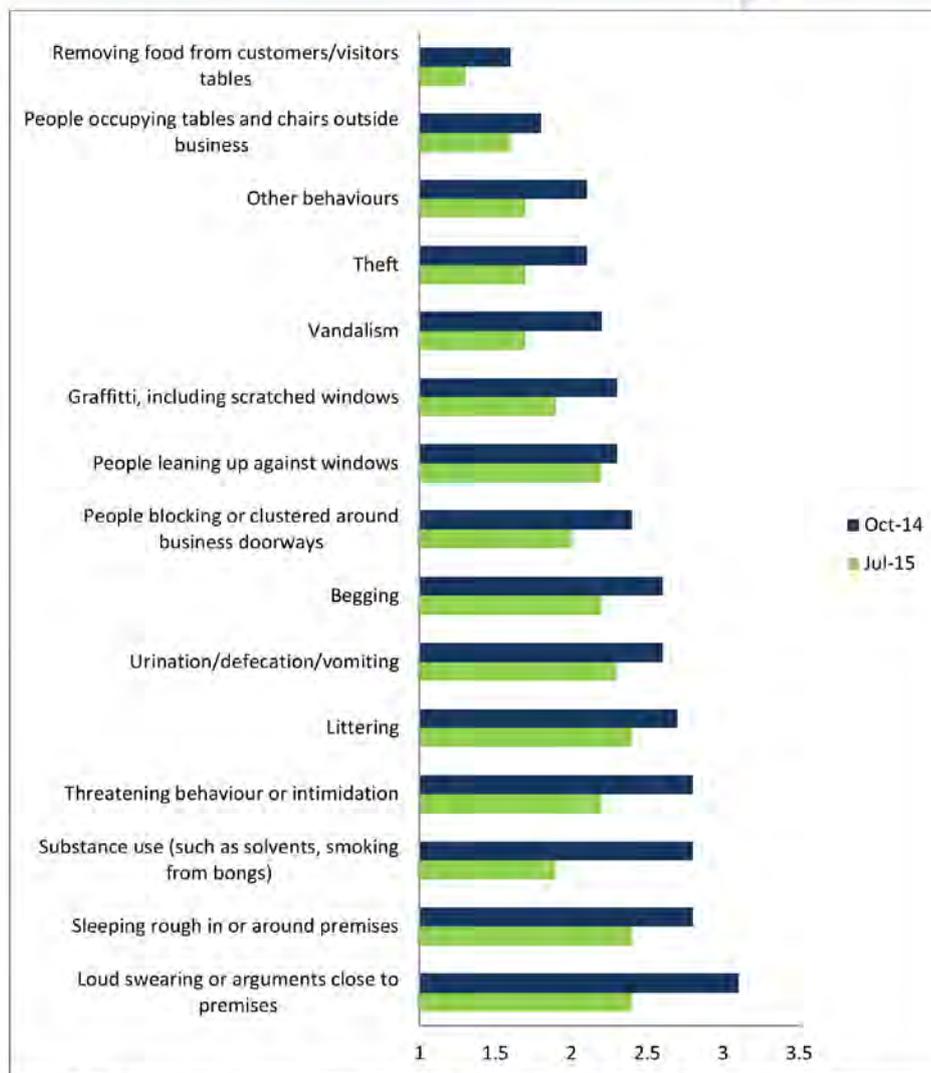


Figure 3: Responses to Question 5: "In the last six months, how problematic have the following behaviours been for your business?" October 2014 and July 2015

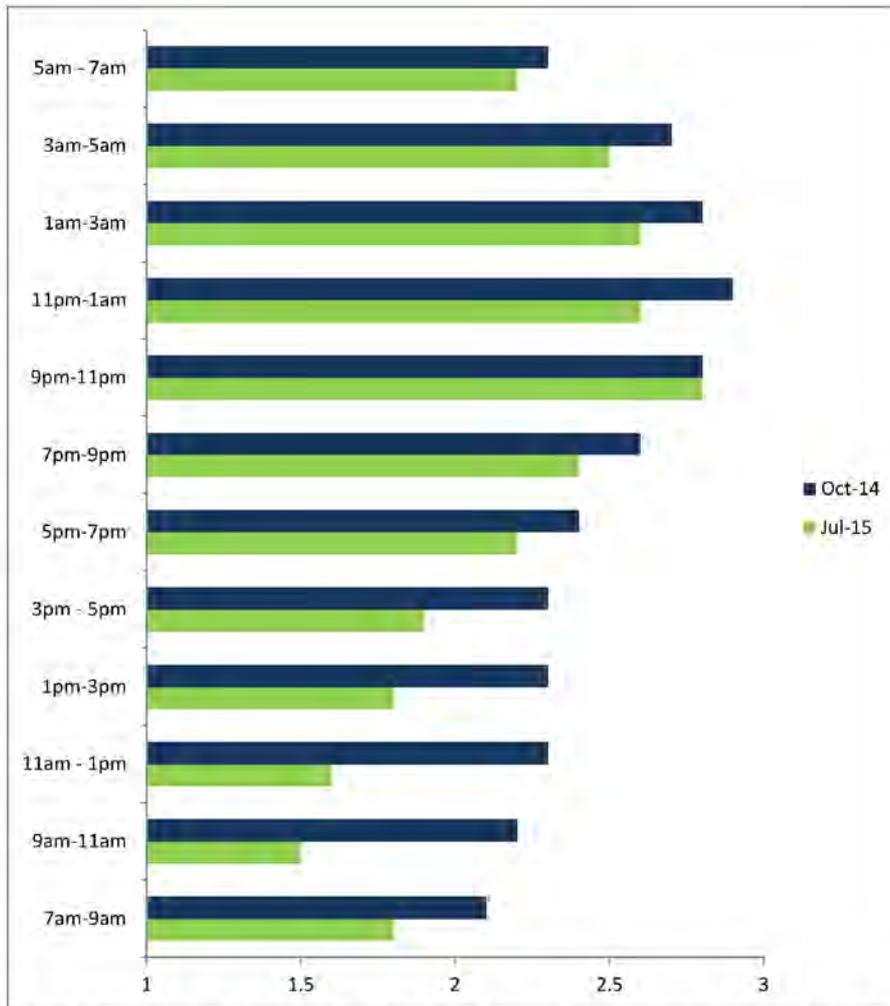


Figure 4: Responses to Question 8: "In the last six months, what is your perception of safety at different times of the day?" October 2014 and July 2015

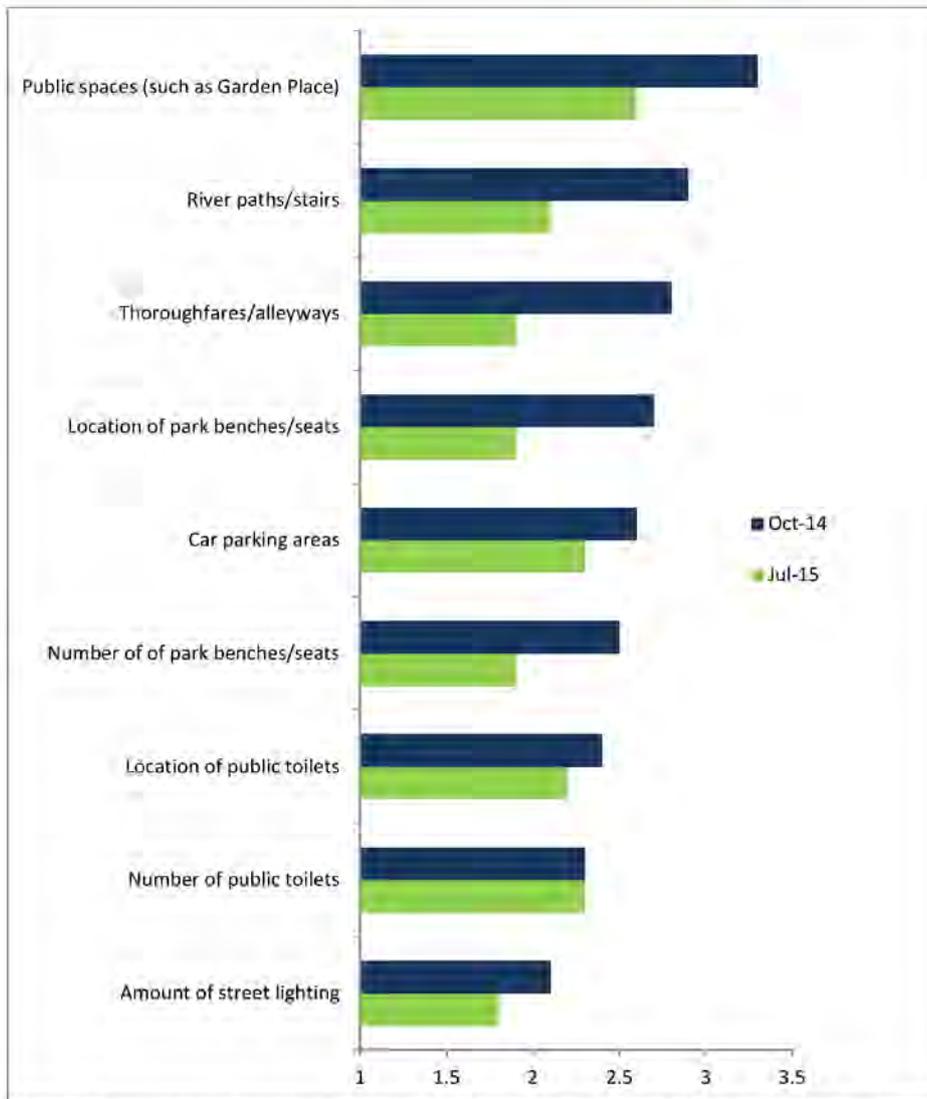


Figure 5: Responses to Question 9: "In the last six months, in terms of contributing towards nuisance behaviours, how problematic are the following Hamilton CBD layout features and amenities?" October 2014 and July 2015

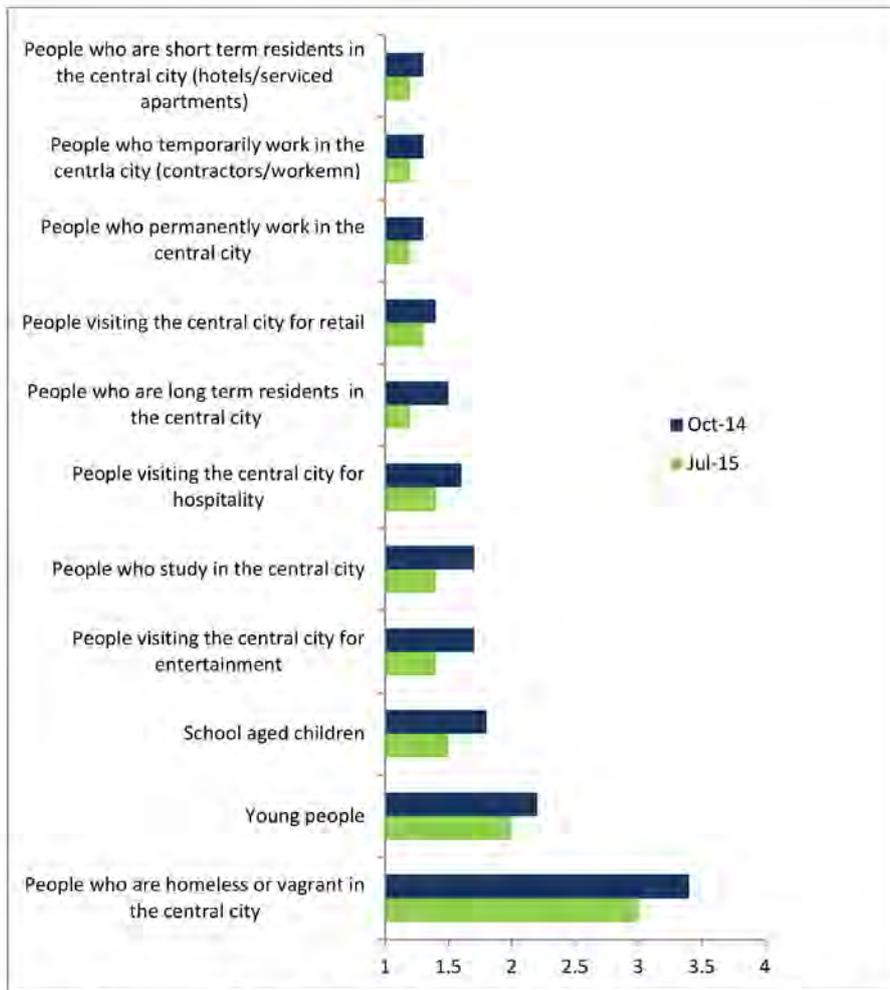


Figure 6: Responses to Question 7: "In the last six months, what is your perception of how problematic the behaviour of the following groups are?" October 2014 and July 2015

**4. Considerations**

Businesses were asked what actions and approaches they had considered to address any safety concerns (Figs.7-8). Average response rates were assessed on the following scale:

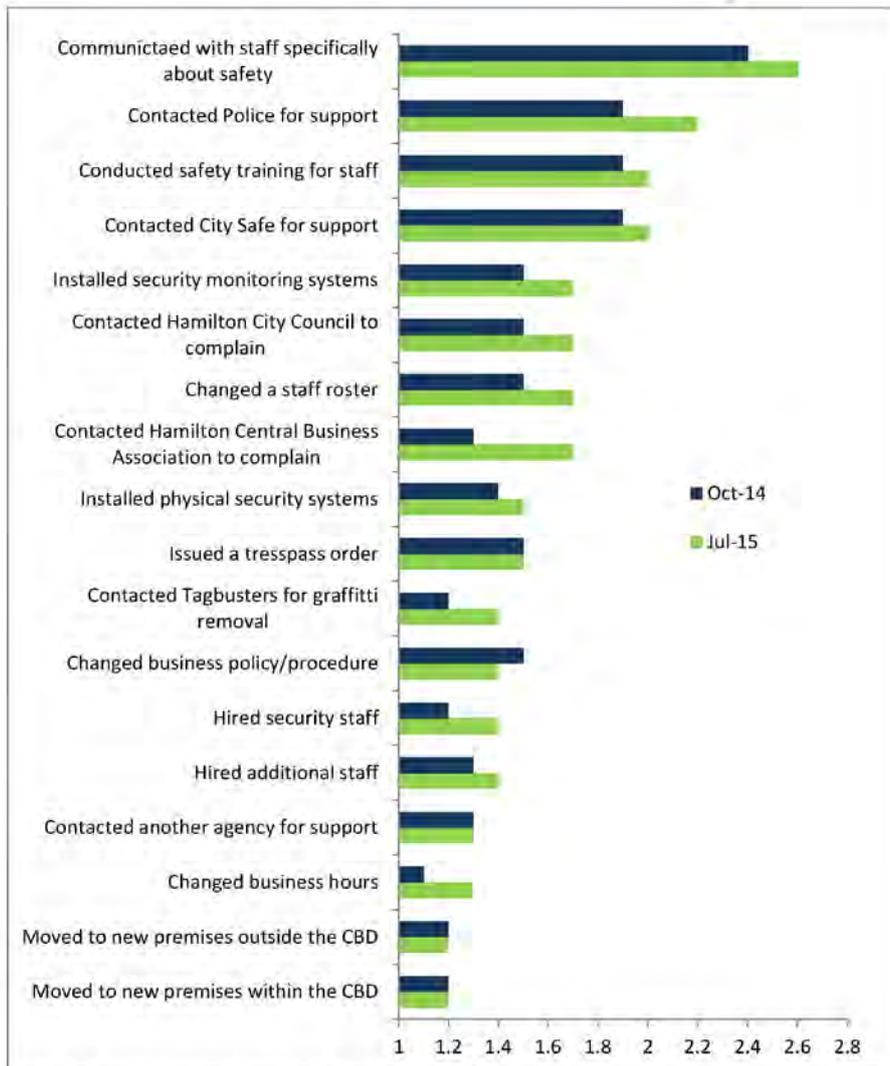
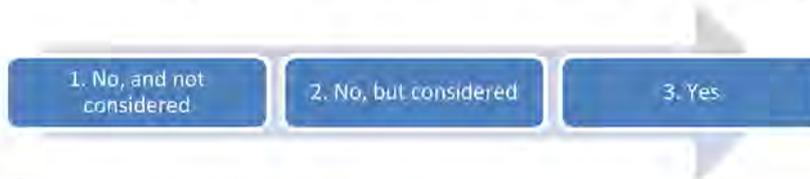


Figure 7: Responses to Question 6: "In the last six months, which of the following actions has your business taken in response to safety concerns or incidents?" October 2014 and July 2015

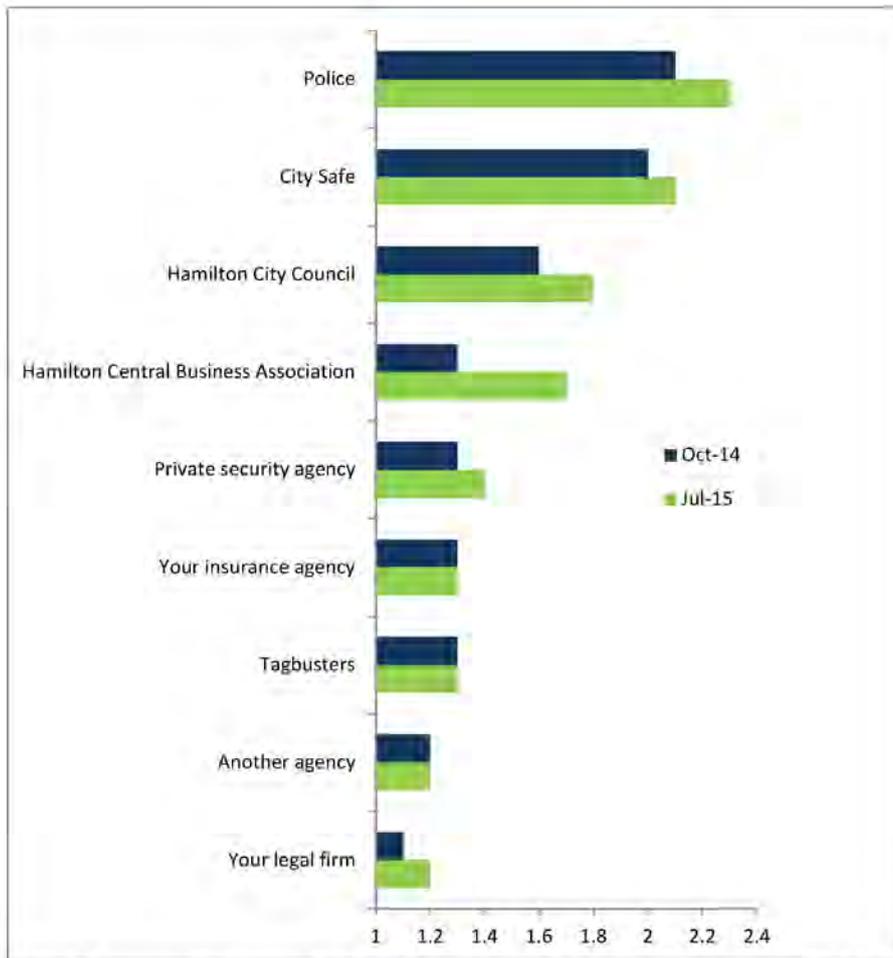


Figure 8: Responses to Question 10: "In the last six months, have you contacted any of the following agencies in response to safety concerns or incidents?" October 2014 and July 2015

**5. Satisfaction**

Businesses were asked a number of questions to gauge satisfaction in terms of safety (Fig.9). Average responses were assessed on the following scale:

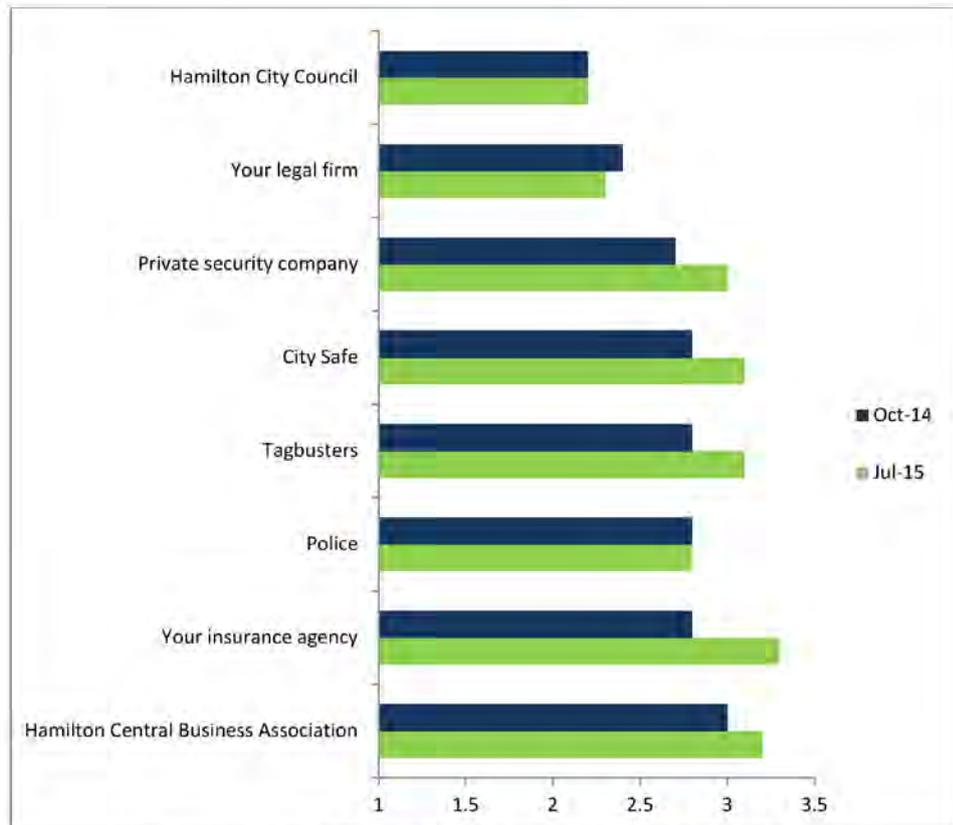
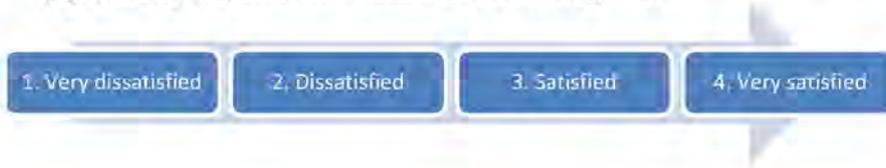


Figure 9: Responses to Question 11: "How satisfied were you with the response of the agencies you contacted?" October 2014 and July 2015

Businesses were also asked to assess their agreement with a number of statements to do with safety, police and City Safe presence (Fig.10) Average responses were assessed on the following scale:

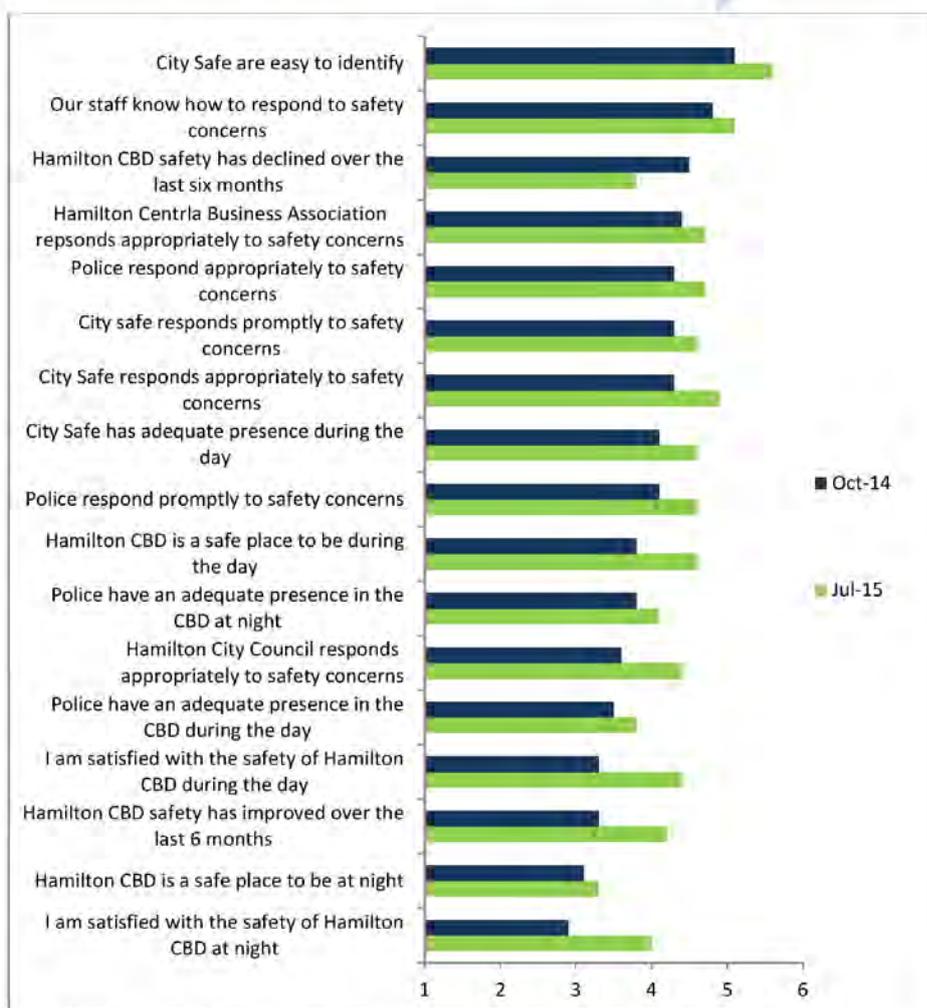
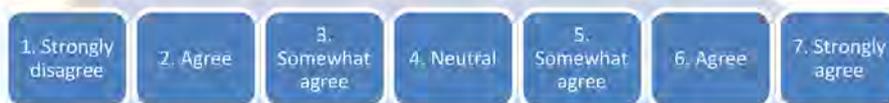


Figure 10: Responses to Question 12: "Please indicate your agreement with the following statements" October 2014 and July 2015

**6. Priorities**

Survey respondents were asked which three behaviours are a priority to improve city safety. There were significant differences between October 2014 and July 2015 (Fig. 11)

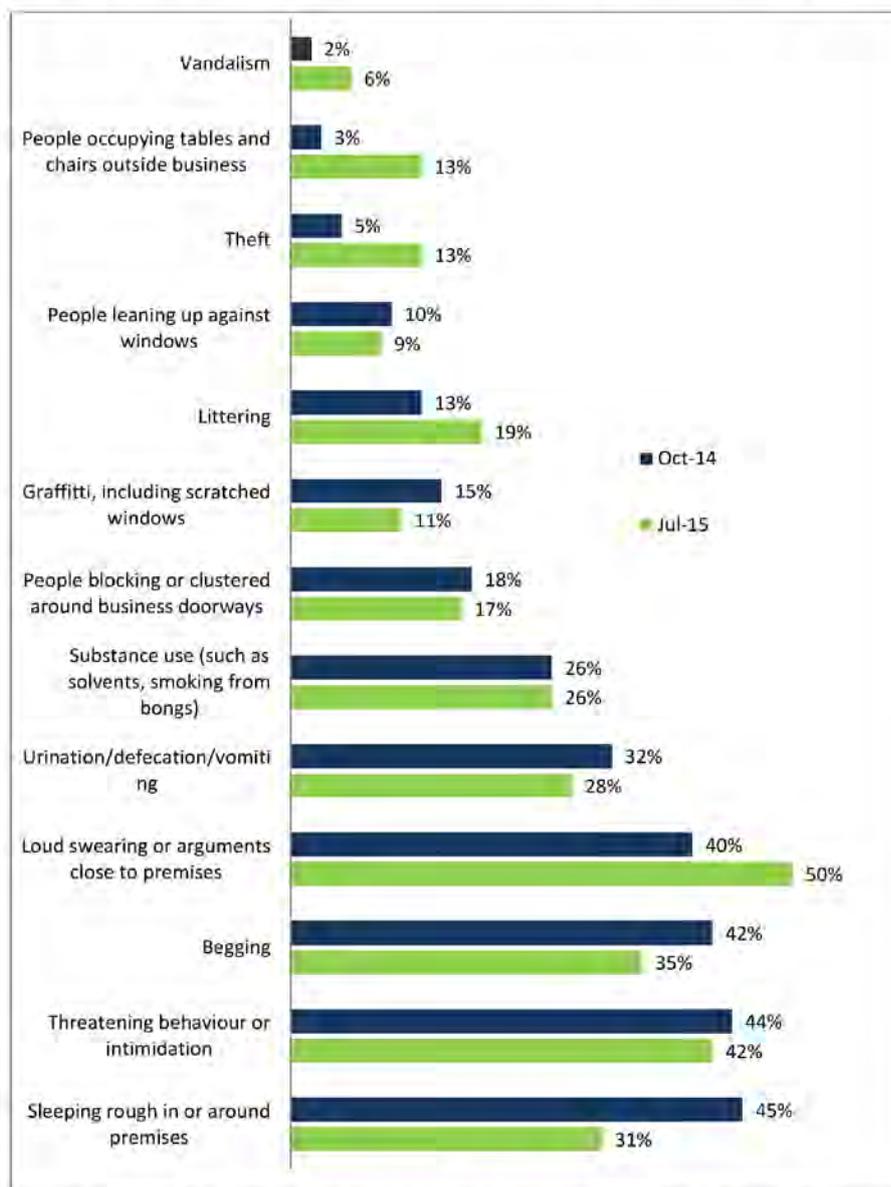
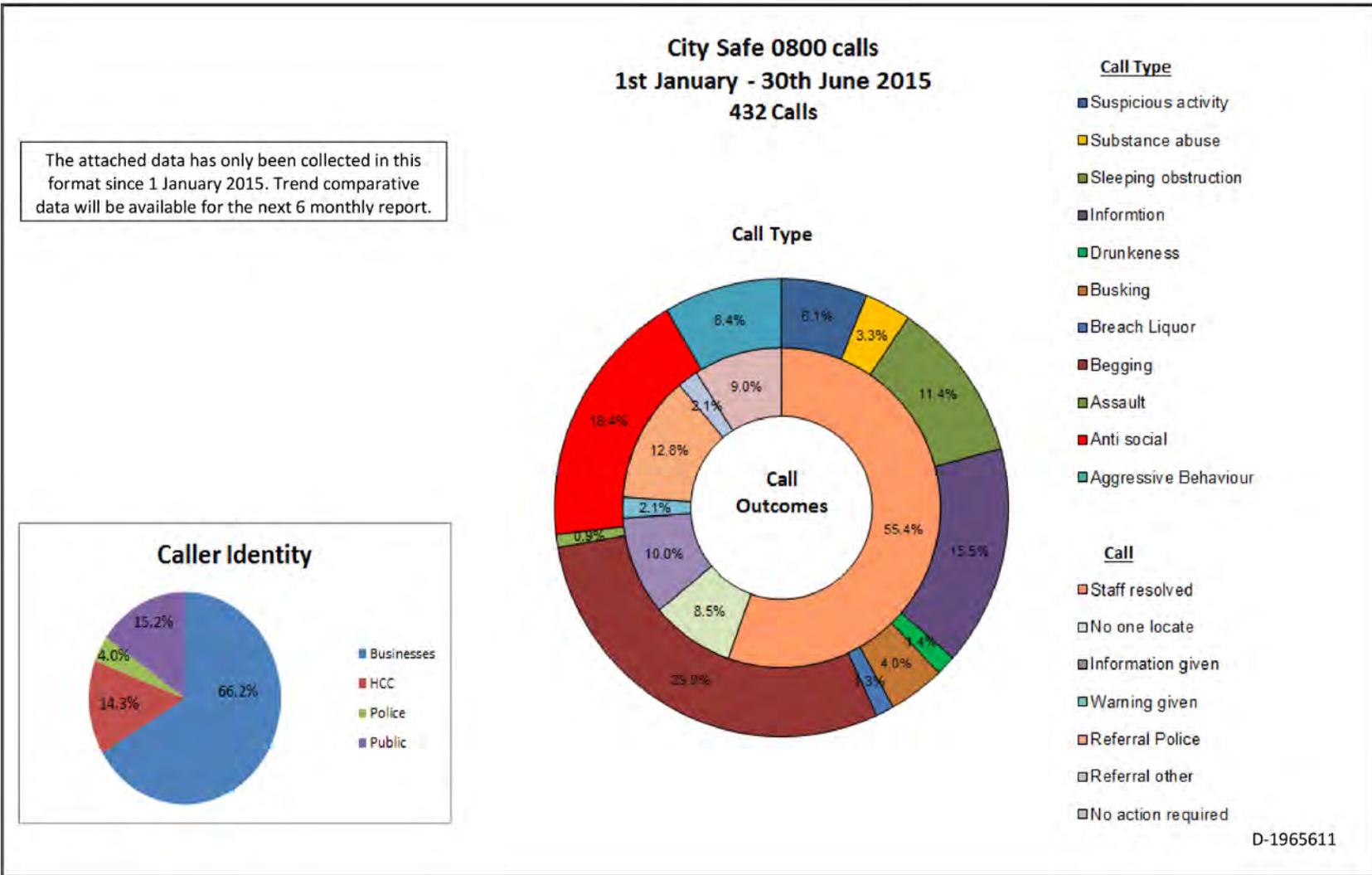


Figure 11: Responses to Question 13: "For your business, which three behaviours need to be addressed most urgently to improve city safety?" October 2014 and July 2015



**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015  
**Report Name:** Provisional Local Alcohol Policy (LAP) - Adoption      **Author:** Kelvin Powell

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Central City Safety Plan</i>
<b>Financial status</b>	<i>There is budget allocated within operating budgets for the development of the LAP and subsequent PLAP.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- The purpose of this report is to provide a copy of the proposed Provisional Local Alcohol Policy (PLAP) for consideration, amendment (clause 6) and adoption.

## 3. Executive Summary

- In November 2012 Council commenced research for the development of a draft Local Alcohol Policy (LAP) as set out in the Sale and Supply of Alcohol Act (SSAA) 2012. A Statement of Proposal for the draft Local Alcohol Policy was prepared in November 2013 in preparation for the Special Consultative Procedure undertaken between January 2014 to February 2014. A total of 95 submissions were received with 36 submitters scheduled to be heard. Hearings were held on 28 March 2014.
- A number of other Councils (including Wellington City Council and Tasman District Council) had their Proposed Local Alcohol Policy (PLAP) appealed to the Alcohol Regulatory Licensing Authority (ARLA). On the 30 April 2014 Council deferred deliberations and decision making until the Wellington City Council and Tasman District Council LAP appeals were concluded.
- The LAP development process recommenced on 29 September 2015 with the Strategy & Policy Committee deliberating on 21 key submission issues received through the consultation process on the draft LAP [Strategy & Policy Committee 29 September 2015 \(Page 5\)](#). The reasons supporting the recommendations have been captured in the Explanatory Note (Attachment 2).
- The Provisional Local Alcohol Policy (Attachment 1) has been prepared in accordance with the Strategy & Policy Committee recommendations.
- Legal advice (Tompkins Wake 7 October 2015) is that Council cannot include a one-way door policy for a trial period without requiring Council to re-consult on the LAP once a final position is adopted. Council will need to readdress Point 6 in the PLAP before it can adopt the PLAP.

9. Once the PLAP is adopted, public notice of a PLAP must be given. If any party who made a submission on the draft LAP is dissatisfied with the PLAP, an appeal must be made to the ARLA within 30 days of public notification of the PLAP.
10. If the PLAP is not appealed then the LAP is adopted 30 days after the public notification of the PLAP. Council must give notice of the adoption of the LAP and the day in which it comes into force.

## 11. Recommendations from Management *(Recommendation to Council)*

- a) That the report be received.
- b) That the proposed Provisional Local Alcohol Policy (PLAP) be adopted.
- c) That Council proceeds to publicly notify the Provisional Local Alcohol Policy on 27 January 2016.
- d) That the Liquor Licensing Policy and Licensed Premises Policy be deleted.

## 12. Attachments

13. Attachment 1 - Proposed Provisional Local Alcohol Policy (PLAP)
14. Attachment 2 - Explanatory Note
15. Attachment 3 - Supplementary Note

## 16. Key Issues

17. Legislative requirements or legal issues
18. The Sale and Supply of Alcohol Act 2012 (SSAA) gives Councils the option of developing a Local Alcohol Policy (s75).
19. The LAP may include policy elements covering the location of licensed premises, the density of licensed premises, whether further licences should be issued, maximum trading hours, discretionary conditions and one-way door restrictions.
20. Once a LAP is in place, the District Licensing Committee (DLC) must consider the policy when they make decisions on issuing, renewing or varying a licence.
21. Public notice of a PLAP must state the rights of appeal of submitters on the draft LAP, the Police and the Medical Officer of Health. It must also state that the only ground on which an element of the PLAP can be appealed against is that it is unreasonable in light of the SSAA.
22. Background
23. A draft LAP was developed between November 2012 and June 2013 by a Councillor Working Group consisting of Her Worship the Mayor and Councillors O'Leary, Forsyth, Bos, Gallagher, and Westphal.
24. Council considered the draft LAP on 21 November 2013 and approved the draft LAP for consultation on 28 November 2013. The SSAA requires the use of the Special Consultative Procedure (SCP) for the draft LAP.
25. Public consultation opened on 14 January and closed on 17 February 2014.
26. In total 95 submissions were received with 36 submitters scheduled to be heard. A list of the submitters with full copies of submissions has been made available on Council's website on Friday 7 March 2014.

27. The following table outlines the level of support for the draft LAP.

	Support policy	Oppose policy	Not Stated
<b>Individuals</b>	21	5	5
<b>Industry representatives</b>	1	1	3
<b>Off-licences + Clubs + Remote sellers</b>	1	6	12
<b>On-licences</b>	6	1	17
<b>Community representatives</b>	7	2	5
<b>Total (93)</b>	<b>36</b>	<b>15</b>	<b>42</b>

28. Hearings were held [28 March 2014](#).
29. On 30 April 2014 Council deferred the development of the PLAP until ARLA heard the first two appeals before the Authority as these both raised fundamental issues which have consequences for all draft LAPs.
30. A LAP update was provided to a Councillor briefing in September 2014 and later in May 2015.
31. On 12 May 2015 Council agreed for the Councillor LAP working group to reconvene to progress the development of the PLAP. Members of the working group met 22 July 2015 (Her Worship the Mayor and Councillors O’Leary, Tooman and Pascoe) and requested that deliberations be scheduled for a September 2015 Strategy and Policy Committee meeting. A summary of the 21 key issues were prepared based on the submissions received in February 2014.

### 32. Issues and Options

33. Deliberations occurred 29 September 2015. The Local Alcohol Policy (LAP) Deliberations Report [Strategy & Policy Committee 29 September 2015 \(Page 5\)](#) identified the key issues raised by submitters, the options Council had to consider in response, and information on the current practice (and the default position if applicable under the Act).
34. Council took into consideration the ARLA decisions, reflected on the purpose of the Act, the evidence, or lack of, the nature and level of alcohol-related harm and the validity of the submission points. For each issue (policy element), the reasons supporting the recommendations have been captured in the Explanatory Note (Attachment 2).
35. The issues on which Council determined a different response to that of the draft LAP, other than for wording clarification, are as follows:

Issue	Change
Issue 8. Maximum trading hours for off-licences	Increase opening hour from 9am to 7am Decrease closing hour from 10pm to 9pm
Issue 15. One-way door restriction	Introduce for a 12 month trial period, a one-way door policy from 2am (Monday to Sunday) in the Central City Zone

36. [One-Way Door Restriction](#)
37. Council requested that staff obtain legal advice to consider whether a one-way door policy for a trial period could be included in the LAP without requiring Council to re-consult on the LAP once a final position was adopted at the end of the trial period.
38. Legal advice (Tompkins Wake 7 October 2015) is that Council cannot include a one-way door policy for a trial period without requiring Council to re-consult on the LAP once a final position is adopted. Council will need to readdress Point 6 in the PLAP before it adopts the PLAP. The Tompkins Wake (7 October 2015) advice stated:

- (a) The legislation does not allow for the potential for change to be “built in” to a LAP. In order to change a LAP it is necessary to go through the same process as for adopting a LAP. Council would have to conduct a special consultative process and submitters would have a right to appeal against the proposed amendment.
- (b) Accordingly, a built-in trial period is not possible. Council will need to commit to a one-way door provision or not.
- (c) A one-way door provision could be added to the (draft) provisional LAP at this point without the need for re-consultation.
- (d) In assessing the appeal risk of a one-way door provision, Councillors will need to consider whether there is local evidence to support this policy position.
39. Based on the legal advice above Council must reconsider clause 6. Tompkins Wake has advised staff that any new evidence should be made available to Councillors to inform them during their reconsideration. The Supplementary Note (Attachment 3) summaries the local evidence currently available with regard to one-way door restrictions.
40. Tompkins Wake advised that Council should take into account decisions that have been adopted by ARLA in the appeal cases heard to date. In reviewing any appeal ARLA places significant weight on local evidence of alcohol related harm. Credible information and academic research from overseas will be dismissed as having “minimal value” and will only be of assistance if it has a connection with what occurs in the district.
41. Options available to Council are:
- (a) Remove the one-way door restriction (Clause 6) in its entirety.
- (b) Include a one-way door restriction with no limitation as per following wording: “A one-way door restriction will apply to on-licences in the Central City Zone from 2am (Monday to Sunday).”
- (c) Include a one-way door restriction for a 12 month period that will lapse at the end of the 12 month period.
- If Council, after the 12 month, period determines to include a permanent one-way door restriction, Council would be required to amend the LAP. Section 95(2) of the SSAA requires that an amendment to the LAP follows the same process as that required for the adoption of a LAP, and therefore Council will need to undertake a special consultative procedure and submitters in that process will have the right to appeal to ARLA.
  - Suggested wording as follows “A one-way door restriction will apply to on-licences in the Central City Zone from 2am (Monday to Sunday) for a period of 12 months from the date this policy comes into force. At the end of the 12 month period the one-way door restriction will lapse.”
  - If the Council, after the 12 month period, determines not to amend the LAP, that is not to introduce a one-way-door restriction, no change is required to the LAP.
42. If Council adopts a one-way door restriction and wishes to evaluate the impact of a one-way door restriction, the following approach provides a selection of data that could be at quarterly intervals.

Indicator	Type of Indicator	Source	Status
Time bound data on events that police attend in the vicinity of Central City	Independent Data	NZ Police - Hamilton	Data available
Time bound data on the level of intoxicated people on the street	Research	University of Waikato	Extension of research programme run by Mike Cameron
Industry body survey on the impact of the one-way door restriction	Survey	Developed in partnership with industry	Will need to be established

43. Existing Policies

44. Council’s existing Liquor Licensing Policy and Licenced Premises Policy are superseded by the SSAA. The District Licensing Committee is currently basing their decisions off the SSAA in the absence of a LAP. These two policies can be deleted without any impact to Council.

**45. Next Steps**

46. The next step in the LAP development process is to adopt and notify the Provisional LAP. Once notified, the policy is open to appeal for a period of 30 days. During this period any person or agency that made submissions on the draft LAP can appeal against any element of the provisional LAP on the grounds that an element in the provisional LAP is unreasonable in light of the SSAA. Appeals are made to the ARLA. Staff recommend that the PLAP be notified on 27 January 2016 to avoid the busy Christmas holiday period for the hospitality sector.

47. If no appeals are lodged, the policy is adopted 30 days after its public notification. Council must give notice of the adoption of the LAP and the day in which it comes into force. If appeals are received, Council can adopt and implement the LAP once all appeals are resolved.

48. Where the LAP contains elements setting local maximum trading hours or a ‘one-way door’ restriction these may only be brought into effect 3 months after the date of the public notice of the adoption of the final LAP.

**49. Reporting On Policy Outcomes**

50. A six monthly report will be provided that reports on the outcome of the policy using the following framework:

<b>Objective of Policy</b>	To balance the reasonable needs of residents of Hamilton City regarding the sale, supply and consumption of alcohol while addressing the statutory requirements of the Sale and Supply of Alcohol Act 2012, including the object of the Act to minimise the harm caused by excessive or inappropriate consumption of alcohol.
<b>Outcomes Sort</b>	<ul style="list-style-type: none"> <li>• The licensing of premises for the sale, supply and consumption of alcohol within the LAP restrictions.</li> <li>• A reduction in alcohol-related harm associated with the hours of availability of alcohol for sale and supply.</li> <li>• A reduction in alcohol-related harm associated with the location of the availability of alcohol for sale and supply.</li> </ul>
<b>Report Framework</b>	The indicators for reporting on the above outcomes will be developed to include a base line and be collected from the introduction of the LAP.

## 51. Financial and Resourcing Implications

- 52. The cost of developing a draft LAP and PLAP is already budgeted for by re-prioritising existing Strategy Unit budgets.
- 53. Anticipated costs include legal input, map development, consultation and staff time.
- 54. Technical input for the development of the LAP/PLAP is to be sourced internally from Strategy and City Safe staff.

## 55. Risk

- 56. Appeal
- 57. Experience around the country suggests that Council's PLAP will likely be appealed to ARLA (all PLAPs that have gone provisional have been appealed with the exception of Ruapehu District Council).
- 58. This potential appeal risk has been mitigated by the LAP's robust approach to locations that is consistent with other similar harm related policies such as gambling and prostitution, no discretionary conditions and the use of evidence in developing the key policy principles.

## Signatory

Authoriser	Debra Stan-Barton, Planning Guidance Manager
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First adopted:	
Revision dates/version:	Version 1
Next review date:	
Engagement required:	SCP required
Document number:	D-1953095
Associated documents:	Sale and Supply of Alcohol Act 2012
Sponsor/Group:	General Manager City Environments

## DRAFT PROVISIONAL LOCAL ALCOHOL POLICY

### Purpose and scope

1. The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop a Local Alcohol Policy (LAP). The purpose of a LAP is to set a clear framework for the District Licensing Committee and Alcohol Regulatory Licensing Authority when making decisions on licence applications in Hamilton City and to provide a guide to those applying for a licence in the city.
2. The objective of this policy is to balance the reasonable needs of residents of Hamilton City regarding the sale, supply and consumption of alcohol, while addressing the statutory requirements of the Sale and Supply of Alcohol Act 2012, including the object of the Act to minimise the harm caused by excessive or inappropriate consumption of alcohol.
3. The policy applies to the issue of new licences and on renewal of existing licences.
  - *An off and/or on-licence that changes ownership but continues to be licenced on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy.*
  - *Pursuant to section 133 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority cannot take into account any inconsistency between this Policy and the renewal of an existing licence; or the consequences of its renewal.*
  - *The provisions in this policy regarding maximum trading hours come into force three months after the day on which public notice is given of the adoption of this policy.*
4. This policy has been developed pursuant to section 75 of the Act, which empowers territorial authorities to develop Local Alcohol Policies for their District. The Act stipulates a number of conditions, requirements and restrictions that may apply to licence applications, not all of which are stated in this Policy. Therefore this Policy should be read in conjunction with the Act.

### Definitions

When interpreting this policy use the definitions set out below unless the context requires otherwise.

**Alcohol licences** - There are 4 kinds of alcohol licences

Club	Means licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned.
Off-licence	Means licensed for sale of alcohol from the premises for consumption somewhere else. Licenced for the sale of alcohol from the premises for delivery elsewhere.
On-licence	Means licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the premises.

	Endorsed on-licence – Means an on-licence for a caterer to deliver alcohol from their premises and sell it on any other premises for consumption by people attending a reception, function or other social gathering.
Special Licence	Off-site special: Means licenced for the sale and supply of alcohol for consumption elsewhere. The licensee is also able to supply alcohol free, as a sample, for consumption on the premise.  On-site special: Means licenced for the sale and supply of alcohol for consumption there, to people attending an event described on the licence.
<b>Other definitions</b>	
Conveyance	Means an aircraft, coach, ferry, hovercraft, ship, train or other vehicle used to transport people. Includes part of a conveyance.
District Licensing Committee	Means the Hamilton City District Licensing Committee appointed pursuant to section 186 of the Act.
Outdoor dining area	Means an area of a premises holding an on-licence or club licence that is outside of the building which includes any part of a public footpath, pavement or other public place. (See section 5(1) of the Act for a full list of exempt persons)
One way door restrictions	Means in relation to a licence, that during the hours stated in the restriction,- a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.
Premises	Includes a conveyance, part of any premises and, in relation to a licence, means the premises it was issued for.
Remote seller	Means off-licence premises that conduct 'remote sales', as defined by the Sale and Supply of Alcohol Act 2012.
Speciality Retailers	Means retail premises where the sale of alcohol is low volume and forms a minor portion of sales, such as, but not limited, to gift basket retailers and specialised delicatessen/ food stores. For clarity, this does not include supermarkets or grocery stores as defined in the Act).
The Act	Means the Sale and Supply of Alcohol Act 2012.

## Policy

### ON-LICENCES AND CLUB LICENCES

5. **Maximum trading hours** applicable to on-licences in Hamilton City are as follows:

Area	Maximum Trading Hours
<b>Central City Zone</b> <i>as outlined in the Proposed District Plan (or the resulting Operative District Plan).</i>	Monday to Sunday 7:00am to 3:00am the following day
<b>Other</b>	Sunday to Thursday 7.00am to 11pm  Friday and Saturday 7:00am to 1:00am the following day

6. A one way door restriction will apply to on-licences in the Central City Zone from 2am (Monday to Sunday) for a period of 12 months from the date this policy comes into force. If monitoring

and evaluation demonstrate a reduction in alcohol related harm in the central city, Council will resolve to continue the restrictions on a permanent basis.

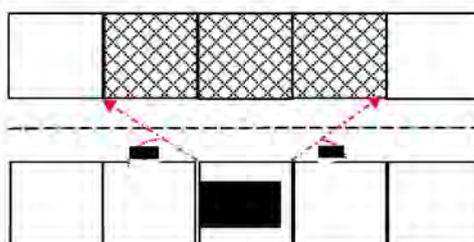
7. The sale and/or consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day.
8. The gaming floor within The Hamilton Casino (currently at 340 to 348 Victoria Street) is exempted from the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003.
9. Maximum trading hours are subject to section 47 of the Act regarding restrictions for on-licences on the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day.
10. Caterers endorsed and conveyance on-licences will be subject to the maximum trading hours hours for the area in Hamilton that they are operating in at the time of the event.

#### OFF-LICENCES

11. **Maximum trading hours** applicable to off-licences in Hamilton City are as follows:

7.00am to 9:00pm	Monday to Sunday
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12. **From the date this policy comes into force, no further** off-licences shall be issued for any premises unless that premises is located in the Central City Zone, Major Facilities, or Business Zones 1-6 of the Proposed District Plan (or the resulting Operative District Plan).
13. The location provision in clause 12 does not apply to premises for which a remote sale off licence is held (pursuant to section 40 of the Act) and the premises of specialty retailers.
14. From the date this LAP comes into force, no further off-licences shall be issued for a premises that directly borders any school or early childcare facility existing at the time the licence application is made. "Directly borders" includes across any road from such facility as shown in the graphic below.



#### SPECIAL LICENCES

15. No more than twenty (20) events or series of events of a similar nature will be authorised by special licence(s) to a single licensee or applicant in one 12 month period.
16. Special licences for premises that already hold an on, off or club licence or premises that are not otherwise licensed will be issued on a case by case basis with regard to the nature and location of the event or series of events by the District Licensing Committee.

Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
1. On-licences located outside of the Central City Zone advocated for longer trading hours (closing hour)	5.1.1 (ii) No on-licence or club licence shall be issued or renewed for any premises outside the Central City Zone with trading hours that exceed the following: <ul style="list-style-type: none"> <li>Friday and Saturday 7.00am to 1.00am the following day</li> <li>Sunday to Thursday 7.00am to 11.00 pm</li> </ul>	The maximum hours of operation for on-licences and club licences located outside the central city to be: <ol style="list-style-type: none"> <li>Sunday to Thursday 7am to 11pm; and</li> <li>Friday and Saturday 7am to 1am (the following day).</li> </ol>	11pm Sunday to Thursday is felt appropriate to reduce alcohol-related harm occurring in suburban locations.	5. Maximum trading hours applicable to on-licences in Hamilton City are as follows: <b>Other</b> <ul style="list-style-type: none"> <li>Sunday to Thursday 7am to 11pm; and</li> <li>Friday and Saturday 7am to 1am (the following day).</li> </ul>	<b>On-Licence Opening Hour:</b> 7am is considered appropriate as typical practice is that alcohol is served as part of a meal and more likely to be associated with a special occasion e.g. champagne breakfast.  <b>On-Licence Closing Hour – Other (non Central City Zone):</b> Council did consider the option to simplify closing hours at a standard Mon-Sun basis like the Central City. However this was balanced with the need to ensure the policy developed limits on the impact of alcohol-related harm in areas outside of the Central City Zone. Retaining the closing hour from 1am to 11pm on Sunday to Thursday as per the draft LAP will reduce the possible impact of alcohol-related harm in the form of noise and behaviour in suburban locations.
2. Request that on-licences (Central City Zone) maximum trading hours should be shorter (commence later)	5.1.1 (i) No on-licence or club licence shall be issued or renewed for any premises in the Central City Zone with trading hours that exceed the following: <ul style="list-style-type: none"> <li>Monday to Sunday 7.00am to 3.00am the following day</li> </ul>	No change to LAP	The 7am opening time has been provided for on-licences for many years and reported issues with alcohol related harm at this time of day are minimal. 7am is considered appropriate as typical practice is that alcohol is served as part of a meal and more likely to be associated with a special occasion e.g. champagne breakfast, rather than a harmful activity.	5. Maximum trading hours applicable to on-licences in Hamilton City are as follows: <b>Central City</b> <ul style="list-style-type: none"> <li>Monday to Sunday 7am to 3am (the following day).</li> </ul>	Retaining the closing hour from 1am to 11pm on Sunday to Thursday as per the draft LAP will reduce the possible impact of alcohol-related harm in the form of noise and behaviour in suburban locations.
3. Request that on-licence maximum trading hours should be shorter in the central city (close earlier)	5.1.1 (i) No on-licence or club licence shall be issued or renewed for any premises in the Central City Zone with trading hours that exceed the following: <ul style="list-style-type: none"> <li>Monday to Sunday 7.00am to 3.00am the following day</li> </ul>	No change to LAP	The 3am closing time has been provided for Central City Zone on-licences for a number of years. While there is evidence of higher levels of alcohol-related harm between 12midnight and 3am, the higher density of outlets makes this easier to manage or mitigate.	5. Maximum trading hours applicable to on-licences in Hamilton City are as follows: <b>Central City</b> <ul style="list-style-type: none"> <li>Monday to Sunday 7am to 3am (the following day).</li> </ul>	<b>On-Licence Closing Hour – Central City Zone:</b> The 3am closing time is currently in place for the Central City Zone only. The application of this restriction to the Central City Zone only allows for the containment of possible alcohol related harm to an area that is actively supervised and enforced by the Police.
4. Request that some on-licence premises (e.g. strip bars) be treated differently	Definitions: On-licence On any premises as on-licence is held for, the licensee – <ol style="list-style-type: none"> <li>Can sell and supply alcohol for consumption there</li> <li>Can let people consume alcohol</li> </ol>	No change to LAP	Supported by ARLA decision.	<b>Definitions</b> On-licence Means licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the premises.	<b>Treatment of different types of premises.</b> Council adopted an approach that makes no distinction between types of premises to ensure there is no partial or unequal operation between license holders. This approach is supported by the ARLA decisions issued to date.



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
5. Request for an exemption to hours for trading on New Year's and Christmas Eve when these do not fall on a weekend	5.1.1 (ii) No on-licence or club licence shall be issued or renewed for any premises outside the Central City Zone with trading hours that exceed the following: <ul style="list-style-type: none"> <li>Friday and Saturday 7.00am to 1.00am the following day</li> <li>Sunday to Thursday 7.00am to 11.00 pm</li> </ul>	No change to LAP. When New Year's Eve and Christmas Eve fall during the Sunday to Thursday period, on-licences will be required to apply for a special license to trade longer.	Exemptions for New Year's Eve and Christmas Eve are based on business decisions and providing customer experience not on minimising alcohol-related harm. Trading beyond the maximum hours in the LAP can still be achieved through the application of a Special Licence.	5. Maximum trading hours applicable to on-licences in Hamilton City are as follows: Other <ul style="list-style-type: none"> <li>Sunday to Thursday 7am to 11pm; and</li> <li>Friday and Saturday 7am to 1am (the following day).</li> </ul>	<b>Exemptions for New Year's Eve and Christmas Eve</b> This impacts only on-licences outside the Central City Zone.  The Council considered the inclusion of specific clauses related to New Year's Eve and Christmas Eve as inconsistent with the requirement that the policy applies restrictions which would reduce alcohol-related harm.  Premises can trade beyond their maximum trading hours for special events if they apply for an exemption through the application of a Special Licence.
6. Outdoor dining hours	Clause 5.1.1 (iii) Any permitted outdoor dining area will not have trading hours that exceeds 9am to <del>10pm</del> 1am on any day as provided for within the Public Places Bylaw 2009 and the Public Places Policy. Staff Note: This drafting error was corrected immediately and all consultation parties advised.	Amend Policy to read <i>"The sale and consumption of alcohol in any permitted outdoor dining area will not have trading hours that exceeds 1am on any day."</i>	To appropriately capture the alcohol consumption component of outdoor dining and the use of an extended footprint for on-licences.	7. The sale and/or consumption of alcohol in any permitted outdoor dining area will not have trading hours that exceeds 1am on any day.	<b>Clarification of outdoor dining restrictions:</b> The wording change has been made to provide clarification.  The consumption of alcohol in any permitted outdoor dining area on Council owned and controlled land (e.g. on a footpath) cannot occur after 1am on any day.
7. Outdoor dining provisions for non-public permitted areas	Clause 5.1.1 (iii) Any permitted outdoor dining area will not have trading hours that exceeds 9am to <del>10pm</del> * 1am on any day as provided for within the Public Places Bylaw 2009 and the Public Places Policy.  * the 10pm was a drafting error	No change in the Policy (other than wording change captured in Issue 6).	The Policy does not apply to privately-owned property, therefore no change is required.	7. The sale and/or consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day.	The limitation of 1am on any day does not apply to privately owned land (such as a garden bar with a licensed premise).



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
8. Off-licence hours should be longer	<p>Clause 5.2.2 Maximum trading hours for premises holding off-licences</p> <p>(i) Subject to section 48 of the Act no off licences shall be issued or renewed with trading hours that exceed the following:</p> <ul style="list-style-type: none"> <li>Monday to Sunday 9.00am to 10.00pm</li> </ul>	That the hours for off-licences be 7am to 9pm.	<p>There is a lack of evidence to support alcohol-related harm from the sales of alcohol between the hours of 7.00am and 9.00am.</p> <p>The intent of the Act is to minimise alcohol-related harm; therefore any reduction in the availability of alcohol during night hours would contribute to reducing harm.</p>	<p>11. Maximum trading hours applicable to off-licences in Hamilton City are as follows:</p> <ul style="list-style-type: none"> <li>7am to 9pm Monday to Sunday.</li> </ul>	<p><b>Off-Licence Maximum Hours:</b> Council has extended the trading hours from 9am to 7am as there is no supported evidence that alcohol related harm is more pronounced from the availability of alcohol between the hours of 7am and 9am. This approach allows all off-licence premises to have the same opportunity to open at 7am.</p> <p>Council has reduced the trading hours from 10pm to 9pm to reduce the availability of alcohol for evening consumption and preloading which evidence suggests is an issue during these hours.</p>
9. Concern that the approach taken in schedule 1 (where new off-licence premises can locate) is too restrictive	5.2.1 (i) New off-licence premises (excluding remote sellers endorsed pursuant to section 40 of the Act and specialty stores) shall be limited to areas of the city as displayed in Schedule 1 (Central City Zone and Suburban Area).	<p>No other change to LAP AND Remove the map attached as part of the consultation material as it would not appear in the provisional LAP. Instead the areas of Schedule 1 would be defined with the Proposed District Plan (PDP).</p>	<p>The approach taken aligns with the centre's based approach promoted in the Proposed District Plan (PDP) and responds to community desires to better protect neighbourhoods.</p> <p>This allows for flexibility e.g. if the zoning in the PDP changes the LAP changes with it.</p>	12. From the date this policy comes into force, no further off-licence premises shall be issued for any premises unless that premises is located in the Central City Zone, Major Facilities, Business Zone 1- 6 of the Proposed District Plan (or the resulting Operative District Plan).	<p><b>Location of New Off-licences:</b> This approach allows for the LAP to be driven by the zoning in the PDP which is a centre's based approach to protect neighbourhoods.</p> <p>If the PDP changes, then the LAP zoning changes ensures consistency across the Plans and Policies. Zones are: 1 - sub-regional centre fringe 2 - events facilities 3 – sub-regional centre core 4 – large format retail 5 – suburban centre core 6 – suburban centre fringe Business Zone 7 (neighborhood centre) is excluded to protect local residential areas.</p>



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
10. Application of policy with regard to 'new' in section 5.2.1 (i) and (ii) and impact in terms of location	This policy applies to: Any applications for liquor licences from the date that this policy comes into force, and Any applications for renewal of existing licences at a licensed premise.	Amend the purpose and scope of documentation to reflect the following wording: <i>"The policy applies to the issue of new licenses and on renewal of existing licences. An off and/or on-licence that changes ownership but continues to be licensed on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy."</i>	New wording responds to submitter requests and provides better clarity.	3. The policy applies to the issue of new licences and on renewal of existing licences. An off and/or on-licence that changes ownership but continues to be licensed on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy.	<b>Clarification of rights of on-licences premises when the business is sold.</b> The wording change has been made to provide clarification particularly in relation to the sale of existing premises.  When a premise is sold, the new owner is required to apply for a licence but that licence excludes the location clauses as it is an established premise and the location is not changing. However any trading hour clauses will apply.
11. Request to recognise additional 'sensitive sites' and the provision of a 100m buffer.	5.2.1 (ii) In addition to 5.2.1 (i), an off-licence will not be issued in respect to any new premises on any site that directly borders (as identified in the graphic below) any school or early childcare facility, existing at the time the licence application is made.	No change to LAP	The approach taken is to prevent new off-licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused, highly susceptible to alcohol advertising and marketing, and most at risk of alcohol related harm. The restriction is considered appropriate.	14. From the date this LAP comes into force, no further off-licences shall be issued for any premises that directly borders any school, early childcare facility existing at the time the licence application is made. "Directly borders" includes across any road from such facility as shown in the graphic below.	<b>Location Restrictions:</b> Sensitive sites in this policy have been limited to schools or early childcare centres which are youth focused who are highly susceptible to alcohol advertising and marketing, and most at risk of alcohol related harm.  Council considered that the inclusion of additional sensitive sites would be restrictive on the establishment of new premises.
12. Exemption requested for supermarkets from location restrictions	5.2.1 (ii) In addition to 5.2.1 (i), an off-licence will not be issued in respect to any new premises on any site that directly borders (as identified in the graphic below) any school or early childcare facility, existing at the time the licence application is made.	The wording around proximity to schools be further clarified to the principal entrance e.g. From the date this LAP comes into force, no further off-licences shall be issued for any premises that directly borders any school, early childcare facility existing at the time the licence application is made. <i>"Directly borders" includes across any road from such facility as shown in the graphic below.</i>	The approach taken is to prevent new off-licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused, highly susceptible to alcohol advertising and marketing and most at risk of alcohol related harm. The restriction is not limited to just the principal entrance as this does not address alcohol advertising typically associated with these premises nor the issue of greater availability.	14. From the date this LAP comes into force, no further off-licences shall be issued for any premises that directly borders any school, early childcare facility existing at the time the licence application is made. "Directly borders" includes across any road from such facility as shown in the graphic below.	<b>Treatment of different types of premises.</b> Council adopted an approach that makes no distinction between types of premises to ensure there is no partial or unequal operation between license holders.
13. Density provisions should be considered.	No clause in the LAP	No change to LAP	Density Options were considered and analysed but dismissed by the Councillor-led working group.	No clause in the PLAP.	No explanatory note required.



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
14.Special licences considered too restrictive	<p>5.3.1. (i) The District Licensing Committee(DLC), subject to section 41 of the Act may refuse a special licence or licences where it would be more appropriate for the applicant to apply for an on, off or club licence, or for the variation of an existing licence.</p> <p>5.3.1.(ii) No more than twenty (20) events or series of events will be authorised by special licence(s) to a single licensee or applicant in one calendar year.</p> <p>5.3.1.(iii) Temporary structures being used as part of a special licence application will need both Building Unit and Planning Guidance Unit approval before a special licence will be issued.</p> <p>5.3.1.(iv) Special licences for premises that are not otherwise licensed will not be issued with trading hours beyond 1.00am the day following the event, except in exceptional circumstances as determined by the District Licensing Committee.</p>	<p>Delete 5.3.1 (i)</p> <p>Amend 5.3.1 (ii) to include events or series of events "of a similar nature"</p> <p>Delete 5.3.1 (iii)</p> <p><b>AND</b></p> <p>Delete the 1am the next day proposed in 5.3.1 (iv) and the 'exceptional circumstances' threshold and allow the DLC to make decisions on a case-by-case basis with regard to the location and nature of the event.</p>	<p>Unnecessary duplication of legislation</p> <p>To provide the DLC with greater clarity</p> <p>Already a legal requirement. The inclusion was only for informational purposes.</p> <p>Special licences for premises that aren't already licensed (5.3.1.(v)) be changed to align with the maximum trading hours proposed for non-licences and allow DLC to make decisions on a case by case basis with regard to the location and nature of the event. The streamlining of requirements around special licences better recognizes that appropriate maximum trading hours will vary depending on the event and the location of the event.</p>	<p>The changes:</p> <p>5.3.1.(i) to remove repetition of the legislation</p> <p>5.3.1.(ii) to provide DLC with greater clarity</p> <p>5.3.1. (iii) to remove duplication of legislative requirement</p> <p>5.3.1 (iv) in regard to special licences for premises that aren't already licensed (5.3.1.(v)) be changed to align with the maximum trading hours proposed for on-licences and allow DLC to make decisions on a case by case basis with regard to the location and nature of the event. This streamlining of requirements around special licences better recognises that appropriate maximum trading hours will vary depending on the event and the location of the event.</p>	<p><b>Clarification of Special Licences:</b> Council has clarified the clauses to reduce duplication of the legislation and recognise the role of the District Licensing Committee. Special licences for premises that already hold an on, off or club licence or premises that are not otherwise licensed will be issued on a case by case basis with regard to the nature and location of the event or series of events by the District Licensing Committee.</p>



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
15. One way door restrictions should be reconsidered or trialed	No clause in the LAP	That Council introduce, for a 12-month trial period, a one-way door policy in the central city on-licences for the last hour before closing time, and that staff report back on the evaluation process.	Staggering the departure of patrons from central city on-licences helps manage undesirable behaviours and increase safety. There is enough evidence to suggest there are benefits in relation to alcohol-related harm minimisation in having this provision.	<p><b>Definitions</b></p> <p>One way door restrictions: Means in relation to a licence, that during the hours stated in the restriction,</p> <p>a) No person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and</p> <p>b) No person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.</p> <p>6. A one way door restriction will apply to on-licences in the Central City Zone from 2am (Monday to Sunday) for a period of 12 months from the date this policy comes into force. If monitoring and evaluation demonstrate a reduction in alcohol related harm in the central city, Council will resolve to continue the restrictions on a permanent basis.</p>	<p><b>One-way Door Restriction:</b></p> <p>A one-way door restriction means that if a patron leaves a bar during the last hour of trading, they cannot be admitted to another bar or readmitted.</p> <p>Submission evidence suggested that staggering the departure of patrons from central city on-licences helps manage undesirable behaviours and increase safety.</p> <p>The Supplementary Note (Attachment 3) summaries the evidence currently available in regard to one-way door restrictions.</p>
16. Additional notification of individual applications for licences to assist public involvement in the process	No clause in the LAP	No change to LAP	This is not a policy issue. Council has changed its process to upload all applications onto its website.	No change in the PLAP.	No explanatory note required.
17. Clarifying the wording around the casino exemption	5.1.1 (iv) The Hamilton Casino (at 340 Victoria Street), and minibars and house bars located within hotels, and other form of visitor accommodation, are all exempt from this provision.	Amend the wording of section 5.1.1 (iv) to provide greater clarity as follows:  "The <u>gaming floor in the Hamilton Casino (currently at 340 to 348 Victoria Street)</u> , is exempted from <del>this provision</del> <u>the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003.</u> "	Accurately reflects the legislative nature of the exemption and the location of the casino.	8. The gaming floor in the Hamilton Casino (currently at 340 to 348 Victoria Street), is exempted from the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003.	<p><b>Clarification of treatment of Casino and mini bars:</b></p> <p>The wording change has been made to provide clarification and reduce the duplication of legislation.</p> <p>The Gambling Act (s173) allows that an on-licence granted for a licensed casino is authorized for the sale of alcohol for consumption in the casino while the casino is lawfully operated.</p> <p>The provision for minibars and house bars is addressed in the Sale And Supply of Alcohol Act Amendment Act 2013 that allows for mini bars and hotel guests in house bars. It does not need to be stated in the policy.</p>

[D-1955842](#)



Key issue	Draft Local Alcohol Policy	Decision as per 29 September 2015 Deliberations	Rationale as per 29 September 2015 Deliberations	Wording in Provisional Local Alcohol Policy	Explanatory Note
18. Temporary Authorities	5.4. Temporary Authorities (i) All temporary authority applications will be passed to the Police to give them an opportunity to inquire into the application. (ii) Pursuant to section 136(4)(c) of the Act every temporary authority will be subject to a condition that no second or subsequent temporary authorities will be issued in respect to the same premises and licensee unless a full licence application has already been filed, or, in exceptional circumstances, with the prior approval of the secretary of the Licensing Committee.	Remove section on 'Temporary Authorities'.	Supported by ARLA decision in the Wellington City Council Appeal and also the need to be succinct.	No clause in the PLAP.	<b>Clarification of treatment of Temporary Authorities:</b> Temporary Authorities are covered in the legislation and the removal of the clause reduces unnecessary repetition.
19. Trading hours applicable to caterers	No clause in the LAP	Amend the draft policy to include the following statement:  <i>"Caterers endorsed licences and conveyance on-licences will be subject to the maximum trading hours for the Hamilton area they are operating in at the time of the event."</i>	To provide greater clarity as to maximum trading hours for operators that are mobile or provide services outside of their premises.	10. Caterers endorsed and conveyance on-licences will be subject to the maximum trading hours for the area in Hamilton that they are operating in at the time of the event.	<b>Clarification of treatment of Caterers and conveyance on-licences.</b> This clarifies that endorsed caterers and conveyance on-licences will be subject to the maximum trading hours of the area they are operating in within Hamilton.
20. Concern over the principles	4. Principles of the Policy <ul style="list-style-type: none"> <li>• Council recognises its role in minimising harm caused by excessive or inappropriate consumption of alcohol.</li> <li>• Council acknowledges the important role central city bars and restaurants play in providing a vibrant hospitality sector and night time economy.</li> <li>• Council acknowledges the rights of individuals to purchase alcohol, the rights of industry to sell alcohol and the rights of society to protect itself from alcohol related harm.</li> </ul>	Remove the principles section in its entirety.	Acknowledges the ARLA decision in the Wellington City Council Appeal, and also the need to be succinct and only address legislative issues.	No section on the PLAP on Principles.	Removal of Principle section  No explanatory note required.
21. Inclusion of reasons		Amend the policy to include an explanatory section (as an appendix) outlining the reasons for each policy clause and direction.	Acknowledges as good practice in the ARLA decision in the Wellington City Council Appeal.	No wording required	This column provides the explanatory clarification for each decision in relation to the key issues.

## Local Alcohol Policy

### Evidence Summary: One-way door restrictions

Section 50 of the Sale and Supply of Alcohol Act 2012 provides for the use of one-way door restrictions. Strategy and Policy Committee (29 September) made a recommendation to introduce a 12 month trial for a one-way door policy for central city on-licences for the last hour before closing time – from 2am-3am.

#### Context

The aim of a one-way door policy is to reduce alcohol related harm, such as, violence and disorder arising from the number of people who are under the influence of alcohol in one place following the 3am closure of city bars.

#### ARLA appeal decisions

If Council introduces a one day door restriction it may be appealed to ARLA.

ARLA state that factors used in considering appeals are:

- Elements of the LAP must not be outside the ambit of the Act
- The PLAP must be reasonable in light of the object of the Act
- The reasons for each policy element should be recorded
- A precautionary approach may be used (provided it is evidentially based)
- Changes to reduce trading hours must be backed-up by local evidence

The following summary has been prepared to assist Council to demonstrate it has considered relevant evidence during its decision making process.

#### 1 Evidence must be local

There is currently limited local evidence of the effectiveness of a one-way door policy in reducing alcohol related harm as there is no one-way door restriction currently in place.

In points A and B below is listed local evidence of:

- Evidence of a peak in alcohol related events between 2-3am and migration between bars
- The intoxication levels over time in Hamilton CBD.

#### A Evidence of peak in alcohol related events

##### ***Hamilton Police Safety Unit Sergeant in Charge - Lara Beisly – narrative statement (verbatim)***

*I am the Sergeant in charge of the Hamilton Police Safety Unit (PSU) previously known as the Team Policing Unit (TP). I have been on the unit for two years. The role of the unit is to police the central city night time environment between 2000 hours and 0500 hours, including hotel compliance checks, street disorder and policing large events, mostly over the Thursday night to Sunday mornings.*

*It is my experience in policing this time of the night in the central city area, is that the city is reasonably quiet from 2000 hours until around midnight with the evening dining crowd. From about 2300 hours there is an influx of the night club crowd. A large number of these people are affected some degree by alcohol having already consumed alcohol prior to coming into town, at home or other private places.*

*The habit of a large number of people is to firstly move from the bar to bar that they intend to spend time in during the night, getting I.D. checked and a premise stamp on their arms. Often while not exhibiting signs of intoxication. Once this ritual is completed they then seem*

*to spend time in the various bars that they and friends maybe located in or where particular desired entertainment is happening.*

*There are always a large number of people migrating between bars, with this practice at its peaking between 0200 and 0300 hours. This is also the time that the affect of alcohol on negative behaviours is most prevalent. It is also the time when we have most of the assaults, fighting and other public disorder issues.*

*It is also my observation that on the Friday, Saturday and Sunday mornings between 0200 and 0300, is when bars are most likely to be ejecting patrons for unacceptable behaviour and intoxication. On a large number of occasions we have observed these people simply going to another bar and getting in. We have also seen a number of persons who have been ejected from a multiple bars during an evening, often where they have caused issues at every bar they have entered resulting in been removed from those bars, these are not isolated incidents and happen every night that we are working to some extent depending on the overall mood of the crowds. There are groups and individuals who may have been refused entry or do not wish go into bars that continue to mill around the streets, either waiting for friends or simple wanting to interact with others who are migrating between bars.*

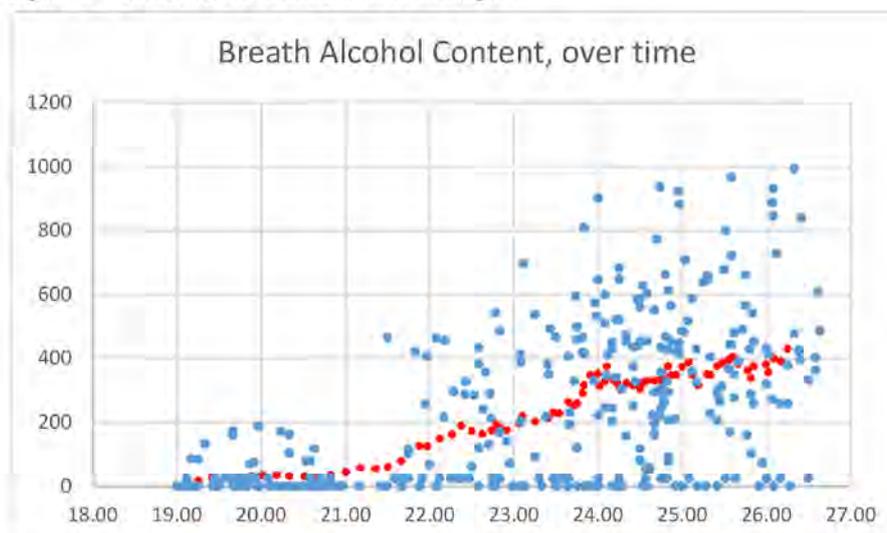
*From about 0245 hours we now take the tactical approach of lining along the area of Victoria Street from the intersection of Hood Street up to and just past the new statue in Victoria Street, (just past the Hood bar). This is to observe that crowds as the bars close and patrons spill out onto the street and start interact with those already out on the footpaths. It would be unusual for us to be dealing with members of the public that were not affected by alcohol to some degree from about midnight on Wards, with all the offenders having a degree of intoxication with the levels increasing toward the end of the trading period of the bars at 0300. Also most of the victims that we deal with who have been "out on the town" have also been consuming alcohol during the night time and they also seem to have increasing levels of intoxication as the time gets closer to the closing times of the bars.*

#### **B Evidence of intoxication levels in Hamilton CBD**

Dr Mike Cameron, an independent researcher from the University of Waikato has run a research project in 2015 that measured breath alcohol content over time in the Hamilton CBD. Cameron used an intercept survey on the corner of Hood Street and Victoria Street. Randomly selected people were interviewed and breath-tested between 7pm and around 2.30am over five nights. This information was presented to Council staff on the Thursday 15 October by Dr Mike Cameron. This research has not yet been formally published and will be completed in the following few months.

Cameron found that intoxication levels in the Hamilton Central City increases over the course of the night with a widening in the extremes of intoxication as the night progresses. The greatest extremes are seen between 12-3am represented by the blue dots. The average is represented by the red dots (see Figure 1)(Cameron 2015).

Figure 1 – Intoxication over the course of the night



(Cameron 2015)

Note: the time scale shown on the X axis uses the 24 hour standard but due to the data requirements 25.00 is 1am, 26.00 is 2am, and 27.00 is 3am. The breath alcohol content is shown on the Y axis.

**2 National or international research evidence needs to have a connection with local ARLA** stated in the case of *B&M Entertainment v Wellington City Council [2015]* NZARLA PH 21-28 that when providing evidence that national or international research evidence needs to have a connection with what occurs in the district.

In points A and B below is listed national evidence that is relevant to our local scenario:

- Evidence of the unique characteristics of Hamilton's demographics and the high student proportions
- Application of one-way door policy trial in another university regional city

**A Demographics and drinking patterns of students**

Hamilton City has a higher proportion of people aged 15-24 than many New Zealand cities reflecting its high student numbers and is in line with other university cities. Research has shown that this age group has higher levels of harmful drinking than other age groups (Maclennan 2010). Hamilton city has a youthful age profile with 66% of the population under the age of 45 years.

Research shows that University students have been found to have considerably riskier drinking patterns than their non-student peers (Maclennan 2010). The prevalence of harmful drinking was three times higher than that among their non-student peers (Kypri et al 2010). As well, although there is evidence of high levels of consumption across all age groups in the population the prevalence of harmful drinking is higher amongst 18 to 24 year olds. Among 18 to 24 year olds the ratio was one in two (Ministry of Health, 2007)(Maclennan 2010).

Table 1 shows the student numbers of the two largest tertiary institutions in Hamilton.

**Table 1: Student numbers of two largest tertiary institutions in Hamilton**

2014 EFTS	University	Wintec
Under 25 years old	7,796	3,055
Over 25 years old	4,436	1,958

(EFTS – Equivalent Full Time Students)

#### **B One-way door policy trials**

Dunedin is also a regional university city with large numbers of students in proportion to the total population. Dunedin trialled a one-way door policy in the inner city on-licences during 2008. Informal police statistics in Dunedin showed that there had been a reduction in disorder, violence, burglaries and unlawful taking of cars early on Saturday and Sundays. There was anecdotal evidence of behaviour improving since the introduction of the policy.

In the Dunedin City Council PLAP 2015, Council stated that substantial evidence was produced that demonstrated a one-way door can reduce the number of alcohol-related disorder offences near licensed premises. Dunedin City Council in their draft LAP originally proposed a 1am one way door restriction, however due to the number of public submissions (4262) they then proposed to then remove the one way door restriction. However the final PLAP adopted the hours of 8am to 3am with a one way door policy from 2.30am in on-licence premises in non-residential areas – hotels and taverns/pubs.

[http://www.dunedin.govt.nz/\\_data/assets/pdf\\_file/0007/507094/Dunedin-Provisional-Local-Alcohol-Policy-and-Report.pdf](http://www.dunedin.govt.nz/_data/assets/pdf_file/0007/507094/Dunedin-Provisional-Local-Alcohol-Policy-and-Report.pdf)

<http://www.dunedin.govt.nz/your-council/latest-news/june-2015/provisional-local-alcohol-policy-released>

<http://www.dunedin.govt.nz/whats-on/local-alcohol-policy/5.0-premises>

#### **C One-way door restrictions by other Councils**

Several other City Councils have included a one way door restriction in their PLAPs.

##### **Christchurch City Council**

The Christchurch City PLAP was notified on the 28 May 2015. Appeals closed on 7 July 2015. One way restrictions are listed as discretionary conditions that may be imposed by the District Licensing Committee.

<http://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/policies/alcohol-and-psychoactive-products-policies/provisional-local-alcohol-policy-or-lap/>

##### **Tauranga**

Tauranga and Western Bay of Plenty PLAP was adopted on the 12 May 2015 when the Alcohol Regulatory and Licensing Authority made its final decision in the appeals process. From 16 November restaurants, bars, taverns, pubs, and nightclubs in the Tauranga City Centre which have trading hours until 3am will be restricted from allowing people to enter the premises from 2am until closing time.

<https://www.tauranga.govt.nz/documents-reports/joint-strategies-plans-reports/local-alcohol-policy.aspx>

#### **References:**

Cameron, M. (2015). Intoxication over the course of the night. Unpublished survey, National Institute of Demographic and Economic Analysis, University of Waikato.

Maclennan, B.A. (2010). Local government alcohol policy: Community sentiment and the policy development process. Doctoral thesis, University of Otago.

**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Draft Public Places Policy and Bylaw for Public Engagement

**Author:** Kelvin Powell

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>The Public Places Policy and Bylaw supports the draft Central City Transformation Plan, Central City Safety Plan, Arts Agenda and Access Hamilton.</i>
<b>Financial status</b>	<i>There is budget allocated within operating budgets for the review of the bylaw, including legal input. Within that budget, the cost to review the policy and bylaw and to conduct public engagement is \$2,500, excluding staff costs.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- To approve a recommendation from the Business and Investment Subcommittee relating to the draft Hamilton Public Places Bylaw 2016 and draft Public Places Policy.

## 3. Executive Summary

- The review of the Public Places Bylaw 2009 and Public Places Policy has shown that some amendments are required to address enforcement issues and issues raised through pre-engagement, and to ensure greater alignment with the draft Central City Transformation Plan.
- At the [9 October 2015 Business and Investment Subcommittee](#), a draft bylaw and policy were presented for consideration. The subcommittee has recommended these to the Strategy and Policy Committee to commence public engagement.
- Following further analysis, staff are recommending some minor amendments to both the policy and bylaw that was presented to the Business and Investment Subcommittee to ensure consistency with other Council policies in this report. A draft bylaw and policy is presented for consideration and adoption for public engagement.

## 7. Recommendations from Management (*Recommendation to Council*)

- a) That the report be received.
- b) The proposed draft Public Places Policy is approved for public engagement to commence on 2 December 2015 and close on 15 January 2016.
- c) In relation to the proposed draft Public Places Bylaw 2016, to recommend to Council that:
  - i. The proposed draft Hamilton Public Places Bylaw 2016 is the most appropriate form of the bylaw.
  - ii. The proposed draft Hamilton Public Places Bylaw 2016 does not give rise to implications under the New Zealand Bill of Rights Act 1990.
  - iii. The proposed draft Hamilton Public Places Bylaw 2016 be adopted by Council for public engagement to commence on 2 December 2015 and close 15 January 2016.
- d) That the Business and Investment Subcommittee be delegated to hear and deliberate on submissions made to the proposed draft Public Places Bylaw 2016 and draft Public Places Policy.
- e) That the Business and Investment Subcommittee reports a summary of the oral submissions and evidence presented on the proposed draft Public Places Bylaw 2016 and draft Public Places Policy, including recommendations, to the 16 February 2016 Strategy and Policy Committee as part of the staff report for deliberation and adoption.

## 8. Attachments

9. Attachment 1 - Issues and Options for the Public Places Policy
10. Attachment 2 - Proposed Draft Public Places Policy
11. Attachment 3 - Proposed Draft Public Places Bylaw
12. Attachment 4 - Other Territorial Authority Enquiry
13. Attachment 5 - Business and Investment Subcommittee Report 9 October 2015

## 14. Key Issues

### Background

15. A review of Council's [Public Places Bylaw 2009](#) and [Public Places Policy](#) was allocated to the Business and Investment Subcommittee.
16. The policy and bylaw work together and it is important the two documents are read together as a set. The Public Places Policy provides policy guidance for a wide range of activities in public places, including outdoor dining, signage and busking. Its purpose is to minimise public nuisance and protect public health and safety. The Public Places Bylaw provides the Council with powers to regulate activities in public places based on the content of the policy, and is enforced by Council's City Safe Unit.
17. In relation to the bylaw, at the [22 September 2015 Strategy and Policy Committee](#) meeting it was determined;
  - that a bylaw is the most appropriate mechanism to manage commercial activities in public places whilst ensuring pedestrian access and public safety is not compromised, and
  - that a draft bylaw, in conjunction with a draft policy, be presented to this meeting to be adopted for public engagement.

18. At the [9 October 2015 Business and Investment Subcommittee](#) meeting changes were recommended to the existing policy and the bylaw. The staff report (see Attachment 5) included a summary of feedback received from pre-engagement with key stakeholders.
19. To assist the Committee a summary of the issues and options for the policy is set out in Attachment 1.
20. Three changes proposed to the 2009 bylaw by the subcommittee are:
- Inclusion of a requirement to obtain a permit for charity collections (7.1);
  - Rationalisation of a number of 2009 bylaw provisions to remove ambiguity; and
  - The updating of definitions to be consistent with the draft Public Places Policy and legislative changes.
21. The Business and Investment Subcommittee resolved:
- That:*
- a) *The report be received;*
  - b) *The **draft Public Places Policy** is approved for recommendation to the Strategy and Policy Committee;*
  - c) *The **draft Public Places Bylaw** is approved for recommendation to the Strategy and Policy Committee; and*
  - d) *The following public engagement timeframe is recommended to the Strategy and Policy Committee:*
    - i. *Public engagement for the bylaw and policy commences following the Council meeting in November 2015 and remains open until 15 January 2016;*
    - ii. *The Business and Investment Subcommittee meet on 3 February 2016 to hold hearings if required and deliberate on the bylaw and approve changes to the policy, if any;*
    - iii. *Recommendations are made to the Strategy and Policy Committee meeting on 11 February 2016; and*
    - iv. *The Council approve the bylaw at its meeting on 18 February 2016.*
22. Following the Business and Investment Subcommittee meeting, these meeting dates have been updated to:
- Business and Investment Subcommittee – 9 February 2016
  - Strategy and Policy Committee – 16 February 2016

#### Additional Information

23. At the 9 October Business and Investment Subcommittee, staff were asked to include additional information in this report to the Strategy and Policy Committee in relation to the draft policy's proposal for mobile shops trading in the central city:
- Whether Council could apply a 'market-rate' permit fee  
The Council can set any fee it chooses. Currently the fee for a 12 month mobile trading permit is \$120. If the Committee approves mobile trading in the Central City Area, a market rental fee for central city trading can be determined at the time when the bylaw is adopted. This will allow staff to undertake analysis to assist Council in its decision making.
  - The experience of other territorial authorities to gauge what has or has not worked  
Attachment 4 includes information about mobile shops in five other Councils.

- Provide greater clarity to interpret the map of the Central City Area  
The map attached to the policy (Schedule 4) has been updated to ensure better clarity.
  - Confirmation of the number of mobile shops that operate across the city, including on a permanent basis and/or on private land.  
44 permits for mobile shops have been issued. 40 of these are issued under the Public Places Bylaw 2009 and 4 are issued under the Parks, Domains and Reserves Bylaw 2012.
24. Please note that regardless of the Committee's decision on mobile trading in the Central City Area, an existing vendor operating in Civic Plaza has been granted existing use rights to continue to trade until the sale or closure of this business. Council made this resolution at its meeting on 26 February 2009.

#### Other Matters

25. The bylaw is legislatively required to be reviewed by 25 February 2014, a period of five years since it was made. As the review has commenced after this date, the current Public Places Bylaw 2009 will be automatically revoked on 25 February 2016. For Council to continue to enforce activity in public places, it is important that the new bylaw is adopted and operational prior to this date. The timeline proposed in section 21 and 22 of this report should achieve this.
26. Section 146 of the Local Government Act 2002 (LGA) has a specific bylaw-making power for the purpose of regulating 'trading in public places'. Section 145 of the LGA also has general bylaw-making powers in respect of 'protecting the public from nuisance' and 'protecting, promoting and maintaining public health and safety.'
27. Council is required to undertake its decision making process in accordance with s78 of the LGA and must consider whether the purpose of the bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. Staff do not believe the draft bylaw is inconsistent with the Bill of Rights Act.
28. With the proposed deletion of Council's Election Signs Policy (to be discussed at this committee meeting) and for additional clarity, staff have included the following changes to the policy and bylaw from when it was presented to the Business and Investment Subcommittee.
29. **Recommended changes to the draft Public Places Policy (Attachment Two)**
- Amend the definition of 'public place' and 'road' to ensure consistency with the intended application of the policy and bylaw.
  - Amend clause 2.4 to read "*No public place is to be used to erect election signs in, on or over, for the purposes of Parliamentary Elections or Local Body elections.*"
  - Add clause 2.5.10 "*An enforcement officer may remove any sign which has been erected in, on or over any public place without a valid permit being issued.*"
30. **Recommended changes to the proposed draft Public Places Bylaw 2016 (Attachment Three)**
- Delete 1.1 (f) on the basis of legal advice.
  - Amend clause 7.1 by removing the words "*or display a sign*".
  - Add clause 7.5 to read "*a person must hold a permit issued by Council to erect any sign in, on or over any public place*".
  - Add clause 9.2 (g) to read "*Erecting a sign in, on or over any public place without a valid permit*".
  - Amend the definitions of 'public place' and 'road' to be consistent with the draft public places policy, as outlined above.

31. The Council’s lawyers have reviewed the draft bylaw and policy and confirmed there are no legal issues as to content and form.

**32. Public Engagement**

33. Under the LGA, Council is required to seek public feedback when making, amending or revoking draft bylaws. A Special Consultative Procedure is not required but Council must adhere to s82 of the LGA for the purposes of consultation.

34. The Business and Investment Subcommittee has recommended a period of public engagement for the bylaw. An online engagement process is recommended with the following elements:

- Public Notice
- Online engagement open to the community (2 December 2015 – 15 January 2016)
- Hearings to hear submitters
- Working with the Hamilton Central Business Associations to distribute information

35. As Christmas is a busy time for retailers, no public meetings are proposed. Instead staff will make themselves available to discuss the draft policy and bylaw with any interested party. Additionally the consultation period is proposed to be 6 weeks to allow people enough time to make a submission.

36. The Business and Investment Subcommittee also recommends the same period of public engagement for the policy because there will be high interest from the hospitality and retail sectors and public engagement will ensure they have an opportunity to provide feedback.

**37. Financial and Resourcing Implications**

38. The cost of developing and reviewing policies and bylaws is included as part of the Strategy and Research Unit budget for this work. The estimated cost for this specific review is legal input (\$2000 approx.) and consultation (\$500 approx.), plus staff time.

39. There are no additional costs required for enforcement.

**40. Risk**

41. The existing Bylaw will lapse if the new Bylaw is not in force by 25 February 2016. With no Bylaw, Council will not have the ability to regulate the issues in relation to trading in public places. This risk is mitigated by ensuring that the timeframe proposed is approved and implemented.

42. Conducting public engagement over the Christmas holiday period is not ideal. To mitigate this risk, an extended engagement period of 6 weeks is proposed. There has also already been stakeholder engagement during the review period.

**Signatory**

Authoriser	Debra Stan-Barton, Planning Guidance Manager
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### Attachment One - Issues and options

The below table captures the issues and options for Council to consider the most appropriate form of the draft public places policy. This policy would be enforced by the draft bylaw.

Issue	Details	Options to address
<b>Continuous clearways</b>	The width and location of clearways varies from street to street and sides of street. This lack of consistency makes access for visually impaired confusing and dangerous.	1) Status quo 2) Create a standardised width and location of a clearway <b>(Recommended)</b>
<b>Mobile shops</b>	They are a popular way to encourage trading and bring greater vibrancy to an area. This needs to be managed against the effect they have on established businesses and safety and access for other users of the space. 41 mobile shops currently have permits in the city. The current policy does not allow for mobile shops in the central city.	1) Status quo 2) Include provision for mobile shops to operate in the Central City Area <b>(Recommended)</b> 3) Extend the hours of operation for mobile shops across the city <b>(Recommended)</b>
<b>Busking</b>	Busking can add vibrancy to the city however this needs to be managed to ensure we not have an oversupply of buskers in the more popular areas in the city.	1) Status quo 2) Create busking friendly areas where no permit is required 3) Extend the hours that buskers can trade <b>(Recommended)</b> 4) Introduce a time restriction that buskers can trade in a single location <b>(Recommended)</b>
<b>Street furniture</b>	Need to balance the use of public spaces for activities such as outdoor dining and the ability of the public to use the footpaths to get to and from their destinations safely.	1) Status quo 2) A change from 9pm to 6pm for outdoor dining barriers and supervision to commence <b>(Recommended)</b> 3) The inclusion of a new clause for 'other activities' on footpaths to give policy guidance to staff for promotional activities on footpaths <b>(Recommended)</b>
<b>Use of Garden Place</b>	This is considered part of the event application process not the public places policy/bylaw. No other public place in the city is covered.	1) Status quo 2) Remove this section and rely on general policy clauses and the Garden Place booking/event process <b>(Recommended)</b>

#### Other proposed amendments to the draft policy include:

- Adding an additional purpose for the policy (f)
- Updating of definitions to ensure alignment with other Council policies, bylaws and legislative changes
- The inclusion of 'flags' and 'banners' to the definition of 'sign'
- Inclusion of a new definition for 'shade awning'
- Including information about applications as a Schedule to the policy, rather than in the body of the policy. This will provide greater clarity to the public.
- Redrafting the policy to streamline content:

<b>First adopted:</b>	25 February 2009
<b>Revision dates/version:</b>	November 2015 / Version 2
<b>Next review date:</b>	
<b>Engagement required:</b>	In conjunction with the Public Places Bylaw 2016
<b>Document number:</b>	D-1955147
<b>Associated documents:</b>	D-1954936 (Draft Bylaw)
<b>Sponsor/Group:</b>	City Growth



## PUBLIC PLACES POLICY (DRAFT)

### Purpose and Scope

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

### Definitions

Busker	means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	means Hamilton City Council.
Enforcement officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Hawker	means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	areas of special heritage character as defined in the District Plan.
Heritage buildings	buildings of special heritage character as defined in the District Plan.
Mobile shop	means: <ul style="list-style-type: none"> <li>• a vehicle from which goods are offered or exposed for sale</li> </ul>

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	<p>in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call;</p> <ul style="list-style-type: none"> <li>• it does not include any vehicle used to transport goods that have been order for delivery.</li> </ul>
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Merchandise display	a display located in a public place outside a premise from which goods are offered or exposed for sale.
Public Place	means 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).
Road	<p>means:</p> <ul style="list-style-type: none"> <li>• a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not;</li> <li>• any bridge, culvert, ferry, ford forming part of a road or street or motorway <del>or place</del> to which the public have access whether as of right or not;</li> <li>• all sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and</li> <li>• any service land or mall forming part of a road.</li> </ul>
Road frontage	the front/s of a premise that face out onto a public place.
Shade awning	means a single free standing or cantilevered shade or protective covering that may also be fixed to a building or that extends out over the footpath. It does not include a gazebo, marquee or tent.
Sign	means any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
Stall	includes any stationary but moveable stand or similar structure on or at or from which goods are sold or exposed for sale.
Trade or trading	includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

## Policy

### 1. Outdoor Dining Areas

- 1.1 Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit.
- 1.2 Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.
- 1.3 An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol license or a variation of the area to which their alcohol licence applies.

#### 1.4 General conditions that apply to Outdoor Dining Permits

- 1.4.1 There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
- 1.4.2 The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- 1.4.3 Use of fixed furniture is not permitted.
- 1.4.4 All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this policy and as provided for in the permit.,
- 1.4.5 No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
- 1.4.6 Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
- 1.4.7 No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
- 1.4.8 An outdoor dining permit must be either displayed or be available for inspection by an enforcement officer if requested.
- 1.4.9 The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.
- 1.4.10 The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6 pm until the end of the trading day.
- 1.4.11 Adequate supervision of the outdoor dining area must be maintained from 6pm until the end of the trading day.
- 1.4.12 Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.
- 1.4.13 Permit holders must comply with Council requests to remove some or all of the street furniture used in outdoor dining areas during normal business hours during a special event.
- 1.4.14 Ashtrays must be provided, except where smoking is prohibited.

#### 1.5 Layout of outdoor dining areas

- 1.5.1 All outdoor dining areas must observe the layout requirements and criteria as set out in Schedules 1 and 3.

**1.6 Café umbrellas and shade awnings**

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

**1.7 Planter boxes**

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

**1.8 Heaters**

- 1.8.1 Heaters may be free standing or fixed to verandas.
- 1.8.2 Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.
- 1.8.3 Freestanding patio heater should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.
- 1.8.4 All heaters must be located away from combustible materials and used in accordance with the operating instructions. They must not be placed where they pose a safety or fire hazard.
- 1.8.5 Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

**1.9 Pull-down blinds and screens**

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

**1.10 Barriers**

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

## 2. Signs

- 2.1 Signs in public places are regulated under this policy. The District Plan regulates signs on zoned land.
- 2.2 This policy does not apply to:
- signs erected for or on behalf of Council
  - billboards and overhead street banners (*note: contact Strategy and Communication's Group, Hamilton City Council*)
- 2.3 A person wishing to erect a sign in or over a public place must obtain a permit.
- 2.4 No public place is to be used to erect election signs (in, on or over) for the purposes of Parliamentary Elections or Local Body elections.

### 2.5 General conditions

- 2.5.1 All signs must be maintained in good order and condition. An enforcement officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.
- 2.5.2 A maximum of one sign per road frontage is permitted.
- 2.5.3 The footpath sign must not obscure road users visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.
- 2.5.4 The permitted size for signs is set out in Schedule 2.
- 2.5.5 A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.
- 2.5.6 The footpath sign must not resemble a warning sign or road traffic sign.
- 2.5.7 The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.
- 2.5.8 The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.
- 2.5.9 An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.
- 2.5.10 An enforcement officer may remove any sign which has been erected in, on or over any public place without a valid permit being issued.
- 2.5.11 Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.
- 2.5.12 All signs are to be removed from the footpath outside of hours of business.
- 2.5.13 Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.
- 2.5.14 Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.
- 2.5.15 Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.
- 2.5.16 Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.
- 2.5.17 Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

## **2.6 Signs in Heritage Areas**

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

## **3. Markets, Stalls and Merchandise Displays**

### **3.1 Street Markets and Stalls**

- 3.1.1 A street market is not permitted to operate without a permit.
- 3.1.2 Council's general policy is to encourage stalls to be part of managed street markets however permits for individual stalls will be considered on a case by case basis. An applicant wishing to operate a standalone stall is not permitted to operate without a permit.
- 3.1.3 Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.
- 3.1.4 A market operator granted a permit is responsible for each individual stall owner complying with permit conditions and for having the necessary alcohol licenses.
- 3.1.5 Cleaning arrangements following the business hours of the market will be included in the permit conditions.
- 3.1.6 The following conditions will apply to stalls, including those stalls in a street market:
  - I. Stalls must not sell offensive material.
  - II. Stalls must not obstruct or hinder the flow of pedestrians in any public place.
  - III. Stalls selling, preparing and handling food must comply with food hygiene regulations.
  - IV. Stalls selling alcohol must hold the necessary alcohol licenses.

### **3.2 Merchandise Display**

- 3.2.1 The following conditions will apply to merchandise displays:
  - I. Merchandise should be placed up against the façade of the shop it belongs to.
  - II. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
  - III. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
  - IV. Merchandise displays must not contain any form of offensive material.
  - V. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

#### **4. Mobile Shops**

- 4.1 Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for an event or street market, or as a standalone permit.
- 4.2 Unless approval is granted under clause 4.5 below, mobile shops are not permitted to operate within the Central City (see the map in Schedule 4).
- 4.3 Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- 4.4 The following conditions apply to all mobile shops:
  - I. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
  - II. The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any bylaw or traffic legislation.
  - III. Permits may include permission to have tables and chairs in close proximity to the mobile shop for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
  - IV. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
  - V. Mobile shops selling alcohol must hold the necessary alcohol licenses.
  - VI. Hours of operation are only permitted between 6am – 10pm.
  - VII. The permit must be displayed at all times.
- 4.5 In addition to the conditions in clause 4.4 above, the following extra conditions apply to mobile shops permitted to operate within the Central City (see the map in Schedule 4):
  - I. Up to 3 permits only may be granted at any one time.
  - II. They will be granted for a maximum period of 6 months only.
  - III. They will be issued for a specified location which will be in one of the permitted locations identified in the map in Schedule 4.
  - IV. Trading hours will be specified in the permit and may extend to 3am taking into account the location.
  - V. No alcohol consumption or sales will be permitted.

#### **5. Busking, Hawking and Charitable collections**

- 5.1 Buskers are not permitted to operate without a permit. Applicants must apply for a busking permit before commencing trading.

##### **5.2 Busking conditions**

- 5.2.1 The following conditions apply to buskers:

- I. No busker will impede or inconvenience the flow of pedestrians and customers.
- II. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- III. Busking is permitted between the hours of 7am and 1 am but no busker is permitted to remain in a single location for longer than 2 continuous hours
- IV. Buskers must not enter any premises unless authorised by a person having control of those premises.
- V. Buskers are to carry a copy of the permit at all times and must produce a copy of to any enforcement officer if requested.
- VI. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailer, unless they are part of an event approved by Council.
- VII. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- VIII. Permits will be issued for a period of no more than 6 months.

### **5.3 Hawkers conditions**

#### 5.3.1 The following conditions apply to hawkers:

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

### **5.4 Charitable collections**

#### 5.4.1 No one is permitted to collect charitable donations in a public place without a permit.

#### 5.4.2 Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.

#### 5.4.3 Approval may include conditions such as location and hours permitted for the activity.

## **6. Other Activities on Footpaths**

### 6.1 Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.

### 6.2 Applications will be considered on a case by case basis taking into account:

- I. The impact the activity could have on existing approved activities already occurring in or around the location.

- II. Public health and safety and public nuisance.
  - III. Proposed hours for the activity to operate.
  - IV. Whether the activity is a one off event or reoccurring.
- 6.3 Any application will take into account any other permits granted for the space that is the subject of the application.

#### **6.4 General Conditions**

- 6.4.1 Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.
- 6.4.2 A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- 6.4.3 The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- 6.4.4 The activity must not interfere in traffic visibility

#### **7. General Permit Conditions**

- 7.1 All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.
- 7.2 Approval may be withheld if the applicant has previously breached approval conditions.
- 7.3 Permits under this policy are issued by the City Safe Unit.
- 7.4 Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
- 7.5 Permits automatically expire when a business holding a permit is sold.
- 7.6 Permits issued under this policy are not transferable.
- 7.7 A permit may be cancelled or amended if:
- I. If permit conditions are breached.
  - II. Other valid reasons that require cancellation, such as streetscape upgrades or refurbishment
- 7.8 Council reviews fees annually changes are notified by public notice.
- 7.9 The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

#### **8. Enforcement**

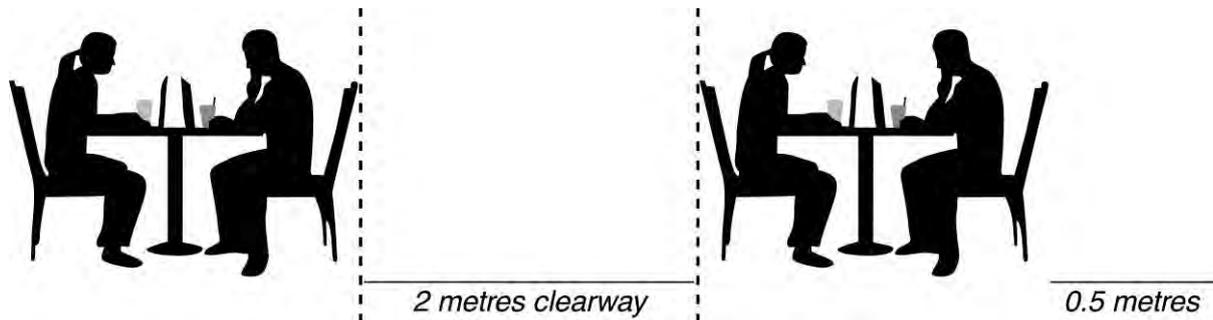
- 8.1 Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:
- I. First breach: verbal notification of the breach and request to rectify
  - II. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
  - III. Failure to remedy: the Council will consider revoking the permit.
- 8.2 Individuals or groups that trade on footpaths or other public spaces without a permit will

be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.

- 8.3 If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.
- 8.4 The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

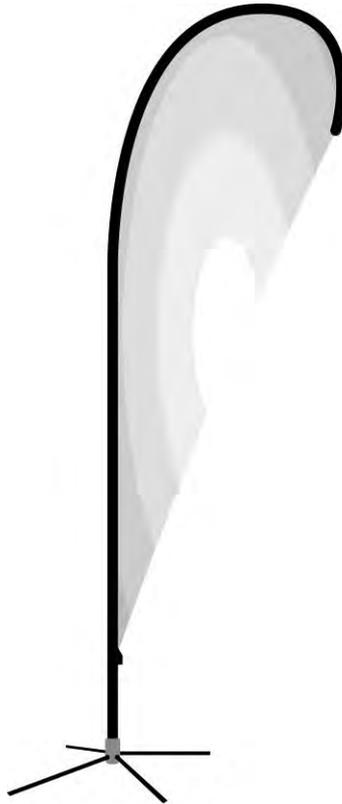
### Schedule 1: Footpath Layouts

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



## Schedule 2: Signs Dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
  - No larger than .75m wide
  - No larger than 3.2m high



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



### **Schedule 3: Application Requirements for Certain Permits**

#### **1. General Requirements**

- 1.1 All applications must be in the prescribed format and contain the information requested.
- 1.2 Applications not complying with these requirements will not be processed.
- 1.3 All applications must include the prescribed fee.

#### **2. Information Required for Outdoor Dining Permit**

- 2.1 Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
  - i. The location and dimensions of the proposed outdoor dining area.
  - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
  - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
  - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
  - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.

#### **3. Information Required for Street Market Stalls Permit and Individual Stalls Permit**

- 3.1 Applications for a Street Market Stall must include:
  - I. A scale plan showing:
    - the extent of the public area to be occupied
    - the siting and the number of market stalls proposed
    - any associated facilities such as public toilets.
  - II. Specifications of any barriers, signs and screens including any ground supporting fixtures.
  - III. A traffic management plan showing:
    - the location of ingress and egress to the market
    - any parking provided, any temporary measures to control traffic to and from the market site
    - measures for loading and unloading of market goods and stall set up and pack down
    - the contact details for a person responsible for implementing the traffic management plan.

- IV. Details of public liability insurance.
- V. The name, address and contact details of the applicant and market operator.
- VI. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
- VII. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.
- VIII. Evidence that all market stalls selling alcohol hold the necessary alcohol licence.

#### **4. Information Required for Charitable Collections Permit**

4.1 Applications for approval to collect charitable donations must include:

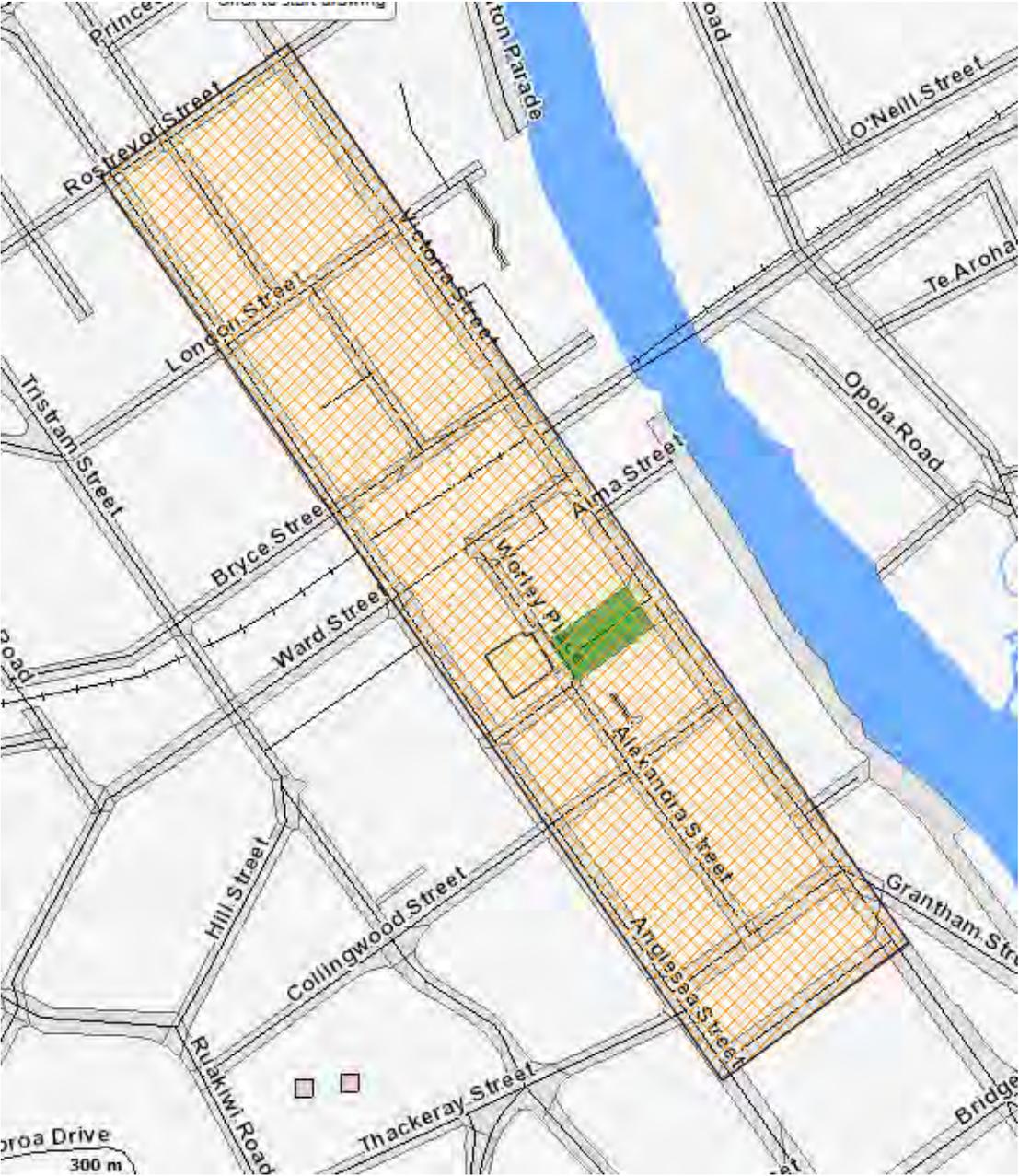
- I. The date, time and location of the intended donation collection.
- II. Approval from the charity to collect donations.

#### **5. Information Required for Mobile Shops Permit**

5.1 Applications for a mobile shop permit must include:

- I. The intended location and trading hours.
- II. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
- III. If tables and chairs are intended to be provided:
  - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:50.
  - photographs of the tables and chairs to be provided.

Schedule 4: Central City Map



- Central City (includes both sides of the street)
- Garden Place
- Civic Square

**Hamilton City Council  
BYLAWS**

<b>Approved By:</b>	<b>Date Adopted :</b>
<b>Date In Force:</b>	<b>Review Date:</b>

**DRAFT HAMILTON CITY PUBLIC PLACES BYLAW 2016**

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

## Hamilton City Council BYLAWS

This bylaw repeals The Hamilton City Public Places Bylaw 2009.

### 1. PURPOSE

1.1. The purpose of this bylaw is to:

- a) Protect the public from nuisance.
- b) Protect, promote, and maintain public health and safety.
- c) Minimise the potential for offensive behaviour in public places.
- d) Regulate trading in public places.
- e) Regulate, control, or prohibit signs.
- f) ~~Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.~~

### 2. APPLICATION

2.1. This bylaw applies to any public place within the Hamilton City Council boundary.

### 3. DEFINITIONS

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

<b>Council</b>	means Hamilton City Council.
<b>Enforcement Officer</b>	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
<b>General Manager</b>	means the Council General Manager responsible for the administration and enforcement of this Bylaw
<b>Person</b>	includes an individual, a corporation sole, or a body of persons whether corporate or otherwise.
<b>Public Place</b>	means 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).
<b>Road</b>	means: <ul style="list-style-type: none"><li>• a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not;</li><li>• Any bridge, culvert, ferry, ford forming part of a road or street or motorway <del>or place</del> to which the public have access whether as of right or not;</li><li>• All sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and</li></ul>

## Hamilton City Council BYLAWS

- Any service land or mall forming part of a road.

**Sign** a sign is any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.

*Explanatory Note: Please refer to Schedule 2 of the Draft Public Places Policy 2016 for detail.*

**Trade or trading** includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

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

#### 4. PUBLIC PLACES

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

- a) Protect the public from nuisance.
- b) Protect, promote, and maintain public health and safety.
- c) Minimise the potential for offensive behaviour in public places.

#### 5. ACTIVITIES THAT MAY CAUSE AN ADVERSE AFFECT ON PUBLIC HEALTH OR SAFETY IN A PUBLIC PLACE

- 5.1. Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity.
- 5.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety.

#### 6. ACTIVITIES THAT MAY CAUSE A NUISANCE IN A PUBLIC PLACE

- 6.1. Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause nuisance in that public place must obtain approval from Council to undertake the activity.
- 6.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

## Hamilton City Council BYLAWS

### 7. PERMITS

- 7.1. A person must hold a permit issued by Council to undertake in a public place any trading, ~~or display a sign,~~ or collect donations for charity.
- 7.2. Any permit granted is personal to the person and is not transferable.
- 7.3. Council may revoke a permit if the holder fails to comply with the permit conditions and may refuse to issue that person with a new permit.
- 7.4. Council may waive any application under this bylaw if an approval is granted through another existing mechanism such as signs permitted by the District Plan Rule or a resource consent.
- 7.5. A person must hold a permit issued by Council to erect any sign in, on or over any public place.

### 8. FEES

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

### 9. OFFENCES

- 9.1. Any person who does not comply with this bylaw commits an offence.
- 9.2. The following are offences against this bylaw:
- a) Obstructing emergency vehicles from gaining access to a public place.
  - b) Obstructing service vehicles from gaining access to a public place.
  - c) Trading in a public place without a valid permit.
  - d) Failure to produce a permit to an authorised officer upon request.
  - e) Failure to comply with the conditions of a permit issued.
  - f) Trading or carrying on an activity in a public place in such a way that causes nuisance or affects public health and safety.
  - g) Erecting a sign in, on or over any public place without a valid permit.

### 10. PENALTIES AND POWERS

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

**Hamilton City Council  
BYLAWS**

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

Councillor: .....

Councillor: .....

Chief Executive: .....

## Other Territorial Authority Public Places Enquiry

City Council	Outdoor Dining Clearways	Footpath Signs	Mobile Shops
Wellington	<p>Rule is a minimum 2 metre clearway all over the city, as consistency makes it easier to enforce.</p> <p>If the clearway is less than 2 metres the Council do not provide a permit.</p>	<p>Sandwich boards are only permitted at the front of shop premises. No flags are allowed.</p>	<p>Mobile shops are permitted in four areas of the CBD. However mobile traders can suggest other areas within the CBD on their application, but must meet the criteria below.</p> <ul style="list-style-type: none"> <li>• A yearly lease is required with the annual market rate set depending on the area and per square metre used. An administration fee of \$410.00 is also charged.</li> <li>• To apply for one of these areas, mobile traders must complete an application form costing \$310.</li> <li>• They must;             <ol style="list-style-type: none"> <li>1. Comply with transport requirements – be fit for the road;</li> <li>2. Be consented and fit to trade;</li> <li>3. Be assessed by an urban planner to ensure it fits with the urban design of that area;</li> <li>4. Applicant must advise surrounding retailers about their application.</li> </ol> </li> </ul> <p>Council receive all this feedback and complete its own market research before making a decision. Mobile shops who are currently using these leased areas can re-apply annually.</p>
Christchurch	<p>Council does not have set rules for seating.</p> <p>Applications are assessed on a case by case basis by the Traffic Network and Property Consultancy Teams.</p>	<p>Council does not have set rules for signage.</p> <p>Applications are assessed on a case by case basis by the Traffic Network and Property Consultancy Teams.</p>	<p>Pre-earthquake there were 11 dedicated spaces for mobile trading within the CBD.</p> <p>Post-earthquake Council has a more relaxed approach with some mobile shops being licensed specifically for rebuild areas.</p> <p>General permits for mobile shops (incl. CBD) cost \$133 to trade anywhere except within 200 metres of premises selling the same product. An application costs \$212.</p>

			<p>There is a list of restricted roads where mobile shops cannot trade from. They also cannot remain stationary for more than 1 hour and they are unable to stand on any one site more than twice in any eight hour period.</p> <p>Permits are valid during daylight hours.</p>
Tauranga	<p>Citywide clearway of 2.5 metres in width measured 1.5 metres from and running parallel to any adjacent shop front.</p> <p>Food businesses do not need a permit but any other type of business does.</p> <p>They are also trialling allowing outdoor dining on the road.</p>	No dedicated area for footpath signs so long as they maintain the clearway.	<p>\$545.00 permit fee.</p> <p>No trading in CBD.</p> <p>No extra fees for rent of land.</p>
Dunedin	<p>Council bylaw/policy does not have clearway measurements but they try to maintain a 2.4 metre clearway citywide.</p> <p>Staff make exceptions in some areas where a 2.4 metre clearway is not practical.</p>	Footpath signs can only be placed on the kerbside.	<p>\$124 permit fee.</p> <p>There are specific sites in the CBD that can be leased - Museum Reserve. The Octagon, Wickliffe Square – on a long term basis (ranging from about \$30 per day). Restrictions apply in some other CBD locations.</p>
Rotorua	<p>Rotorua have 2 types of footpath trading zones, normal footpaths &amp; “eat zones” (where a roadway has been paved is now a walkway). They have a citywide 2 metre clearway. Permits cover a 5 year period to cut down on administration.</p>	No specific areas for footpath signs so long as they don’t impede the clearway.	<p>No mobile trading within the CBD and they must be 150 metres from commercial business selling food.</p> <p>There are two areas outside of the CBD which mobile shop owners can lease for \$1750 a year – first come, first served basis.</p> <p>Other mobile traders are only allowed to stop in an area for 30 minutes before moving on.</p>



**Committee:** Business and Investment Subcommittee      **Date:** 09 October 2015

**Report Name:** Draft Public Places Policy and Bylaw      **Author:** Kelvin Powell

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Draft Central City Transformation Plan</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

### 1. Purpose of the Report

2. To approve the draft Public Places Policy and Public Places Bylaw for recommendation to the Strategy and Policy Committee.

### 3. Recommendations from Management

That:

- a) the report is received;
- b) the **draft Public Places Policy** is approved for recommendation to the Strategy and Policy Committee;
- c) the **draft Public Places Bylaw** is approved for recommendation to the Strategy and Policy Committee; and
- d) the following public engagement timeframe is recommended to the Strategy and Policy Committee:
  - i. Public engagement for the bylaw and policy commences following the Council meeting in November 2015 and remains open until 15 January 2016.
  - ii. The Business and Investment Subcommittee meet on 3 February 2016 to approve any changes to the policy if any, and to hold hearings and deliberate on the bylaw.
  - iii. Recommendations are made to the Strategy and Policy committee meeting on 11 February 2016.
  - iv. The Council approve the bylaw at its meeting on 18 February 2016.

### 4. Attachments

5. Attachment 1 - Public Places Policy 2009
6. Attachment 2 - Public Places Bylaw 2009
7. Attachment 3 - Draft Public Places Policy

8. Attachment 4 - Draft Public Places Bylaw

9. Attachment 5 - Survey results

## 10. Background

11. The Strategy and Policy Committee allocated review of the Public Places Policy and Public Places Bylaw to the Business and Investment Subcommittee. At its meeting on 15 September 2015, the Business and Investment Subcommittee resolved to receive the review outcomes at this meeting. (Report linked [here](#)).

12. On 24 September 2015 (Report linked [here](#)) the Council confirmed that a bylaw continues to be the most appropriate mechanism to manage commercial activity in public places while ensuring pedestrian access and public safety is not compromised. The Council also approved the following timetable to ensure the bylaw was in place prior to its expiry early in 2016:

- A draft bylaw, in conjunction with a draft policy, be presented to the Strategy and Policy Committee on 3 November 2015 to be adopted for public engagement.
- An extraordinary meeting of Council be convened on 3 November 2015 to adopt the bylaw for public engagement.

13. The City Environment Unit applies and enforces the policy and bylaw. The Public Places Policy was first approved in 2009 and provides the policy guidance for a wide range of activities in public places, including outdoor dining, signs and busking. Its purpose is to minimise public nuisance and protect public health and safety. The Public Places Bylaw provides the Council with powers to regulate activities in public places based on the content of the policy.

14. The policy and bylaw apply to all public places in the city (excluding parks, domains and reserves which have their own policy and bylaw). The City Safe Unit has identified changes required to the policy based on their experience with the policy and has also sought input from HCBA and others in considering the review. Staff conducted a survey earlier this year seeking feedback from key stakeholders and a copy of the results of the survey are Attachment 5. The City Safe Unit has also contacted a number of councils around the country to ascertain their approaches to managing commercial activity and public access and safety in public places.

## 15. Discussion

16. Attached are:

- The current policy and bylaw (Attachments 1 and 2).
- The drafts for the updated policy and bylaw (Attachments 3 and 4).

17. The policy and the bylaw have been updated to the new Council templates and updated for plain language. Superfluous wording has been removed, standardised terminology included and sections that relate to operational use of the policy (such as the information required for applicants) has been moved to the schedules. Policy changes are set out below.

18. There is no change to the central city map. The current area defined as the central city for the purposes of the policy works well and covers the areas that relate specifically to central city issues.

### 19. The Public Places Policy (PPP)

20. The changes proposed by staff for discussion with the subcommittee are divided into technical changes and policy changes:

21. Technical changes:

- (a) Adding an additional purpose on page 3 clause 2.VI.

- (b) Updated definitions to ensure they aligned with the definitions used in other policies and bylaws and changes in legislation (enforcement officer, road, public place).
  - (c) The inclusion of flags and banners in the definition of 'Sign'.
  - (d) Inclusion of a definition for 'Shade Awning'.
  - (e) New Schedule 3 containing the information about applications. Some of this was previously included in the body of the policy and has been included in a schedule because more clarity is required for the public to know what is required when applying for permits.
22. Policy changes:
- (a) A change from 9pm to 6pm for outdoor dining barriers and supervision to commence.
  - (b) Mobile shops:
    - Permission for up to 3 mobile shops to operate in the central city with conditions attached to operation (see clause 4). The current policy does not allow mobile shops to operate in the central city.
    - A change to the start time for mobile shops to 6am. The current policy is 8am.
    - A change to the end time for mobile shops to 10pm. The current policy is 8.30pm.
  - (c) A change to the hours buskers are allowed to operate within – from 7am – 1am. The current policy is from 8.30am – 8.30pm.
  - (d) The inclusion of a new section on 'other activities' on footpaths in clause 6. This is to give policy guidance to staff to respond to requests for promotional activities on footpaths. The current policy has no guidance.
  - (e) Schedule 1 – Footpath Layouts:
    - Standardisation of the width of the clearway on footpaths to 2 metres and standardisation for that clearway to be in the centre of the footpath. The current policy includes various clearways for different areas in the central city which creates confusion and is not necessary for the policy to operate effectively balancing public health and safety with public enjoyment of activities.
    - Standardisation of footpath layouts including that the continuous 2 metre clearway is in the centre of the footpath. The current policy contains a variety of footpath layouts for different streets. These are not necessary for the policy to operate effectively and a standardised clearway gives assistance to those with disabilities.
  - (f) The section on Garden Place has been removed as general policy clauses apply.
23. **Public Places Bylaw**
24. There are no changes to the Public Places Bylaw apart from those identified in paragraph 12 and 15 (b) and (c) above.
25. **Public Engagement**
26. A councillor briefing on the draft policy and bylaw is proposed for 20 October 2015.
27. Four weeks public engagement and hearings are required before the Public Places Bylaw can be approved.
28. If the Subcommittee approves the changes to the Public Places Policy proposed by staff, public engagement is recommended because there is high interest in the policy from the hospitality and retail sectors and public engagement will ensure they have an opportunity to give their views.

29. Taking into account the holiday break, the following timeframe is recommended:
- (a) Approval of the draft bylaw and policy by Strategy and Policy Committee on 3 November 2015 and then subsequent approval of the bylaw at the November Council meeting.
  - (b) Public engagement for the bylaw and policy commences following Council approval in November and given the holiday break, remains open until 15 January 2016.
  - (c) The Business and Investment Subcommittee meet on 3 February 2016 to approve any changes to the policy if any, and to hold hearings and deliberate on the bylaw.
  - (d) Recommendations are made to the Strategy and Policy committee meeting on 11 February 2016.
  - (e) The Council approve the bylaw at its meeting on 18 February 2016, to ensure the bylaw is in operation within the legal requirements.

**Signatory**

Authoriser	Sean Murray, Executive Director, H3 and Events
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Hamilton City Council  
**POLICY MANUAL**

<b>Subject</b>	Public Places Policy	<b>File Reference</b>	30/0/1-15 & 13/1.
<b>Approved By</b>	Council	<b>Date Approved</b>	25 February 2009
		<b>Date In Force</b>	1 July 2009
		<b>Date Reviewed</b>	
<b>Sponsor</b>	General Manager Environmental Services & City Planning	<b>Community Outcome</b>	Vibrant & Creative

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### Section 1 – Introduction

- 1.1 The Hamilton City Public Places Policy (“the policy”) outlines Hamilton City Council’s (“Council”) approach towards a wide range of activities in public places. Powers to regulate activities in public places are outlined in the Hamilton City Public Places Bylaw 2008.
- 1.2 Activities in public places such as al fresco dining or street performance can add to the vibrancy, creativity and look and feel of our city. This policy ensures that such activities are managed in an appropriate way to ensure that Hamilton’s public places are lively and attractive whilst not compromising safety and access.
- 1.3 Businesses, groups and individuals that are permitted to use public places for trading activities are responsible for managing those activities in accordance with the provisions outlined in this policy. This policy also provides guidance on regulations pertaining to signs not covered in the District Plan (i.e. signs on unzoned land).

### Section 2 – Principles of the policy

- 2.1 Council will refer to the following principles when considering activities in public places:
  - Providing rich and diverse culinary, entertainment and art experiences that generate vitality and discourse
  - Hamilton promotes enterprise to all its communities
  - Getting about on foot or by bike is easy, our streets are aesthetically attractive, welcoming and encourage walking and cycling
  - Encouraging the chance encounter, where casual contact can flourish to generate new possibilities and development
  - Celebrating Hamilton’s character, reflecting the uniqueness of its setting and enhancing the culture of the city and its people
  - Reflecting the diversity and the rich lifestyles of its population, and encouraging a vibrant mix of people, ages, uses and activities
  - Adding to the city’s vibrancy and strengthening the existing function of areas
- 2.2 These principles provide a strategic context for Council. They reflect what Council is seeking to achieve in the administration of this policy. Any activity which Council seeks to regulate will give due consideration to the overarching principles in this policy.

### Section 3 – Purpose of the policy

- 3.1 The purposes of this policy are to;
  - Protect the public from nuisance.
  - Protect, promote, and maintain public health and safety.
  - Minimise the potential for offensive behaviour in public places.
  - Regulate trading in public places.
  - Regulate, control, or prohibit signs.

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### Section 4 – Definitions

Busker	means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor
Council	means Hamilton City Council
Enforcement officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of the bylaws of Council
Footpath sign	a device for advertising that is placed on the footpath
Hawker	means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop
Heritage precinct	areas of special heritage character as defined in the Hamilton City District Plan
Heritage buildings	buildings of special heritage character as defined in the Hamilton City District Plan
Mobile shop	means a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered (whether or not in pursuance of any invitation to call) but does not include any vehicle used for the purpose of transporting goods pursuant to a prior order placed for the delivery of goods
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together
Merchandise display	a display located in a public place outside a premise from which goods are offered or exposed for sale
Public Place	means a place that is: <ul style="list-style-type: none"> <li>a. under the control of Council; and</li> <li>b. open to, or being used by, the public, whether or not there is a charge for admission; and includes:</li> <li>c. a road, whether or not the road is under the control of Council; and</li> <li>d. any part of a public place; but</li> <li>e. excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007</li> </ul>
Road	includes: <ul style="list-style-type: none"> <li>a. Every road, street or public highway under Council's control;</li> </ul>

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- b. Any land that is vested in Council for the purpose of a road as shown on a deposited survey plan;
- c. Any land that is vested in Council as a road or street pursuant to any other enactment;
- d. Any access way or service lane;
- e. Every square or place intended for use of the public generally;
- f. Every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;
- g. But, except as provided in the Transit New Zealand Act 1989 or in any regulations under that Act, does not include a motorway within the meaning of that Act.

Road frontage	the front/s of a premise that face out onto a public place.
Sign	includes any poster, placard, handbill, writing, picture, or device for advertising or other purposes that is displayed in, upon or over any public place
Stall	includes any stationary yet moveable stand or similar structure on or at or from which goods are sold or exposed for sale

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### Section 5 – Outdoor dining areas

#### 5.1 Overview

- 5.1.1 With a rapidly growing café, bar and restaurant culture, Hamilton is now enjoying a tradition of eating and drinking al-fresco. In order to manage the increasing popularity of outdoor dining areas, Council has introduced an outdoor dining area plan and permit system.
- 5.1.2 Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for the purposes of outdoor dining or drinking must apply to Council for an outdoor dining permit, which will include the submission of an outdoor dining area plan. The outdoor dining permit will regulate the use of all street furniture used in outdoor dining areas.
- 5.1.3 Council is aware of the competing interests in the use of city footpaths and seeks through this policy to balance the needs of various users. Accordingly, Council has developed a set of conditions which cover the location and design of outdoor dining facilities.
- 5.1.4 They present an integrated approach to the design and management of the city's public realm to improve its usage, quality and image. These conditions provide a streamlined process for issuing permits for street furniture.
- 5.1.5 An applicant wishing to serve alcohol as part of an outdoor dining area should apply to Council for a liquor licence or an extension to an existing liquor license. Please refer to Council's Licensed Premises Policy.

#### 5.2 General conditions

- 5.2.1 Applications for a **Outdoor Dining Permit** must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
- I. the location and dimensions of the proposed outdoor dining area;
  - II. the position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to the regulations pertaining to street furniture contained in this policy).
  - III. the area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
  - IV. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area
  - V. Specifications of any enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure is occupied by outdoor furniture.
- 5.2.2 The outdoor dining area must not cause any damage to any ornamental verge or kerbing.

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- 5.2.3 Use of fixed furniture is not permitted.
- 5.2.4 All street furniture (tables, chairs, planter boxes, pull-down blinds etc) should be arranged within the agreed dining areas. No item of outdoor dining furniture should impinge the continuous clearway or setbacks from the kerb, loading zones etc (see clause 5.3).
- 5.2.5 No street furniture should have sharp edges or projections which may cause injury and all street furniture should be of durable construction.
- 5.2.6 Permit holders are responsible for cleaning the footpath and the removal of litter in the outdoor dining areas.
- 5.2.7 No waste material including sweepings, detergents and cleaning agents shall be disposed of into the street gutter or stormwater drains.
- 5.2.8 An outdoor dining permit must be either displayed or be available for inspection by an enforcement officer upon request.
- 5.2.9 The owner of the premise must keep in full force and effect a policy of public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture outlined in this policy.
- 5.2.10 The maximum patron density in the dining areas approved under this policy should be one per square metre.
- 5.2.11 From the hours of 9pm until the end of the approved business day the boundaries of an outdoor dining area should be clearly defined through use of barriers or other appropriate street furniture.
- 5.2.12 From the hours of 9pm until the end of the approved business, adequate supervision of the outdoor dining area must be maintained.
- 5.2.13 Between the end of the approved business day and 7am all street furniture used in an outdoor dining area must be secured together and, as far as practicable, removed from the footpath or when requested by Council to facilitate street works, services or repairs, or other public utilities.
- 5.2.14 Council will inform permit holders should a special event will require the removal of some or all of the street furniture used in outdoor dining areas during normal business hours.
- 5.2.15 Ashtrays must be provided, except where smoking is prohibited.
- 5.2.16 An applicant wishing to serve alcohol as part of an outdoor dining area should apply to Council for a liquor license or an extension to an existing liquor license. Please refer to Council's Licensed Premises Policy.

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### 5.3 Layout of outdoor dining areas

- 5.3.1 All outdoor dining areas should observe the following layout requirements (refer to the specific dimensions outlined in schedules 1 and 2)

### 5.4 Continuous clearway and setbacks

- 5.4.1 There must be at least 2m of unobstructed and continuous footpath width in the CityHeart, Hamilton East and Frankton, with the exception of 1.7m in Victoria Street. A minimum unobstructed footpath width of 1.5m must be maintained in all other areas of the city.
- 5.4.2 All continuous clearways must have a vertical clearance of 2.2m. The location of the continuous clearway should be between the premise-side dining area and the kerb-side dining area, with the exception of Victoria Street (West) where the clearway will be next to the kerb-side setback (refer to schedule 1 for street layouts for Victoria Street (East and West) and Hood Street)
- 5.4.3 The kerb-side dining area should maintain a minimum setback from the kerb of 0.5m (as outlined in schedule 1). This will provide adequate space for access to parking meters and opening of vehicle doors.
- 5.4.4 A minimum setback of 1m must be maintained from all intersections, street trees, street furniture (such as benches), cycle racks, phone boxes, loading zones, mobility parking spaces and bus stops.

### 5.5 Café umbrellas, shade awnings

- 5.5.1 Umbrellas must be of stable design and properly secured to prevent blowing over in strong wind.
- 5.5.2 They must not penetrate or damage the surface of Council footpaths nor interfere with pedestrian movement.

### 5.6 Planter boxes

- 5.6.1 Planter boxes must be strong, durable and wind resistant. They should be well maintained with attention paid to the upkeep of plants.
- 5.6.2 Planter boxes must not be fixed to the footpath.

### 5.7 Heaters

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

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

### 5.8 Pull-down blinds and screens

- 5.8.1 Requests to include screens and/or pull-down blinds in outdoor dining areas will be assessed on a case by case basis. Due consideration will be given to the potential for the screen/pull-down blind to obscure surveillance by Council CCTV cameras and to safety issues for pedestrians, cyclists and motorists due to the obscuring of sight lines.
- 5.8.2 Should an applicant wish to use screens and/or pull down blinds this information must be included with the permit application and outdoor dining area plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.
- 5.8.3 All pull-down blinds must be furled outside of the hours specified in the outdoor dining area permit.
- 5.8.4 Screens must be removed from the footpath outside of the hours specified in the outdoor dining area permit.

### 5.9 Barriers

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

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### Section 6 – Conditions for signs

#### 6.1 Overview

6.1.1. Council's Hamilton City Proposed District Plan ("District Plan") contains provisions which regulate signage on all zoned land within the city. However, the District Plan does not regulate signs in public places, such as footpath signs and signs upon verandas.

6.1.2 Signs which are erected for or on behalf are Council are exempt.

#### 6.2 General conditions

6.2.1 No person shall erect a sign in or over a public place without first obtaining a permit from Council.

6.2.2 No Council owned land is to be used for erecting election signs for Parliamentary Elections or Local Body Elections. Please see Council's Election Sign Policy.

6.2.3 For conditions regarding billboards and street banners consult Communication and Marketing, Hamilton City Council, 1<sup>st</sup> Floor, Municipal Building.

6.2.4 For general conditions regarding signs in public places please consult the Public Places Bylaw 2008.

6.2.5 All signs shall be maintained in good order and condition. An enforcement officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this provision or if a sign will cause a safety hazard.

#### 6.3 Footpath signs

6.3.1 The following conditions will apply to footpath signs:

- I. A footpath sign should be no larger than 600mm wide by 750mm high with a maximum base area of 0.45 square metres.
- II. A footpath sign must be located in the premise-side or kerb-side areas and should not impinge on the continuous clearway and observe setbacks (see section 5).
- III. A maximum of one sign per road frontage. Requests for additional footpath signs will be considered on a case by case basis.
- IV. The footpath sign must not obscure the visibility of road users.
- V. The footpath sign must not resemble a warning sign or road traffic sign.
- VI. The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.
- VII. The sign must be constructed so as to be secure against all weather conditions and gusts of wind .

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- VIII. No sign shall be placed in a position that restricts vehicles access to a right of way or to any public place to which vehicles have a right of access.
- IX. An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.
- X. Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.
- XI. If footpath signs have a base, they should be designed to be detectable to a visually impaired person navigating the footpath with the aid of a cane i.e. the incorporation of a bar or panel spanning the otherwise base of the object.
- XII. All signs are to be removed from the footpath outside of hours of business.

### 6.4 Veranda signs

- 6.4.1 Signs attached beneath verandas should leave a clearance of 2.75m to the footpath
- 6.4.2 Signs attached beneath verandas should observe a set back of 0.5m from a vertical line from the edge of the kerb.
- 6.4.3 Signs located on top and on the fascia of a veranda shall not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.
- 6.4.4 Veranda signs are restricted to signs advertising businesses, services or products located on the site associated with the sign.
- 6.4.5 Signs located on top or beneath verandas should be structurally sound and be affixed to the veranda in a safe manner.

### 6.5 Signage in Heritage precincts

- 6.5.1 The design and location of signage in a public place within a heritage precinct or outside a heritage building (as defined or listed in the Hamilton City District Plan) must be compatible with the heritage significance of the area or the building so as not to detract from that significance.
- 6.5.2 Special consideration will be given to signage approval associated with heritage areas or outside heritage buildings, to ensure that signage does not materially affect the heritage value of the area and/or building.
- 6.5.3 Signage within heritage precincts or outside heritage buildings will be subject to the conditions for signs above as well as being assessed on a case by case basis to ensure that they do not detract from the heritage significance of the area or building.

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### Section 7 – Conditions for markets, stalls, merchandise displays and mobile shops

#### 7.1 Overview

7.1.1. Trading in public places can add life and vibrancy to a city however consideration must also be given to those people and businesses which could experience adverse affects. Council's policy is to generally favour trading in public places in organised street markets but will consider applications for individual stalls.

#### 7.2 Street markets

7.2.1 An applicant for a market must provide the following information to Council:

- I. A scale plan delineating:
    - the extent of the public area to be occupied
    - the siting and the number of market stalls proposed
    - any associated facilities such as public toilets.
  - II. Specifications of any barriers, signs and screens including any ground supporting fixtures.
  - III. A traffic management plan showing
    - the location of ingress and egress to the market
    - any parking provided, any temporary measures to control traffic to and from the market site
    - measures for loading and unloading of market goods and stall set up and pack down
    - the contact details for a person responsible for implementing the traffic management plan.
  - IV. Details of public liability insurance
  - V. The name, address and contact details of the applicant and market operator.
  - VI. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
  - VII. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.
  - VIII. Evidence that all market stalls selling alcohol hold the necessary liquor license
- 7.2.2 Details of the cleaning arrangements following the business hours of the market will be agreed as part of the application process.
- 7.2.3 It will be the responsibility of the market operator to ensure that individual stall owners have applied for any necessary liquor licenses.

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7.2.4 It will be the responsibility of the market operator to ensure that individual stall owners comply with the above conditions.

### 7.3 Individual stalls

Council's general policy is to encourage stalls to be part of managed street markets (see above) however applications for individual stalls will also be considered on a case by case basis.

The following conditions will apply to individual stalls:

- I. Stalls must not sell offensive material.
- II. Stalls should not obstruct or hinder the flow of pedestrians in any public place.
- III. Stalls selling, preparing and handling food must comply with food hygiene regulations.
- IV. Stalls selling alcohol must hold the necessary liquor licenses.

### 7.4 Merchandise Display

7.4.1 The following conditions will apply to merchandise displays:

- I. Merchandise should be placed up against the façade of the shop to which the merchandise belongs.
- II. Merchandise displays must observe the same requirements on setbacks and clearways as outdoor dining areas. There must be at least 2m of continuous unobstructed footpath width in the CityHeart (1.7m in Victoria Street), Hamilton East and Frankton retail areas (see schedule1). A minimum unobstructed footpath width of 1.5 metres to apply in all other areas. A vertically clear continuous route of 2.2 metres to be maintained in all areas.
- III. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians, be any form of nuisance nor display offensive material.
- IV. Merchandise displays are to be removed outside normal trading hours which are 8.30am to 8.30pm and when requested by Council officers to facilitate street works, services or repairs, or other public utilities.

### 7.5 Mobile shops conditions

7.5.1 The following conditions will apply to mobile shops:

- I. A mobile shop must not operate within the Hamilton CityHeart area except for events and street markets that have the prior permission of Council (see schedule 2 for a map of the CityHeart area)

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- II. A mobile shop must be at least 50 metres away from an intersection.
- III. The location of the mobile shop must not result in an infringement of parking or traffic statute or bylaw.
- IV. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
- V. Mobile shops selling alcohol must hold the necessary liquor licenses
- VI. Selling of goods is only permitted from the kerbside.
- VII. Trading permitted only during the hours of 8am to 8.30pm.
- VIII. Permit must be displayed at all times.
- IX. Trading should not be to be undertaken until all required licences or permits relevant for the particular good and/or service being traded have been obtained.

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### Section 8 – Use of Garden Place and Civic Plaza

#### 8.1 General Conditions

8.1.1 The following conditions apply to the use of Garden Place and Civic Plaza.

- I. Private vehicles may enter Garden Place and Civic Plaza to transport materials to the event. Prior approval is required from Council for the vehicles to be given access.
- II. The use of a sound system is permitted in Garden Place and Civic Plaza, however if a noise complaint is received it will be dealt with following Council's noise compliant procedures.
- III. A building consent is required if an applicant wishes to erect a marquee or tent that has a floor area exceeding 50 square meters or if the a marquee or tent will be erected for a period of longer than one month.
- IV. The maximum period of stay for a private vehicle is to be no longer than 30 minutes, except if otherwise agreed with Council. Such time restrictions will not apply to emergency vehicles.
- V. There should be no obstruction of public seating
- VI. Pedestrians should not be impeded or inconvenienced in any way.
- VII. The area should be left clean and tidy upon completion of use.
- VIII. Permission to use the lawn area in Garden Place may be given but may be withdrawn if it rains on the day of the proposed event. This is to ensure the condition of the lawn area is maintained to a high standard.

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### Section 9 – Conditions for Busking, Hawking and Charitable collections

#### 9.1 Busking conditions

9.1.1 Buskers must apply for a busking permit from Council before commencing trading. The following conditions will apply to buskers:

- I. No busker shall impede or inconvenience the flow of pedestrians and customers.
- II. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked by Council.
- III. Busking will only be permitted between the hours of 8.30am and 8.30pm.
- IV. Buskers must not enter any premises unless authorised by a person having control of those premises.
- V. Buskers are to carry a copy of the permit at all times and shall produce a copy of the permit to any enforcement officer upon request.
- VI. Buskers are not permitted to use voice enhancement equipment, including, but not limited to, microphones, amplifying equipment and loud hailers, unless they are part of an event for which Council approval has been given.
- VII. A reasonable level of noise is to be maintained at all times having regards to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked by Council.
- VIII. Failure to comply with any of these conditions may result in a permit being cancelled, varied and/or prosecution.

#### 9.2 Hawkers conditions

9.2.1 The following conditions will apply to hawkers:

- I. Hawkers are not permitted in the CityHeart.
- II. Hawkers must not enter premises which display a written notice prohibiting their entry.
- III. Shop doorways must be kept clear.
- IV. When visiting premises, a Hawker must leave immediately if requested to do so by the owner or occupier of the premises.
- V. Identification must be worn at all times.
- VI. The flow of pedestrians must not be impeded or inconvenienced in any way.

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VII. Every hawker is to trade only during the hours of 8.30am and 8.30pm, 7 days per week.

### 9.3 Charitable collections

9.3.1 Prior approval must be given by Council to collect charitable donations in a public place.

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## POLICY MANUAL

### Section 10 – Obtaining Council approval

#### 10.1 Overview

10.1.1 Council will issue permits for the following:

- Outdoor dining areas <sup>1</sup>
- Signs in public places ( including footpath signs)
- Street markets
- Individual stalls
- Merchandise displays
- Mobile shops
- Busking
- Charitable collections
- Garden Place/Civic Plaza Use

#### 10.2 How to apply

10.2.1 Applicants wishing to apply for a Council permit should contact Business Support at Ground Floor, Municipal Building, Garden Place or on 07 838 6633.

#### 10.3 Changes to permits

10.3.1 Requests for changes to Council permits should be made to Business Support (contact details above).

#### 10.4 Expiry of permit

10.4.1 A permit shall be valid for a period of 12 months from the date of issue, unless otherwise stated on the permit. A permit will automatically expire when the business holding the permit is sold.

#### 10.5 Permit renewal process

10.5.1 Provided the permit holder has complied with the terms and conditions of their permit Council may renew the permit for a period of up to 12 months upon receipt of an application in writing and the required fee, and upon such terms and conditions as the Council considers appropriate.

#### 10.6 Transfer of permits

10.6.1 Permits issued under this policy are not transferable.

#### 10.7 Cancellation of permit

10.7.1 A permit may be cancelled or amended if:

- I. the proprietor fails to comply with the permit conditions
- II. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment

<sup>1</sup> Requests for tables, chairs, umbrellas, planter boxes, heaters, pull down blinds, screens, barriers and approval to sell alcohol should be submitted as part of an outdoor dining area application.

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### Section 11 – Fees, monitoring and enforcement

#### 11.1 Fees

11.1.1 Council will set fees to cover the cost of issuing permits and monitoring, enforcing and administering this policy. These will be reviewed annually and detailed in Council's Fees Schedule.

11.1.2 The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

#### 11.2 Monitoring

11.2.4 Council will monitor activities in public places regularly to ensure that permit conditions are being complied with and that no unauthorised activity is occurring in public places.

#### 11.3 Enforcement

11.3.1 Council reserves the right to revoke permits if evidence of non-compliance is observed. The standard protocol for non-compliance is as follows:

- I. If a permit holder does not comply with the conditions of this policy, the Council will verbally notify the trader of the issue.
- II. If the problem persists, the Council will provide a written warning to that permit holder identifying the issue/s and required remedy.
- III. If the business continues to infringe, the Council will consider revoking the permit.
- IV. Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease with trading activity. Council will issue a written warning to the person.
- V. If the infringement persists, Council will reserve the right to confiscate the stall setup or trading material pursuant to sections 163 and 164 of the Local Government Act 2002.

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

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**POLICY MANUAL****Schedule 1 – Street layouts**

<b>Garden Place and Civic Plaza</b>	<b>Horizontal width (m)</b>	<b>Vertical height (m)</b>
Dining area next to premise	1.5	-
Continuous clearway	2.0	2.2
Dining area other side of clearway*	Varies	

<b>Victoria Street (East) (River-side)</b>	<b>Horizontal width (m)</b>	<b>Vertical height (m)</b>
Dining area next to premise**	2.8	-
Continuous clearway***	1.7	2.2
Dining area next to kerb	N/A	N/A
Set-back from kerb	0.5	-
<b>TOTAL</b>	5.0	-

<b>Victoria Street (West) (City-side)</b>	<b>Horizontal width (m)</b>	<b>Vertical height (m)</b>
Dining area next to premise	1.4	-
Continuous clearway	1.7	2.2
Dining area next to kerb****	1.4	-
Set-back from kerb	0.5	-
<b>TOTAL</b>	5.0	-

<b>Hood Street</b>	<b>Horizontal width (m)</b>	<b>Vertical height (m)</b>
Dining area next to premise	3.0	-
Continuous clearway	2.0	2.2
Potential dining area next to kerb****	4.0	-

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Set-back from kerb	0.5	-
<b>TOTAL</b>	9.5	-

Grey Street	Horizontal width (m)	Vertical height (m)
Dining area next to premise	1.5	-
Continuous clearway	2.0	2.2
Dining area next to kerb****	1.5	-
Set-back from kerb	0.5	-
<b>TOTAL</b>	5.5	-

\* As there is no kerb in Garden Place or Civic Plaza the dining area on the other side of the continuous clearway may be extended so long as it does not impinge onto the grass area of Garden Place, bollards, street furniture or continuous clearways. The exact dimensions of the dining area should be agreed with Council.

\*\* The premise side area may be wider where a premise is set back further from the footpath than other neighbouring properties. The only requirement is that the premise side dining area does not encroach into the continuous clearway or the required setbacks from street furniture.

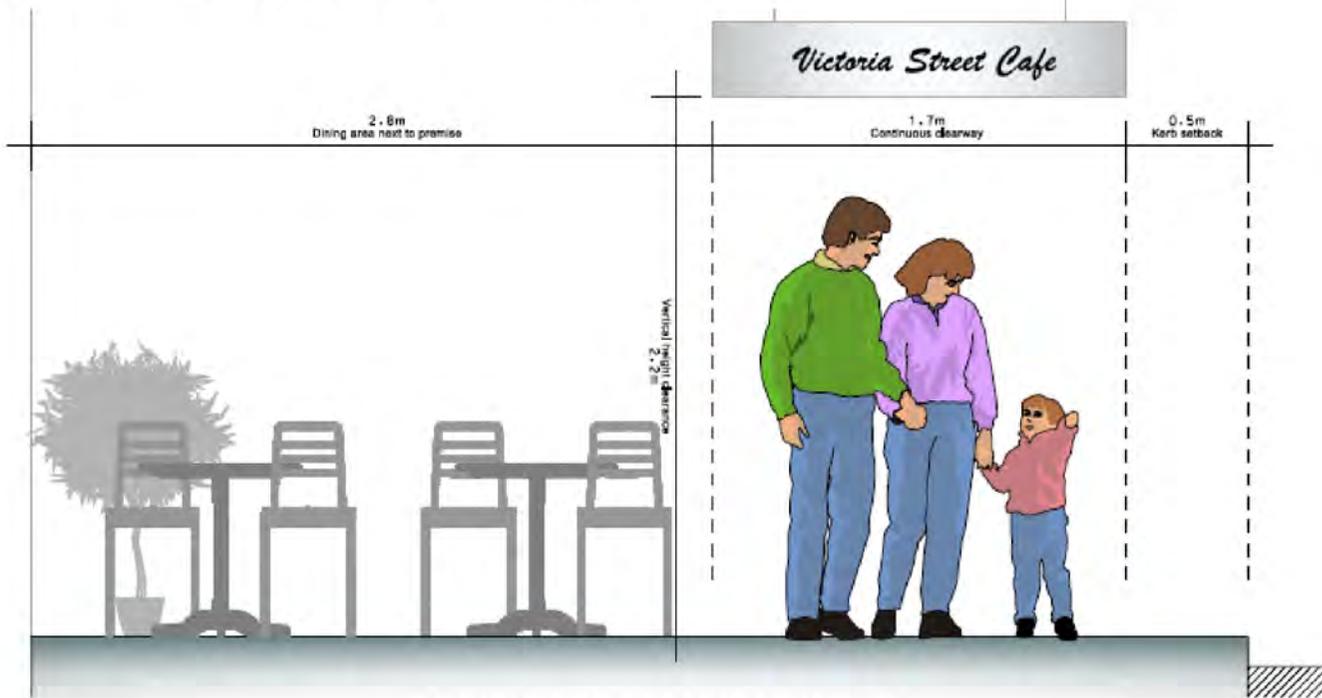
\*\*\*The continuous clearway will be wider in sections of Victoria Street (East) where the footpath is wider

\*\*\*\*Where the kerb width is greater than the general standard for this street, the dining area next to the kerb may be extended so long as it does not impinge onto the set-back from the kerb, other setbacks such as cycle racks or bus stops or the continuous clearway.

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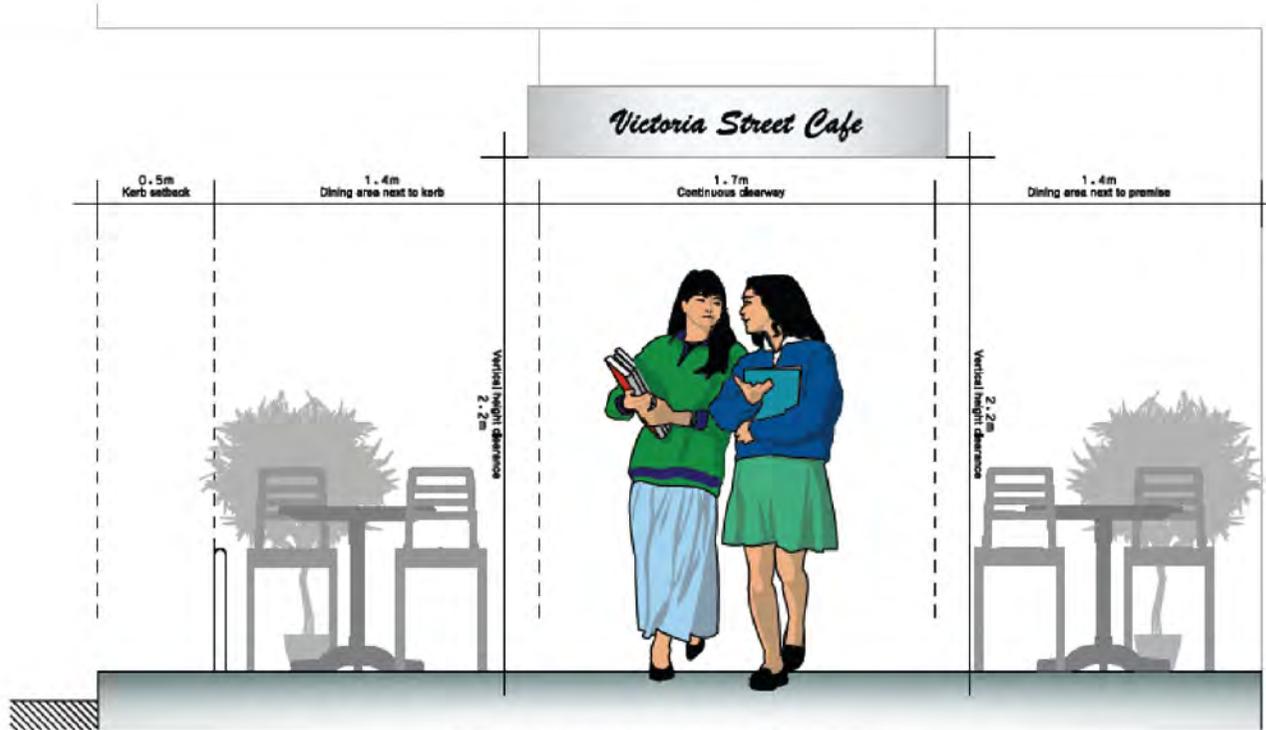
Schedule 2 — Street Layouts for Victoria Street (East & West) and Hood Street



**VICTORIA STREET EAST (RIVER-SIDE)  
TYPICAL CROSS SECTION**

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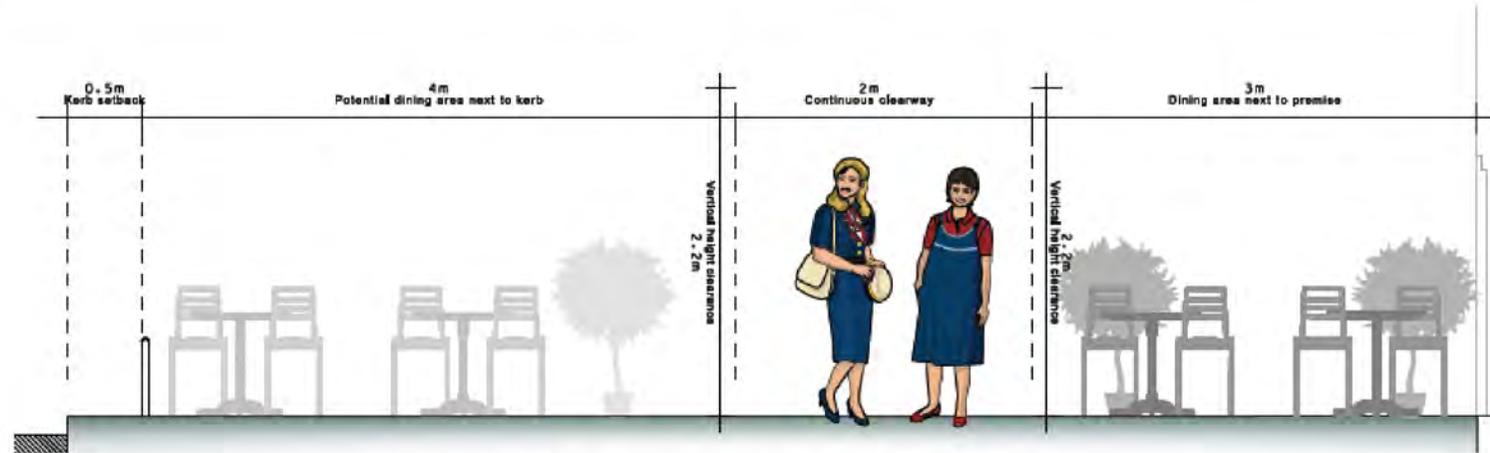
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**VICTORIA STREET WEST (CITY-SIDE)  
TYPICAL CROSS SECTION**  
Dimensions of the kerb side dining may vary depending on width of footpath

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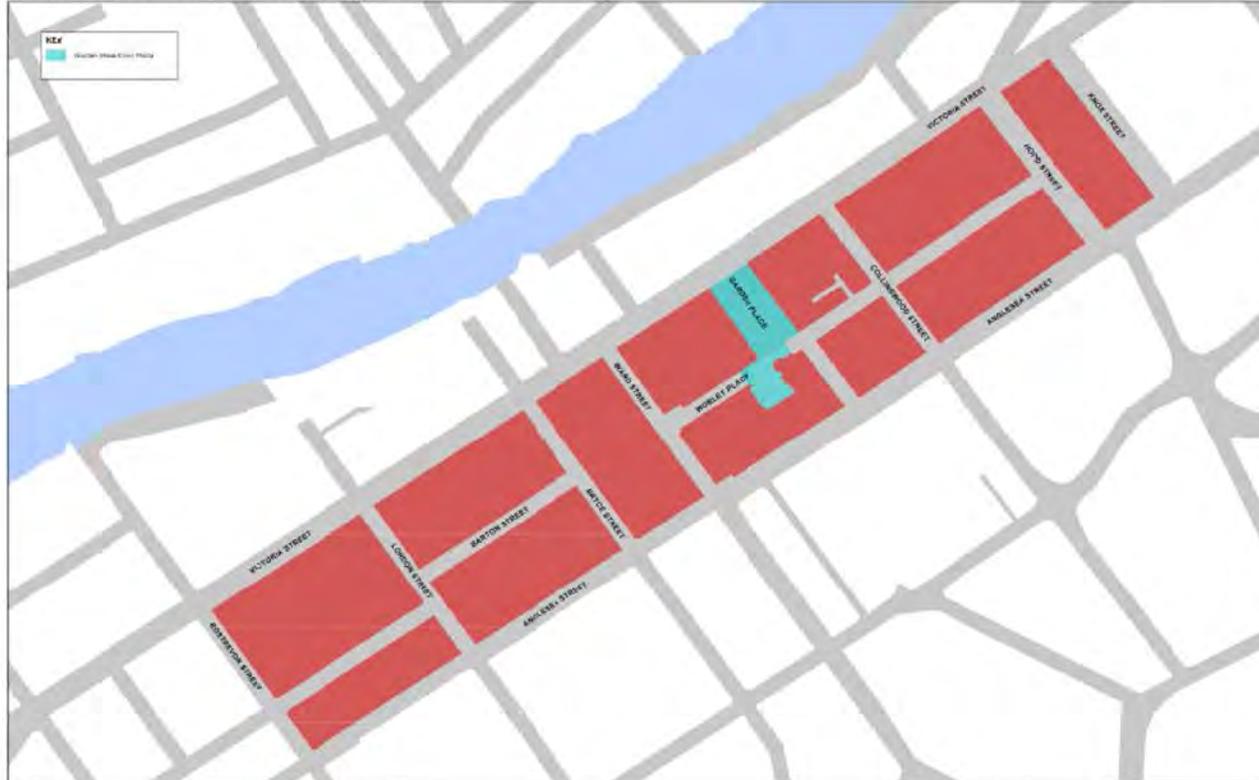
**HOOD STREET TYPICAL CROSS SECTION**

Dimensions of the kerb side dining may vary depending on width of footpath

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Schedule 3 –Map of the CityHeart



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## THE HAMILTON CITY PUBLIC PLACES BYLAW 2009

Hamilton City Council makes this Bylaw under the Local Government Act 1974 and the Local Government Act 2002 ("the Act").

This Bylaw may be referred to as the Hamilton City Public Places Bylaw 2009 and applies to the whole of the district of Hamilton City Council.

### 1.0 Short title

1.1 This bylaw may be cited as the Hamilton City Public Places Bylaw 2009.

### 2.0 Revocation

2.1 This bylaw revokes and replaces the Hamilton City Trading in Public Places Bylaw 1999 and the Hamilton City Public Places and Signs Bylaw 1996.

### 3.0 Purposes

3.1 This Bylaw is made for the purposes of:

- a. Protecting the public from nuisance.
- b. Protecting, promoting, and maintaining public health and safety.
- c. Minimise the potential for offensive behaviour in public places.
- d. Regulating trading in public places.
- e. Regulating, controlling, or prohibiting signs.

### 4.0 Interpretation

4.1 In this bylaw, unless inconsistent with the context:

**Enforcement Officer** means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of the bylaws of Council

**Council** means Hamilton City Council

<b>District</b>	means the area controlled by Hamilton City Council
<b>Designated</b>	means specified by Council by resolution
<b>General Manager</b>	means the Council General Manager responsible for administration and enforcement of this Bylaw
<b>Person</b>	includes a natural person, incorporated company and a body of persons whether incorporated or not
<b>Public Place</b>	means a place that is: <ul style="list-style-type: none"> <li>a. under the control of Council; and</li> <li>b. open to, or being used by, the public, whether or not there is a charge for admission; and includes:</li> <li>c. a road, whether or not the road is under the control of Council; and</li> <li>d. any part of a public place; but</li> <li>e. excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007</li> </ul>
<b>Road</b>	includes: <ul style="list-style-type: none"> <li>a. a. Every road, street or public highway under Council's control;</li> <li>b. Any land that is vested in Council for the purpose of a road as shown on a deposited survey plan;</li> <li>c. Any land that is vested in Council as a road or street pursuant to any other enactment;</li> <li>d. Any access way or service lane;</li> <li>e. Every square or place intended for use of the public generally;</li> <li>f. Every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;</li> <li>g. But, except as provided in the Transit New Zealand Act 1989 or in any regulations under that Act, does not include a motorway within the meaning of that Act.</li> </ul>
<b>Sign</b>	includes: <ul style="list-style-type: none"> <li>a. any poster, placard, handbill, writing, picture, or device for advertising or other purposes; and</li> <li>b. that is displayed, or to be displayed upon or over any public building or bridge, building, wall, fence, post, tree, pavement, or hoarding, situated in or upon or adjoining any land or road that is either: <ul style="list-style-type: none"> <li>i. the property of Council; or</li> <li>ii. under the control of the Council</li> </ul> </li> </ul>
<b>Trade or trading</b>	includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture

## **5.0 Intent**

- 5.1 The intent of this Bylaw is to encourage the public to use public places while also allowing occupation and use of those public places for trading activities.

## **6.0 Public Places**

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

- a. Protect the public from nuisance.
- b. Protect, promote, and maintain public health and safety.
- c. Minimise the potential for offensive behaviour in public places.

## **7.0 Fees**

- 7.1 Council may charge a fee for any permit issued under this Bylaw.
- 7.2 Council may refund, remit, or waive any fee in situations determined by Council and set out in Council policy.

## **8.0 Permits for trading in a public place**

- 8.1 Any person intending to trade in a public place must apply in writing to Council for the relevant permit and must pay the associated fee.
- 8.2 Council may issue permits on the basis of its current relevant policies.
- 8.3 Council may revoke a permit if the permit holder fails to comply with the conditions of the permit, and may refuse to issue that person with a new permit.
- 8.4 Permits are personal to the permit holder and are not transferable.
- 8.5 A permit holder may surrender a current permit.

## **9.0 Activities that may to cause a nuisance**

- 9.1 Any person intending to undertake an activity in a public place which is not specified in Council's Public Places Policy and which may cause a nuisance to the public in that public place must obtain permission from the General Manager before undertaking the activity.
- 9.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

## **10.0 Activities that may have an adverse effect on public health or safety**

- 10.1 Any person intending to undertake an activity in a public place which is not specified in Council's Public Places Policy and which may affect public health or safety in that public place must obtain permission from the General Manager before undertaking the activity.

10.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect, promote, or maintain public health and safety.

#### **11.0 Permits for signs**

11.1 Any person intending to display or continue to display any sign in upon or over public buildings or bridges, or upon or over buildings, walls, fences, posts, trees, pavements, or hoardings situated:

- a. In or upon or adjoining any land or road the property of or under the control of the Council; or
- b. In any manner so that it shall be visible from any such road or public place;

Must apply in writing to Council for a permit and must pay the relevant fee.

11.2 Council may issue permits on the basis of its current relevant policies.

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

11.4 Permits are personal to the permit holder and are not transferable.

11.5 A permit holder may surrender a current permit.

11.6 Council may waive any application under this part of this Bylaw if the sign is permitted by the District Plan Rules or under a current valid resource consent.

*NOTE: Resource Consent may be required for signs that are not covered by this Bylaw.*

#### **12.0 Existing signs**

12.1 Council may remove any sign in a public place that:

- a. Does not comply with the requirements for issue of a permit under this Bylaw set out in Council policy; and
- b. Has not been used for advertising purposes for the six months preceding the making of this Bylaw.

12.2 Any sign that was lawfully displayed at the date this Bylaw is made that does not comply with the requirements for a permit may:

- a. Remain in place; and
- b. Be repaired, altered or maintained if such works will not increase the extent of its non-compliance with this bylaw.

#### **13.0 Offences**

13.1 The following are offences against this Bylaw:

- a. Obstructing emergency vehicles from gaining access to or egress from a public place.
- b. Obstructing service vehicles from gaining access to or egress from a public place.
- c. Trading in a public place without a valid permit issued under this Bylaw.
- d. Failure to produce a permit issued under this Bylaw to an authorised officer upon request.
- e. Failure to comply with the conditions of a permit issued under this Bylaw.
- f. Causing a nuisance in a public place, without permission from the General Manager, or in breach of a condition imposed by the General Manager.
- g. Affecting public health or safety in a public place, without permission from the General Manager, or in breach of a condition imposed by the General Manager.
- h. Displaying or continuing to display any sign that requires a permit under this Bylaw without a permit.

#### **14.0 Penalties**

- 14.1 Every person who breaches this Bylaw commits an offence and may be liable on summary conviction to a fine:
  - a. Of not more than \$500 in respect of an offence relating to a sign; or
  - b. Not exceeding \$20,000 for any other offence.

The foregoing Bylaw was duly made by the Hamilton City Council by a resolution passed on the 25<sup>th</sup> day of February 2009 following consideration of submissions received during the special consultative procedure. The Hamilton City Public Places Bylaw 2009 was ordered to come into force on the 1st day of July 2009.

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

Councillor \_\_\_\_\_

Chief Executive \_\_\_\_\_

<b>First adopted:</b>	25 February 2009
<b>Revision dates/version:</b>	November 2015 / Version 2
<b>Next review date:</b>	In conjunction with the Public Places Bylaw 2016
<b>Engagement required:</b>	In conjunction with the Public Places Bylaw 2016
<b>Document number:</b>	D-1955147
<b>Associated documents:</b>	D-1954936 (Draft Bylaw)
<b>Sponsor/Group:</b>	City Growth



## PUBLIC PLACES POLICY (DRAFT)

### Purpose and Scope

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

### Definitions

Busker	means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	means Hamilton City Council.
Enforcement officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Hawker	means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	areas of special heritage character as defined in the District Plan.
Heritage buildings	buildings of special heritage character as defined in the District Plan.
Mobile shop	means: <ul style="list-style-type: none"> <li>• a vehicle from which goods are offered or exposed for sale</li> </ul>

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

## Policy

### 1. Outdoor Dining Areas

- 1.1 Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit.
- 1.2 Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.
- 1.3 An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol license or a variation of the area to which their alcohol licence applies.

### 1.4 General conditions that apply to Outdoor Dining Permits

- 1.4.1 There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
- 1.4.2 The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- 1.4.3 Use of fixed furniture is not permitted.
- 1.4.4 All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this policy and as provided for in the permit.
- 1.4.5 No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
- 1.4.6 Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
- 1.4.7 No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
- 1.4.8 An outdoor dining permit must be either displayed or be available for inspection by an enforcement officer if requested.
- 1.4.9 The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.
- 1.4.10 The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6 pm until the end of the trading day.
- 1.4.11 Adequate supervision of the outdoor dining area must be maintained from 6pm until the end of the trading day.
- 1.4.12 Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.

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

1.4.14 Ashtrays must be provided, except where smoking is prohibited.

**1.5 Layout of outdoor dining areas**

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

**1.6 Café umbrellas and shade awnings**

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

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

**1.7 Planter boxes**

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

**1.8 Heaters**

1.8.1 Heaters may be free standing or fixed to verandas.

1.8.2 Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

1.8.3 Freestanding patio heater should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.

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

1.8.5 Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

**1.9 Pull-down blinds and screens**

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

1.9.2 If an applicant wishes to use screens and/or pull down blinds this information must be included with the permit application and outdoor dining area plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.

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

**1.10 Barriers**

1.10.1 Barriers may be used to define the boundaries of an outdoor dining area.

1.10.2 Barriers shall not exceed a maximum height of 0.9m.

1.10.3 Clearance from the ground is required to allow stormwater run-off.

- 1.10.4 Barriers must be of stable construction to prevent blowing over in strong wind.
- 2. Signs**
- 2.1 Signs in public places are regulated under this policy. The District Plan regulates signs on zoned land.
- 2.2 This policy does not apply to:
- signs erected for or on behalf of Council
  - billboards and over head street banners (*note: contact Strategy and Communication's Group, Hamilton City Council*)
- 2.3 A person wishing to erect a sign in or over a public place must obtain a permit.
- 2.4 No Council owned land is to be used to erect election signs for Parliamentary Elections or Local Body Elections.
- 2.5 General conditions**
- 2.5.1 All signs must be maintained in good order and condition. An enforcement officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.
- 2.5.2 A maximum of one sign per road frontage is permitted.
- 2.5.3 The footpath sign must not obscure road users visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.
- 2.5.4 The permitted size for signs is set out in Schedule 2.
- 2.5.5 A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.
- 2.5.6 The footpath sign must not resemble a warning sign or road traffic sign.
- 2.5.7 The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.
- 2.5.8 The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.
- 2.5.9 An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.
- 2.5.10 Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.
- 2.5.11 All signs are to be removed from the footpath outside of hours of business.
- 2.5.12 Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.
- 2.5.13 Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.
- 2.5.14 Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.
- 2.5.15 Signs attached beneath verandas should observe a set back of 0.5m from a vertical line from the edge of the kerb.

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

## **2.6 Signs in Heritage Areas**

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

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

## **3. Markets, Stalls and Merchandise Displays**

### **3.1 Street Markets and Stalls**

- 3.1.2 A street market is not permitted to operate without a permit.
- 3.1.3 Council's general policy is to encourage stalls to be part of managed street markets however permits for individual stalls will be considered on a case by case basis. An applicant wishing to operate a stand alone stall is not permitted to operate without a permit.
- 3.1.4 Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.
- 3.1.5 A market operator granted a permit is responsible for each individual stall owner complying with permit conditions and for having the necessary alcohol licenses.
- 3.1.6 Cleaning arrangements following the business hours of the market will be included in the permit conditions.
- 3.1.7 The following conditions will apply to stalls, including those stalls in a street market:
- I. Stalls must not sell offensive material.
  - II. Stalls must not obstruct or hinder the flow of pedestrians in any public place.
  - III. Stalls selling, preparing and handling food must comply with food hygiene regulations.
  - IV. Stalls selling alcohol must hold the necessary alcohol licenses.

### **3.2 Merchandise Display**

- 3.2.1 The following conditions will apply to merchandise displays:
- I. Merchandise should be placed up against the façade of the shop it belongs to.
  - II. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
  - III. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
  - IV. Merchandise displays must not contain any form of offensive material.
  - V. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

#### 4. Mobile Shops

- 4.1 Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for an event or street market, or as a stand alone permit.
- 4.2 Unless approval is granted under clause 4.5 below, mobile shops are not permitted to operate within the Central City (see the map in Schedule 4).
- 4.3 Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- 4.4 The following conditions apply to all mobile shops:
  - I. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
  - II. The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any bylaw or traffic legislation.
  - III. Permits may include permission to have tables and chairs in close proximity to the mobile shop for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
  - IV. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
  - V. Mobile shops selling alcohol must hold the necessary alcohol licenses.
  - VI. Hours of operation are only permitted between 6am – 10pm.
  - VII. The permit must be displayed at all times.
- 4.5 In addition to the conditions in clause 4.4 above, the following extra conditions apply to mobile shops permitted to operate within the Central City (see the map in Schedule 4):
  - I. Up to 3 permits only may be granted at any one time.
  - II. They will be granted for a maximum period of 6 months only.
  - III. They will be issued for a specified location which will be in one of the permitted locations identified in the map in Schedule 4.
  - IV. Trading hours will be specified in the permit and may extend to 3am taking into account the location.
  - V. No alcohol consumption or sales will be permitted.
5. **Busking, Hawking and Charitable collections**
- 5.1 Buskers are not permitted to operate without a permit. Applicants must apply for a busking permit before commencing trading.
- 5.2 **Busking conditions**
- 5.2.1 The following conditions apply to buskers:

- I. No busker will impede or inconvenience the flow of pedestrians and customers.
- II. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- III. Busking is permitted between the hours of 7am and 1 am but no busker is permitted to remain in a single location for longer than 2 continuous hours
- IV. Buskers must not enter any premises unless authorised by a person having control of those premises.
- V. Buskers are to carry a copy of the permit at all times and must produce a copy of to any enforcement officer if requested.
- VI. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailers, unless they are part of an event approved by Council.
- VII. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- VIII. Permits will be issued for a period of no more than 6 months.

### **5.3 Hawkers conditions**

#### **5.3.1** The following conditions apply to hawkers:

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

### **5.4 Charitable collections**

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

### **6. Other Activities on Footpaths**

- 6.1 Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.
- 6.2 Applications will be considered on a case by case basis taking into account:
  - I. The impact the activity could have on existing approved activities already occurring in or around the location.
  - II. Public health and safety and public nuisance.
  - III. Proposed hours for the activity to operate.
  - IV. Whether the activity is a one off event or reoccurring.

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

**6.4 General Conditions**

6.4.1 Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.

6.4.2 A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.

6.4.3 The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.

6.4.4 The activity must not interfere in traffic visibility

**7. General Permit Conditions**

7.1 All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.

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

7.3 Permits under this policy are issued by the City Safe Unit.

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

7.5 Permits automatically expire when a business holding a permit is sold.

7.6 Permits issued under this policy are not transferable.

7.7 A permit may be cancelled or amended if:

I. If permit conditions are breached.

II. Other valid reasons that require cancellation, such as streetscape upgrades or refurbishment

7.8 Council reviews fees annually changes are notified by public notice.

7.9 The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

**8. Enforcement**

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

I. First breach: verbal notification of the breach and request to rectify

II. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.

III. Failure to remedy: the Council will consider revoking the permit.

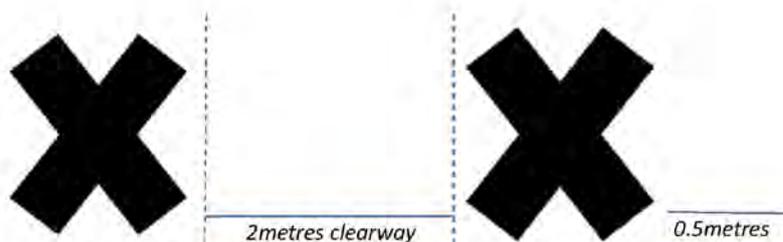
8.2 Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.

8.3 If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.

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

### Schedule 1: Footpath Layouts

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



### Schedule 2: Signs Dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
  - No larger than .75m wide
  - No larger than 3.2m high
3. The maximum approved dimensions for any other sign is:
  - No larger than 600mm wide
  - No larger than 750mm high
  - The maximum base area is 0.45 square metres



### Schedule 3: Application Requirements for Certain Permits

#### 1. General Requirements

- 1.1 All applications must be in the prescribed format and contain the information requested.
- 1.2 Applications not complying with these requirements will not be processed.
- 1.3 All applications must include the prescribed fee.

#### 2. Information Required for Outdoor Dining Permit

- 2.1 Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
  - i. The location and dimensions of the proposed outdoor dining area.
  - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
  - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
  - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
  - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.

#### 3. Information Required for Street Market Stalls Permit and Individual Stalls Permit

- 3.1 Applications for a Street Market Stall must include:
  - i. A scale plan showing:
    - the extent of the public area to be occupied
    - the siting and the number of market stalls proposed
    - any associated facilities such as public toilets.
  - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
  - iii. A traffic management plan showing:
    - the location of ingress and egress to the market

- any parking provided, any temporary measures to control traffic to and from the market site
- measures for loading and unloading of market goods and stall set up and pack down
- the contact details for a person responsible for implementing the traffic management plan.

IV. Details of public liability insurance.

V. The name, address and contact details of the applicant and market operator.

VI. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.

VII. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.

VIII. Evidence that all market stalls selling alcohol hold the necessary alcohol license.

#### **4. Information Required for Charitable Collections Permit**

4.1 Applications for approval to collect charitable donations must include:

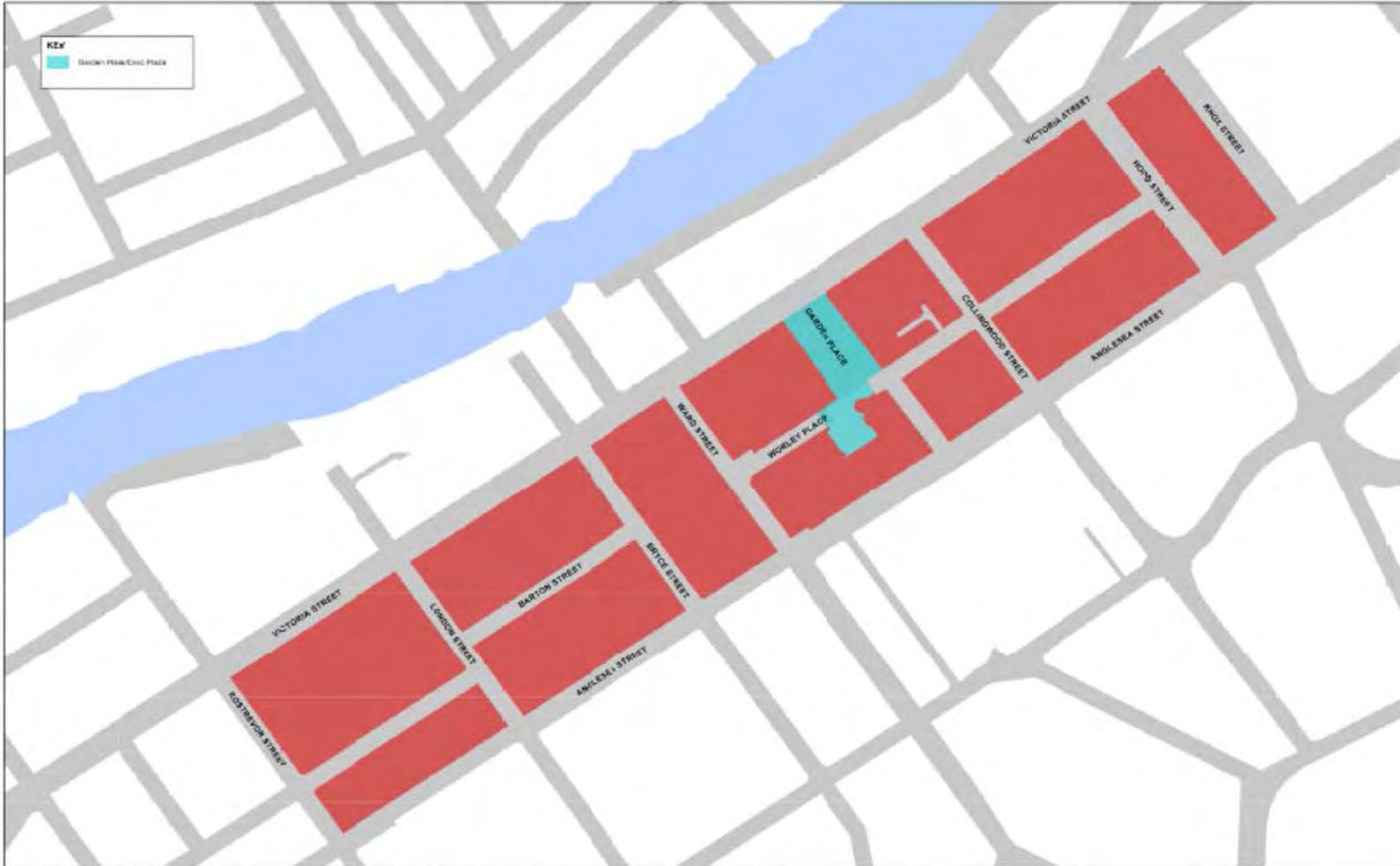
- I. The date, time and location of the intended donation collection.
- II. Approval from the Charity to collect donations.

#### **5. Information Required for Mobile Shops Permit**

5.1 Applications for a mobile shop permit must include:

- I. The intended location and trading hours.
- II. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
- III. If tables and chairs are intended to be provided:
  - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:50.
  - Photographs of the tables and chairs to be provided.

Schedule 4: Central City Map



## PUBLIC PLACES BYLAW 2016

Hamilton City Council makes this bylaw under the Local Government Act 1974, Local Government Act 2002, and any amendments to those Acts.

### 1.0 Title

1.1 Public Places Bylaw 2016.

### 2.0 Revocation

2.1 This bylaw revokes and replaces the Hamilton City Public Places Bylaw 2009.

### 3.0 Purpose and Scope

3.1 This Bylaw applies to any public place within the Hamilton City Council boundary.

3.2 The purpose of this Bylaw is to:

- a. Protect the public from nuisance.
- b. Protect, promote, and maintain public health and safety.
- c. Minimise the potential for offensive behaviour in public places.
- d. Regulate trading in public places.
- e. Regulate, control, or prohibit signs.
- f. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.

### 4.0 Interpretation

4.1 Except where inconsistent, the following definitions apply to this Bylaw:

<b>Council</b>	means Hamilton City Council.
<b>Enforcement Officer</b>	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
<b>General Manager</b>	means the Council General Manager responsible for the administration and enforcement of this Bylaw.

<b>Person</b>	includes an individual, a corporation sole, or a body of persons whether corporate or otherwise.
<b>Public Place</b>	includes any place or space that is not private property and which is open to the public but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw).
<b>Road</b>	means: <ul style="list-style-type: none"> <li>• a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not;</li> <li>• Any bridge, culvert, ferry, ford forming part of a road or street or motorway or place to which the public have access whether as of right or not;</li> <li>• All sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and</li> <li>• Any service land or mall forming part of a road.</li> </ul>
<b>Sign</b>	A sign is any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath. <i>Explanatory Note: Please refer to Schedule 2 of the Public Places Policy 2016 for detail.</i>
<b>Trade or trading</b>	includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

4.2 Explanatory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process.

## 5.0 Public Places

5.1 Persons occupying or using public places should take all reasonable steps to:

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

**6.0 Activities that may cause an adverse affect on public health or safety in a public place**

- 6.1 Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity.
- 6.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety.

**7.0 Activities that may cause a nuisance in a public place**

- 7.1 Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause nuisance in that public place must obtain approval from Council to undertake the activity.
- 7.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

**8.0 Permits**

- 8.1 A person must hold a permit issued by Council to undertake in a public place any trading, or display a sign, or collect donations for charity.
- 8.2 Any permit granted is personal to the person and is not transferable.
- 8.3 Council may revoke a permit if the holder fails to comply with the permit conditions and may refuse to issue that person with a new permit.
- 8.4 Council may waive any application under this Bylaw if an approval is granted through another existing mechanism such as signs permitted by the District Plan Rule or a resource consent.

**9.0 Fees**

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

**10.0 Offences**

- 10.1 Any person who does not comply with this Bylaw commits an offence.
- 10.2 The following are offences against this Bylaw:
- a. Obstructing emergency vehicles from gaining access to a public place.
  - b. Obstructing service vehicles from gaining access to a public place.
  - c. Trading in a public place without a valid permit.
  - d. Failure to produce a permit to an authorised officer upon request.
  - e. Failure to comply with the conditions of a permit issued.

- f. Trading or carrying on an activity in a public place in such a way that causes nuisance or affects public health and safety.

**11.0 Penalties**

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

This Bylaw was made by the Hamilton City Council by a resolution passed on *INSERT DATE* following consideration of submissions received during the consultation period. The Hamilton Public Places Bylaw 2016 comes into force on *INSERT DATE*

The COMMON SEAL of the HAMILTON CITY COUNCIL in the presence of:

Councillor \_\_\_\_\_

Chief Executive \_\_\_\_\_

## HAMILTON CITY PUBLIC PLACES BYLAW 2009

### *Feedback from key stakeholders*

The following organisations provided high level feedback on the current bylaw.

- Hamilton Central Business Association
- Hamilton Youth Advisory Panel
- Older Person's Advisory Panel
- CCS Disability Action
- Hospitality New Zealand
- Stakeholders from the Alcohol Industry
- Stakeholders from retailers

#### 1. All of stakeholders (11) agree with the purpose and focus of the current bylaw.

*Commentary was based on*

- *Charitable organisations using public place to collect fund and using aggressive tactics in approaching people*
- *Speedy turnover for applications*
- *Appreciation that there need to be rules and regulations around the use of public places for public safety.*

#### 2. Feedback on whether people thought the activities (e.g. outdoor dining, signs and street entertainment) in public places were being managed appropriately.

Response	Number of response
Yes (appropriately managed)	6
No (not managed appropriately)	4
Did not know	1

*Commentary was based on*

- *Information on when/how to get permit for street performances.*
- *Too much clutter and random signage*
- *Misuse of public places by businesses*
- *Enforcement of the bylaw in terms of the signage's on footpaths. People with disabilities (wheelchairs, visions impaired) are affected when there are no clearways alongside restaurants.*
- *Aggressive fundraisers in public places*
- *Over enforcement of bylaw and policy constricting activities that add vibrancy to the Hamilton nightlife.*

#### 3. What key stakeholders identified as working well.

- *Outdoor dining*
- *Alcohol bans and family friendly events and space*
- *The ability for bars and restaurants to use footpaths and other common areas adjacent to their premises to accommodate patrons.*
- *Good enforcement and current bylaw has the ability to adequately control the various aspects which may impact on hospitality businesses.*

- *The current levels of activity and timing allowed works well.*

**4. What key stakeholders identified as not working well**

- *Recent proliferation of signs on fences adjacent to footpaths advertising businesses . They look untidy and some of which are a hazard.*
- *More footpath space taken up with business furniture , making it hard to walk.*
- *Properties that vacate are not held accountable for old signage. Require landlords to be responsible for old, broken signage on both building and hanging under verandas and pedestrian areas.*
- *Begging in public places*
- *Clarification on what spaces are to be used for what activity. For example clarification of outdoor dining and consumption of alcohol during that period for when they are licensed.*

**5. Usefulness of having all the information contained in one document.**

Response	Number of response
Yes ( <i>very useful to contain information in one document</i> )	8
No ( <i>not useful to contain information in one document</i> )	0
Did not know	1
No answered	1

**6. Affect on the organisation by the Public Places Bylaw and Policy.**

*The only response to this question was in relation to how the currently bylaw/policy makes it harder for people who use mobility aides to get around the city.*

**7. Additional Comments**

- *Extra flexibility to encourage more street stalls/performers in the main CBD area.*
- *Prohibit random signage, eliminate signage that are safety concerns and reduce the encroachment of restaurant furniture on footpaths.*
- *Requirement to leave pedestrian clearway.*
- *Any additional fees and compliance cost will be unwelcome.*
- *Happy with the bylaw as it is and leave it unchanged.*
- *Please do not change the times of the outdoor dining permits to 11pm.*

**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015

**Report Name:** Election Signs Policy - Review      **Author:** Jude Pani

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Governance Policies</i>
<b>Financial status</b>	<i>There is not budget allocated</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. To present for approval the findings of a review of the Election Signs Policy as part of the Policy Review Programme.

## 3. Recommendations from Management (*Recommendation to Council*)

- a) That the report be received;
- b) That the Election Signs Policy (Attachment 2) be deleted.

## 4. Attachments

5. Attachment 1 - Draft Election Signs Policy - Updated following August Committee
6. Attachment 2 - Election Signs - Current Policy

## 7. Background

8. The Election Signs Policy was identified to be reviewed, in accordance with the Policy Review Programme. A draft Elections Signs Policy clarifying the use of Council owned or controlled land for temporary election signs was presented to the 11 August 2015 Strategy and Policy Committee.
9. The Committee resolved that the draft Election Signs Policy be referred to affected principal stakeholders and feedback be reported back to the Committee.
10. The Democracy Manager updated the draft Elections Signs Policy to incorporate feedback received at the 11 August 2015 Committee and consulted with the following: all political parties; New Zealand Transport Association; Electoral Officers at both the Regional Council and District Health Board; and the Registrar of Electors.
11. No comments on the wording or intent of the draft Election Signs Policy were received.

12. The updated draft Election Signs Policy that was circulated for comment is attached (Attachment 1).
13. Following the 11 August 2015 Committee the Democracy Manager identified that the current Election Signs Policy which provides for Council sites for temporary election signs, contradicts the current Public Places Policy which states: *“No Council owned land is to be used for erecting election signs for Parliamentary Elections or Local Body Elections.”*
14. It is noted that the Public Places Policy is currently under review and the updated Public Places Policy also being presented to the Committee for consideration retains this clause not allowing the use of Council owned land for erecting election signs.
15. It is therefore recommended that the current Election Signs Policy (Attachment 2) under review be deleted and the Council relies on the Public Places Policy and its Parks, Domains and Reserves Bylaw 2012 for clarity on the use or not of Council land for temporary election signs.
16. Enforcement of temporary election signs on Council owned land will be either through the Public Places Bylaw (if adopted with the recommended changes following consultation), and the Parks, Domains and Reserves Bylaw 2012.
17. It should be noted that a brochure will be available for all elections incorporating the relevant information from the District Plan regarding signs on zoned land. For the 2016 Local Authority Elections, as is the usual practice, a candidate information booklet will include full information relating to the rules regarding temporary election signs in the Hamilton City Council boundary and the Local Electoral Act advertising requirements.
18. As all the elements included in the current Elections Signs Policy are covered in other documents, and the Public Places Policy and its Parks, Domains and Reserves Bylaw 2012 clarifies the issue of Council land, it is recommended that the Election signs Policy be deleted.

**Signatory**

Authoriser	Richard Briggs, Chief Executive
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First adopted:	21 March 1996
Revision dates/version:	August 2015
Next review date:	April 2018
Engagement required:	No engagement required
Document number:	
Associated documents:	Local Electoral Act 2001. District Plan. NZTA document. Public Places Policy
Sponsor/Group:	General Manager City Environments



## ELECTION SIGNS POLICY

### Purpose and Scope

1. To clarify the rules about erection and display of election signs on Council owned or controlled land within the Hamilton City Council boundary.
2. The policy applies to all temporary election signs including vehicle mounted signs<sup>1</sup>

### Definitions

Election Sign	<b>Election sign</b> – for the purposes of this policy, means any sign, billboard or hoarding that may reasonably be regarded as being used to encourage voters to vote or not to vote for any candidate, party, view or positions under contention at a general election, a nationwide referendum or a local body election
Council	Means Hamilton City Council

### Policy

1. No election signs will be permitted on any Council property, including Council road reserve (includes carriageway, footpath and berm), reserve, parks or public places controlled by Council.
2. Candidates will be asked to remove any non-complying or unsafe sign within 24 hours. If Council is required to remove the sign, the cost incurred in removing the sign may be recovered from the owner of the sign.
3. Any sign removed by the Council will be released to the owner on payment of any costs incurred by the Council to remove and store it. Any sign that remains unclaimed within one month will be disposed of by the Council.

#### Advisory Note:

A brochure will be available for all elections incorporating this Policy and relevant information from the District Plan regarding signs on zoned land and Local Electoral Act advertising requirements.

<sup>1</sup> Does not apply to vehicle mounted signs or signs that are displayed on vehicles such as they are able to travel safely and in compliance with all applicable transport rules

## ELECTION SIGNS

The purpose of this Policy is to outline the high level approach and guidelines for displaying local authority election signs on Council land in the city.

### CONTENTS

1. Policy Objectives and Scope
2. Strategic Alignment
3. Principles of Policy
4. Policy Guidelines
5. Monitoring and Implementation
6. References
7. Schedules

### REVISION HISTORY

Revision #	Policy Sponsor	Approval Date and date of next scheduled review	Council or Committee Decision	# TRIM Reference	Related Operating Guidelines
1	General Managers Customer Relationships and City Environments	11 April 2013 Review by April 2015	Council	D-974254	<ul style="list-style-type: none"> <li>– 'Good practice for managing public communications by Local Authorities' Office of the Auditor General</li> <li>– Hamilton City District Plan</li> </ul>

## 1. POLICY OBJECTIVES AND SCOPE

During the lead up to local authority elections, it is common practice throughout the country for candidates to display information relating to their election via hoardings, posters, signs and other similar types, which are in a fixed position for a short period of time.

The purpose of this policy is to:

- clarify the rules and considerations around the display of election signs on Council land,
- outline available sites on Council land, and
- ensure that election signs do not present a risk to public safety.

This policy must be read in conjunction with the Hamilton City District Plan.

## 2. STRATEGIC ALIGNMENT

This policy assists in the delivery of Councils outcomes and goals as follows:

PROSPEROUS AND INNOVATIVE	OUTSTANDING CITY LEADERSHIP	PEOPLE LOVE LIVING HERE
<ul style="list-style-type: none"> <li>▪ Hamilton has a strong, productive economy and we build on our economic strengths.</li> <li>▪ We have a thriving CBD.</li> <li>▪ It's easy to do business here.</li> <li>▪ Our city grows and prospers in a sustainable way.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The city is led by effective, open and responsive governance.</li> <li>▪ Council's finances are sustainable for the long term.</li> <li>▪ We operate efficiently and provide exceptional service.</li> <li>▪ The city takes a leadership role regionally and nationally.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hamilton embraces the Waikato River and it is the focal point of our city.</li> <li>▪ We value, preserve and protect Hamilton's natural, green environment.</li> <li>▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces.</li> <li>▪ Our city is a fun place to live with a vibrant Arts scene.</li> <li>▪ Hamilton is a safe city.</li> <li>▪ It's easy to get around.</li> <li>▪ We celebrate our people and many cultures.</li> </ul>

■ = primary contribution

## 3. PRINCIPLES OF POLICY

- Council acknowledges that election signs are a normal feature of elections.
- Council recognises that it should play a neutral role in an election.
- Council assets should not be used by candidates to gain an unfair electoral advantage.
- Election sign sites shall be located on road reserve land.

#### 4. POLICY GUIDELINES

##### 4.1 Council sites

- No election sign shall be placed on any Council property or on any road (including roundabout or traffic island) or on any reserve or other public place, except those sites identified in Schedule 1.
- Election signs may be up to 2.5m in height or the maximum sign height for permanent signs on the site under zone rules, whichever is the greater.
- Signs may be up to the maximum size allowable under the District Plan however candidates are limited to 1 sign per site.
- Vehicle mounted election signs are not permitted.
- Permission is required and candidates must complete a Corridor Access Register (CAR) process by completing a single form to cover all of the sites in schedule 1 that they intend to use ahead of any signs being erected on this land. There will be no charge for this application.
- Where site space is limited, use of the site will be based on first in approach.
- The permit requirements of the Public Places Bylaw 2009 or the Public Places Policy will not apply to these sites.
- Council will not be responsible for any vandalism or other damage and/or loss to signs on sites on council land.

##### 4.2 Signage requirements

- Temporary election signs for local authority elections are subject to the authorisation requirements as set out in the Local Electoral Act 2001.
- Temporary election signs do not require a building consent or fee payable prior to their erection unless they are over 6m<sup>2</sup> in area.
- The period of display for temporary election signs in Hamilton City is limited to three calendar months prior to local election.
- All election signs shall be removed before polling day.
- Electoral signs on Council land must not:
  - exceed the number and size limitations in the District Plan (*candidates should note these sizes vary depending on the zoning of the land*),
  - use reflective material or illumination or have moving parts; and
  - look like a traffic sign in shape or colour.
- Candidates must ensure that there is no damage to footpaths or other infrastructure caused by the installation of the signage.

- The installation of signs must be by hand digging only to reduce any potential damage to underground infrastructure and the depth of installation must be no more than 300 mm - 400 mm as a further precaution.

#### 4.3 Safety requirements

- All signs and their supporting structures shall be constructed, fixed and placed in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner.
- Any election sign must be securely braced from the ground up to carry wind loads and must not be affixed to any tree, building or structure in a public place.
- No sign shall be erected or allowed to remain near roads where in the opinion of the Council that sign will:
  - Obstruct the line of sight of any corner, bend, intersection or vehicle crossing for vehicles, cycles or pedestrians.
  - Obstruct, obscure or impair the view of any traffic sign or signal.

#### 4.4 Non-complying signs on Council land

- Council may remove any non-complying or unsafe sign. The cost incurred in removing the sign shall be recoverable from the owner of the sign.
- Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage. Any sign that remains unclaimed or not released for a period exceeding one month may be disposed of by the Council.

## 5. MONITORING AND IMPLEMENTATION

The General Manager Customer Relationships and General Manager City Environments will monitor the implementation of this policy.

The policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

## 6. REFERENCES

- Local Electoral Act 2001
- Electoral Act 1993
- District Plan (as defined in the Resource Management Act 1991)

## 7. SCHEDULE 1 – COUNCIL LAND FOR THE DISPLAY OF ELECTION SIGNS

### EAST WARD

Site Name	Location description/ Access Information
1. River Rd	Use on-street parking. Be aware of traffic hazards if crossing the road.
2. Wairere Dr	Between the Carrs Rd overbridge and the Church. Candidates will need to park in the church car park and walk in to site. Please ask church for parking permission first.
3. Ruakura Rd	Use on-street parking. Be aware of traffic hazards if crossing the road.
4. Clyde St (road reserve)	Dey St Park. Use on-street parking on Dey St and walk back to site.
5. Wairere Dr	Park in Te Puroa Pl and walk in to site.

### WEST WARD

Site Name	Location description/Access information
1. Ruakiwi Rd	Use on-street parking.
2. Wairere Dr (Road reserve)	Just past Totara Dr overbridge. Park in Totara Drive and walk in to site using pedestrian accessway.
3. Te Rapa bypass (storm water pond)	Site 1 is provided under Wairere Drive interchange. Park in Tasman Rd and walk in.
4. Te Rapa bypass (storm water pond)	Site 2 is provided under Wairere Drive interchange. Park in Tasman Rd and walk in.
5. Lincoln St	Use on-street parking. Be aware of traffic hazards if crossing the road.

**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015  
**Report Name:** Road Stopping - Ruakura Rd & Percival Rd      **Author:** Tony Denton

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	Economic Development, Access Hamilton
<b>Financial status</b>	There is not budget allocated. All costs to be met by Tainui Group Holdings Ltd
<b>Assessment of significance</b>	Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance

## 1. Purpose of the Report

- The purpose of this report is to obtain Council's approval for stopping part of Ruakura Rd and Percival Rd and amalgamating it with the adjacent property owned by Tainui Group Holdings Ltd (TGH).

## 3. Executive Summary

- The Inland Port development proposed by TGH was considered by the Environment Protection Agency (EPA) as being a project of national significance.
- The EPA then appointed a Board of Inquiry (BOI) to assess the proposal to initiate a private plan change to Council's Operative District Plan (Waikato Section).
- The Board of Inquiry's decision confirmed the change to Council's Operative District Plan and recognised that the stopping of parts of Ruakura Rd and Percival Rd is critical to the success of the application and is to follow the Local Government Act 1974 process.
- Resource consent applications have now been received from TGH which are reliant on the stopping of parts of Ruakura Rd and Percival Rd and the amalgamation of this land with their adjacent property as part of their inland port development.
- TGH has been undertaking informal consultation as part of the road stopping process including discussions with local residents and now wish Council to initiate the formal LGA process.
- The proposed road stopping area is adjacent to land owned by TGH and it is proposed that the stopped road area, if successful, be transferred to TGH with the value of the land being recognised in a private development agreement to be reported back to Council.

## 10. Recommendations from Management (*Recommendation to Council*)

- a) That the report be received.
- b) That Council grants approval to initiate stopping the areas of Ruakura Rd and Percival Rd as indicated on Attachment 1 of this report subject to:
  - (i) The road stopping process be completed in terms of the Local Government Act 1974 (section 342 and 10<sup>th</sup> Schedule).
  - (ii) Public consultation commencing on receipt of approval of the Minister of Land Information to stop the parts of Ruakura Rd and Percival Rd together with a survey plan approved by Land Information New Zealand for the areas of road proposed to be stopped as indicated in Attachment 1.
  - (iii) Any objections received from the public consultation are to be reported back to Council for consideration.
  - (iv) Closing of the roads is not to be undertaken until construction of the new agreed alternative roads are complete.
- c) That the Chief Executive be delegated authority to sign all documentation relating to the road stopping process and legalisation of the land.
- d) That all costs associated with the road stopping process, physical works associated with the closure and new alternative routes, transfer of existing utility services and legalisation of the land to be the responsibility of Tainui Group Holdings Ltd.
- e) That Council grants approval in principal for the transfer of the road area stopped to Tainui Group Holdings Ltd, upon the legalisation being completed and subject to any statutory obligations being met and also subject to the value of the land being included in a private development agreement to be reported back to Council for approval.
- f) That all costs associated with the transfer of the land to be the responsibility of Tainui Group Holdings Ltd.

## 11. Attachments

12. Attachment 1 - Plan showing overview of proposed stopped road and proposed new road.
13. Attachment 2 - Ruakura Rd plan from Bloxam Burnett & Oliver showing proposed stopped road and new roads
14. Attachment 3 - Plan showing alternative roading network options
15. Attachment 4 - Ruakura Inland Port- Stage 2

## 16. Key Issues

17. Background
18. The Environmental Protection Agency (EPA) approved Tainui Group Holdings Ltd application for their proposed inland port development to be one of national significance. The EPA then appointed a Board of Inquiry (BOI) to consider the change to the District Plan to allow the development.
19. The BOI's decision was released in September 2014 confirming the change to the Operative District Plan. In regards to the road stopping the decision advised that;

*“Road stopping procedures for parts of Ruakura Road and Percival Road will be required under the Local Government Act to enable the expansion of the Inland Port. The principles to be adhered to, for any alternative access proposal, include (to the extent possible):*

- i. A route which provides for travel in the general direction of Hillcrest and Silverdale without significant detours in terms of distance, travel times or connectivity;*
- ii. A route which enables use of alternative modes of transport (particularly walking and cycling); and*
- iii. A route which avoids severance effects for the Percival/Ryburn Road community.”*

20. Applications have now been made by TGH for land use and subdivision consents for the inland port development (Refer Attachment 4).
21. TGH’s Road Stopping Request
22. A request has now been received from TGH for parts of Ruakura Rd and Percival Rd to be stopped and transferred to them, with new roads to be constructed as an alternative route by New Zealand Transport Agency (NZTA) and/or TGH. Refer Attachment 1 for an overview of the proposed road stopping areas and new roads.
23. The road stopping, if successful, will enable the development to be unimpeded by public roads, allow easier movement of vehicles/containers within the inland port area and in particular allow for the construction of the rail siding to transport containers to/from the inland port as contemplated by the development proposal.
24. Road Stopping area
25. The area proposed to be stopped for Ruakura Rd and Percival Rd is approximately 17125m<sup>2</sup>(Refer Attachment 2).
26. The road stopping will not be completed until the proposed alternative roading network is constructed and useable by the public.
27. The request received advises that “the services will be relocated to the realigned Ruakura Road route. The relocation of these services will be managed in consultation with the supply authorities so that there will be no disruption to supply.”
28. Alternative roading network
29. TGH have undertaken an option assessment to find the option that best meets their needs in relation to developing the port, fits with the direction given by the BOI decision and aligns with the expectations of the affected community. Five alternative routes were considered by TGH. The alternative road route proposed by TGH and which forms the basis for their request is shown on Attachments 2 and 3.
30. The four other alternative routes considered, which are shown on Attachment 3, were:
  - a. Option A; Extend Ryburn Rd West along the northern side of the railway line to connect to Ruakura Lane through Ag Research.
  - b. Option B; Extend Ryburn Rd West along the railway line to connect to a new road following Spine Rd alignment and then south to Ruakura Rd.
  - c. Option C; Extend Percival Rd north and then west to connect to the Fifth Avenue extension and Wairere Dr.
  - d. Option D ;Extend Percival Rd north to connect to Powells Rd and upgrade part of Powell Rd.

31. Traffic Design Group Ltd (TDG), completed a Traffic Impacts Assessment in October 2015 for TGH on the proposed new roading route.
32. In its conclusion the TDG report advises that the proposed alternative roading option "...is practical, suitable and consistent with the principles identified by the Board...In particular, the proposed alternative maintains strong connectivity between the Ryburn/Percival area and the suburbs of Hillcrest and Silverdale."
33. The proposed new roading network will continue to allow convenient access to the Waikato Expressway and will be constructed mostly by NZTA as part of the Waikato Expressway, although TGH will construct part of it at their cost.
34. The request informs that the proposed alternative route will offer a higher standard of walking and cycling areas than that currently available on the areas being stopped.
35. In addition to the above TGH advises the proposed alternative route will provide provision for bus stops in suitable locations and public bus routes are expected to service the area.
36. Strategic alignment
  - a. The proposed road stopping will allow the implementation of the Board of Inquiry's decision in approving the Inland Port development.
  - b. The proposed road stopping will allow the development to be unimpeded by public roads and allow easier movements of vehicles/containers within the site being developed, while new roads that are to be constructed will continue to allow vehicle, cycling and pedestrian connectivity to the Hillcrest and Silverdale areas from Ryburn/Percival Roads affected by the proposed road stopping.
  - c. The proposed road stopping is consistent with the New Zealand Transport Agency's Waikato Expressway (Hamilton Section) designation which includes realignment of Ruakura Rd and will allow the reconfiguration of the roading network in anticipation of the planned construction of the Waikato Expressway.
37. Legislative requirements or legal issues
  - a. The road stopping is to be completed in terms of the Local Government Act 1974 (Section 342 and Schedule 10) process.
  - b. Section 342 requires prior approval from the Minister of Lands for the road stopping, as the roads are in an area zoned Rural with a Ruakura Area Logistics overlay, and then completing the process outlined in the 10<sup>th</sup> Schedule of the Local Government Act 1974. This process is summarised as follows:
    - i. Obtain a Survey Plan, showing areas of road to be stopped, approved by Land Information New Zealand.
    - ii. Council opening the survey Plan for public inspection at Councils offices and advertise the proposed road stopping twice in a local newspaper and advising adjoining owners and occupiers directly.
    - iii. An objection is to be received within 40 days of the first advertisement of the proposed road stopping being published in newspaper.
    - iv. Any objection received and not resolved will be reported to Council prior to being referred to the Environment Court for determination.
    - v. If there are no objections received then road stopping can be legalised by a Gazette Notice being published and a Certificate of Title issued for the stopped road.
  - c. It is proposed that the legalising of the road stopping would not occur until the proposed alternative route is constructed and able to be used by the public.
38. Consultation

39. As previously noted in this report formal public consultation is required for a 40 day period, which provides the public with the opportunity to submit an objection to the proposed road stopping within this period.
40. TGH has held discussions with KiwiRail on the proposed road stopping and consequential relocation of Percival Rd, which involves the relocation of a level rail crossing.
41. KiwiRail letter 28 August 2015 to TGH advises that:
- “KiwiRail has received and reviewed the proposal to undertake works within and adjoining the Railway Designation to facilitate the relocation of the existing Percival Road and level crossing to a position 200m to the east of the current location...This is to confirm that KiwiRail approves in principle of the project by Tainui Group Holdings to undertake works within the designation proposed ....”*
42. TGH has held three Community Liaison Group meetings prior to the lodgement of the resource consent applications for their Inland Port development, which have included plans to realign Percival Road and Ruakura Road if the road stopping process is successful.
43. These meetings have included representatives from the Ryburn/Percival Rd community. There has been no significant adverse feedback regarding the proposed road closures from this group at this time.
44. Notwithstanding the above informal advice from the Community Liaison Group, formal public consultation as required by schedule 10 will be completed upon the road stopping being approved by Council and the Minister of Lands.
45. TGH also propose to participate in a public open day for the proposed Ruakura variation to the PDP on 17 November 2015 and have the road stopping proposals displayed.
46. Environmental sustainability
- a. New roading is to be constructed to enable continued vehicle, cycling and pedestrian access to/from the Hillcrest and Silverdale areas from Ryburn/Percival Rd residents affected by the proposed road stopping.
  - b. The road closure will not be completed until construction of the alternative roading access is available for use by the public.
  - c. TGH are aware that there are existing utility services that will require relocating to the realigned roading network prior to the road being stopped, at their cost.
47. Transfer of Stopped Road Area
48. Should the proposed road stopping be successful (1,7125m<sup>2</sup>) the land can then be transferred to TGH, the adjacent land owner.
49. The land has a commercial value which will be determined by land valuation procedures.
50. It is proposed that this land value be recognised in a private developer agreement to come back to Council for approval prior to any transfer of land. The private development agreement will, take into account a number of matters including aspects of the 2009 agreement with TGH and Chedworth Properties Ltd, the cost of land for the alternative road option and other infrastructure matters.
51. Treaty requirements/implications
52. Investigation into the statutory implications is not conclusive and requires further investigation to confirm the implications of the road area being stopped and transferred to TGH.
53. Options (if applicable)

- 54. The options are to either accept the request by TGH for Council to approve the road closure and to instigate the formal LGA road stopping process or to not accept it.
- 55. The application is consistent with the BOI decision and is integral to the development of the inland port.
- 56. The risk of the road closure process being successful or not will depend to some extent the community acceptance and this risk resides ultimately with TGH. Staff recommend supporting the option to approve the road stopping as set out in this report.

**57. Financial and Resourcing Implications**

- 58. There will be no financial implications to Council.
- 59. The cost of the road stopping and legalisation process will be the responsibility of TGH.
- 60. Relocation costs for any existing services or easements within the road corridor will be the responsibility of TGH.

**61. Risk**

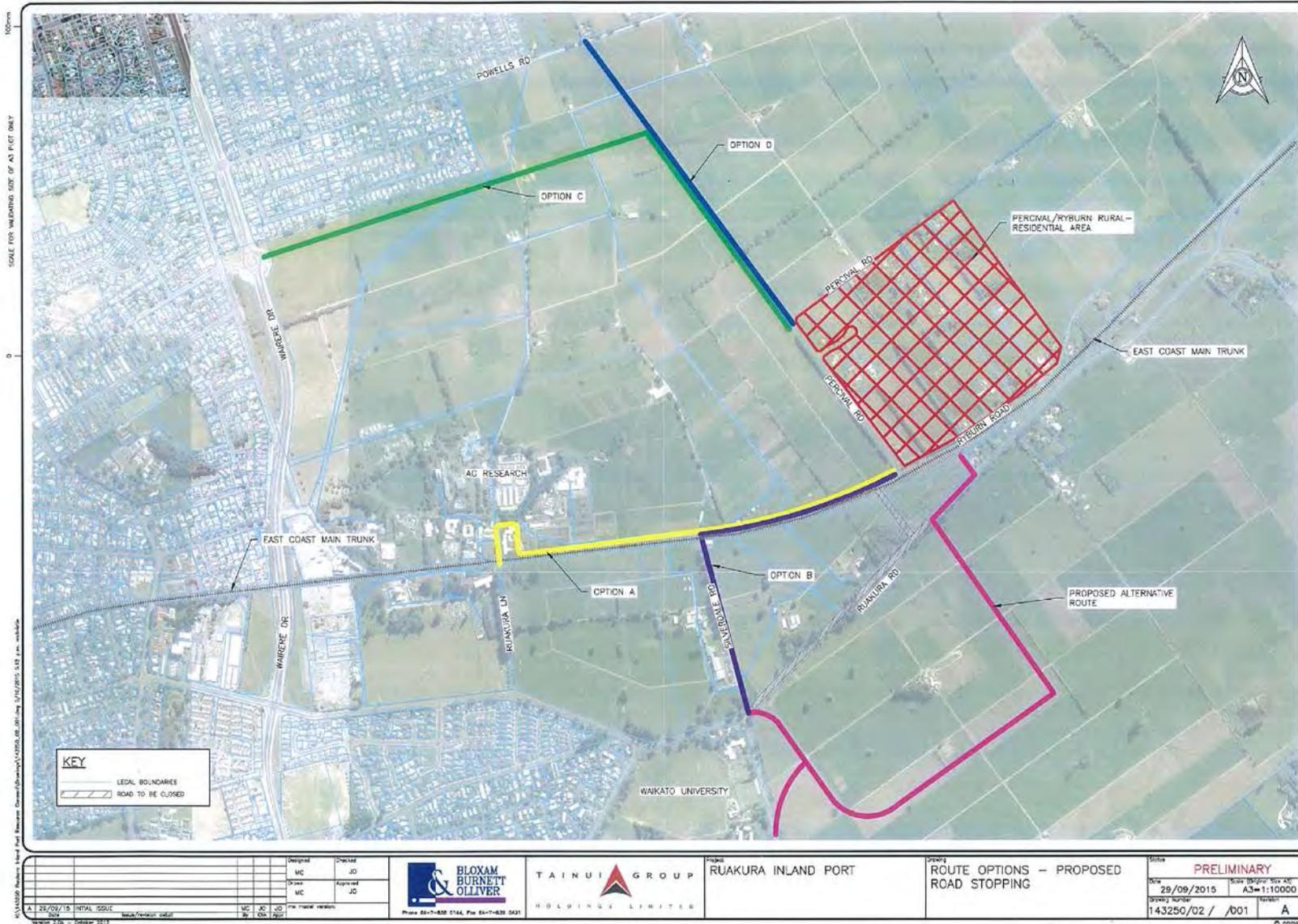
- 62. There is minimal risk in proceeding with the proposed road stopping with alternative roading network to be made available before the road stopping is completed.
- 63. The proposal will go to full public consultation and the risk of success or failure of the prescribed process rests with TGH

**Signatory**

Authoriser	Chris Allen, General Manager City Infrastructure Group
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Note: Buildings / Internal lot layouts shown are indicative only

Scale: 1:7,500 @ A3

- Legend
- Plan Change Boundary
  - RI Boundary
  - Expressway Designation Boundary
  - Concept Plan Boundary
  - Stormwater Treatment Area
  - Future Stormwater Treatment Area
  - Screen Planting Maximum 17m High
  - Transmission Lines and Pylons
  - 24m Transmission Yard Control
  - Inland Port Perimeter Fence
  - Noisewall
  - Building Interface Control Area
  - Mapping Containers
  - Empty Container Storage

  
**RUAKURA:  
INLAND PORT AND  
LOGISTICS PROJECT**  
 Concept Layout Plan  
 Stage 2  
TRADING NUMBER 437051\_012  
 Date: September 2015  
 Revision: N  
 Plan prepared for TOH  
 by Boffa Miskell Limited  
[raffron.ben.clark@boffamiskell.co.nz](mailto:raffron.ben.clark@boffamiskell.co.nz)  
 Checked: ibf

This plan and drawings have been prepared as a result of information provided by the client and the accuracy of the information provided to Boffa Miskell Limited is a condition of the contract. Boffa Miskell Limited is not responsible for the accuracy of the information provided to Boffa Miskell Limited and the client. Boffa Miskell Limited is not responsible for the accuracy of the information provided to Boffa Miskell Limited and the client. Boffa Miskell Limited is not responsible for the accuracy of the information provided to Boffa Miskell Limited and the client.



**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Road Stoppings - CDL Land  
New Zealand Ltd

**Author:** Cliff Newton-Smith

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	Urban Growth, Access Hamilton
<b>Financial status</b>	<i>There is not budget allocated</i> All costs will be the responsibility of CDL Land New Zealand Ltd.
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

- The purpose of this report is to obtain Council's approval for the road stopping and disposal of two areas of road (part Brywood Rise and part Sylvester Rd) and to exchange these areas of land with CDL Land New Zealand Ltd (CDL) for new access roads to be constructed.

## 3. Executive Summary

- CDL have requested that areas of Brywood Rise and Sylvester Road are stopped and transferred to them in exchange for proposed new roads to be provided by CDL.
- The road stopping is able to be completed under the Public Works Act 1981 (PWA), provided the consent of the adjoining property owners is obtained.
- If the PWA is not able to be used because consents of the adjoining owners can not be obtained, then the Local Government Act (LGA) road stopping process will be followed.
- The stopped road areas are to be exchanged with CDL for new roads, to be constructed at CDL's cost.
- The new roads will be constructed and vested in Council prior to the road stopping process being completed.

## 9. Recommendations from Management (*Recommendation to Council*)

- That the report be received
- That an area of Brywood Rise totaling approximately 6162m<sup>2</sup>, as shown on Attachment 2, be stopped in terms of the Public Works Act 1981, subject to area being confirmed by a survey plan.
- That the area of Brywood Rise stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 6552m<sup>2</sup> being vested in Council as road at no cost, as shown on Attachment 2, subject to area being confirmed by a survey plan.

- d) That an area of Sylvester Road totaling approximately 1265m<sup>2</sup>, as shown on Attachment 3, be stopped in terms of the Public Works Act 1981, subject to area being confirmed by a survey plan.
- e) That the area of Sylvester Road stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 1800m<sup>2</sup> being vested in Council as road at no cost, as shown on Attachment 3, subject to area being confirmed by a survey plan.
- f) The road stopping process to be completed in terms of the Public Works Act 1981.
- g) The Local Government Act road stopping process is to be completed if the Public Works Act 1981 process is unable to be complied with.
- h) That all costs associated with the road stopping and land exchange processes are the responsibility of CDL Land New Zealand Ltd.
- i) That the Chief Executive be delegated authority to sign all documentation relating to the road stopping and land exchange.

## **10. Attachments**

- 11. Attachment 1 - Plan indicating location of proposed stopped road areas of Sylvester Rd & Brywood Rise.
- 12. Attachment 2 - Brywood Rise Plan indicating proposed road stopping area and new road network
- 13. Attachment 3 - Sylvester Road Plan indicating proposed road stopping area and new road network

## **14. Key Issues**

- 15. Background
- 16. CDL has requested that parts of Brywood Rise and Sylvester Rd, as shown on Attachment 1, be stopped and transferred to the company.
- 17. The areas proposed to be stopped are old county roads that need to be closed to create the urban road network required by CDL for residential development.
- 18. CDL will provide the land for new roads, which will be constructed by CDL and vested in Council prior to completing the road stopping for the areas of Brywood Rise and Sylvester Rd proposed to be stopped.

## **19. Brywood Rise**

- 20. The area of Brywood Rise proposed to be stopped is approximately 6162m<sup>2</sup> as shown on Attachment 2.
- 21. The proposed new road to be vested in Council totals approximately 6552m<sup>2</sup> as shown on Attachment 2 of this report.

## **22. Sylvester Road**

- 23. The area of Sylvester Road proposed to be stopped and transferred to CDL is approximately 1265m<sup>2</sup> as shown on Attachment 3.
- 24. The proposed new road, to be constructed by CDL prior to the closure of part of Sylvester Road and vested in Council, totals approximately 1800m<sup>2</sup>. This will allow continued access to existing properties. Refer Attachment 3 of this report.

25. CDL also propose to construct concurrently this summer, and vest in Council, an additional 2400m<sup>2</sup> of road to complete the Cumberland Drive road connection. This is also shown on Attachment 3.
26. Strategic alignment
27. The proposed road stopping and new roads will allow for continued urban growth of Hamilton in the North East sector of the City and improve access to the surrounding residential areas.
28. Legislative requirements or legal issues
- a) The road stopping is able to be completed in terms of PWA that allows for road to be stopped provided:
    - i. The consent of Council is obtained.
    - ii. Adequate road access to land adjoining the road is left or provided
    - iii. Consent of the land owners adjoining the part of the road proposed to be stopped is obtained.
    - iv. A Survey Plan is to be provided for the road area proposed to be stopped, which is to be approved by Land Information, and a Certificate of Title issued.
    - v. Gazette Notice declaring the road stopped is published.
  - b) The Gazette Notice actions will be completed when the proposed new roading network is available to the public and vested in Council.
  - c) If the consent of the adjoining landowners is not obtained then the Local Government Act (LGA) road stopping process will be followed, requiring wider public consultation.
  - d) The LGA road stopping process consists of:
    - i. Obtaining a survey plan for the areas proposed to be closed
    - ii. Proposed road stopping to be advertised twice in local newspapers, with adjoining owners and occupiers advised directly.
    - iii. Any objection to be received within 40 days of the first advertisement
    - iv. Any objection received and not resolved will be reported to Council prior to being referred to the Environment Court for determination.
    - v. If there are no objections received then the road stoppings can be legalised by a Gazette Notice being published and a Certificate of Title issued for the stopped road.
29. Consultation
- a) Consultation with adjoining land owners will be completed by CDL.
  - b) CDL owns land that adjoins the both sides of the proposed stopped road areas.
  - c) If adjoining land owners consent is not obtained the public consultation will be completed in terms of the Local Government Act.
30. Options (if applicable)
- a) To approve, or decline, the road stopping of part of Brywood Rise.
  - b) To approve, or decline, the road stopping of part of Sylvester Road.
  - c) To approve, or decline, the transfer of the proposed road stopping area of Brywood Rise to CDL in exchange for the proposed new road at no cost.

- d) To approve, or decline, the transfer of the proposed road stopping area of Sylvester Road to CDL in exchange for the proposed new road at no cost.

### **31. Financial and Resourcing Implications**

32. All costs associated with the road stopping and land exchange will be the responsibility of CDL.
33. Subject to Council's approval both parties have agreed to the exchange of land areas being at zero monetary value, even though the difference in land area is in Council's favour.

### **34. Risk**

35. There is a risk if consent to close the road is not granted and the land exchange is not completed that CDL could redesign its subdivision plans leaving the proposed areas to be stopped in place as road, which would not result in effective use of the land.

### **Signatory**

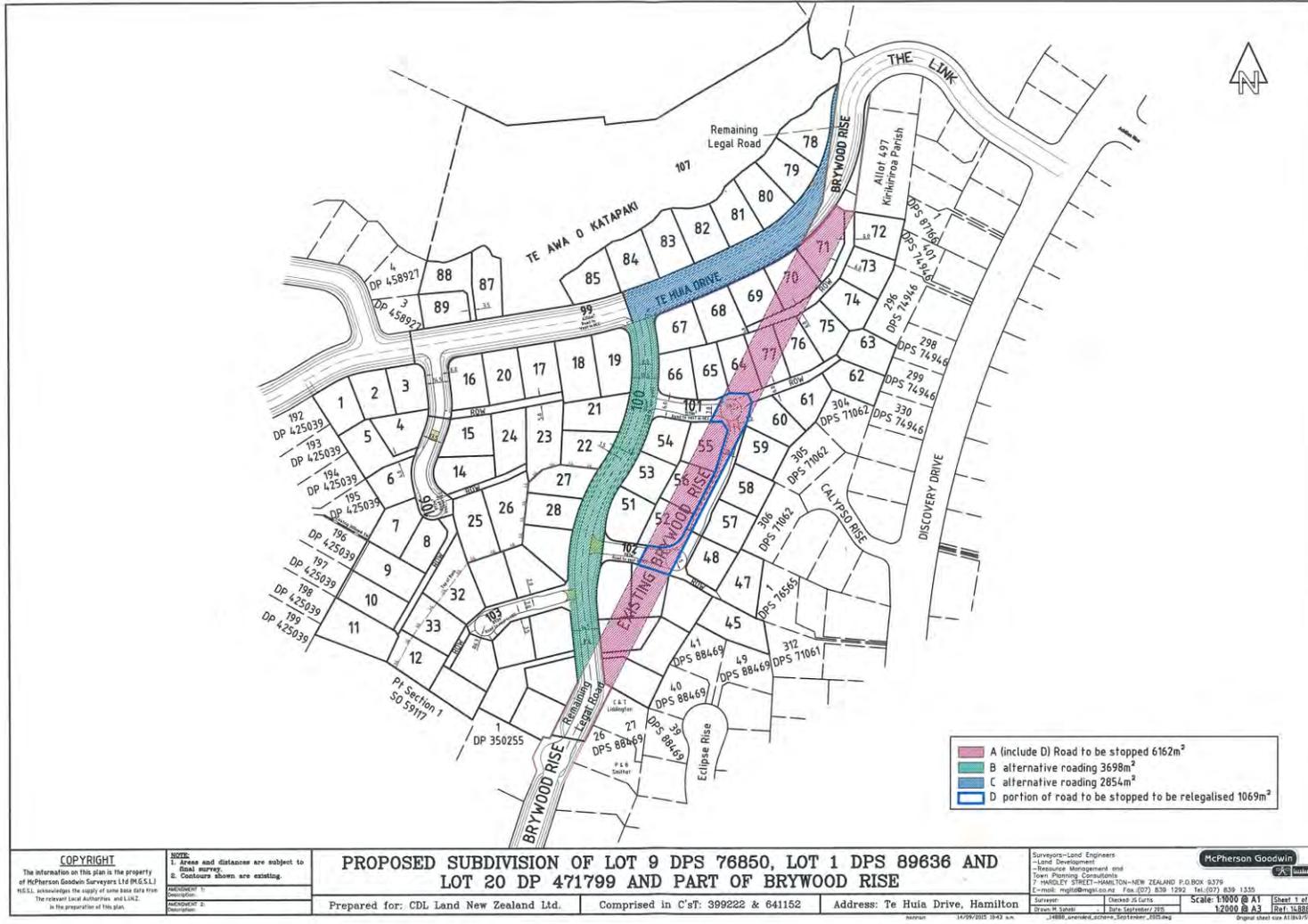
Authoriser	Chris Allen, General Manager City Infrastructure Group
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Red outline – indicates area of Brywood Rise proposed to be stopped road by CDL.



Red outline – Indicates area of Sylvester Rd proposed to be stopped road by CDL





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**NOTES:**  
 1. Areas and distances are subject to final survey.  
 2. Contours shown are existing.

**DESCRIPTION:**  
 Proposed subdivision of Lot 9, Lot 1, and part of Brywood Rise.

**PROPOSED SUBDIVISION OF LOT 9 DPS 76850, LOT 1 DPS 89636 AND LOT 20 DP 471799 AND PART OF BRYWOOD RISE**

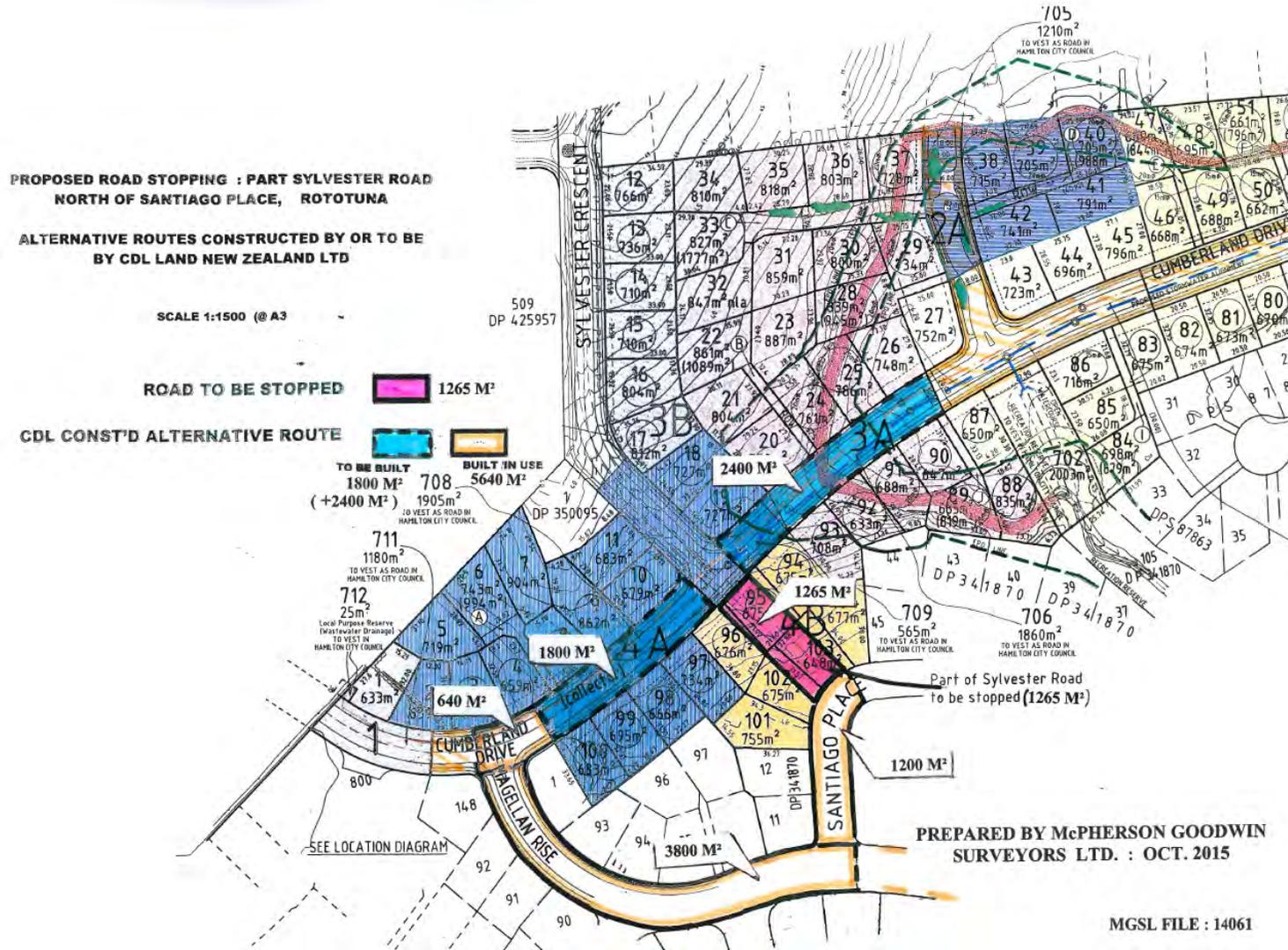
Prepared for: CDL Land New Zealand Ltd.    Comprised in C'sT: 399222 & 641152    Address: Te Hua Drive, Hamilton

Surveyors—Land Engineers  
 —Land Development  
 —Resource Management and  
 —Town Planning Consultants

**McPherson Goodwin**

7 HADDLEY STREET—HAMILTON—NEW ZEALAND P.O. BOX 6379  
 E-mail: mg@mgsl.co.nz Fax: (07) 839 1292 Tel: (07) 839 1335

Scale: 1:1000 @ A1    Sheet 1 of 1  
 1:2000 @ A3    Ref: 15888



**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015

**Report Name:** Frankton Neighbourhood Plan      **Author:** Paul Bowman

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Development of a Neighbourhood Plan</i>
<b>Financial status</b>	<i>There is a budget allocated Amount \$20,000</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. The purpose of the report is to adopt the draft Frankton Neighbourhood Plan and to approve a period of public engagement.

## 3. Executive Summary

4. The September 2014 Strategy and Policy Committee established a working group comprising of Councillor and community representatives to develop the Frankton Neighbourhood Plan.
5. The Frankton Neighbourhood Plan is a project-based plan to guide the development of one of Hamilton's oldest suburbs and identify projects that will enable Frankton to develop and grow while preserving its history and uniqueness.
6. Public and stakeholder input has been provided during development of the Plan.
7. The budget for the development and design of the Plan through to final format including public engagement on the draft is \$20,000.

## 8. Recommendations from Management

- a) That the report be received;
- b) The draft Plan is approved for a period of public engagement; and
- c) Following public engagement, staff report back to the Strategy and Policy Committee in December with the final Plan for adoption.

## 9. Attachments

10. Attachment 1 - Draft Frankton Neighbourhood Plan

## 11. Key Issues

### 12. Background

13. At the 3 September 2014 Strategy and Policy Committee, elected members agreed to the formation of a Working Group comprising of Councillor and community representatives to develop the Frankton Neighbourhood Plan. The working group consisted of Cllr Angela O' Leary (Chair), Her Worship the Major, Cllr Gallagher and co-opted external members Terry Forlong, Mark Wassung, Vinod Bhikha and Andrew Yeoman. This working group has been assisted by a staff technical group from across Council when required.

14. A Focus Group of local Frankton business representatives and Frankton shop owners was also created to test options developed by the Working Group. In addition and throughout the year the Plan has been developed in conjunction with feedback from a range of stakeholders including:

Youth Advisory Panel	Frankton Primary School
Older Persons Advisory Panel	Rhode Street Primary School
Heritage Advisory Panel	Property Council NZ
Arts Forum	Telfar Young – Valuer
Local Real Estate agents	Te Ha O Te Whenua O Kirikiriroa Trust
Frankton Primary School	Frankton Market Survey
Dinsdale and Five Cross Roads Surveys	Public Blackboard comments on Commerce Street and City Library
Public online survey	Kiwi Rail
Disability Action Group	Hamilton Workingmen's Club Representative
Cycle Action Waikato	

15. The draft Plan as developed through the working group process has been informed by research on Frankton's history, a demographic analysis of the area and engagement with Frankton communities and businesses and Hamilton residents about their aspirations for Frankton.

16. Engagement with the public occurred in the following ways:

- A widely publicised online survey was available on the Council website from December 2014 through to March 2015 which generated more than 310 responses.
- Surveys conducted in Frankton Market, Dinsdale and Five Cross Roads.
- Blackboards installed in Commerce Street and the Central City Library inviting the public to freely express what they would like see planned for Frankton in the future.
- An informal drop in session held at Frankton Primary School.
- Social media.
- A focus group which has met on 7 occasions.

17. The Heritage Advisory Panel has provided input following a tour of Frankton historical areas.

18. A briefing was held with Councillors on 21 October 2015.

19. Key themes and messages that came through from public and stakeholder feedback were:

- Preservation of the trade based economy.
- Preservation of the friendly and unique character of Frankton.
- Increased recognition of the area's heritage.
- Clean up the area and add more colour.

- Make Frankton vibrant and improve the quality of retail shops.
- Provide easier access to the neighbourhood.
- Provide more things for families to do.

**20. The Plan**

21. Attached is the draft Plan. Many of the projects align with actions in other plans. Delivery of the majority of projects will be through existing budgets, business work programmes and alignment with existing plans such as the Biking Plan. The longer term projects identified will require future funding to be considered as part of the next Annual Plan and Long Term Plan 2015-2025 review.
22. The Frankton Neighbourhood Plan is identified as one of the 10 priorities in the adopted Hamilton Plan. This is the creation of distinctive suburban villages through the development of coordinated plans identifying the history and uniqueness of Frankton and Hamilton East. The Frankton Neighbourhood Plan is also aligned with the Hamilton Biking Plan and Heritage Plan.
23. Legislative requirements or legal issues  
The Frankton Neighbourhood Plan is a non-statutory document.
24. Engagement  
A three week engagement plan has been developed for the public to provide feedback on the draft Plan and key stakeholder groups will be specifically invited to comment. Public engagement includes an open day at the Frankton Market and an online feedback option.

**25. Financial and Resourcing Implications**

26. The establishment of the Frankton Neighbourhood Plan Working Group and Focus Groups has been in a voluntary/pro bono capacity.
27. City Planning has allocated \$20,000 in its 2015/16 budget for the development of the Plan. Approximately \$11,000 of this has been spent to date in engagement and the Plan’s production.

**Signatory**

Authoriser	Debra Stan-Barton, Acting General Manager City Environments
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**DRAFT**

# Discover Frankton

The Frankton Neighbourhood Plan





# Introduction

Frankton has a history centred on rail and a story that is tied to Hamilton's origins. It is a place with a special character and its economic identity is based on a tradition of trade and family businesses. It is a mature inner city suburb, close to the central city and major event facilities. It is surrounded by parks, and the historic West Town Belt, and is connected by some of Hamilton's main transport routes. The residential areas are a mix of older homes and medium density, and the oldest street in Hamilton is situated in Frankton.

Over the past thirty years Frankton has lost some of its charm, but this inner city location and mixed economy make it an ideal place to live and work. This plan is about rediscovering Frankton and its role in Hamilton as an urban village, with projects to enable Frankton to develop and grow, while preserving its history and uniqueness.

# Story of Frankton

**1867** The Jolly's arrive in Hamilton and purchase farmland, which they name "Frankton"

**1877** Frankton's original rail station constructed

**1885** The Frankton Hotel fire; nothing could be saved

**1890** Thomas Jolly killed by his own Jersey bull, the first in the Waikato

**1910** Frankton Post Office built.  
Frankton Town Hall opens.  
The first Signal Box arrived managing more than 80 trains and 1,000 wagons each day  
Windermere house built

**1911** Frankton Primary School opened

**1913** Frankton became a Borough and Frank Jolly elected the first Mayor of Frankton.  
The Empire Hotel opened

**1914** Mobilization of Waikato troops began in Frankton

**1917** Hamilton and Frankton Boroughs amalgamated  
Frankton Saleyards open

**1931** Fire in the Frankton Hotel incinerator room but little damage

**1926** During the Christmas season Frankton Junction carried 400 trains and 84,000 passengers

**1945** Nearly 1,000 rail employees living in Frankton

**1946** Grand Hotel burns to the ground  
Forlong's opens  
Frankton Business Association formed

**1984** The Station Masters house relocated to the entrance to the Hamilton Gardens

**1987** Frankton Town Hall demolished  
First 'Frankton Markets' held

**1962** Frankton West re-named Dinsdale

**2012** Good George opens its doors in Frankton using the historic St Georges church in Somerset Street  
Classics Museum opens in Frankton showcasing an amazing collection of classic cars

**1878** The first passenger train arrives in Frankton to a crowd of 300

**1901** Hutton's factory opens

**1908** Completion of the main trunk line enhanced Frankton's strategic importance

**1888** Patients arrived by train to go to the new Waikato Hospital were trundled on luggage trolleys to the northern edge of Lake Rotorua, they were then rowed across the lake to the hospital by a house surgeon.

**1913** Prime Minister W F Massey turned on Frankton Borough Council's electricity and water supply to a cost of £19,000

**1915** Thousands of people welcomed the Hospital Train carrying wounded soldiers

**1922** The House Factory began production of railway staff cottages and rail buildings, producing 8,000 feet of dressed timber a day

**1948** Frankton Tornado strikes causing \$2m in damage

**1960s** Griffin's & Sons factory in King Street

**1986** Massey Street Overbridge opened

**1995** Five die in Empire Hotel fire

**2011** Frankton Primary celebrates being 100 years old

**2014** Hutton's Factory closes

1900

2000

# Rediscovering Frankton

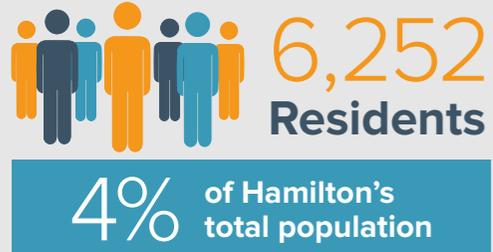
Surrounded by an extensive green belt, Frankton is a mature suburb tied to Hamilton's origins with a rich history centred on rail. It functions as an important industrial, commercial, and retail node and is strategically located alongside SH1 and key Hamilton roads.

With a flat topography, Frankton is pedestrian and bike-friendly and easy to get around. Major sports stadiums, theatres, parks and open spaces and the central city are within 20 minutes walking distance of Frankton Village.

Its history and diverse, quirky nature make Frankton a suburb with a difference, unique in our City. Combining commercial and retail opportunities, a central city lifestyle and visitor attractions, Frankton does not need to be reinvented just rediscovered. The Frankton Neighbourhood Plan describes how this can happen.



# Facts & Figures



**66 Different Ethnicities**

**Frankton / Hamilton**

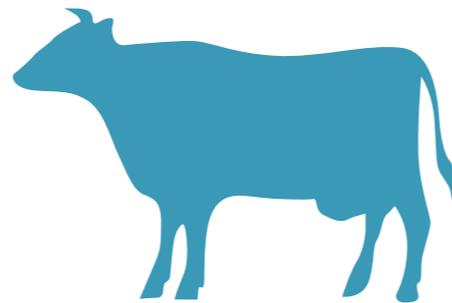
European	3,700 / 93,000
Maori	1,800 / 28,600
Asian	600 / 18,500
Pasifika	400 / 6,800

Largest demographic group is **20-29** years and increasingly **65+**



**Main industries:**

1. Automotive
2. Service Industry
3. Manufacturing
4. Retail
5. Trade and Wholesalers



**Saleyards:**  
Hamilton's only stock saleyards opened in 1917 and are still operating today

**\$700**  
Million GDP



**1,500**  
Businesses

**13**  
Historic Classifications



**Classic museum**  
Award winning museum of cars and memorabilia from yesteryear

Three distinct housing areas:

1. Residential Intensification
2. Frankton Railway Village Heritage Area
3. General Residential



**\$296,350**  
average house price



**28%** owner occupied

# Discover Frankton

## Plan Outcomes



### Retain and grow Frankton's unique economy

Frankton has a unique economic mix of light industrial, trade and retail businesses which have been a part of this area for a long time. They make an important contribution to Hamilton's economy.

There is significant potential to generate economic growth by leveraging Frankton's economic base and reputation as a supportive commercial environment for small to medium trade, family and start-up businesses.

The Frankton shopping area has potential to develop a village look and feel, building on the quirky nature of the retail offering and the character of the area.



### More people living in Frankton

Frankton is a mature suburb located close to the central city, offering a range of housing options. It is close to jobs and main transport routes.

Frankton will 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.

Frankton's location and the availability of large development sites provide exciting opportunities for new types of residential living.



### Preserve, enhance and share Frankton's history

Frankton's history, particularly its railway heritage, is a significant cultural asset.

The Frankton story is represented by places, buildings, railway connections and other historical artefacts which provide opportunities to celebrate a part of Hamilton's and New Zealand's history.



### Visitors are attracted to Frankton's history and quirky character

Frankton's unique character with a blend of the contemporary and historical, and development of a more attractive village look and feel, provide the potential for visitor experiences.

City projects such as the Western Rail Trail – a recreational bike path to be built in 2016 – will draw more people into the area while other initiatives such as preservation projects for Commerce Street and historic rail cottages provide reasons for visitors to stay and enjoy Frankton's heritage sites, shopping and hospitality.



### Strengthen Frankton's connections

Frankton is located close to Seddon Park, FMG Stadium Waikato, Hamilton Lake and the Founders Theatre, providing pedestrian-friendly connections between event spaces and Frankton's urban village activities.

Making these connections more visible and easier to use will raise Frankton's profile as a destination and provide attractive and interesting biking and walking routes to and through Frankton.

# Frankton Village – creating Hamilton’s first urban village

Anchoring the retail area in Commerce Street around Forlongs, maximising the value of the heritage buildings, and creating a high level of amenity unique to Frankton in the public spaces and streetscape will support delivery of the outcomes in this plan.

The existing Frankton shopping area has a mix of traditional businesses such as the local butcher, florist, cake shop and barber servicing the local residents and businesses.

It has the potential to develop a village look and feel, building on the traditional businesses and the quirky nature of the newer retail offerings starting to emerge. Commerce Street is dominated by Forlongs, a family owned and operated department store, significant landowner and service provider. The Frankton Market has been an attraction for 30 years.

## Outcomes:

- Frankton Village is a destination
- A unique and quirky shopping experience
- Heritage features are preserved and prominent
- A place that families enjoy gathering



Artist's impression of Frankton Village

## Projects:

### Beautification Plan for Commerce Street

Improve the beauty and amenity of Commerce Street from High Street to Kent Street.

- Upgrade footpaths, planting and street furniture on Commerce Street to reflect Frankton's heritage character. Replace Melia street trees with a species that enhances Frankton's village appeal.
- Develop a design palette for Commerce Street historic buildings and promote to building owners.

### Commerce Street Character Overlay

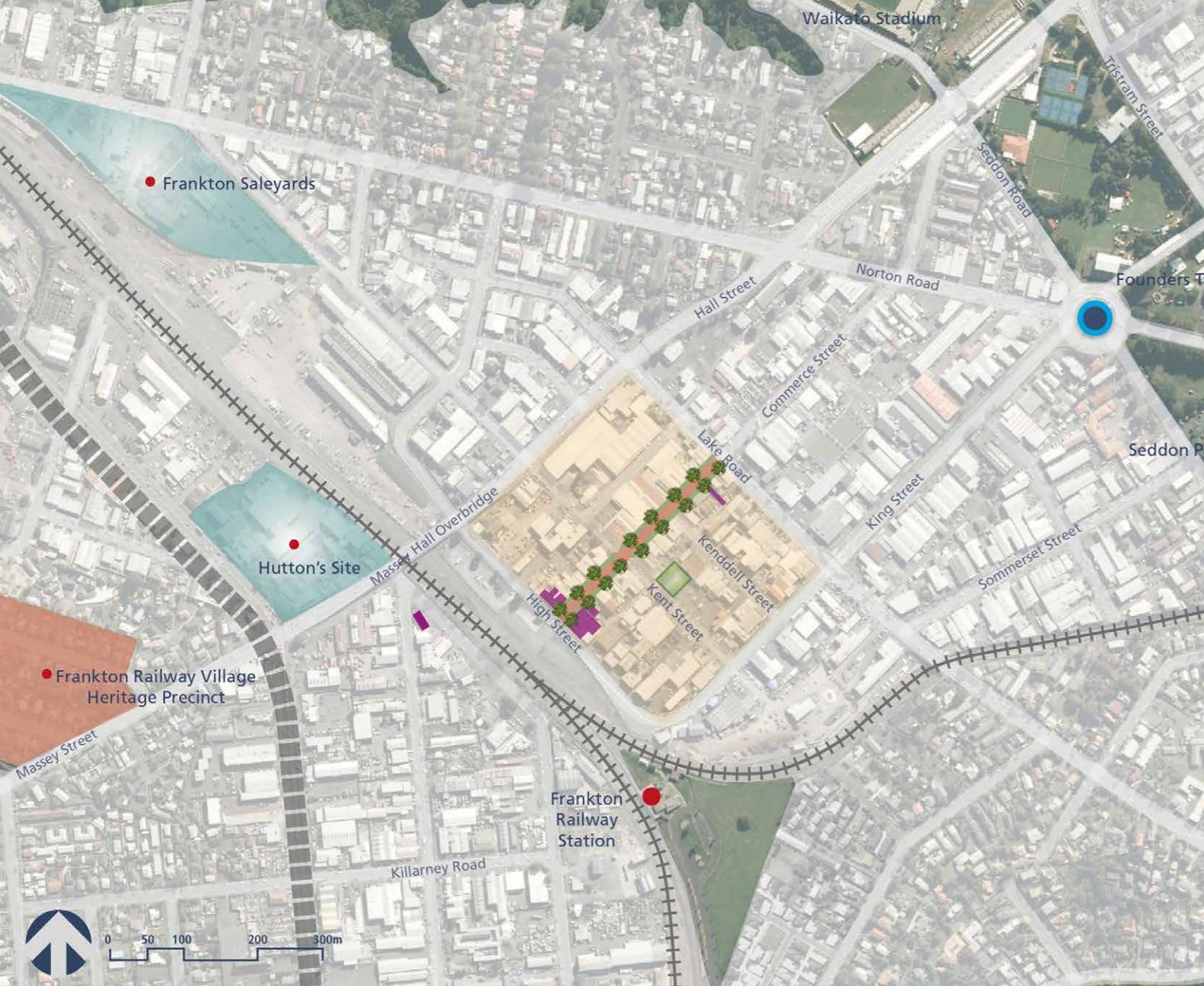
- Include a Special Heritage Zone character overlay area for Commerce Street in the District Plan to protect the character, amenity, heritage and unique qualities of Commerce Street.
- Publish a planning guide booklet for investors and property owners.

### Parking Plan

Additional angle parking on High Street, Somerset Street and Commerce Street.

### Pocket Park in Kent Street

Develop a small, beautiful park in Kent Street close to the village centre.



# Celebrating Heritage – telling Frankton's story

Frankton has a rich history that includes significant sites for Maori. From early European settlement, Frankton was a major New Zealand rail junction for transporting people and goods. This history has been largely forgotten. This Plan seeks to change that and promote and preserve this rich history.

The railway cottages built to accommodate the railway workers remain the largest intact collection of railway cottages in New Zealand. Frankton was also a major sheep and cattle sale yards, with farmers often walking their sale herds through the streets of Frankton.

## Outcomes:

- Frankton's heritage is preserved
- People know about Frankton's history
- People visit Frankton for a heritage experience

## Projects:

### Frankton Railway Cottage Area Conservation Plan

Frankton's railway cottages are the largest intact collection of railway cottages in New Zealand.

This project is to develop a conservation plan for the railway cottage area which will include:

- A paint colour palette for the cottages' exteriors.
- A financial incentive scheme for cottage owners to encourage adoption of the colour palette.
- A streetscape and road design to complement the historical cottages and enhance the street as a visitor attraction.

- Planning guide booklet for renovation and enhancement of cottages.
- A promotional campaign.
- Landscaping plan for the Railway Park.

### Heritage Trail

Tell Frankton's story by:

- Developing and sign posting the Frankton Heritage Trail, including the Rail Station, Saleyards, High Street and Weka Street.
- Installing heritage history boards at key sites.
- Implementing a marketing campaign to promote the Heritage Trail.
- Encouraging public art installations on the Heritage Trail.

### Frankton Heritage Museum

Community led project to develop a Museum in the Frankton Village that tells the history of Frankton.

In the short term, there will be pop up heritage exhibitions that share and celebrate Frankton's stories, heritage and historical artefacts.

### Maori Sites Plan

- Map the significant Maori sites within the Frankton area and develop a programme of restoration.
- Install story boards and create a tour guidebook.

### Gully Restoration

Develop a gully restoration plan to restore the Waitawhiriwhiri Gully.

### Frankton Hall

Review the location and use of Frankton Hall.



# Connecting Frankton – making it easy to discover Frankton

Frankton is within close proximity to the sports stadiums and Founders Theatre. Improving and promoting easy entry and exit gateways and connection to major facilities will enhance Frankton’s appeal as an inner city suburb.

Frankton is centrally connected to all the major transport routes, including SH1. There are high traffic volumes that transect Frankton which impact on the quality of pedestrian and cycling connections.

## Outcomes:

- Frankton is easily accessible for pedestrians and cyclists
- Connections to major facilities are visible and well used.



## Projects:

### Upgrade the Massey-Hall Overbridge

Enhance the visual appearance of the overbridge and improve safety for pedestrians including installing railing screens and art features. Direct access from the overbridge to High Street will also be explored.

### Upgrade the playground in Swarbrick Park

Incorporate a historic theme in upgrading the existing playground to provide a more exciting play experience.

### Define the Connection to the major facilities

Identify, sign post and enhance the pedestrian routes to connect Frankton to Seddon Park, FMG Stadium Waikato and Founders Theatre.

### Complete the Western Rail Trail

The Western Rail Trail is a project in the Hamilton Biking Plan providing a connection from the south west suburbs to the central city and destinations such as Hamilton Lake, Frankton Rail Station, Seddon Park and FMG Stadium Waikato. This off road biking trail runs alongside the railway track through Frankton.

### Frankton Heritage Bike Loop

Develop a bike friendly circuit from the Western Rail Trail into Frankton Village and include history storyboards and route enhancement features.

### Frankton Gateway

Community-led project to install a major artwork to promote the entry to Frankton at the Founders Roundabout.

### Install Way-Finding Signs

Install signs to promote gateway entry to Frankton and to the Frankton Village.

### Connect the Frankton Rail Station to Frankton Village

Frankton Rail Station is an iconic feature of the area’s strong railway heritage and an important link for future potential commuter rail to and from Auckland. This is a long term project to explore options to reactivate the Railway Station through a structural connection to Frankton Village.

### Support a skate park in or near the Green Frame

The Central City Transformation Plan includes the development of a new skate park in or near the Green Frame, which borders Frankton to the east.



Artist's impression of the Western Rail Trail

# Investment – growing Frankton’s attraction as a place to live and do business

The mixed trade and manufacturing economy has been an important part of Frankton for decades with mostly small to medium sized owner-operated businesses. This economic make up is unique in Hamilton.

Despite competition from Te Rapa and other commercial/industrial areas in the city, Frankton has continued to provide a range of services and products that people want to use as well as a wide range of jobs. To accommodate and support ongoing investment, this Plan aims to protect and grow this mixed economy.

Frankton’s location and range of housing options, including medium density, makes it an attractive place to live. Supporting and promoting these options to enable the population to grow and support the economic activity in the area.



## Outcomes:

- Retain and grow Frankton’s unique economy
- Increase in the GDP contribution Frankton makes to Hamilton
- Increase the number of people living in Frankton

## Projects:

### Key Development Sites

There are three privately owned sites in Frankton that offer large scale opportunity for residential or commercial rejuvenation. The Council encourages development on these sites to support the outcomes in this Plan. Those sites are:

- The railway land on High Street commercial zone (0.8 ha of land in one title)

- Industrial site on the corner of Lincoln and Massey-Hall Overbridge (ex-Hutton’s factory) (industrial zone, 7 lots, 3 titles, 3.4ha)
- Stockyards on Norton Road (industrial zone, 16 lots, 3 titles, 2.35ha)

### Resolve the District Plan Business Zone Appeals

This will be completed in early 2016.

### Create an Events Programme

In partnership with the business community and community funders, identify a major attraction annual event. One example is an ethnic food festival.

### Establish a Business Improvement District (BID)

Explore the viability of establishing a Business Improvement District (BID) for Frankton with the business community.

### Market the Business and Residential Opportunities

Work with real estate agents to promote Frankton as a place for business and living.

### Reduce Red Tape

Deliver the Better Business Services Plan.

# Implementation & Timeframes

This page identifies the estimated timeframes for projects and actions. Recreating Frankton as an exciting urban village will take time.

## To start immediately

### Maaori Sites Plan

Map significant Maaori sites within the Frankton area, develop a restoration programme, install story boards and create a tour guidebook.

### Beautification Plan for Commerce Street

Upgrade footpaths, planting and street furniture to reflect Frankton's heritage character; replacing the street trees with a species that enhances Frankton's village appeal; develop and promote a design palette for historic buildings.

### Resolve District Plan Business Zone Appeals

### Reduce Red Tape

Deliver the Better Business Services Plan.

### Market the Business and Residential Opportunities

Work with real estate agents to promote Frankton as a place for business and living.

### Complete Western Rail Trail

Provide an off-road biking connection from south west suburbs to the central city, Hamilton Lake and Stadiums. It will run alongside the railway track through Frankton.

## Short-term (1-3 years)

### Frankton Railway Cottage Area Conservation Plan

Develop a conservation plan for the railway cottage area to preserve the historical cottages and enhance the street as a visitor attraction. Develop a planning guide booklet for the renovation and enhancement of cottages, and a promotional campaign for the area.

### Establish a Business Improvement District (BID)

Explore the viability of establishing a Business Improvement District (BID) for Frankton with the business community.

### Heritage Trail

Tell Frankton's story by developing and sign posting the Frankton Heritage Trail, installing heritage history boards at key sites, implementing a marketing campaign to promote the Heritage Trail and encouraging public art installations on the Heritage Trail.

### Frankton Heritage Bike Loop

Developing a bike friendly circuit from the Western Rail Trail into Frankton Village which includes history storyboards and route enhancement features.

### Define the Connection to the major facilities

Identify, sign post and enhance the pedestrian routes to connect Frankton to Seddon Park, FMG Stadium Waikato and Founders Theatre.

### Install Way-Finding Signs

Install signs to promote gateway entry to Frankton and to the Frankton Village.

### Parking Plan

Create additional angle parking provision on High Street, Somerset Street and Commerce Street.

### Create an Events Programme

In partnership with the business community and community funders, identify a major attraction annual event. One example is an ethnic food festival.

### Frankton Gateway

Community-led project to install a major artwork to promote the entry to Frankton at the Founders Roundabout.

### Gully Restoration Project

Develop a gully restoration plan to restore the Waitawhiriwhiri Gully.

### Frankton Hall

Review the location and use of Frankton Hall.

## Long-term

### Commerce Street Character Overlay

Include a Special Heritage Zone character overlay area for Commerce Street in the District Plan to protect the character, amenity, heritage and unique qualities of Commerce Street. Publish a planning guide booklet for investors and property owners.

### Hall Street Overbridge

Improvements to the visual appearance of the over-bridge, direct access to High Street and pedestrian safety features. Install railing screens that reference Frankton's identity and incorporate art, and enable the activity in High Street/Commerce Street to be visible from the bridge.

### Pocket Park in Kent Street

Develop a small, beautiful park in Kent Street close to the village centre.

### Upgrade the playground in Swarbrick Park

Upgrade the existing playground with a historic theme to provide a more exciting play experience.

### Frankton Heritage Museum

Community led project to develop a Museum in the Frankton Village that tells the history of Frankton. In the short term, there will be pop up heritage exhibitions that share and celebrate Frankton's stories, heritage and historical artefacts.

### Connect the Frankton Rail Station to Frankton Village

Explore options to reactivate the Frankton Railway Station - an iconic feature of the area's strong railway heritage and an important link for future potential commuter rail to and from Auckland - through a structural connection to Frankton Village.

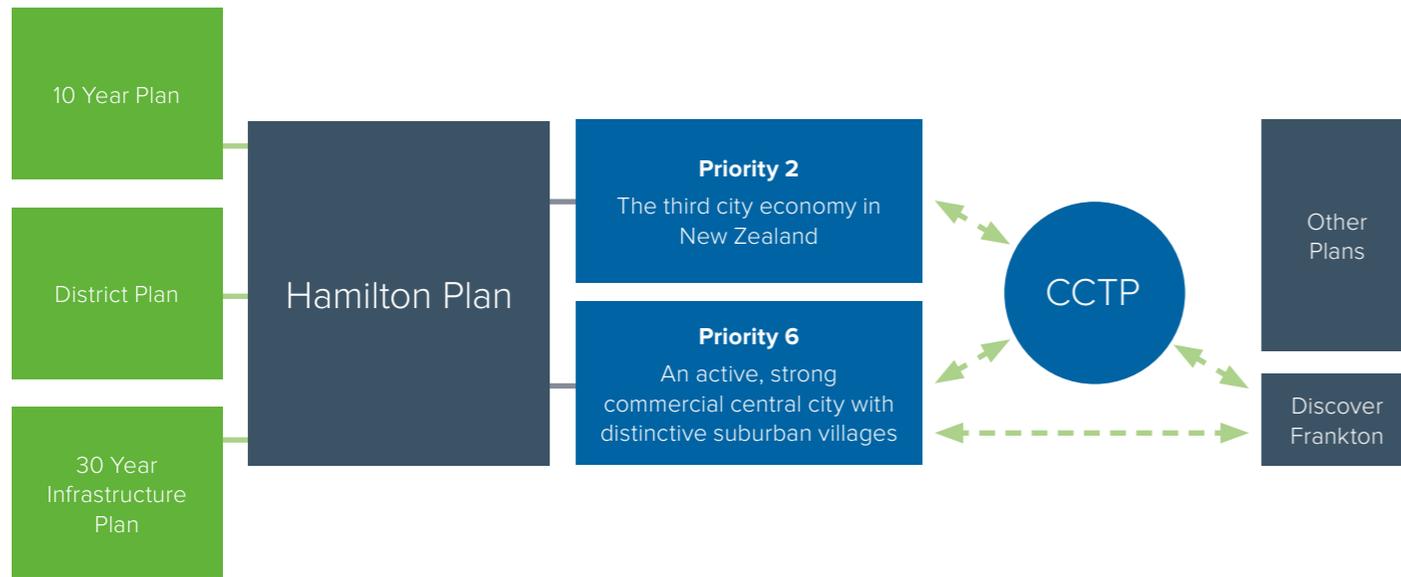
### Support a skate park in or near the Green Frame

The Central City Transformation Plan includes the development of a new skate park in or near the Green Frame, which borders Frankton to the east.

### Key Development Sites

Encourage development to support residential and commercial rejuvenation on the three key privately-owned sites in Frankton.

# Strategic Framework



# KPIs & Measures

1. **GDP** – 2% increase in GDP per annum
2. **Residential** – 10% increase in people living in Frankton by 2023
3. **Business** – 10% increase in the number of businesses in Frankton by 2023
4. **Profile** – increasing numbers of visitors and residents know about Frankton and what it offers

# References

Reference 1  
Population data from 2013 New Zealand Census.

	Hamilton City		Frankton area	
	Number	Total (%)	Number	Total (%)
European	93315	65.90%	3714	59.40%
Maori	28605	20.20%	1839	29.41%
Pasifika	6798	4.80%	429	6.86%
Asian	18477	13.00%	624	9.98%
MELAA	2628	1.90%	81	1.30%
Other	2163	1.50%	93	1.49%
Not Elsewhere Included	7401	5.20%	465	7.44%
<b>Total</b>	<b>141612</b>		<b>6252</b>	

Source: Property Economics Report 2011: Retail expenditure is estimated to be \$10 million in 2016 and expected to grow to \$14m by 2031.  
 Source: 2014/15 City Planning Land Use Survey.  
 Source: QV August 2015: Average house price \$ 296,350.  
 Source: 2013 Census: 28% owner occupied, compared to 43% in Hamilton.  
 Source: QV August 2015: Annual increase of 4% capital value increase for housing.  
 Source: HCC Proposed District Plan Heritage Schedule 2015

## Acknowledgments

Page 4/5 - B. Lafferty, From Farm to Inner City, P.J Gibbons, Astride the River  
 Page 8/9 - Existing sources table shown on page 26  
 Page 10 - HCC Libraries Image  
 Page 12-17 - Artist's Impression: Design Engine Architects Ltd  
 Page 19 - Artist's Impression: BECA  
 Document photography: Mike Walden  
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**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Hamilton Lake Domain -  
Management Plan Review  
Update

**Author:** Jamie Sirl

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Hamilton Lake Domain Management Plan 2010</i>
<b>Financial status</b>	<i>The management plan review is being undertaken by staff, concept plan prepared by a consultant under existing budget allocated to the review</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. This report provides an update on the progress made towards reviewing the Operative Hamilton Lake Domain Management Plan 2010 (Operative Plan).
3. This report seeks approval to establish a working group to assist development of a strategic direction and vision for Lake Domain. Strategic direction and vision will provide an aspirational long term framework for Lake Domain, and inform the preparation of the Management Plan.

## 4. Recommendations from Management

That:

- a) The report be received;
- b) A working group be established, consisting of Elected Members and external key stakeholders, to develop a strategic direction and vision for the Lake Domain;
- c) Three elected members be appointed to the working group;
- d) The working group meets in December 2015 to set the terms of reference and holds its first meeting in February 2016;
- e) The strategic direction and vision be used to inform the preparation of the Management Plan, and the draft Management Plan will be presented to Strategy and Policy Committee for endorsement for public consultation.

## 5. Attachments

6. There are no attachments for this report.

## 7. Key Issues

### 8. Background

9. At its meeting of 8 April 2015, the Strategy and Policy Committee approved the review of the Operative Plan following the Reserves Act 1977 (Act) process.
10. Staff commenced the review and have completed initial community consultation. A summary of this process is provided below.
11. During this process, considering the significance of the Lake Domain as Hamilton's premier park and a region-wide destination, staff recognised the need for a strategic direction and vision to be established for the Lake Domain to inform the Management Plan review.
12. Staff recommend a working group be established with a purpose to develop a strategic direction and vision for Lake Domain.
13. Staff recommend the working group consist of three elected members together with representatives from key stakeholders such as Waikato-Tainui, Sport Waikato and RESTORE. RESTORE is a group of local residents and interested parties with a focus on improving the water quality of the Lake.
14. Once a strategic direction and vision is established, staff will continue with the Management Plan review following the process prescribed in s41 of the Act and as previously approved by the Strategy and Policy Committee.
15. The suggested approach is consistent with the 2014 review of the Hamilton Gardens Management Plan which involved development of a strategic direction and vision.

### 16. Process to date

17. In May 2015, Council's intention to review the Operative Plan was publicly notified and the public were invited to make suggestions on the Plan over a one month period, in accordance with s41(5) of the Act.
18. Meetings were held with key stakeholders including Waikato-Tainui, RESTORE, Waikato-Hockey and Hamilton Yacht Club. Direct communication was completed with other stakeholders e.g. Verandah Café and other leaseholders.
19. A drop-in session was held on 13 May 2015 at the Hamilton Yacht Club with over 50 attendees.
20. A letter drop was completed around the Lake Domain to inform residents of the review and invite them to the drop-in session.
21. A total of 58 submissions were received. A submissions analysis report is available [here](#). A copy of the individual submissions is also available [here](#).
22. Key themes from the submissions include:
  - improving water quality
  - vegetation and wildlife management
  - park facility and furniture provision
  - park user and traffic safety.
23. A number of significant matters were also raised including the expansion of Waikato Hockey, and the increasing demand for water sports groups using Lake Rotoroa and storage facilities on Innes Common.

**24. Financial and Resourcing Implications**

25. The strategic planning and management plan review is being facilitated by staff within existing staff resources. To date 57 staff hours has been spent on this review, and \$7,241.27 spent on consultation costs and development of a draft concept plan.

**26. Risk**

27. Risks are minimal in this process, however if strategic direction and vision for Lake Domain is not developed prior to the preparation of the draft management plan, this would be a missed opportunity to ensure the management plan is informed by a defined strategic direction and vision.

**Signatory**

Authoriser	Lance Vervoort, General Manager Community
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**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015  
**Report Name:** Regional Strategic Round Up Report      **Author:** Susan Henderson

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Future Proof Sub-Regional Growth Strategy, Mayoral Forum.</i>
<b>Financial status</b>	<i>There is budget allocated.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

## 1. Purpose of the Report

- To update elected member on HCC's involvement in regional and sub-regional planning partnerships through our commitments to the Waikato Plan, Waikato Mayoral Forum, Future Proof, the Upper North Island Strategic Alliance and strategic waters matters.

## 3. Executive Summary

- Waikato Plan: The Waikato Plan Joint Committee have agreed to three flagship projects proceeding based on priority areas identified at a workshop in June 2015. The priority areas are:
  - Maximising opportunities, including investment, through aligned planning;*
  - Population Change – Growth and Decline;*
  - Hamilton as the Waikato centre for innovation, employment and services, with a mutually beneficial economic relationship with the region's rural areas.*
- A draft strategic framework document will be presented to the Joint Committee at their meeting on 11<sup>th</sup> November to be agreed as the basis for drafting the Waikato Plan.
- Mayoral Forum:
  - An Elected Member briefing will occur at Karapiro (Don Rowlands Centre) on 16 November 2015. All Elected Members are invited.
  - Water, Wastewater and Stormwater Services:* Hamilton City Council and Waikato and Waipa District Councils have each resolved to support further exploration of a Council Controlled Organisation (CCO) for water, wastewater and stormwater services. Further analysis is required to put a fully informed proposal for public consultation. Each council is currently in the process of being asked to consider the steps for this next phase.
  - Policy/Bylaw workstream:* The next step for the project is the development of a policy review programme with agreements as to which policies can be reviewed collaboratively

and timing. The development of this programme has commenced and is expected to be completed by the end of November. The development of a Regional Infrastructure Technical Specification (RITS) is another key project under the Policies/Bylaws work stream. Further work on resource requirements is needed and once approved works would commence in the first quarter of 2016.

- *Waikato Road Asset Technical Accord (RATA)*: An update was provided to this Committee in September. There is no further update to report at this stage.
  - *Economic Development*: There is no further update to report at this stage.
7. Future Proof: Work on Future Proof implementation and the Future Proof update continues. Future Proof is continuing to support the individual partners on a number of appeals under the Resource Management Act and through a number of submissions, including a submission to the Productivity Commission on its 'Using Land for Housing' paper, and to the Auckland Council on its 'Land Supply Strategy'. A Hamilton City Council staff steering group has been set up in order to undertake the technical work necessary to feed into the Future Proof update. The Future Proof Implementation Committee will consider terms of reference for a Future Proof Water Policy Group to co-operatively manage water policy issues.
8. UNISA: A number of projects are underway.
- A Skills and Value Chain project will look at emerging constraints to, and opportunities for, growth of key sectors in the upper North Island economy.
  - The Industrial Land Demand study has been completed and results are available at [www.hamilton.govt.nz/unisa](http://www.hamilton.govt.nz/unisa)
  - A strategic framework for UNISA is being developed which will help to understand upper North Island interactions and dynamics better and inform engagement with Ministers/Crown. Further work on topics including waters, ports and population/growth issues will also be investigated.
  - Further work with NZTA and KiwiRail in relation to their work towards a more collaborative approach to road and rail freight planning, may be identified.
9. Strategic Waters: The Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project (Waikato/Waipā River Iwi and Waikato Regional Council) is developing proposed changes to the Waikato Regional Plan to help restore and protect the health of the Waikato and Waipā rivers. Four scenarios have now been modelled. Overall modelling results indicate large changes to land use would be needed over time to achieve the required levels to give effect to the Vision and Strategy. The modelling will be further tested and will form one of the inputs that will be used to develop the plan change. Impacts for local government are being assessed through the process.

## 10. Recommendation from Management

That the report be received.

## 11. Attachments

12. There are no attachments for this report.

### 13. **Key Issues**

#### 14. **Waikato Plan**

15. *Strategic Outcomes sought from Waikato Plan involvement: The Waikato Plan will define a long-term strategic direction for the region as a whole. It will identify priorities for action and investment across the Waikato. It will identify opportunities for working together, and enable Local Government to communicate with Central Government using 'one voice' to target resources and investment efficiently.*

16. The Waikato Plan Joint Committee held their most recent meeting on 14<sup>th</sup> September 2015.

17. The Committee was presented with three project plans that will be the 'flagship projects' for the Waikato Plan. These were developed to action the priority areas identified at the Karapiro Workshop held in June 2015:

- *Maximising opportunities, including investment, through aligned planning;*
- *Population Change – Growth and Decline;*
- *Hamilton as the Waikato centre for innovation, employment and services, with a mutually beneficial economic relationship with the region's rural areas.*

18. The 'aligned planning' project has a regulatory focus and will look at how to improve the efficiency of RMA processes across the region.

19. The 'population decline' project will look at the affordability of local government infrastructure in the face of declining and aging populations, as well as the location and demand for services in declining areas.

20. The 'Hamilton as the Waikato centre' project will look at transport connectivity and infrastructure that provides economic benefits for the entire region. This includes Hamilton's role as a freight and logistics hub, and identifying and progressing key transport projects that will enhance the regional economy.

21. The Committee agreed to the three priority areas proceeding in accordance with the project plans. An update on each of the projects will be provided at the Joint Committee meeting on 11<sup>th</sup> November 2015.

22. A draft strategic framework document will be presented to the Joint Committee at the November meeting which will form the basis for the project team to start drafting the Waikato Plan. The framework will include the key focus areas, draft goals and actions. A proposed structure for the final document will also be provided to the Committee for their comment.

23. The project timeframes have been amended to bring forward a number of milestones. The key changes are the completion of a strategic direction document by March 2016, and the full draft Plan by September 2016. Consultation and final adoption is scheduled for February – April 2017 (after local body elections), with implementation occurring from mid-2017.

24. The Project Advisor has advised that the Plan will be completed within the existing budget and that no additional funds will be sought from the project partners. There will be a focus on using as many internal resources as possible from partner councils to complete the work.

#### 25. **Mayoral Forum**

26. *Strategic Outcomes Sought from Mayoral Forum Involvement: The Waikato Mayoral Forum (which includes local mayors and the regional council chair) is in the process of implementing an integrated work programme over three years which seeks to boost the regional economy and deliver multi-million dollar cost savings through collaboration. The current areas of focus are the Waikato Plan, the Waters CCO investigations, the Policy and Bylaw workstream, the Waikato Road Asset Technical Accord, and the Waikato Economic Development Strategy.*

27. An Elected Member briefing on the Mayoral Forum will occur at Karapiro (Don Rowlands Centre) on 16 November. All Elected Members are invited.
28. Water, Wastewater and Stormwater services
29. This workstream is investigating options for the strategic delivery of core waters services in a way that provides the best overall option for the sustainable delivery of high quality services.
30. Hamilton City Council considered the Waikato Waters Study Report, known as the Cranleigh Report, on 30 July 2015 and resolved to support in principle the formation of a Waters CCO for the Hamilton City, Waikato and Waipa District Councils. Waikato District Council passed the same resolution on 16 June 2015.
31. Waipa District Council considered the Cranleigh Report on 25 August 2015 and resolved to support further exploring of the formation of a Waters Council Controlled Organisation for Waipa District, Hamilton City and Waikato District.
32. In October/November the three Councils will consider the next stage project required to work through and reach a joint agreement on a number of governance, shareholding and financial issues. This process will include the re-establishment of the Waters Governance Group and approval of a budget.
33. The output of this phase of the project is intended to be a consensus agreement adopted by each of the three Councils and clear information to the public concerning how a Waters CCO could operate in the Waikato sub-region. It is intended that the information developed will be sufficient to inform a formal Statement of Proposal, should the three Councils choose to proceed to formal public consultation. The consensus agreement is intended to be provided by the end of June 2016.
34. As part of the Future Proof update, there will be a focus on ensuring there is sufficient detail in terms of the Future Proof settlement pattern in order to accurately inform the Waters CCO investigations.
35. Local Authority Shared Services (LASS) Policy/Bylaw work stream – Phase II
36. To achieve greater consistency and alignment of policies and bylaws across the region, a Mayoral Forum workstream was created with a specific focus of trying to standardise the approach to policy and bylaw making across the region, and where possible, highlight policies or bylaws that could be region wide. This ultimately would make local authorities easier to do business with and make it easier for the public to engage with each Council.
37. LASS has created a standardised process for the high level review of council policies based on the process undertaken by HCC in April 2014. This process has been shared with all participating councils.
38. Staff from all Council's met on 6 August 2015 to commence a discussion on what policies to prioritise for review regionally, with the goal of achieving a set of streamlined policy manuals. Five groups of policies were identified for review through partial collaboration (2-3 councils working together), and five policies were identified as requiring full collaboration (all councils participating).
39. As the review cycle of policies range from 3 - 6 years, the greatest opportunities for alignment and collaboration are longer term. However there are several policies that could be addressed in the next 6 months. The timing of these reviews will depend on any legislative deadlines and resourcing levels.
40. The longer term opportunities for collaboration are with legislatively required/ enabled policies, many of which deal with social or harm issues.

41. The next step for the project is the development of a policy review programme with agreements as to which policies can be reviewed collaboratively and timing. The development of this programme has commenced and is expected to be completed by the end of November.
42. The development of a Regional Infrastructure Technical Specification (RITS) is a key project identified by the Waikato Mayoral forum, led by the Policies and Bylaws work stream. Recently a proposal to develop a RITS was presented to the Waikato Mayor Forum and Chief Executives Group. It was found that whilst the proposal was robust, financially it was unachievable. The RITS project team has been asked to resubmit a proposal to create the RITS that is financially achievable. In order to do so, the resources required by each Council will need to increase. Work is currently underway to determine the resource requirements from each Council, with a new proposal to be submitted before the end of the calendar year. Once approved works will commence in the first quarter of 2016, and is likely to be completed within 9 months.
43. Roading
44. The Waikato Road asset Technical Accord (RATA) is the Waikato Mayoral Forum 'Centre of Excellence' for strategic asset management for roading in the Waikato. RATA commenced work in July 2014 with an agreed vision of 'achieving best practice road asset management collaboration'. An update on Mayoral Forum roading projects will be provided in the next Strategic Round Up Report.
45. Economic Development:
46. The Economic Development Strategy was released last year, seeking to help the Waikato realise its economic potential. An implementation plan was agreed earlier this year and an implementation governance group was recently appointed. An update on the Waikato Economic Development Strategy work will be provided in the next Strategic Round Up Report.
47. Future Proof
48. *Strategic Outcomes sought from Future Proof involvement: The Strategy is a broad scale, long-term, integrated land-use and infrastructure strategy prepared under the Local Government Act 2002. The Strategy provides a framework for co-operatively managing growth and setting goals for future implementation. The importance of Hamilton as the major growth area for the sub-region is a core part of the Strategy. The Strategy seeks to ensure the costs and resources required to fund and manage infrastructure, such as transport, wastewater, stormwater, recreation and cultural facilities, are identified and provided for.*
49. The Future Proof Implementation Committee meeting on the 28<sup>th</sup> of August 2015 was cancelled. The Future Proof Implementation Committee meets again on the 28<sup>th</sup> of October 2015. Due to the timing of the agenda close for this Strategy and Policy meeting, a report back from that meeting will occur as part of the next Strategic Round Up report.
50. In the meantime, work on Future Proof implementation and the Future Proof update continues.
51. Future Proof is continuing to support Future Proof partners on a number of appeals under Resource Management Act processes.
52. Future Proof has made a number of submissions, still subject to approval by the Future Proof Implementation Committee, including a submission to the Productivity Commission on its 'Using Land for Housing' paper, and to the Auckland Council on its 'Land Supply Strategy'.
53. A Hamilton City Council staff steering group has been set up in order to undertake the technical work necessary to feed into the Future Proof update. This will gather and examine evidence in relation to the growth modeling assumptions for Hamilton's greenfield growth

areas as well as infill growth assumptions. There will be a number of critical issues of interest to Hamilton City Council in the Future Proof update, including the future settlement pattern planning particularly for areas in the North Waikato, continued growth around Hamilton's boundaries, and the areas subject to the existing Strategic Agreement on Future Urban Boundaries with Waikato District (areas known as HT1 and R2).

54. At the recommendation of the Future Proof chief executives, a Future Proof Water Policy Group is being set up to co-operatively manage water policy issues. Terms of Reference for the group are still to be agreed by the Future Proof Implementation Committee. The Future Proof Water Policy Group is likely to focus on three areas – water allocation, the Sub-Regional Three Waters Strategy, and the Future Proof Strategy Update.
55. **Upper North Island Strategic Alliance (UNISA)**
56. *Strategic Outcomes sought from UNISA involvement: The overall objective is to maximise sustainable development opportunities for all of the upper North Island and its contribution to New Zealand. There is a focus on seeking to recognise and utilise the strengths of each region.*
57. The UNISA Mayors' and Chairs' Group met on the 7th of August 2015. Auckland Deputy Mayor Penny Hulse has joined the Mayors' and Chairs' Group alongside Auckland Mayor Len Brown.
58. Northland Regional Council has taken over from Hamilton City Council as the secretariat for UNISA. Hamilton City Council was thanked by the UNISA Mayors' and Chairs' Group for its work in the secretariat role over the past two years.
59. The New Zealand Transport Agency outlined that a new priority for the Agency is to work with KiwiRail to investigate an integrated approach to transport planning and investment in road and rail in relation to freight. NZTA and KiwiRail are currently developing a work programme in relation to this new priority and a role for UNISA may be identified. This links closely to the Waikato Plan priority area 'Hamilton as the centre for innovation, employment and services' which will look at Hamilton's role in terms of upper North Island logistics and freight. It is important that the Waikato Plan, Waikato Economic Development Strategy, and any future UNISA work on this topic are joined up.
60. Skills and Value Chain project:
61. The purpose of the research is to build on findings from earlier UNISA work to identify the emerging constraints to, and opportunities for, growth of key sectors of the upper North Island economy, associated with the supply of, and demand for, appropriate labour and changing demographics. This will then identify actions that UNISA can take or champion to improve the productivity of key sectors. It will also allow UNISA to understand the extent to which the upper North Island operates as an economic unit and as a result the extent to which it is important that industry development and transport decisions are made within an upper North Island context for the success of New Zealand and individual regions and cities.
62. The work is underway and initial results are expected by the end of the year.
63. Industrial Land Demand Study results:
64. The UNISA Industrial Land Demand Study has now been completed. A full copy of the Study along with a summary document can be found at [www.hamilton.govt.nz/unisa](http://www.hamilton.govt.nz/unisa). Key findings include:
65. *Characteristics of desirable industrial land:*
66. The report sets out a number of key factors that influence where an industry/business locates. These factors include:
  - Land use zoning (e.g. suitable zoning to allow for future expansion of businesses);

- Market, including suppliers and customers;
  - Transport infrastructure, especially roads;
  - A skilled workforce;
  - Telecommunications.
67. Firms in specific industries also have other factors that they consider important, and these are outlined in more detail in the report.
68. *Regulatory/Policy/Charging:*
69. The report finds that:
- Land use planning is the most significant regulatory and policy influence affecting the supply and uptake of industrial land for industrial purposes, as it can have an impact on the price of land, especially permissive zoning;
  - Regulatory costs (such as fees, charges, and development contributions) do matter to firms and developers, but these are significantly less influential than the pricing effect arising from permissive zoning;
  - In situations where growth pressures were absent, permissive zoning of land for industrial purposes can be an advantage, providing flexibility for developers and firms in low growth areas;
  - However, where growth pressures exist, a widely observed effect of permissive zoning of areas intended for industrial activity is that other types of land use will emerge in preference to industrial purposes. In many areas, the result of this has been a proliferation of higher value retail and commercial activity, with a resultant crowding out of most industrial activity.
70. *Industrial Demand Model:*
71. The Study sets out an industrial land demand model for projecting future industrial land needs. It is envisaged that if particular regions and districts are looking to update their growth strategies, district plans, or evidence on industrial land needs, the common methodology could be applied to a finer geographical scale as required.
72. Future Strategy for UNISA:
73. A strategy has been developed by the UNISA Chief Executives to ensure UNISA's work programme is directed towards a clearly articulated set of outcomes. A strategic framework will be developed which will pull together information from previous UNISA work and regional spatial plans, to understand upper North Island interactions and dynamics better and inform engagement with Ministers/Crown.
74. Further work on topics including waters, ports and population/growth issues will also be investigated.
75. **Strategic Waters matters**
76. *Strategic Outcomes sought from involvement in strategic waters matters: It is important for Hamilton City Council to ensure the interests of its communities are taken into account in the various processes underway. The work of the Future Proof Waters Policy Group (subject to confirmation by the Future Proof Implementation Committee) will play an important role in ensuring that linkages between the various work underway in Future Proof, the Mayoral Forum (Waters CCO investigations), the Healthy Rivers Plan Change, and other strategic waters matters are considered in an integrated way.*

77. The Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project (Waikato/Waipā River Iwi and Waikato Regional Council) is developing proposed changes to the Waikato Regional Plan to help restore and protect the health of the Waikato and Waipā rivers. The plan change will look to help reduce, over time, sediment, bacteria and nutrients (nitrogen and phosphorus) entering water bodies in the Waikato and Waipā river catchments, in order to address the statutory requirements of the Vision and Strategy for the Waikato and Waipā Rivers.
78. Four scenarios have now been modelled. Overall modelling results indicate very large changes to land use would be needed over time to achieve the required levels to give effect to the Vision and Strategy. The modelling will be further tested and will form one of the inputs that will be used to develop the plan change. Impacts for local government are being assessed through the process.
79. An open Stakeholders Workshop is being held at Mystery Creek on 27 October 2015. The next Local Government workshop is on 29 October 2015. Because this workshop clashes with the October Council meeting, a specific workshop for HCC Elected Members to be updated will be arranged.

## 80. Financial and Resourcing Implications

81. There are allocated budgets for Future Proof and UNISA for the 2015/16 year. The budget for Future Proof is \$159,250. The budget for UNISA is \$75,000. The Waikato Plan requires no funding from HCC in the 2015/16 year, apart from staff input to the project. The Waters CCO project budget is \$175,000 for the next phase – this was the subject of a report to Council on 29 October 2015, The contributions to the other Mayoral Forum projects are RATA \$22,606 and Policy/Bylaw \$10,000.

## 82. Risk

83. The Future Proof risk register is monitored and regularly updated. Additionally, in relation to Future Proof, UNISA, Waikato Mayoral Forum, Waikato Plan and strategic waters projects, this report is for information purposes only so there is no decision-making risk at this stage.

## Signatory

Authoriser	Blair Bowcott, Executive Director Special Projects
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**Committee:** Strategy & Policy Committee      **Date:** 03 November 2015

**Report Name:** Consideration and Approval of HCC's Draft Submission to the Building (Pools) Amendment Bill      **Author:** Mark Brougham

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>HCC's process for developing submissions to external organisations.</i>
<b>Financial status</b>	<i>There is no budget allocated.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

## 1. Purpose of the Report

2. For Council to consider and approve HCC's draft submission to the Building (Pools) Amendment Bill.

## 3. Executive Summary

4. The Building (Pools) Amendment Bill will amend the Building Act 2004 and repeal the Fencing of Swimming Pools Act 1987 to reduce the compliance burden currently imposed on pool owners and territorial authorities in relation to residential pools while maintaining child safety.
5. The attached draft submission is based on the Building Unit's analysis of the Bill as well as Elected Member feedback following the Bill being outlined in the 13 October 2015 Executive Update and feedback from the 20 October Elected Member briefing session.

## 6. Recommendations from Management

- a) That the report be received.
- b) That HCC's draft submission to the Building (Pools) Amendment Bill be considered and approved.
- c) That following approval, HCC's final submission be sent to the Local Government and Environment Committee to meet the 5 November 2015 submission closing date.
- d) That subsequent to Council's submission being sent to the Local Government and Environment Committee, the final submission be uploaded to HCC's website.
- e) That local Members of Parliament be advised of and encouraged to support HCC's submission to the Building (Pools) Amendment Bill adopted at the 3 November 2015 Strategy and Policy Committee meeting.

**7. Attachments**

- 8. Attachment 1 - HCCs Draft Submission to the Building (Pools) Amendment Bill

**Signatory**

Authoriser	Blair Bowcott, Executive Director Special Projects
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DRAFT



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Submission by

## Hamilton City Council

### Building (Pools) Amendment Bill

3 November 2015

#### 1.0 INTRODUCTION

- 1.1 Overall, Hamilton City Council (HCC) supports the intent and content of the Building (Pools) Amendment Bill.

#### 2.0 SPECIFIC COMMENTS

##### 2.1 Child Proof Covers for Spa Pools

- 2.1.1 HCC supports the use of child-proof covers for spa pools, noting that such pools will be exempt from the requirement to have a building consent for installation.

##### 2.1.2 Spa Pools and Hot Tubs

We note in the definitions for hot tub and spa pool the wording "has a water surface area of 5m<sup>2</sup> or less". For consistency with Schedule 1 and to avoid misinterpretation, we submit that the wording be "has a water surface area of 5 square metres or less".

##### 2.2 5-Yearly Inspection of Pools

- 2.2.1 We support the proposal for councils to inspect pools 5-yearly (but conditional on the ability to charge pool owners as the requirement to carry out 5-yearly inspections will be a legislated requirement).

##### 2.3 Charging Fees for Pools

- 2.3.1 The ability to charge a fee should be set in the Building Act similar to Section 111, which states that "a territorial authority may charge a fee for an inspection under this section".

##### 2.4 Graduated Enforcement Regime

- 2.4.1 HCC supports a graduated enforcement regime utilising the Building (Infringement Offences, Fees, and Forms) Regulations 2007 and prosecutable offences.

##### 2.5 Performance-Based Standards

- 2.5.1 We support the change to reliance on performance-based standards and the intention of developing an approved solution in the Building Code to specify the requirements for restricting access to pools.

##### 2.6 Obligations of Retailers and Manufacturers

- 2.6.1 HCC supports the intention that retailers and manufacturers will be required to inform buyers about their obligations under the Building Act when they purchase spa pools,

hot tubs and portable pools. Voluntary compliance is therefore encouraged and councils will not be required to include 'portable' types of pools in their inspection regime.

### 3.0 FURTHER INFORMATION AND HEARINGS

- 3.1 Should the Local Government and Environment Committee require clarification of the points raised by HCC, or additional information, please contact Phil Saunders (Principal Building Advisor) on 07 838 6541, email [phil.saunders@hcc.govt.nz](mailto:phil.saunders@hcc.govt.nz) in the first instance.
- 3.2 HCC **does wish to speak** at the hearings of the Local Government and Environment Committee in support of its written submission.

Yours faithfully

**Richard Briggs**  
**CHIEF EXECUTIVE**

**Committee:** Strategy & Policy Committee

**Date:** 03 November 2015

**Report Name:** Action List for 3 November 2015: Actions Still Underway or Pending for HCC submissions to External Organisations; and Policy & Bylaw Review Scheduling

**Author:** Blair Bowcott

<b>Status</b>	<i>Open</i>
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## 1. Action List – Deferred Items

2. The Strategy and Policy Committee’s Action List (Attachment 1 to this report) was created to capture and track actions raised in Committee meetings, which staff are instructed to take forward and complete. These actions arise either by way of a Committee resolution or during discussion or debate on a particular report.
3. At the Committee’s meeting on 22 September 2015, the Chairperson requested that Democracy review the control framework for those items on the Committee’s Action List that are deferred from the original date the Committee resolved to have the respective items reported back (‘the Deferred Actions’). It was noted that this deferment often occurs without the Committee’s input.
4. At the request of the Chairperson, the Deferred Actions will be separately identified in the cover report accompanying the Action List at each Committee meeting going forward, with an explanation as to the reason why each item has been delayed. The Committee will be asked to approve the change to the reporting due dates in respect of the Deferred Actions.
5. For clarity, this new process will only relate to those actions for which:
  - a) a timeframe was expressly resolved by the Committee for an item; and
  - b) the Committee has not subsequently agreed to defer that item.

It does not affect the other attachments to this report – the HCC Submissions Actions and the Policy and Bylaw Review Scheduling.

## 6. Recommendation

That:

- a) the Report be received; and
- b) the Committee agree to the deferment of the items noted in the following table:

Item and Resolution Date	Original Due Date*	Deferred To
Zoo Strategic Review/Zoo Master Plan (16 July 2014)	19 November 2014	23 February 2016 <i>Presentation of Draft Zoo Master Plan deferred until independent operational review of Zoo operations has been completed. It is possible the draft Plan could require some amendments as a result of this review</i>
Community Facilities Report (8 April 2015)	7 July 2015	8 December 2015 <i>The Community facilities working group convened in September 2015, and the review to date has identified the complexity of the Community Facilities portfolio, and the unique challenges that each of the community facilities present. Further work is required by staff, with the final report to be presented at the December 2015 Strategy and Policy meeting.</i>
Heritage Plan and Fund Guidelines (26 May 2015)	3 November 2015	23 February 2016 <i>Deferred due to on-going consultation with mana whenua and Waikato Tainui on the Maaori content of the draft Heritage Plan. The report will be reported back to the Committee February 2016. The Chair of the Heritage Advisory Panel is aware of this situation and supportive of a delay to ensure a robust process is followed.</i>
Cemeteries Draft Management Plan (7 July 2015)	11 August 2015	8 December 2015 <i>To enable staff to complete work on the design and style of the Plan with external designers.</i>
Hamilton Alcohol Control Bylaw 2015 (7 July 2015)	3 November 2015	8 December 2015 <i>Agreed by respective Chairs of Strategy and Policy Committee and the Alcohol Control Bylaw Hearings Subcommittee, to take account of the Committee's work schedule for the 3 November Meeting.</i>

\* Date that the Committee resolved for the item to be reported back to the Committee.

**7. Attachments**

8. Attachment 1 - Strategy and Policy Committee Action List for 3 November 2015
9. Attachment 2 - Actions Still Underway of Pending for HCC Submissions to External Organisations
10. Attachment 3 - Policy and Bylaw Review Scheduling

## Strategy and Policy Committee - Action List at 22 October 2015

D-1330420

Meeting Date	Item	GM Responsible	Action	Status
28-Nov-13	Events Strategy Development	H3 & Events	Develop and recommend an Events Strategy to S&P Committee by 30 March 2014. Deferred to align with CCTP schedule (via Business and Investment Subcommittee)	No longer required. A new "City Events Strategy" being drafted to engage with, manage, empower and encourage community events in Hamilton.
28-Nov-13	Develop and recommend a strategy to optimise use of the Municipal Endowment Fund and Domain Endowment Fund	H3 & Events	Deferred to align with CCTP schedule (via Business and Investment Subcommittee)	Update report to be presented to B&I Subcommittee on 18 November 2015.
30-Apr-14	Wairere Drive to Cobham Connection	Community  Infrastructure	Parks and Open Spaces to include consideration of space required to four lane Wairere Drive during the review process of the East Town Belt Concept Plan which will take place in 2015/16.  7 July 2015: Staff to report back to Council on options for the pedestrian/cycle overbridge prior to committing to any particular design.	Development of Concept Plans scheduled for early 2016.  Undertaking preliminary options assessment at present. An update will be provided as part of the Ring Road quarterly update to Finance Committee on 22 October, further design options feedback will be sought prior to committing to a design and construction.
26-Jun-2014	Public Art Panel and Arts Forum Terms of References	Community	Arts Forum to undertake a review of the Hamilton Arts Agenda and make recommendations to the Public Art Working Group prior to 15 October 2014.  The Arts Forum Advisory Panel is aiming to complete its review of the Arts Agenda for September 2015.	Staff will present the revised Arts Agenda to S&P 8 December 2015.
16-Jul-14	Zoo Strategic Review - Zoo Master Plan	Community	Working Group to report back to the Committee on 19 November 2014.  The Working Group will reconvene in August 2015, followed by a Council Briefing, before being reported back to S&P Committee.	Report Deferred to S&P on 23 February 2016.
15-Aug-14	Sustainable Hamilton Strategy (Sustainability Panel Report)	CE's Office	Strategy referred to the Community Forum Subcommittee. Sustainability report was circulated to the Community Forum Subcommittee in early June 2015 at the request of the Chair of the Community Forum Subcommittee. The Sustainability report was considered at the 19 August Community Forum Subcommittee meeting, which made the following recommendations to the S&P Committee's meeting on 22 September 2015:  i. Chief Executive to review the Sustainability Report as to its application to Council's operations; and ii. Chief Executive to consider and make a recommendation as to whether Council should have a stand-alone Sustainability Strategy.	The Chief Executive to report back to S&P in February 2016.
03-Sep-14	Herbicides Policy (Streetscape Beautification)	Community	Staff to report on plants used in streetscapes as part of the Streetscape Beautification and Management Policy Review to be scheduled for Business and Investment Subcommittee.	Report to go to B&I Subcommittee on 18 November to recommend for adoption.
	Frankton Neighbourhood Plan	City Environments	Working Group convened comprising Her Worship the Mayor, Cr O'Leary (Chair) and Cr Gallagher. Report due back to Council in June 2015.	Report to S&P on 3 November 2015 to notify the Plan for public engagement.



Meeting Date	Item	GM Responsible	Action	Status
19-Nov-14	Cemeteries Draft-Management Plan	Community	Plan adopted at 7 July 2015 Strategy and Policy Committee subject to action list and reformatted Plan to be incorporated.  Staff to report back to the 11 August 2015 Committee meeting. This was deferred to the 27 August Council Meeting.	To enable staff to complete work on the style of the Plan with external designers. Report deferred to 8 December S&P Meeting
24-Feb-15	Wairere Drive/Huntington Drive (west) intersection	Infrastructure	a. Staff to consult further with the Huntington community on minor safety management measures; and b. Staff continue monitoring the safety performance of the intersection.  Staff met with the petition organisers on 11 June and presented the proposed options for improvements to the intersection. Staff are now developing a survey via survey monkey to use for community feedback on the options. The survey will be tested with the petition organisers before releasing to the community.	Meeting with petition organisers on 3 September 2015 to finalise the draft survey, following this the survey will be sent out to the community.  Still working with the group, additional options requested at last meeting. Letter sent from Transportation UM regarding these options. Survey ready to go out to residents, just need final sign off from the residents group.
24-Feb-15	Social Housing Strategy	Community	To provide progress report to the Committee on strategy development by 11 August 2015. Update provided to the 11 August S&P meeting.	Report to Council on 10 December 2015.
24-Feb-15	Local Alcohol Policy	Performance	A full briefing to be provided to Elected Members before the Policy comes before Council again. Presentation delivered at 12 May Briefing. Working Group reconvened on 22 July 2015 with all Elected Members invited to this meeting.	Staff to prepare report back to S&P Committee on 3 November 2015 with a PLAP for adoption.
08-Apr-15	Waikato Expressway	Infrastructure	Staff to present an update on the MOU between NZTA, Hamilton City Council, Waikato District Council and Tainui at the 7 July Strategy & Policy Committee meeting. A Multi Party Funding Agreement (MPFA) that defines cost responsibility to deliver the Resolution Drive interchange to be presented at the 20 August 2015 Finance Committee.  7 July 2015: Staff to arrange for Elected Members to be invited to public consultation meetings arranged by NZTA. Staff to also explore means for HCC to play more active role in public consultation processes (re Osborne Road overbridge) outside its territory (eg joint committee with Waikato District Council).	MOU endorsed by S&P Committee on 7 July and MPFA approved by Finance Committee on 20 August.  Ongoing transport modelling work being completed at present with Opus and NZTA to inform the Resolution Drive Extension designation, Osborne Rd overbridge and Horsham Downs link. No public consultation currently programmed but will likely be scheduled in November or December.
08-Apr-15	Hamilton Lake Domain - Reserve Management Plan Review	Community	Staff report back to the Strategy and Policy Committee with a draft Proposed Hamilton Lake Domain Management Plan for endorsement for consultation under section 41(6) of the Reserves Act 1977.  First stage consultation completed, over 50 submissions received.	Staff to report back to the 3 November S&P Committee meeting.



Meeting Date	Item	GM Responsible	Action	Status
08-Apr-15	Community Facilities Report	Community	<p>Community Facilities Working Group to agree on a process and scope to review the community facilities portfolio; to report back to Council in July 2015.</p> <p>Report deferred until September 2015, to ensure it aligns to the Libraries Facilities Plan, and the annual plan process.</p> <p>The Community Facilities Review is well underway, however the compilation of the information has taken longer than expected. Discussions with the Chair has confirmed a Community Facilities Working Group meeting will be held on September 16th, with the Community facilities.</p>	The Community facilities working group convened in September 2015, and the review to date has identified the complexity of the Community Facilities portfolio, and the unique challenges that each of the community facilities present. Further work is required by staff, with the final report to be presented at the 8 December 2015 Strategy and Policy meeting.
08-Apr-15	Waikato Museum Strategic Review	Community	Staff to track costs in completing the review.	<p>Staff Tracking Costs.</p> <p>Report to S&amp;P Meeting on 8 December to approve draft Plan for public consultation.</p>
26-May-15	Heritage Plan and Fund Guidelines	City Environments	<p>Staff to:</p> <p>a. track progress of the Government's plans in relation to earthquake strengthening;</p> <p>b. seek feedback from faith and community groups on the draft Plan and Guidelines;</p> <p>c. report back to the 3 November 2015 Committee meeting with a final Plan and Guidelines.</p>	<p>a) This is being closely monitored by Phil Saunders, Building Unit, and advising City Planning accordingly on heritage matters.</p> <p>b) The Interfaith council was invited to the Heritage Plan drop-in session.</p> <p>c) Staff will report to S&amp;P on 23 February 2016.</p>
07-Jul-15	Advisory Panels' Chair Reports	Customer Services (Democracy)	The Chairs for each Advisory Panel to present an Annual Report to the Committee at the August or September Committee meetings.	<p>Older Persons Panel's Chair is to present at the 3 November S&amp;P meeting.</p> <p>Report from Chair of Sustainability Advisory Panel postponed to February/March 2016 to align with the recommendations from the Community Forum Subcommittee.</p>
07-Jul-15	Hamilton Alcohol Control Bylaw 2015	City Environments	Deliberation and adoption report for the proposed bylaw be presented to the 3 November 2015 Committee meeting, including report a summary of the oral submissions and evidence presented on the proposed bylaw from the Alcohol Control Bylaw Hearings Subcommittee.	Report to be presented to the 8 December 2015 S&P Committee meeting.
11-Aug-15	Arts Forum Advisory Panel	Community	<p>Staff:</p> <p>i. arrange a briefing for Elected Members following the adoption of the revised Arts Agenda; and</p> <p>ii. staff liaise with the Arts Forum and Creative Waikato on pre-feasibility research for an art gallery, and report back on this matter before the 2016 Draft Annual Plan is adopted.</p>	<p>i. Staff will arrange a briefing in November 2015, following the adoption of the revised Arts Agenda.</p> <p>ii. Staff will report back in 2016 through the Annual Plan process.</p>
11-Aug-15	Gambling Policies	Strategy & Communications	The special consultative procedure period commences 2 September and closes 2 October 2015. Hearings of submissions and deliberations to be received and considered at a future S&P meeting.	Additional S&P Meeting to be held on 5 November 2015.



Meeting Date	Item	GM Responsible	Action	Status
11-Aug-15	Governance Policies	Democracy	Staff refer the Updated Election Signs Policy to all affected principal stakeholders and report back to the 22 September 2015 Strategy and Policy Committee meeting.	Report to S&P on 3 November 2015
11-Aug-15	Staff Costs - Reports	All	S&P Committee Chairperson to work with Finance Committee Chair and Executive Director Special Projects to ensure there is clarity as to the impact on budgets in reports.	Reports from 22 September S&P Committee onwards will have a clearer summary financial disclosure where it is appropriate. CFO also separately investigating the tracking and disclosure of staff costs in all reports to Council/Committees.
22-Sep-15	Urban Design Advisory Panel	City Environments	That a briefing for Elected Members take place to provide an opportunity for further discussion on the work and role of the Panel.	Staff and Democracy are looking into the next opportunity to have a briefing on this matter, likely early 2016.
22-Sep-15	Public Places Bylaw and Policy	City Environments	Draft bylaw to be presented to the S&P Committee to be adopted for public engagement.  Report presented to the 9 October 2015 B&I Subcommittee Meeting.	Report to be presented on 3 November 2015 as a Recommendation to Council.
22-Sep-15	Trade waste and Wastewater Bylaw	Infrastructure	Draft bylaw to be presented to the S&P Committee to be adopted for public engagement.	Report to be presented in February 2016 as a Recommendation to Council.
22-Sep-15	Central City Transformation Plan	H3 & Events	Final plan to be reported to the Committee for approval following public consultation.	Report to be presented on 8 December 2015.
22-Sep-15	Voluntary Targeted Rates (VTR)	Strategy & Communications	VTR Scheme to be considered as part of the 2016/17 Annual Plan.	Staff will report back in the 2016/17 Annual Plan process.
22-Sep-15	National Speed Management Guide - Regional Roundup	Infrastructure	A briefing for Elected Members be held to discuss the demonstration project for Waikato and its implications, including costs and impact on the Speed Management Policy and Speed Limit Bylaw.	Briefing took place on 20 October. Completed.
22-Sep-15	Action List - Timeframes	Democracy	To review the control process in relation to amendments made to reporting timeframes once the Committee has resolved a specified date.	At the Chair's request, the cover report for the Action List is to note those items that are to be deferred with an explanation as to the delay in reporting back to the Committee. The Committee will be asked to agree to the respective deferrals.

**ACTIONS STILL UNDERWAY OR PENDING FOR HCC SUBMISSIONS TO EXTERNAL ORGANISATIONS: 3 NOVEMBER 2015 STRATEGY AND POLICY COMMITTEE AGENDA**

(For all submissions made by HCC, refer <http://www.hamilton.govt.nz/our-council/consultation-and-public-notice/councilsubmissions/Pages/default.aspx>)

**INFORMATION CURRENT AS AT 22/10/15**

**Submissions Removed – Process now Complete**

- #446: Sale and Supply of Alcohol (Extended Licensing Hours During Rugby World Cup) Bill

**New Submissions Added**

- # 452: LGNZ's final position paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector'
- #453: Building (Pools) Amendment Bill

**Note:** The following schedule identifies submissions made by HCC to external organisations since April 2013 where the process has not been fully completed and where various actions are still underway or pending. Updates to the schedule that formed part of the 29 September 2015 Strategy and Policy Committee meeting agenda are highlighted in yellow.

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
386B	<b>Alteration to Designation for the Waikato Expressway – Hamilton Section</b> Website no longer available	Waikato District Council	18/12/13	Final submission considered and retrospectively approved on 5/2/14.	<p>Waikato District Council and HCC received Notices of Requirement from the NZ Transport Agency (NZTA) for alterations to the existing designation for the Hamilton section of the Waikato Expressway.</p> <p>Waikato Regional Council received resource consent applications from the NZTA in relation to construction and operation of the Hamilton section of the Waikato Expressway. The hearing commenced on the 28/4/14 and the City Planning Manager tabled evidence on behalf of HCC. The hearing was then adjourned to 26/5/14 and closed on 10/6/14.</p> <p>Recommendations were sent to the NZTA as the Requiring Authority.</p> <p>The NZTA sent their decisions to all submitters and directly affected parties. The appeal period closed on 8/8/14. Two appeals were received to the Designation within Waikato District.</p> <p><b>Appeal ENV-2014-AKL-000139</b> HCC lodged a notice with the Environment Court to be a party to the proceedings under Section 274 of the Resource Management Act in relation to one of the appeals (by Appellant A), which relates to the Resolution Drive Interchange. HCC advised the Environment Court that HCC agreed to participate in mediation of the appeal in the first instance.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<p>The NZTA was unable to resolve the appeal with Appellant A through direct negotiation, so Court-assisted mediation occurred on 25 May 2015, which two HCC staff members attended.</p> <p>A judicial telephone conference regarding this appeal was held on 3 July 2015. The appellants considered the settlement documents prepared by the NZTA did not reflect the agreement reached at mediation. As the NZTA is not prepared to attend a further mediation with the appellants, the Court has placed the appeal on hold for two months. During that period, the NZTA indicated it may either take action against the appellants for specific performance, or seek to cancel the mediation agreement and request that the appeal is set down for a hearing. The NZTA is required to provide a report to the Court by 4 September 2015 suggesting what further directions are needed, if any.</p> <p>On 25 August 2015, Appellant A withdrew their appeal, as they had reached agreement with the NZTA.</p> <p><b>Appeal ENV-2014-AKL-000138</b>  Appellant B and the NZTA have signed a settlement agreement. The Court dismissed the appeal on 15 October 2015.</p> <p><b>Appeal ENV-2015-AKL-000074</b>  The NZTA's decisions (dated 8 July 2014) on its Notices of Requirement for Alteration U (Resolution Drive Interchange) and Alteration Z (Southern Interchange) included a lapse date for each of these designations of 31 May 2015, which was consistent with the then lapse date for the existing designations for the Waikato Expressway Hamilton Section.</p> <p>Earlier this year, the NZTA applied to HCC and Waikato District Council for, and was granted, an extension of the lapse date to July 2022 for the latter designations. However, the NZTA was unable to seek to vary the lapse dates for Alterations U and Z at the same time, because those Alterations were still subject to appeal.</p> <p>On 28 May 2015, the NZTA lodged an appeal with the Environment Court against its own decision on the lapse dates for Alterations U and Z. The appeal sought to extend these lapse dates. As the period for appealing the NZTA's decision had expired (on</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
					<p>8/8/14) the NZTA also applied for Waiver of Application.</p> <p>On 17 June 2015, HCC lodged with the Court a notice to become a Section 274 party in support of this appeal. Appellant A lodged a similar notice, but in opposition to the NZTA's appeal and Waiver of Application.</p> <p>A judicial telephone conference was held on 2 July 2015 regarding the NZTA's appeal. The parties to the proceedings were directed to file submissions and any evidence on the waiver application according to a timetable issued by the Court. Accordingly, the NZTA lodged a submission and affidavits on 17/7/15, and HCC lodged a submission on 24/7/15. The NZTA is to lodge its reply to other parties' submissions and affidavits by 21/8/15. A decision will be made "on the papers", that is, without a hearing.</p> <p>The Court is concerned that the NZTA does not have the ability under the RMA to appeal its own decision under Section 174 of the RMA. On 15 October 2015, the Court directed the NZTA to file and serve by 30 October submissions regarding whether it has appropriate standing to bring the appeal.</p>
398	<p><b>HCC's and the NZ Transport Agency's Notices of Requirement to the Southern Links Project</b>  <a href="http://www.waipadc.govt.nz/HamiltonSouthernLinks">http://www.waipadc.govt.nz/HamiltonSouthernLinks</a></p>	<p>Waikato District Council, Waipa District Council and Hamilton City Council</p>	28/2/14	<p>Final submission considered and retrospectively approved on 18/3/14.</p>	<p>The hearing commenced on 21/7/14. Staff spoke in support of HCC's submission on the NZTA's requirement on 24/7/14. Hearings were adjourned to 1/9/14 and were completed on that day.</p> <p>On 24/10/14, the Commissioners' made their recommendations on the NZTA's requirements and decisions on the NZTA's resource consent applications. The decisions and recommendations were issued to the parties the following week.</p> <p>The decision confirms HCC's requirement (with conditions, including a lapse period of 20 years) and grants HCC consent (with conditions, including lapse periods of 20 years) to construct a bridge over the Waikato River east of Hamilton Gardens and another over the Mangakotukutuku Stream. One appeal was lodged against the decision on HCC's requirement. HCC did not appeal the decision.</p> <p>The Commissioners have granted the NZTA consent (subject to conditions, including a lapse period of 20 years) to construct a bridge crossing the Waikato River at the Narrows and recommended the NZTA confirms the new designations and alteration to existing designation subject to conditions, including lapse periods of 20 years.</p>

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					<p>The NZTA's decisions on the Commissioners' recommendations regarding the NZTA's requirements were issued in December 2014. Two parties have appealed aspects of the NZTA's decisions. HCC (as territorial authority) has not appealed and will not become a Section 274 party to these appeals. HCC (as Requiring Authority and the NZTA's Southern Links project partner) submitted a notice to become a Section 274 party to one of the appeals. <b>Negotiations between the NZTA and this appellant failed to resolve the appeal.</b></p> <p><b>At a Judicial Conference on 31/8/15, the parties agreed the appeal would proceed to a hearing before the Environment Court, and the hearing has been set down for 25/2/16 and 26/2/16. HCC will call planning evidence to support the project and the 20 year lapse period for the designation.</b></p>
404	<p><b>Building (Earthquake-Prone Buildings) Amendment Bill</b>  <a href="http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12960_1/building-earthquake-prone-buildings-amendment-bill">http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12960_1/building-earthquake-prone-buildings-amendment-bill</a></p>	Local Government and Environment Select Committee	17/4/14	Final submission considered and retrospectively approved on 30/4/14.	<p>A Council workshop on this topic was held on 15/5/13. Councillor O'Leary presented HCC's submission via teleconference to the Local Government and Environment Select Committee hearing on 19/6/14 at 11.20 a.m. (a 20 minute timeslot). HCC's Building Control Manager was also in attendance at the hearing.</p> <p>In December 2014 HCC staff sent an information update to all stakeholders/building owners advising them that the Building (Earthquake-Prone Buildings) Amendment Bill could potentially replace HCC's 'Earthquake-Prone, Dangerous and Insanitary Buildings Policy' with a national regime for earthquake strengthening work. The letter updated stakeholders/building owners on key changes and how the Bill could affect them if enacted.</p> <p>On 10 May 2015, the Government announced major changes to how quickly earthquake-prone buildings will need to be assessed and strengthened to "better target regulations on buildings where location, use and type pose the greatest risk to life".</p> <p>The four significant changes to the policy were:</p> <ul style="list-style-type: none"> <li>• Varying the timetable for strengthening relative to earthquake risk.</li> <li>• Prioritising education and emergency buildings for strengthening.</li> <li>• Reducing the number of buildings requiring assessment.</li> <li>• Introducing new measures to encourage earlier upgrades.</li> </ul>

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					<p>Building and Housing Minister Dr Nick Smith says the changes will reduce the number of buildings that would require assessment from an estimated 500,000 to 30,000, and bring down the total estimated cost from \$1,360 million to \$777 million. Currently buildings that could be a risk need to be assessed within five years, with any strengthening carried out within 15 years.</p> <p>The country will now be split into 3 zones according to the risk of a big earthquake, and the timeframes for assessment and strengthening vary accordingly i.e.:</p> <ul style="list-style-type: none"> <li>• <b>High Risk Zone</b> – including Gisborne, Napier/Hastings, Palmerston North, Wellington, Blenheim, and Christchurch (will keep the existing timeframe of assessment within five years and strengthening within 15 years).</li> <li>• <b>Medium Risk Zone</b> – including Hamilton, Tauranga, Rotorua, New Plymouth, Wanganui, Nelson, Invercargill and Timaru.</li> <li>• <b>Low Risk Zone</b> – including Northland, Auckland, Oamaru and Dunedin.</li> </ul> <p>The Government has also confirmed that the earthquake-prone building definition as being less than 34% of the new building standard, a 10-year extension for listed heritage buildings, and exemptions from strengthening for low risk, low occupancy buildings, would remain in the policy.</p> <p>As Hamilton has been classed as ‘medium risk’, buildings will have 10 years to be assessed and 25 years to be strengthened under the proposed policy. Many of Hamilton’s buildings have already been assessed by engineers and it is unlikely they will be subject to any further assessment.</p> <p>The return period for a significant earthquake (MM8) ranges from 120 years in Wellington, to 720 years in Christchurch, to 1700 years in Dunedin, and only once every 7,400 years in Auckland. Education and emergency buildings (e.g. hospitals) will be targeted by requiring that in high and medium seismic risk areas they be identified and strengthened in half the standard time.</p>

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439	<p><b>Building (Earthquake-Prone Buildings) Amendment Bill - Interim Report of the Local Government and Environment Committee</b></p> <p><a href="http://www.legislation.govt.nz/bill/government/2013/0182/latest/versions.aspx">http://www.legislation.govt.nz/bill/government/2013/0182/latest/versions.aspx</a></p> <p><a href="http://www.parliament.nz/resource/en-nz/51DBSCH_SCR63267_1/b48e2b01669564a6e9c9e6a7f02bbb55ae768006">http://www.parliament.nz/resource/en-nz/51DBSCH_SCR63267_1/b48e2b01669564a6e9c9e6a7f02bbb55ae768006</a></p>	Local Government and Environment Committee	16/7/15	Final submission considered and retrospectively approved on 11/8/14.	<p>The passage of the Building (Earthquake-Prone Buildings) Amendment Bill has progressed with release of an interim report back to the House by the Local Government and Environment Committee on 23/6/15.</p> <p>The Bill had run into considerable difficulties due to its complexity and also the need to apply its provisions to a wide range of structures and circumstances.</p> <p>In its <a href="#">report</a>, the Committee notes that it had received advice from the Ministry of Business, Innovation and Employment, the Parliamentary Counsel Office, and the Regulations Review Committee. As a result of that process, and in response to the issues raised by submitters, it was considering a range of potential changes to the original Bill.</p> <p>The Committee is particularly interested to receive written submissions on the following issues:</p> <ul style="list-style-type: none"> <li>• The timeframes for the identification and remediation of earthquake-prone buildings to be based on the seismic risk of the area, and with reference to Z factors.</li> <li>• Reducing the scope of buildings to be covered by the Bill, such as excluding farm buildings, bridges, and tunnels, and whether to include only buildings determined as earthquake prone on the public register (instead of all buildings) and their earthquake rating.</li> <li>• The prioritisation of certain buildings in areas of medium and high seismic risk. These buildings would include hospitals, schools, and emergency response facilities. The applicable timeframe would be halved for the identification and remediation of these buildings.</li> <li>• Proposed new Section 133AX(2), which would require the upgrade of earthquake-prone buildings when substantial alterations are being undertaken. Criteria for assessing whether an alteration is substantial would be set out in regulations.</li> <li>• Proposed new Section 133AX, in relation to disability access and fire safety.</li> </ul> <p>Staff from HCC's Building Control Unit analysed the implications of the Select Committee's interim report and developed HCC's draft submission, which was circulated to Elected Members on 13/7/15 for feedback, with comments due back by 15/7/15. As no Elected Member feedback was received, the final submission sent to the Local Government and Environment Committee remained unchanged to that of the draft.</p>

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					<p>HCC's Principal Building Advisor spoke to the Local Government and Environment Committee at the 30 July 2015 hearing in support of Council's submission.</p> <p>It should be noted that this particular submission was already in development prior to the change of process for HCC submissions to external submissions made at the 7/7/15 Strategy and Policy Committee meeting. Although all new submissions are being developed under the new process, due to time constraints we had to continue with this existing submission under the former process.</p> <p>The Local Government and Environment Committee released their final report on the Bill with recommended amendments on 2/9/15 – refer <a href="http://www.parliament.nz/resource/en-nz/51DBSCH_SCR64791_1/a38b4befdfdd2c6a85be60e37365b16f8da763c8">http://www.parliament.nz/resource/en-nz/51DBSCH_SCR64791_1/a38b4befdfdd2c6a85be60e37365b16f8da763c8</a></p> <p>HCC's Principal Building Advisor is analysing the Committee's report, particularly in regard to potential implications for Council and Hamilton.</p> <p>The Principal Building Advisor has also been asked to be on a Working Group to develop the draft policy for the Building (Earthquake-Prone Buildings) Amendment Bill. The Working Group met on 6-7 October 2015 and comprises representatives from councils; the Ministry of Business, Innovation and Employment; and Local Government New Zealand.</p> <p>The draft policy will then be considered by the Local Government and Environment Committee.</p>
414	<p><b>Proposed Auckland Unitary Plan – Further Submissions</b></p> <p><a href="http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/submissions.aspx">http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/submissions.aspx</a></p>	Auckland Council	22/7/14	<p>Submissions and further submissions in 2014 made under the Chief Executive's delegated authority for RMA submissions.</p>	<p>The consultation period for further submissions opened on 11/6/14 and closed on 22/7/14. City Planning staff analysed approximately 100,000 further submission points and identified where any further submissions were required to be made in line with HCC's original 28/2/14 submission.</p> <p>As there were no points of a contentious nature, HCC's 'further submission' was made under the Chief Executive's delegated authority for RMA submissions.</p> <p>Hearings for further submissions commenced in September 2014 and the process will continue until July 2016. HCC's submission and further submissions will be considered as</p>

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					<p>part of the Independent Hearings Panel hearing process. Hearing documents can be found at <a href="http://www.aupihp.govt.nz/hearings/">http://www.aupihp.govt.nz/hearings/</a></p> <p>HCC staff have not appeared in person at the hearings, given the structure of the hearings and the time/cost involved. However, Future Proof and the Future Proof partners of Waikato Regional Council and Waikato District Council have appeared at hearings covering the topic of Auckland growth. The focus of the evidence given is to highlight to Auckland Council the impacts of growth in the south of the Auckland Region on land use, settlement patterns and infrastructure impacts (namely the Waikato Expressway) in the Waikato.</p> <p>Related to the five previous HCC submissions made to the Auckland Council between May 2011 and July 2014 is the recent release of the Draft Auckland Future Urban Land Supply Strategy for public consultation.</p> <p>Elected Members were sent information on the Draft Auckland Future Urban Land Supply Strategy on 27/7/15. They were asked to decide whether HCC should make a submission.</p> <p>The staff recommendation was that a Future Proof co-ordinated submission will pick up key points relevant to Hamilton, and that a separate HCC submission was not required. Elected Members agreed with the staff recommendation.</p> <p><b>Withdrawal of Further Submission Point to the Proposed Auckland Unitary Plan</b> Auckland Council advised HCC on 24/8/15 that any part of a further submission that Council has made to the Proposed Auckland Unitary Plan relating to a site in Whenuapai is now withdrawn due to the Special Housing Areas provisions. It should be noted that HCC would not have had an interest in that particular area in any case given its northern location.</p> <p>No action is therefore required by HCC.</p> <p>Further information on the special housing areas can be accessed at: <a href="http://www.aupihp.govt.nz/documents/docs/aupihpfs7specialhousingareas.pdf">http://www.aupihp.govt.nz/documents/docs/aupihpfs7specialhousingareas.pdf</a> For information on current identified special housing areas please visit:</p>

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					<p><a href="http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/housingsupply/Pages/specialhousingareas.aspx">http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/housingsupply/Pages/specialhousingareas.aspx</a></p> <p>The Proposed Auckland Unitary Plan Hearings Panel invited legal submissions from existing submitters to clarify certain issues concerning the relationship between the Resource Management Act 1991 and the Building Act 2004, together with the Building Code which is in Schedule 1 to the Building Regulations 1992.</p> <p>This matter does not relate to Hamilton's existing submission and as such an additional legal submission on this topic is not considered necessary in this case. It is recommended that we continue to track the outcome of the Proposed Auckland Unitary Plan hearings on this matter as any decisions on this matter will be of interest.</p>
423	<p><b>Using Land for Housing (Issues Paper, November 2014)</b></p> <p><a href="http://www.productivity.govt.nz/inquiry-content/2060?stage=2">http://www.productivity.govt.nz/inquiry-content/2060?stage=2</a></p>	New Zealand Productivity Commission	23/1/15	Final submission considered and retrospectively approved on 24/2/15.	<p>The Government asked the NZ Productivity Commission to review and make recommendations on how to improve planning and development systems in order to deliver an adequate supply of land for housing.</p> <p>In particular, the Commission was asked to examine the bylaws, processes and practices of local planning and development systems across New Zealand's faster-growing urban areas. The Commission was also asked to identify councils that are effective in making enough land available to meet housing demand and processes that could be adopted more widely. In addition, the Commission will examine overseas approaches to identify leading practices that may provide valuable lessons for New Zealand.</p> <p>HCC's draft submission was circulated to Elected Members for feedback on 15/1/15. There was significant Elected Member input into development of HCC's final 23/1/15 submission.</p> <p>Staff from the NZ Productivity Commission met with HCC representatives on 23/2/15 to discuss Council's submission as well as the various processes that are used to ensure Hamilton has an adequate supply of land for housing development. The meeting was very successful and provided a useful opportunity to outline HCC's land release processes and key issues impacting Hamilton.</p>

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445	<b>Using Land for Housing (Draft Report 17 June 2015)</b> <a href="http://www.productivity.govt.nz/inquiry-content/2060?stage=3">http://www.productivity.govt.nz/inquiry-content/2060?stage=3</a>	New Zealand Productivity Commission	4/8/15	Submission considered and approved at the 3/8/15 additional Strategy and Policy Committee meeting.	<p>The Commission has released its draft findings and recommendations based on consultation and feedback received, including submissions to the Issues Paper that was released for feedback in November 2014. The Productivity Commission's 17 June 2015 draft report finds that more can be done to enable cities to accommodate growing populations, and includes 38 draft recommendations.</p> <p>Details of the New Zealand Productivity Commission's draft 17 June 2015 report and key web-links were circulated to Elected Members on 23/6/15.</p> <p>An informal briefing and feedback meeting was held on 9 July with Elected Members to solicit key points for inclusion in HCC's submission. The City Planning Manager presented an overview of the Productivity Commission's draft report and the key points that are likely to be included in HCC's draft submission.</p> <p>Following the meeting, links to the Productivity Commission's website and associated documents on the draft 17 June 2015 report were circulated again via email to Elected Members.</p> <p>HCC's <b>Draft 1</b> submission was circulated to Elected Members on 20/7/15, with feedback requested by 23/7/15.</p> <p>A further meeting was held on 29/7/15 to discuss <b>Draft 1</b>. Staff incorporated comments from this meeting to form <b>Draft 2</b>, which was considered and approved at the 3/8/15 additional Strategy and Policy Committee meeting.</p> <p>Following consideration and approval of <b>Draft 2</b>, HCC's <b>Final Submission</b> was sent to the NZ Productivity Commission to meet the 4/8/15 submission closing date.</p> <p>The New Zealand Productivity Commission acknowledged receipt of HCC's submission on 4/8/15, noting that once it is reviewed by their team, the submission will be published on the Commission's website (this has not occurred to date).</p> <p>The Commission has since requested additional information around the relative merits of Land Value and Capital Value rating systems, and in particular the relationship between income and the valuation system used. This information was provided to the</p>

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					<p>Commission on 3/9/15.</p> <p>The final report on the Productivity Commission's <a href="#">using land for housing inquiry</a> was released on 21/10/15.</p> <p>The report examines the reasons that there has been a continuing shortage of land and development capacity for housing, contributing to the dramatic increase in New Zealand house prices we have seen in the past decade.</p> <p>The Inquiry has found that the planning system is not responsive to changes in demand for housing in our fastest growing cities. It places unnecessary constraints on the use of available residential land and the supply of infrastructure to new residential land can in effect be rationed.</p> <p>The Commission state that there is more councils in our fastest growing cities can do to make land supply for housing more responsive to demand. This includes making greater use of existing tools to fund growth such as targeted rates, pricing infrastructure to recover costs from those who benefit, and ensuring land use restrictions pass robust cost-benefit tests.</p> <p>They also note that Central government can do more to support councils. It should remove barriers to the use of road tolls and congestion charges, remove barriers to the contracting of water services, pay rates on Crown land, support local urban development authorities, and introduce improvements to the RMA.</p> <p>The Commission note that if we are to see substantial improvements in the land supply system, more fundamental changes will be needed. These are outlined in the report.</p> <p>Staff will analyse the report and report back to Council, particularly in regard to potential implications for HCC and Hamilton.</p>

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433	<b>Five General Statements of Heritage Policy</b> <a href="http://www.heritage.org.nz/">http://www.heritage.org.nz/</a>	Heritage New Zealand	17/4/15	Final submission considered and retrospectively approved on 26/5/15.	<p>Heritage New Zealand is preparing five general statements of policy under the Heritage New Zealand Pouhere Taonga Act 2014 to provide leadership and direction in key areas of work.</p> <p>The five policies being consulted on are:</p> <ul style="list-style-type: none"> <li>• Administration of the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</li> <li>• Management and use of historic places owned or controlled or vested in Heritage New Zealand.</li> <li>• Administration of the NZ Heritage List/Rārangi Kōrero.</li> <li>• Administration of the National Historic Landmarks List/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.</li> <li>• Statutory role of advocacy for historical and cultural heritage.</li> </ul> <p>The draft policies will be reviewed based on feedback and considered by Heritage New Zealand's Maori Heritage Council and Board for final approval. The final policies will be published on Heritage New Zealand's website no later than 20/11/15.</p> <p>Members of the Hamilton Heritage Advisory Panel were contacted to see if there were any matters/specific issues that they would like included in HCC's submission. HCC's draft submission was circulated to Elected Members for feedback on 10/4/15, with comments due back by 16/4/15.</p> <p>Feedback was received from the Deputy Mayor, who wanted to ensure that the submission took account of points raised by HCC's Heritage Taskforce members, and that it was in alignment with HCC's Draft Heritage Plan and Heritage New Zealand's Five General Statements of Heritage Policy. He was advised that the submission complied on all counts of his query.</p> <p>As there was no other feedback, the final submission sent to Heritage New Zealand remained unchanged to that of the draft.</p> <p>Although HCC never received a formal acknowledgement of its submission, it is understood that Heritage New Zealand has reviewed all submissions received and is presently finalising the five General Statements of Heritage Policy with an anticipated</p>

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447	<b>State Highway 26/Ruakura Road/Lisette Road Intersection Upgrade - Publicly Notified Notice of Requirement from the NZ Transport Agency for an Alteration to Designation</b> <a href="https://www.waikatodistrict.govt.nz/Have-your-say.aspx">https://www.waikatodistrict.govt.nz/Have-your-say.aspx</a>	Waikato District Council Note: HCC also served a copy of its submission to the NZ Transport Agency	4/9/15	Not applicable. Submission sent under the Chief Executive's delegated authority for RMA submissions.	<p>release date of 20/11/15. Changes made to the final documents as a result of submissions will be clearly identified.</p> <p>Waikato District Council (WDC) received and publicly notified an alteration to designation application by the New Zealand Transport Agency (NZTA) to provide for a roundabout and associated works at the intersection of SH26/Ruakura Road/Lisette Road. More specifically, the Project includes the following:</p> <ul style="list-style-type: none"> <li>• Widening of the existing designation to accommodate the roundabout and connections to the existing roading network.</li> <li>• Provision for stormwater attenuation, treatment and disposal from the intersection upgrade which includes discharging to a wetland along Ruakura Road, and a combination of soakage trenches and swales along Lisette Road.</li> <li>• Land acquisition from six properties to accommodate the roundabout and connections to existing roads.</li> <li>• Reinstatement of fences on new legal boundaries and landscaping of the intersection.</li> <li>• Installation of additional lighting columns, and signage to improve the safety of the intersection.</li> </ul> <p>In addition to the above works, but outside of the designation boundary, the NZTA also proposes to undertake works within private property to address any potential effects of the proposed works on those properties from which land is required.</p> <p>HCC's 4/9/15 submission to Waikato District Council was made under the Chief Executive's delegated authority for RMA submissions. <b>WDC acknowledged receipt of HCC's submission that same day.</b></p> <p><b>WDC has appointed an independent Commissioner to hear submissions. The Commissioner has issued directions setting out the timetable for evidence exchange. The hearing will be held on 27<sup>th</sup> and 28<sup>th</sup> October 2015. A member of the City Planning Unit will prepare evidence in support of HCC's submission.</b></p> <p><b>On 5/10/15, WDC issued the Section 42A Report. The NZTA's evidence was submitted on 9/10/15, and HCC's evidence was submitted on 16/10/15. The hearing will take place on 27/10/15.</b></p>

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452	<b>Final Position Paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector'</b> <a href="http://www.lgnz.co.nz/home/our-work/our-policy-priorities/4.-infrastructure/3-waters-programme/">http://www.lgnz.co.nz/home/our-work/our-policy-priorities/4.-infrastructure/3-waters-programme/</a>	Local Government New Zealand	Submissions close on 30/10/15	Draft submission to be considered and adopted at 29/10/15 Council meeting.	<p>On 1/10/15 Local Government New Zealand (LGNZ) released its final position paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector' for review and feedback.</p> <p>The paper builds on the momentum established under the LGNZ 3 Waters project by describing how a strong, sector-led approach will address the issues identified in the issues paper released in October 2014 'Exploring the Issues Facing New Zealand's Water, Wastewater and Stormwater Sector'.</p> <p>Using the knowledge gained through the project, feedback from members and the expertise of the Steering Committee and Advisory Group, the paper outlines what we should expect the three waters sector as a whole to deliver to New Zealand.</p> <p>LGNZ has consulted extensively in the preparation of this paper with its members, Government and other stakeholders.</p> <p>There has been general agreement during the process that maintaining the status quo is not an option and that change is needed. The position paper therefore provides views on deliverables of a fit for purpose water sector and three potential models for sector oversight.</p> <p>LGNZ has briefed key Government stakeholders and has released this paper to its members for final comments. A brief article on LGNZ's final position paper was included as part of the 6/10/15 Executive Update.</p> <p>As submissions are being sought by 30/10/15, HCC staff prepared an initial draft submission which was circulated to Elected Members for feedback, with the final draft submission to be considered and approved at the 29/10/15 Council meeting.</p> <p>LGNZ's National Council will consider submissions at its final meeting of the year.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
453	<b>Building (Pools) Amendment Bill</b> <a href="http://www.parliament.nz/en-nz/pb/sc/make-submission/51SCLGE_SCF_00DBHOH_BILL64825_1/building-pools-amendment-bill">http://www.parliament.nz/en-nz/pb/sc/make-submission/51SCLGE_SCF_00DBHOH_BILL64825_1/building-pools-amendment-bill</a>	Local Government and Environment Committee	Submissions close on 5/11/15	To be considered and approved on 3/11/15.	<p>This Bill will amend the Building Act 2004 and repeal the Fencing of Swimming Pools Act 1987 to reduce the compliance burden currently imposed on pool owners and territorial authorities in relation to residential pools while maintaining child safety.</p> <p>HCC's Building Unit analysed the Bill and developed HCC's draft submission.</p> <p>Elected Members were advised of the intention to make a submission in the 13/10/15 Executive Update and also invited to provide feedback/ask questions, with comments required by 19/10/15. Feedback provided at the 20/10/15 Council briefing session was also incorporated into the draft submission.</p>
454	<b>Proposed Law Change to Allow Trading on Easter Sunday - Amendment to the Shop Trading Hours Act Repeal Act 1990</b> <a href="https://www.beehive.govt.nz/release/easter-sunday-shop-trading-law-change">https://www.beehive.govt.nz/release/easter-sunday-shop-trading-law-change</a>	Local Government and Environment Committee	TBC	TBC	<p>On 24/8/15 the Government announced its intention to prepare an amendment to the Shop Trading Hours Act Repeal Act 1990 that will enable territorial authorities to allow trading on Easter Sunday in defined areas. Where there is interest, councils will be able to adopt bylaws to enable shops and garden centres to trade on Easter Sunday.</p> <p>The process for setting bylaws is defined in statute and involves a comprehensive process of consultation. The restrictions on shop trading would still remain within the Shop Trading Hours Act Repeal Act 1990 and therefore the enforcement (even if bylaws were enacted) will remain with the Ministry of Business, Innovation and Employment, and is carried out by Labour Inspectors.</p> <p>After being sent to the Local Government and Environment Committee, councils will have the opportunity to make submissions. If enacted, the new powers will take effect in time for changes to be made prior to Easter 2017.</p> <p>HCC will need to decide in the first instance whether to make a submission to the Bill. An article outlining the issue and impending Bill was included as part of the 25/8/15 Executive Update.</p> <p>LGNZ will be encouraging councils to support the Bill through individual council submissions. They anticipate the Bill to be introduced in late October 2015 for submissions.</p>

SUB #	TITLE OF DOCUMENT/ISSUE	ORGANISATION	DATE SUB. SENT	STRATEGY & POLICY COMMITTEE APPROVAL	STATUS OF SUBMISSION PROCESS
456	<b>Watercare's December 2013 Application for a Water - Take Resource Consent from the Waikato River</b>	Waikato Regional Council	TBC	TBC	<p>SLT discussed the Watercare application (amongst other strategic water issues) on 8/9/14. An update on strategic water issues, including the Watercare application, was outlined in the 'Strategic Round Up Report' discussed at the 24/2/15 Strategy and Policy Committee meeting (Item 18 of the agenda).</p> <p>The 24/2/15 Strategy and Policy Committee report noted that:</p> <ul style="list-style-type: none"> <li>• "Watercare has made an application to the Waikato Regional Council to take a further 200,000 m<sup>3</sup> of water, per day from the Waikato River to supply Auckland's growing water need.</li> <li>• Future Proof is currently looking at whether HCC, Waipa and Waikato District Councils have enough consented water to support current and projected populations.</li> <li>• The findings of this work will inform our position on the Watercare consent, should the application be publicly notified".</li> </ul> <p>The Waikato Regional Council is still to assess the application and has indicated that they are unlikely to do so until 2016.</p>

## Policy and Bylaw Review Scheduling 2015/2016

S&P		Information current as at 21/10/15	
Committee	Draft policies or bylaw reports	Description of report	Review led by
Date			
<b>3 Nov 2015</b>	Public Places Policy and Bylaw – Approval for Consultation	<ul style="list-style-type: none"> <li>Bylaw automatically revoked 25 February 2016. New bylaw must be in place by this time or Council will have no ability to enforce or charge any fees.</li> </ul>	City Growth / Business and Investment subcommittee
	Provisional Local Alcohol Policy - Adoption for Notification	<ul style="list-style-type: none"> <li>Provisional Local Alcohol Policy for adoption. The Sale and Supply of Alcohol Act then requires a 30 day appeal period.</li> </ul>	City Growth
	Liquor licensing Policy Licensed Premises Policy	<ul style="list-style-type: none"> <li>For deletion as part of above report</li> </ul>	City Growth
	Election Signs Policy		CE Office
<b>5 Nov 2015</b>	Class 4 Gambling Venue Policy Gambling – Board (T.A.B) Venue Policy	<ul style="list-style-type: none"> <li>Hearing and deliberations based on public consultation</li> </ul>	City Growth
<b>8 Dec 2015</b>	Alcohol Control Bylaw adoption		City Growth
	Street & Directional Signage Policy	<ul style="list-style-type: none"> <li>Deferred until development of Central City Transformation Plan</li> <li>To be reviewed in conjunction with the Gateways Policy</li> <li>Largely operational detail to guide staff implementation</li> </ul>	City Infrastructure/ Business and Investment subcommittee
	Hamilton City Gateways Policy	<ul style="list-style-type: none"> <li>Deferred until development of Central City Transformation Plan</li> <li>To be reviewed in conjunction with the Street &amp; Directional Signage Policy</li> <li>Strategic decisions required to determine location and LOS for gateways but does not need to be documented in Policy</li> </ul>	City Infrastructure/ Business and Investment subcommittee
	Streetscape Beautification & Management Policy	<ul style="list-style-type: none"> <li>Deferred until development of Central City Transformation Plan</li> <li>The Policy outlines the high level approach to managing the road reserve and has several focuses: street trees, street planting and berm management.</li> <li>Recommendation is that the policy be retained with some changes</li> <li>– streamline content</li> </ul>	Community / Business and Investment subcommittee

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Policy and Bylaw Review Scheduling 2015/2016

S&P		Information current as at 21/10/15	
Committee	Draft policies or bylaw reports	Description of report	Review led by
Date			
		– add in a broad criteria and process for the removal and/or replacement of trees	
	Municipal Endowment Fund Investment Policy		City Growth / Business and Investment subcommittee
	Free holding of Council Domain & Municipal Endowment Leases Policy		City Growth / Business and Investment subcommittee
<b>16 Feb 2016</b>	Public Places Policy and Bylaw – Adoption	<ul style="list-style-type: none"> <li>Bylaw automatically revoked 25 February 2016. New bylaw must be in place by this time or Council will have no ability to enforce or charge any fees.</li> </ul>	City Growth / Business and Investment subcommittee
<b>23 Feb 2016</b>	Trade Waste Bylaw 2006 – Adoption for Consultation	<ul style="list-style-type: none"> <li>LGA 2002 requires the bylaw be reviewed 10 years after it has been made. The review process set out in the LGA 2002 for Trade Waste bylaws requires at least a two month consultation period and specific consultation with the MoH</li> </ul>	City Infrastructure
	Business Improvement District Policy (BID)	<ul style="list-style-type: none"> <li>Deferred to ensure alignment with CCTP.</li> <li>The policy provides guidance on the establishment and administration of BID programmes and associated targeted rates</li> </ul>	City Growth / Business and Investment subcommittee
	Road, Reserve and Park Naming Policy		Community
	Citizens Initiated Referenda Policy		CE Office
<b>Unknown</b>	Property Sale & Disposal		City Growth / Business and Investment subcommittee
	Earthquake prone, Dangerous and Insanitary Buildings	<ul style="list-style-type: none"> <li>On hold until Building (Earthquake-prone) Bill 2013 becomes law</li> </ul>	City Growth
	Speed Management Policy	<ul style="list-style-type: none"> <li>Workshop on National Speed Management Plan being held 20 October</li> </ul>	City Infrastructure
	Housing for the Older Persons Policy	<ul style="list-style-type: none"> <li>Deferred until outcome of Housing Sale process completed</li> </ul>	Corporate
	Event Sponsorship Policy	<ul style="list-style-type: none"> <li>Deferred until future of Event Sponsorship Committee is known</li> </ul>	H3

Bylaw or policy linked to bylaw

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## Policy and Bylaw Review Scheduling 2015/2016

Completed Reviews/Bylaw Milestones		Status
4 June 2014	External Funding Applications Policy	Adopted
16 July 2014	Council Representation on External Organisations Policy	Adopted
3 Sept 2014	Fencing Policy	Deleted - key content captured in management policy
	Use of Herbicides Policy	Deleted - key content captured in management policy
15 Oct 2014	Library Censorship Policy	Deleted - key content captured in management policy
	Library Collection Policy (proposed)	Incorporated into censorship management policy
19 Nov 2014	Significance and Engagement Policy	New policy adopted
26 Nov 2014	Safety in Public Places Bylaw	New bylaw adopted
24 Feb 2015	Traffic Bylaw 2012 Amendment	Bylaw adopted
	Amendment to Garden Place Pedestrian Mall	Pedestrian mall declaration completed
	Open Air Burning Bylaw	New bylaw adopted
	Risk Management Policy	Adopted
8 April 2015	Community Assistance Guidelines and Criteria	Policy updated
26 May 2015	Dog Control Bylaw and Policy	Amended bylaw and policy adopted
	Storm Water Bylaw	New bylaw adopted
	Art in Public Places Policy	Policy deleted
	Older Persons Plan	Adopted
	Heritage Plan	Adopted for consultation
4 June 2015	Revenue and Financial Policy (s103)	Adopted
	Investment & Liability Policy	Adopted
	Rating (Rates Remission and Postponement) Policy	Adopted
	Funding Needs Analysis	Adopted
30 June 2015	Development Contributions Policy (s106)	Adopted Resolved that 'a working group be established to work with the development community during 2015/16 on Council's DC Policy and Growth Funding Policy, and that staff report to Council on 30 June 2015 with draft TOR for this working group'.
7 July 2015	Asset Management Policy	Deleted - content about roles and responsibilities captured in management policy
	Playgrounds Policy	Deleted – Playgrounds of the Future to be updated and adopted as a Plan
	Cellular Network Sites Policy	Deleted
	Graffiti Management Policy	Deleted - key content captured in management policy
11 Aug 2015	Class 4 Gambling Venue Policy	Adopted for consultation
	Gambling – Board (T.A.B) Venue Policy	Adopted for consultation
	Councillor's attendance at Conferences, Seminars and Training	Deleted and the key content captured in a (new) single overarching 'Elected Member Support Policy'.
	Elected Member's Expenses and Allowances	

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	Elected Member's IT	<u>Policies will remain in force until after the October 2016 Local Government Elections.</u>
	Corporate Hospitality and Entertainment Policy	Policy retained with no changes
	Elections – Communications with the Public	Deleted. Council to be guided by the OAG Guidelines – “Good Practice for Managing Public Communications by Local Authorities”. <i>A reference to these OAG Guidelines is included in the Code of Behaviour (current Council policy).</i>
	Elected Member Support Policy (new)	Adopted. <u>Implementation deferred to following the October 2016 Local Government Elections.</u>
22 Sept 2015	Trade Waste Bylaw 2006 Determination	Determination Approved
	Public Places Bylaw 2009 Determination report	Determination Approved
29 Sept 2015	Local Alcohol Policy Deliberations (Liquor licensing Policy, Licensed Premises Policy)	Deliberations Completed
30 Sept 2015 Alcohol Control Bylaw Hearing Subcommittee	Alcohol Control Bylaw – Hearing and Deliberation	Hearings and Deliberations Completed

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