

Notice of Meeting:

I hereby give notice that an ordinary meeting of Hamilton City Council will be held on:

Date: Thursday 26 November 2015
Time: 1.30pm
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

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

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly

Jude Pani
Democracy Manager

19 November 2015
Telephone: 07 838 6883
Jude.Pani@hcc.govt.nz
www.hamilton.govt.nz

Terms of Reference:

- To carry out leadership functions including advocacy and facilitation on behalf of the community.
- To exercise all non-delegatable and non-delegated functions and powers of the Council.
- To make those decisions which are required by legislation to be made by resolution of the local authority.
- To consider any matters referred to it from any of the Standing or Special Committees.
- To authorise all expenditure not delegated to staff or other Committees.
- To receive the Council Risk Register and legal issues reports.
- To receive reports from the Audit & Risk Committee.
- To develop and approve the draft Long Term Plan (LTP) (including any amendments or variations) and Annual Plans (including the Budget and Funding and Financial policies); ensure their effective communication to the community; hear submissions and approve the final plan.
- To approve the Hamilton Plan and to retain overview of it through setting direction on key strategic projects and receiving regular reports on its overall achievement
- Make decisions in respect of District Plan matters.
- The authority to agree to settle and submit draft consent orders to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Plan Variation or Notice of Requirement to designate land or for a heritage order, or a resource consent application.
- The authority to reject a private plan change request.

Financial:

- To determine all financial matters not delegated.
- To receive reports of the exercise of financial delegated authority pursuant to the Public Bodies Contracts Act 1959.
- To approve Council's borrowing programme and treasury management strategy.
- To undertake the statutory audit processes and to consider and approve the external audit arrangements, to receive the Auditor's reports and to approve the audited annual report.

Procedural Matters:

- Delegation of all Committee powers.
- Adoption of Standing Orders.
- Confirmation of all Standing and Special Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive, setting of the Chief Executive's performance targets and review of the Chief Executive's Performance and Remuneration (in accordance with the Employment Agreement).
- Other Delegations.

Opening Prayers will be led by Andrea Haines from St. Peter's Anglican Cathedral

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1 Apologies

2 Confirmation of Agenda

The Council 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 Her Worship the Mayor.

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 6825.

Committee: Council

Date: 26 November 2015

Report Name: Council Minutes - Open - **Author:** Jude Pani
29 October 2015

Status	<i>Open</i>
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1. Recommendation

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 29 October 2015.

2. Attachments

- Attachment 1 - Council Minutes - Open - 29 October 2015

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 29 October 2015 at 1.30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Andrew Parsons – Acting General Manager City Infrastructure Sean Murray – Executive Director H3 and Events Debra Stan-Barton – Acting General Manager City Environments Lance Vervoort – General Manager Community Blair Bowcott – Executive Director Special Projects Luke O’Dwyer – City Planning Manager Aaron Fleming – Unit Manager Strategy & Research Mark Brougham – Programme Manager Strategic Analysis and Business Intelligence Communications Advisors
Also In Attendance	Lachlan Muldowney – City Solicitor, Tomkins Wake
Committee Advisors	Mrs Jude Pani and Mrs Mary Birch

Opening Prayers

The Opening Prayers were led by Anjum Rahman from the Waikato Muslim Association.

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That apologies from Councillor O’Leary be accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Wilson)

That the Council confirm the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

No members of the public spoke in the public forum.

5. Council Minutes - Open - 24 September 2015

The following corrections were noted:

Page 8 Item 6 – “public consultation” to read “public engagement” in 2.b)

Page 8 Item 7 – “Rick” to read “Risk”

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That Council confirms and adopts as a true and correct record, with the changes noted, the Open Minutes of the Council Meetings held on 24 September 2015.

6. Notification of Ruakura Variation to Proposed District Plan

The City Planning Manager (supported by the City Solicitor, Lachlan Muldowney) presented this Report to notify the Ruakura Variation in accordance with the provisions of the First Schedule of the Resource Management Act 1991 (RMA) and to confirm the approach for hearing and issuing decisions on the Variation. The following was noted in response to questions:

- The budget to notification stage is \$50,000, with \$30,000 spent to date.
- The estimated cost of \$81,150 for the hearing and decision process is to be funded from within the City Planning Unit budget.
- It was considered best practice for the Council to appoint experienced RMA independent commissioners to complex plan change processes; with some councils delegating to a panel comprising both independent commissioners and Elected Members.
- Amendments to the RMA now required hearings panel members that are delegated to hear and make decisions on this matter to have the appropriate accreditation.
- If the full Council conducted the hearing, all Elected Members should attend and hear the evidence.
- Previously, Council had used a mix of independent commissioners and Elected Members.
- It would be going out to public consultation and submissions from 11 November to 18 December 2015, which was longer than the statutory notification period required.

- It was estimated that the hearing would be convened no earlier than May 2016, with notification expected on 11 November 2015.
- In estimating the time commitments for this Variation, the Board of Inquiry (BoI) sat for 6-7 weeks. Many of the issues dealt with by the BoI will not need to be re-litigated through this hearing process.
- The length of the hearing, deliberation and decision process depended on the number of submitters. Three weeks was not unrealistic.
- Staff would consider the option of holding the hearing at Council.

Motion: Crs Chesterman/Pascoe

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and
- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c).

Amendment: Crs Macpherson/Wilson

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991; and
- c) Council resolves to convene a hearings panel comprising the whole of Council to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified.

The Amendment (Crs Macpherson/Wilson) was Put.

Those for the Amendment: Councillors Gallagher, King, Macpherson, and Mallett

Those against the Amendment: Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, Green, Wilson and Tooman

The Amendment was declared lost.

Amendment: Crs Gallagher/King

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and

- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c) plus a former or current elected member who is suitably qualified if available

The Amendment (Crs Gallagher/King) was Put.

Those for the Amendment:	Councillors Gallagher, King, Macpherson, Green and Mallett
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, Wilson and Tooman

The Amendment was declared lost.

The Motion (Crs Chesterman/Pascoe) was then Put.

Resolved: (Crs Chesterman/Pascoe)

That:

- a) The report be received;
- b) Council approves the Ruakura Variation (Attachment 1) for notification on 11 November 2015, pursuant to Section 73 of the Resource Management Act and Clause 5 of Part 1 of the First Schedule of the Resource Management Act 1991;
- c) Council resolves to convene a hearings panel to hear, determine and make decisions on all matters relating to the Ruakura Variation once notified. It is further recommended that the hearing panel comprise two independent commissioners with qualifications and skills in strategic land use planning and/or infrastructure engineering (with one appointed as a chair); and
- d) The Chief Executive reports back to Council to appoint two suitably qualified independent commissioners as per recommendation (c).

Those for the Motion:	Her Worship the Mayor Hardaker, Councillors Green, Wilson, Forsyth, Pascoe, Chesterman, Yeung, Mallett and Tooman
Those against the Motion:	Councillors King, Gallagher and Macpherson

The Meeting adjourned (3.40pm to 3.55pm).

7. Waikato Sub-Regional Waters Study - Next Steps

The Executive Director Special Projects presented this Item relating to a Waters Council Controlled Organisation for Hamilton City Council, and Waikato and Waipa District Councils. The Manager advised that Waipa District Council had adopted the recommendations as presented to the Council and Waikato District Council were considering this matter on 9 November 2015. The following was noted in response to questions:

- It was the intention to reach stage 3 by June 2016 and then pause until after the October 2016, with the project reconsidered by the incoming councils following the local government elections.
- Costs would be reported when they were known.
- Elected Members from each of the three councils would work through the issues and bring information back to the Council for consideration.
- There would be several “touch points” for the Council.
- Debt, revenue and assets would reduce for the Council, as they would move to the CCO.

Councillor Wilson retired from the Meeting at 4.05pm prior to voting on Item 7.

Motion: Mayor Hardaker/Cr Chesterman

That:

- a) The report be received;
- b) Council support the establishment of a Hamilton City Council, Waikato District Council and Waipa District Council Waters Governance Group to address the issues in Attachment 1 of this report and any other associated issues, in accordance with the Terms of Reference outlined in Attachment 2 of this report;
- c) Council appoints the Mayor, Cr Mallett and Cr Gallagher to the Waters Governance Group;
- d) Council agrees to a combined budget of \$350,000 being allocated to the Waters Governance Group to undertake investigations into the issues identified in Attachment 1 of this report “Issues to be resolved prior to public consultation” and such other issues as may be identified, to report back on those investigations and to work towards the completion of a record of agreement between all three Councils by 30 June 2016;
- e) Hamilton City Council fund 50% (\$175,000) of the approved budget and Waikato and Waipa District Councils fund 25% (\$87,500) each of the approved budget;
- f) Hamilton City Council’s share of the funding for this project (\$175,000) will be addressed through the Risks and Opportunities process for the 2015/16 year.
- g) Council delegates authority to the Chief Executive to engage specialist advice as required.

Amendment: Crs Macpherson/Gallagher

That:

- a) The report be received;
- b) That prior to Hamilton City Council making any decision to proceed with further investigation into the Waikato Sub-Regional Waters Study, including the establishment of a Waters CCO, Council hold a referendum on:
 - i. whether to proceed with further consideration of a Waters CCO,
 - ii. Or to preserve the status quo for 3 Waters operation,

- iii. Or to study further a shared services agreement with neighbouring Councils on 3 Waters delivery.
- c) That the referendum be held at the time of, or prior to, the 2016 Triennial Election.
- d) That the cost of conducting a referendum be addressed through the Risks and Opportunities process for the 2015/16 year.

The Amendment (Crs Macpherson/Gallagher) was Put.

Those for the Amendment:	Councillors Gallagher and Macpherson
Those against the Amendment:	Her Worship the Mayor Hardaker, Councillors Chesterman, Yeung, Forsyth, Pascoe, King, Green, Mallett, and Tooman

The Amendment was declared lost.

The Motion (Mayor Hardaker/Cr Chesterman) was then Put.

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That:

- a) The report be received;
- b) Council support the establishment of a Hamilton City Council, Waikato District Council and Waipa District Council Waters Governance Group to address the issues in Attachment 1 of this report and any other associated issues, in accordance with the Terms of Reference outlined in Attachment 2 of this report;
- c) Council appoints the Mayor, Cr Mallett and Cr Gallagher to the Waters Governance Group;
- d) Council agrees to a combined budget of \$350,000 being allocated to the Waters Governance Group to undertake investigations into the issues identified in Attachment 1 of this report "Issues to be resolved prior to public consultation" and such other issues as may be identified, to report back on those investigations and to work towards the completion of a record of agreement between all three Councils by 30 June 2016;
- e) Hamilton City Council fund 50% (\$175,000) of the approved budget and Waikato and Waipa District Councils fund 25% (\$87,500) each of the approved budget;
- f) Hamilton City Council's share of the funding for this project (\$175,000) will be addressed through the Risks and Opportunities process for the 2015/16 year.
- g) Council delegates authority to the Chief Executive to engage specialist advice as required.

Councillors Macpherson and Gallagher dissenting

8. Consideration and Approval of HCC's Draft Submission to LGNZ's Final Position Paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector'

Resolved: (Crs Mallett/Tooman)

That:

- a) The report be received;
- b) HCC's draft submission to LGNZ's final position paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector' be considered and approved;
- c) That following approval, HCC's final submission be sent to LGNZ to meet the 30 October 2015 submission closing date;
- d) That subsequent to Council's submission is sent to LGNZ, the final submission be uploaded to HCC's website; and
- e) That local Members of Parliament be advised of and encouraged to support HCC's submission to LGNZ adopted at the 29 October 2015 Council meeting.

Councillors Gallagher and Macpherson dissenting.

9. Resolution to Exclude the Public

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

Section 48, Local Government Official Information and Meetings Act 1987

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Council Minutes - Public Excluded - 24 September 2015) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. City Honours) Official Information and Meetings Act 1987	
C3. Chief Executive Review)	

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

Item C1.	for the reasons noted in the 24 September Agenda	Section 7 (2)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.		

Councillors Green and Macpherson retired from the Meeting at 4.50pm.

The Meeting moved into a Public Excluded session (4.50pm to 5.17pm).

The Meeting was declared closed at 5.17pm.

Committee: Council

Date: 26 November 2015

Report Name: Recommendations to Council -
Finance Committee Meeting
22 October 2015

Author: Jude Pani

Status	<i>Open</i>
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Councillor Pascoe, the Chair of the Finance Committee, will present the recommendations of the Committee Meeting held on 22 October 2015. The 22 October 2015 Finance Committee Agenda is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

Community Occupancy Applications

That Council:

- a) Council approves the granting of a new community group lease to the **Hamilton Cadet Forces Building Charitable Trust** for premises at 60 Dey Street as shown in Attachment 1 of the Committee Report, being Part Section 36 Hamilton East Town Belt, subject to the following terms and conditions:
 - i. Term – two years;
 - ii. Rent – \$2,428.13 plus GST per annum in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- b) Following s54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to **Metro Judo Club Incorporated** for premises at Pembroke Park as shown in Attachment 2 of the Committee Report, being Lot 1 DPS1727 and Lot 1 DPS 70567, subject to the following terms and conditions:
 - i. Term – 10 years;
 - ii. Rent – \$4,565.50 plus GST per annum in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines;
- c) Following s54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to **Arts for Health Community Trust** for premises at Ward Park as shown in Attachment 3 of the Committee Report, being Pt Allot 11 Hamilton West Town Belt, subject to the following terms and conditions:
 - i. Term – 10 years;
 - ii. Rent – \$406.25 plus GST per annum in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy

and Community Occupancy Guidelines;

- d) Following s54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to **Artmakers Community Artists Trust** for premises at Ward Park as shown in Attachment 3 of the Committee Report, being Pt Allot 11 Hamilton West Town Belt, subject to the following terms and conditions:
- i. Term – 10 years;
 - ii. Rent – \$2,431.25 plus GST per annum in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines; and
- e) Following s54(1)(b) of the Reserves Act 1977, Council approves the granting of a new community group lease to the **Hamilton Community Men’s Shed Trust** for premises at Ward Park as shown in Attachment 3 of the Committee Report, being Pt Allot 11 Hamilton West Town Belt, subject to the following terms and conditions:
- i. Term – 10 years;
 - ii. Rent – \$455.55 plus GST per annum in accordance with the Community Occupancy Policy;
 - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines.
- f) Council grants approval for the **Hamilton Community Men’s Shed Trust** to locate a 20 foot storage container on the premises within the asphalt carparking area adjacent to the existing storage container for the purpose of storing materials for the use and benefit of its members subject to the storage container:
- i. being painted to match the colours of the main building;
 - ii. being kept and maintained in good clean order and condition free of graffiti and other malicious damage;
 - iii. being removed from the premises at the expiry or earlier determination of the lease

1. Attachments

2. There are no attachments for this report.

Committee: Council

Date: 26 November 2015

Report Name: Recommendations to Council -
 Strategy and Policy Committee
 Meeting - 3 November 2015

Author: Jude Pani

Status	<i>Open</i>
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The recommendations of the Strategy and Policy Committee meeting held on 3 November 2015 are presented. The 3 November 2015 Committee Agenda is available via the following link:

<http://www.hamilton.govt.nz/our-council/meetings-and-minutes/Pages/default.aspx>

1. **Draft Public Places Policy and Bylaw for Public Engagement**

That:

- a) the proposed draft Public Places Policy be approved for public engagement to commence on 2 December 2015 and close on 15 January 2016.
- b) in relation to the proposed draft Public Places Bylaw 2016:
 - 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; and
 - 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.
- c) the Business and Investment Subcommittee:
 - i. be delegated to hear and deliberate on submissions made to the proposed draft Public Places Bylaw 2016 and draft Public Places Policy; and
 - ii. 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.

2. **Election Signs Policy - Review**

That the Election Signs Policy (attached as Attachment 2 in the Committee report) be deleted.

3. Road Stopping - Ruakura Rd & Percival Rd

That:

- a) Council grants approval to initiate stopping the areas of Ruakura Rd and Percival Rd as indicated on Attachment 1 of the Committee report subject to:
 - i. The road stopping process be completed in terms of the Local Government Act 1974 (section 342 and 10th 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 of the Committee report;
 - iii. Any objections received from the public consultation are to be reported back to Council for consideration; and
 - iv. Closing of the roads is not to be undertaken until construction of the new agreed alternative roads are complete.
- b) the Chief Executive be delegated authority to sign all documentation relating to the road stopping process and legalisation of the land;
- c) 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 be the responsibility of Tainui Group Holdings Ltd;
- d) 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; and
- e) all costs associated with the transfer of the land to be the responsibility of Tainui Group Holdings Ltd.

4. Road Stoppings - CDL Land New Zealand Ltd

That:

- a) an area of Brywood Rise totaling approximately 6162m², as shown on Attachment 2 in the Committee Report, be stopped in terms of the Public Works Act 1981, subject to the area being confirmed by a survey plan;
- b) the area of Brywood Rise stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 6552m² being vested in Council as road at no cost, as shown on Attachment 2 in the Committee report, subject to the area being confirmed by a survey plan; and
- c) an area of Sylvester Road totaling approximately 1265m², as shown on Attachment 3 in the Committee report, be stopped in terms of the Public Works Act 1981, subject to the area being confirmed by a survey plan;
- d) the area of Sylvester Road stopped is transferred to CDL Land New Zealand Ltd in exchange for approximately 1800m² being vested in Council as road at no cost, as shown on Attachment 3 in the Committee report, subject to area being confirmed by a survey plan;
- e) road stopping process to be completed in terms of the Public Works Act 1981;

Item 7

- f) the Local Government Act road stopping process is to be completed if the Public Works Act 1981 process is unable to be complied with;
- g) all costs associated with the road stopping and land exchange processes are the responsibility of CDL Land New Zealand Ltd; and
- h) the Chief Executive be delegated authority to sign all documentation relating to the road stopping and land exchange.

5. **Attachments**

- 6. There are no attachments for this report.

Committee: Council

Date: 26 November 2015

Report Name: Delegations to Positions

Author: Jude Pani

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Local Government Act 2002</i>
Financial status	<i>There is not budget allocated – Administrative</i>
Assessment of significance	<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

- For the Council to approve changes to the Delegations to Positions Policy (“the Policy”) to reflect the recent organisation restructure.

3. Background

- Council approved delegations to positions following the 2013 Local Government elections.
- Recent changes to the organisation structure require subsequent Policy alignment. Also, the current Policy has a clause which requires the Policy to be reviewed following a change in the appointment of the Chief Executive. This has been removed in the Policy document being presented for approval to reflect the intent of legislation, that delegations are to positions and not to individuals.
- The updated Policy is presented for Council approval.
- It is noted that the Policy is to be reviewed in 2016 and will be presented to the incoming Council for adoption following the 2016 Local Government elections.

8. Recommendations from Management

That:

- the report be received; and
- the changes to the Delegations to Positions Policy (Attachment 1) be approved.

11. Attachments

- Attachment 1 - Council Policy - Delegations to Positions November 2013 (tracked changes)

Signatory

Authoriser	Richard Briggs, Chief Executive
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Hamilton City Council

Council Policy

Delegations to Positions

~~December 2013~~

November 2015

THE PHILOSOPHY OF THE COUNCIL

Hamilton City Council believes that it is essential, in the interests of effective governance, to encourage a delegation of decision making to the lowest competent level. This will achieve best use of the abilities of elected representatives and officers, ensure cost effective use of resources, and promote the development of efficient and effective management.

Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use. Delegations cannot, however, remove from the Council and senior management the ultimate accountability for the affairs of this Council.

Those with delegated authority should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair and objective manner, will not be reviewed lightly.

It is the statutory function of this Council to lead and guide the good management of the City by determining primary goals and objectives, by setting strategies and policies for their achievement, to encourage their achievement through the considered use of committees and the appointment of skilled officers, and to monitor performance. Officers, in turn, implement and administer those policies, contribute substantially to their formulation and provide and manage the infrastructures on which the City is based. Delegation focuses and sharpens this relationship and assists in the better achievement of the respective functions of elected representatives and officers.

Julie Hardaker
Mayor of Hamilton

~~Barry Harris~~ **Richard Briggs**
Chief Executive Officer

Local Government Act 2002

"A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authoritythat made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them." (Clause 32 (4), Schedule 7 Local Government Act 2002)

"Nothing in this clause entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a sub-committee, or other subordinate decision-making body". (Clause 30 (6) Schedule 7 Local Government Act 2002)



THE DELEGATIONS POLICY

The Delegations Policy (“the Policy”) is one of a series of documents adopted by the Council to define methods and means of operation and managerial and administrative relationships. Delegations are related to these other key documents including:

- Governance Structure**
- Council Policy (Delegations Specific to RMA)**
- Council Standing Orders**
- Council Policies**
- Management Policies**

City by-laws and other formal expressions of Council’s policies

Delegations to Committees of Council are specified in the Governance Structure policy document. Delegations to the Mayor, Deputy Mayor, Chief Executive Officer, General Managers and certain positions are recorded in the Policy. It includes the officially approved delegations to the Chief Executive Officer and specified Council officers. All financial delegations to staff below CEO are recorded in the Management Policy – Financial Delegations to Officers.

GENERAL AND SPECIFIC DELEGATIONS

General delegation implies the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.

From time to time the Council may delegate authority by resolution to determine a specific issue and this authority will exist only so long as that matter is unresolved and will then lapse. This is a specific delegation.

Delegations will be updated for general delegations as they are granted, but not necessarily those of a specific nature, which will be largely historical by the time they are recorded in the Policy.

STATUTORY AUTHORITY

These delegations are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation.

THE MEANING OF DELEGATION

Delegation means the assignment of a duty or power of action to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

Where a power to hear evidence and submit a subsequent report or recommendation to a higher authority requires delegation, the delegation is recorded in the Policy.

Where specific delegation is not identified or, the delegation is not clear, or, the matter overlaps a number of fields of activity for Standing Committees, such items should either expressly, or by default, be dealt with as recommendations only to Council or its respective Standing Committee.

WHAT MAY BE DELEGATED

In almost all situations the Council itself is a delegate in that its functions, powers and duties derive from Parliament through empowering legislation under which legislative, judicial and administrative authority is granted to the Council for specific purposes.

In this environment, the Council has a wide discretion to arrange its own administration in a way which ensures efficiency, flexibility and responsiveness to local needs. In doing so it must, however, comply with the special requirements imposed by ~~law in given circumstances~~ the Local Government Act 2002 and other legislation.

THE CHARACTERISTICS OF DELEGATION

It is important to understand the following characteristics of delegation:

- a) It is implicit that a delegation may be revoked by formal decision of Council or delegator, and effective when communicated to delegate;
- b) The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority;
- c) To be effective and of legal standing, all delegations must be in writing (i.e. via the Policy or by resolution).

CARE IN DEFINING AUTHORITY

The law recognises, in certain circumstances, the right of individuals acting in good faith in relying on the apparent authority of a delegate to enforce a decision of that delegate, whether or not the delegate in fact had the authority claimed. Accuracy and precision should always be a feature when defining the scope and limitations of any delegated authority in order to protect the interests of the Council, the delegate and any interested third party.

THE LEGAL FRAMEWORK

Council may delegate any of its functions to a Committee or Subcommittee, subject to any conditions or limitations imposed by the Council.

The fundamentals are that Council cannot delegate:

- The power to make a rate; or
- The power to make a bylaw; or
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or otherwise expressly covered in the Policy; or
- The power to adopt a long-term plan, annual plan, or annual report; or
- The power to appoint a Chief Executive; or
- The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
- The power to adopt a remuneration and employment policy. *(Local Government Act 2002 - Schedule 7, Clause 32 (1))*

Council can delegate all statutory powers (other than those listed above or as expressly provided in any other legislation) and the authority to manage and regulate on Council's behalf to committees. ~~—(Section 114Q)~~ *(Local Government Act 2002 - Schedule 7, Clause 32 (1))*

A **Standing Committee** or other subordinate decision making body, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation. *(Local Government Act 2002 – Schedule 7, Clause 32 (3))*

REFERENCES TO LEGISLATION

In this Policy, unless the context otherwise requires, all references to a repealed enactment should read as a reference to its replacement.

REVIEW OF DELEGATIONS POLICY

The delegations policy shall remain in effect until such time as it is:

- a) ~~Varied varied~~ or revoked by resolution of the Council; ~~or~~
- b) ~~Becomes invalid by reason of a change in the appointment of the Chief Executive.~~

FINANCIAL DELEGATION - THE SPECIFIED SUM

The specified sum is a dollar sum established initially by Council resolution and re-viewable each year with any variation recorded by resolution, which determines, in conjunction with the Policy and the management policy – **Financial Delegations to Officers**, the extent of the financial authority of any delegate within the authorised programme. The specified sum(s) applicable to the various financial transactions are as follows noting that these values apply to CEO only. General Managers and officers are subject to limitations as set out in **Financial Delegations to Officers**.

Expenditure Type – Refer Definitions

Unexpended Budget - (Operating and Capital)	Overspends/ Unbudgeted (Operating and Capital)	Capex – B/Fwd	Contract Payments	Purchase/Sale of Land	Debt Write-off	Legal Claims	Financial Operations (Admin disbursements)	Development Contributions
Limited to the approved budget	\$250,000 Also Civil Defence Emergency Limit	\$500,000	\$1,500,000 Total contract term not exceeding 5 years including renewals	\$1,500,000	\$10,000	\$500,000 for weather-tight building claims (leaky buildings) \$250,000 for all other legal claims	Limited to budget	\$1,500,000

***Notes:**

(a) A cumulative cap of \$1,000,000 per financial year for the aggregate total (whole of Council) of all unbudgeted items, overspends and operational expenditure (Opex) brought forward and approved under delegated authority during that financial year. Any significant overspends or underspends will be recorded and reported to the Finance Committee on a quarterly basis.

(b) An additional \$500,000 is an “at risk” component to apply only in the event of a declared emergency to give a maximum annual Opex brought forward cap of \$1,500,000.

Expenditure Types – Definitions

Unexpended Budget – Operating and capital expenditure including deferred capital expenditure (approved by Council resolution) that has been budgeted in the applicable Long Term Plan/Annual Plan and not yet spent. All expenditure must comply with the requirements of Council’s procurement policy.

Overspend and Unbudgeted - Any expenditure on an item that exceeds the amount budgeted for that item in the Applicable Long Term Plan/Annual Plan or is not budgeted but required to deliver the level of service and outcomes outlined in the applicable Long Term Plan/Annual Plan e.g. contract or project cost over-run. This is also the limit for expenditure in the event of an emergency from funds not included in the estimates.

Capex – Capital Expenditure Brought Forward – Capital expenditure occurring in financial periods in advance of the planned expenditure timeframe in the applicable 10 year Plan. This delegation is to the Chief Executive, Chief Financial Officer and General Managers only (limits apply to positions per Financial Delegations to Officers) and may not be further delegated.

Contracts – Payment (or Revenue) – Includes all payments (including retentions) made in respect of contractual agreements.

Progress Payment Certificates are completed and approved by Delegated Authority, and in the case of Physical Works Contracts, must be countersigned by another person with knowledge of the project (this may be an external consultant).

If a contract has been approved by Council resolution, CE or GM can execute the contract, can authorise payments up to the Approved Contract Sum and/or can delegate the authorisation of payments to a nominated position.

If a contract has been approved by management delegation, the payment/s must be authorised by a staff member with the correct Financial Delegated Authority for that payment.

Contracts involving revenues receivable by Council, including contracts and agreements with promoters and relating to the organising of events by Event Facilities, must have the necessary Delegated Authority to authorise the payment, unless the agreement has been approved by Council.

Contracts exceeding 5 years total term (including renewals) to be authorised by Council or Finance Committee.

Where a contract involves both; (a) expenditure (payable by Council) and (b) revenue (receivable by Council), the sum total is the greater of either the expenditure or revenue. i.e. there must be no offset of expenditure and revenues.

The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor, for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly forbidden.

Purchase/Sale of Land - Includes any expenditure occurring in respect to the purchase and sale of land where the purchase or sale is provided for in the applicable Long Term Plan/Annual Plan either separately or as an integral part of a project, or authorised by a resolution of Council. For the avoidance of doubt, the purchase and sale of land includes the acquisition or disposal of land under the provisions of the Public Works Act 1981.

Debt Write-off – Irrespective that the CEO and GM’s may have delegated authority to write off bad debts, all such debts written off must be reported to the next Finance Committee [meeting](#).

Legal claim –

- (a) **Insured Claims – No Excess** (provided prior written confirmation is obtained from Council’s insurer)
- (b) **Insured Claims – Excess Applicable** (provided written confirmation is obtained from Council’s insurer stating that the proposed settlement amount less the amount of the excess payable by Council is covered by Council’s insurance and, the Chief Financial Officer confirms that funds are available to cover the Council’s excess.
- (c) **Uninsured Claims – Direct cost to Council or, the settlement amount is less than the excess of the Council’s applicable Insurance policy** (Confirmation by the Chief Financial Officer that funds are available. If funds are not available the proposed settlement amount must be reported to Council or a Standing Committee.)
- (d) **Uninsured Claims involving an indirect cost to Council** – (Loss of Revenue e.g. Fees, Fines, Charges, Rates)
- (e) **All legal claims to be reported to the next Finance Committee**

Note: Legal claim includes weather-tight building claims (leaky buildings)

Financial Operation – Subject to any policies adopted by the Council, the Chief Executive and Chief Financial Officer are each delegated the authority to operate (including opening and closing accounts) all of the Council’s bank accounts, investment accounts, sinking funds, loan accounts, special funds and other financial matters including signing authority where appropriate. This includes payment of regular sums for administrative matters such as: power, heat and light; tax and GST payments; rates; etc.

Development Contributions – subject to the Development Contributions Policy, the Chief Executive is delegated authority to approve a reduction, postponement, or refund in a development contribution levied on a developer to the limit specified in this Policy. All reductions, postponements or refunds to be reported to the next Finance Committee [meeting](#). No delegation is provided to CEO for hardship related remissions or remissions not provided in the Development Contributions Policy.

Waiver of Council Fees & Charges – Subject to any specific waiver policies adopted by Council, the Chief Executive and General Managers are each delegated authority to waive fees and charges for their areas of responsibility **provided:** (a) the waiver and the amount are recorded and available for audit purposes and, (b) the waiver is in consideration of circumstances that do not create a precedent, and (c) the act of waiving such fees and charges reflects ‘good citizen’ conduct, and (d) any waivers to be reported to the next Finance Committee [meeting](#), with the threshold to be determined in conjunction with the Chair of the Finance Committee.

Delegations by the Council to the Mayor and Deputy Mayor

Position	General Delegations
<p><i>Mayor</i></p>	<p>The Mayor is elected by the City as a whole and as one of the elected members shares the same responsibilities as other members of Council.</p> <p>Authorities</p> <ul style="list-style-type: none"> • Lead the development of Council's plans (including the long-term plan and the annual plan), policies and budgets for consideration by the Council.* • To appoint the Deputy Mayor.* • To establish committees of the Council.* • To appoint the Chairperson of each committee.* • Act as a Justice of the Peace. • Requisition a meeting of Council. • Declare a Civil Defence emergency. • Authority of a Chairperson pursuant to standing orders. • In relation to the Chief Executive's employment contract, has delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions. <p>*Note: Subject to the provisions of Section 41A of the Local Government Act 2002.</p>
<p><i>Deputy Mayor</i></p>	<p>Authorities</p> <ul style="list-style-type: none"> • All the authorities of the Mayor when the Mayor is not available and including, in relation to the Chief Executive's employment contract, the delegated authority to manage <u>routine</u> employment matters such as; approving leave provisions; deduction and overpayment arrangements; approving expenditure and travel reimbursement claims, but excluding changes to employment contract provisions, and the Mayor's powers under section 41A(3) of the Local Government Act 2002.

Delegations by the Council to the Chief Executive, General Managers and Specified Positions

Position	General Delegations
<p>Chief Executive Officer</p>	<p>In accordance with clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive is hereby delegated all responsibilities, duties and powers to act, and to further delegate such responsibilities, duties and powers to act on any matter, and shall exercise this delegation subject to the Exclusions and Conditions listed below:</p> <p>Exclusions</p> <ul style="list-style-type: none"> • Any responsibilities, duties and powers that the Council is prohibited by rule of law from delegating to officers. • Any responsibilities, duties and powers conferred on Council by an external entity that the entity has prohibited the Council from delegating to officers. • Any matter that can only be given effect by a resolution of the Council or a standing committee. • Any matter that is outside the Chief Executive’s Financial Delegations. • Council’s own power to delegate (<i>section 34A(1) of the RMA</i>). This power remains with Council. • Approve the Proposed District Plan as operative (<i>section 34A(1)(a) of the RMA</i>). This power remains with Council. • Appoint a hearings commissioner (<i>section 34A(1) of the RMA</i>). This power remains with Council. • Notify a Proposed District Plan. • Make a decision on submissions and further submissions to a Proposed District Plan. • Agree to settle and submit a draft consent order to the Environment Court relating to an appeal on a Proposed District Plan, Plan Change, Variation or Notice of Requirement to designate land or for a heritage order. • Reject a private plan change request.

Chief Executive
(continued)

- To hear and determine objections to officer-declined resource consent applications which will be heard by hearings commissioners (independent).
- Agree to settle and submit a draft consent order to the Environment Court relating to an appeal on a resource consent application.

Conditions

- This delegation does not preclude the Chief Executive from referring any matter to the Council or a committee for decision if the matter is particularly significant; of political importance or sensitivity; of special community interest or for any other reasons the Chief Executive determines.
- The Chief Executive shall exercise this delegation in accordance with any plans, policies, and procedures and bylaws adopted by Council and with any specific directives given by way of resolution of the Council or standing Committee.
- ~~This~~ Unless specifically restricted as to name or time, this delegation shall remain in effect until such time as it is; ~~(a)~~ varied or revoked by resolution of the Council ~~or, (b) becomes invalid by reason of a change in the appointment of the Chief Executive.~~
- Where exercised by a General Manager (other than the Deputy Chief Executive) in the unplanned or unforeseen absence of the Chief Executive, that consultation occurs with the Senior Leadership Team.
- The Approved Contract Sum is the aggregate of all amounts most likely to be paid to the contractor, for that contract, over the life of the contract. Disaggregation of supplies or contractual arrangements in order to comply with this requirement is expressly forbidden, and a higher level of authority must be sought in every situation.

Note: The Council may from time to time appoint the CEO (or other senior officers) to act in Council's interests as director or shareholder representative with associate organisations. Any such appointment should be considered a specific delegation and to be fulfilled in terms of the requirements of each specified appointment rather than as a general delegation as provided by this policy.

<p><u>Acting Deputy Chief Executive</u></p>	<p>In the formal and recorded absence of the Chief Executive the <u>Acting Deputy</u> Chief Executive is delegated all the powers of the Chief Executive <u>and may act for the Chief Executive in an emergency where the Chief Executive cannot be contacted.</u></p>
<p><u>General Managers and Executive Directors</u></p>	<p><u>General Managers and Executive Directors</u> may:</p> <ul style="list-style-type: none"> • Delegate further to staff within their respective Groups (without any further sub-delegation). • Enforce bylaws overseen by their respective Groups or by further delegation to the appropriate enforcement officer or by any other means as required by statute. • Enter into contracts subject to their Delegated Financial Authority • Execute statutory notices, encumbrances, bonds and agreements in the name of Council and within approved delegated limits. • Exercise their specific delegations without further reference (some may require to be reported) • Establish staff committees or working groups. • <u>Act for the Chief Executive in an emergency where the Chief Executive and the Deputy Chief Executive cannot be contacted, provided this is permitted by law, and in accordance done through consultation with the Senior Leadership Team Council policy and any term or condition imposed by Council.</u>
<p><u>General Manager Corporate Incorporating Chief Financial Officer</u></p>	<ul style="list-style-type: none"> • The General Manager Corporate (when incorporating Chief Financial Officer) may exercise the following specific powers, where that is permitted by law, and in accordance with Council policy and any term or condition imposed by Council. <ul style="list-style-type: none"> • To determine an interest rate under Section 42 (3) and Section 68 (2) (b) (ii) of the Local Government (Rating) Act 2002; • Amend any entries in the valuation roll or the Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances; • To administer the rating function in conjunction with the <u>Finance Manager/Financial Controller</u> and Revenue Manager under Section 132 of the Local Government (Rating) Act 2002.
<p><u>GM - City Infrastructure</u></p>	<p>The General Manager may exercise the following specific powers where that is permitted by law, and in accordance with Council policy and any term or condition imposed from time to time by the Council.</p> <ul style="list-style-type: none"> • Exercise any power to impose temporary restrictions in regard to traffic and restrict vehicular access of any kind to roads within the City. • The specific powers and authorities detailed in the Resource Management Act 1991, as specified in the Chief Executive's delegations to

	officers.
GM - City Environments Growth	<p>The General Manager may exercise the following specific powers where that is permitted by law, and in accordance with Council policy and any term or condition imposed from time to time by the Council.</p> <ul style="list-style-type: none"> • Unless prohibited by law, the General Manager may sub-delegate any of the powers hereby delegated and may temporarily withdraw or restrict the use of the powers sub-delegated to any officer under his/her control with the exception of specific statutory powers. All such delegations are to be recorded in writing. • The specific powers and authorities detailed in the Resource Management Act 1991, as specified in the Chief Executive's delegations to officers. • The power to enforce provisions of Section 75 of the Building Act 2004 – Construction of Building on two or more allotments including the power to sign or not sign a certificate under s75 of the Building Act. • The power to receive and process consent applications pursuant to policy under Sections 98-100 of the Gambling Act 2003. • The power to enforce provisions of the bylaw relating to signage and location of brothels pursuant to Sections 12 & 14 of the Prostitution Reform Act 2003. • The power to waive building line restrictions and revocation of those previously imposed pursuant to Section 327A, Local Government Act 1974. • <u> </u> The power to permit rights-of-way and to impose conditions pursuant to Section 348, Local Government Act 1974. <p>The General Manager City Environments is to act as Secretary of the District Licensing Agency with authority to perform all powers, functions and acts of the secretary under the Sale of Liquor Act 1989.</p> <ul style="list-style-type: none"> • Exercise, on behalf of Council, the general powers and authorities specified in statutes and bylaws relating to: <ul style="list-style-type: none"> a) <u> </u> the service of orders and notices; b) <u> </u> the issue of licenses and permits; and c) <u> </u> the suspension and/or revocation of licenses or permits. <p>Note: Delegations of territorial authority responsibilities with regard to the Dog Control Act 1996 can be exercised by any one of: the General Manager City PlanningGrowth, City Safe Unit Manager and Animal Education and Control Manager, or appointed nominee.</p>

<p>GM - Community</p>	<p>The General Manager may exercise the following specific powers where that is permitted by law, and in accordance with Council policy and any term or condition imposed from time to time by resolution of Council.</p> <ul style="list-style-type: none"> • The General Manager Community Services administers the Reserves Act 1977 as it affects reserves under the control of Council in accordance with Council policy. • The specific powers and authorities detailed in the Resource Management Act 1991 as specified in the Chief Executive’s delegations to officers.
<p>Secretary of District Licensing Committee</p>	<p>The City Safe Unit Manager is to act as Secretary of the District Licensing Committee with authority to perform all powers, functions and acts of the secretary under the Sale and Supply of Alcohol Act 2012.</p>
<p>Privacy Officer</p>	<p>The Democracy Manager is appointed Privacy Officer for the Council pursuant to Section 23 of the Privacy Act 1993 and is delegated the powers of associated with that position pursuant to Section 124 of the Privacy Act.</p>
<p>Rates Administration Officers</p>	<p>The responsibility for administering the provisions of the Local Government (Rating) Act 2002 is delegated to the following officers:</p> <ul style="list-style-type: none"> • Chief Executive • <u>General Manager Corporate (incorporating the Chief Financial Officer)</u> • Finance Manager • <u>Financial Controller</u> • Revenue Manager <p>In addition, the Revenue Manager is specifically delegated the responsibility to make decisions as to the allocation of rating units to differential rating categories in terms of Section 27(5)(a) of the Local Government (Rating) Act 2002.</p> <p>Note: Council may not delegate to any officer (Section 132):</p>

	<p>a) Any of the powers to set and assess rates.</p> <p>b) Any of the duties relating to the setting and assessment of replacement rates.</p> <p>c) The power to delegate.</p>
<i>Prosecuting Officers</i>	<p>The following Officers of Council, by Appointment, are appointed to act on behalf of Council in all proceedings in a District Court or before any Justice of the Peace.</p> <ul style="list-style-type: none"> • General Manager Corporate (incorporating the Chief Finance/Financial Officer) • Revenue Manager • City Environments Group Legal Officer • Any duly appointed warranted officer (Dog Control, Parking, Liquor Licensing, RMA etc.)
<i>Civil Defence Controller</i>	<p>A Civil Defence Controller and the Civil Defence Emergency Management Group (CDEMG) for the Waikato Region during a State of Local Civil Defence Emergency shall have the powers vested as described in the Civil Defence Emergency Management Act 2002.</p> <p>Authority has been delegated by Council to the CDEMG/Controller pursuant to the Civil Defence Emergency Management Act 2002. A summary of the powers and obligations of the Civil Defence Controller are contained in the Civil Defence Emergency Management Group Plan.</p> <p>Pursuant to Section 94 of the Civil Defence Emergency Management Act 2002, the Group/Local Civil Defence Controller and Alternate Controllers for Hamilton City Council and the Civil Defence Emergency Management Group for the Waikato Region Emergency Operating Area are authorised to enter into urgent contracts on behalf of Hamilton City Council for the purposes of the Act as outlined in the Waikato Civil Defence Emergency Management Group Plan and subject to the Specified Sum limitation.</p>
<i>Electoral Officer</i>	<p>The Democracy Manager is appointed Electoral Officer for the Council pursuant to Section 12 of the Local Electoral Act 2001 to exercise the powers and carry out the duties conferred by this Act.</p>
<i>Staff Committee Appointees</i>	<p>Officers other than the CEO and GMs may be appointed in writing to serve on staff committees (including those having a quasi-judicial function) to receive, consider, recommend or decide matters such as minor planning matters, road naming and non-notified subdivision consent applications.</p> <p>Reporting to the appropriate committee with attending appointees recorded in the minutes.</p>

Committee: Council

Date: 26 November 2015

Report Name: Reclassification of Enderley
Park and Lake Rotokauri Park

Author: Renee McMillan

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Lake Rotokauri Management Plan 2002 and Operative Sports Park Management Plan 2009</i>
Financial status	<i>There is budget allocated within Parks and Open Spaces operational budgets</i>
Assessment of significance	<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 proposed changes of classification of Enderley Park and Lake Rotokauri Park following public consultation, and seeks a final decision on the proposed changes.

3. Recommendations from Management

- a) That the report be received.
- b) That pursuant to section 24 of the Reserves Act 1977, the Hamilton City Council hereby changes the classification of that part of Enderley Park described in Schedule One, to local purpose (community facilities) subject to the provisions of the Act.

Schedule One

Reserve Name	Area (ha)	Legal Description	Computer Register	Freehold
Enderley Park	0.1885	Lot 2 DPS7131	175536	

- c) That pursuant to section 24 of the Reserves Act 1977, the Hamilton City Council hereby changes the classification of Lake Rotokauri Park described in Schedule Two below to local purpose (ecological management) reserve subject to the provisions of the Act.

Schedule Two

Reserve Name	Area (ha)	Legal Description	Computer Register	Freehold
Lake Rotokauri Park	3.3433	Lot 20 DPS 57794	93338	

4. Attachments

5. Attachment 1 - Enderley Park Location Plan
6. Attachment 2 - Objection relating to Enderley Park
7. Attachment 3 - Lake Rotokauri Park Location Plan

8. Key Issues

9. Change of classification of Enderley Park
10. At its meeting of [25 June 2015](#), Council approved the public notification of the proposed change of classification of part of Enderley Park, Lot 2 DPS 7131, from recreation reserve to local purpose (community facilities) reserve; and that staff report back to Council on any objections received and make a recommendation about the proposal. Area to be reclassified is shown at Attachment 1.
11. In accordance with s24(1)(b) of the Act, the proposed change of classification was publicly notified from 26 July to 26 August giving people the right to object.
12. An objection was received from Te Whanau Roopu O Aotearoa. A copy of the objection is included at Attachment 2.
13. Staff met with the group to discuss their objection and to seek clarity regarding their objection. Staff explained the proposed change would allow greater flexibility for community use of Enderley Community Centre. Unfortunately, following discussions it remained unclear what their specific objection was.
14. Considering this objection, staff recommend Council upholds the proposed change of classification of part of Enderley Park from recreation reserve to local purpose (community facilities) reserve.
15. If approved, Council's General Manager Community would consider the change in classification under s24 of the Act, and Council's resolution in relation to objections received, exercising the delegation of the Minister of Conservation. The classification would then be recorded by notice in the Gazette.
16. To achieve this reclassification, the site needs to be surveyed to define the boundary between the local purpose (community facilities) reserve and the recreation reserve.
17. Change of classification of Lake Rotokauri Park
18. Lake Rotokauri Park is located on Hamilton's northwest boundary and is largely within the Waikato District. While Waikato District Council (WDC) administers the large majority of reserve land surrounding the lake, Hamilton City Council administers a small area of reserve adjoining the lake shown in Attachment 3.
19. Lake Rotokauri Park comprises Lot 20 DPS 57794, which is classified as recreation reserve under the Act.
20. In 2002, Council adopted the [Lake Rotokauri Park Management Plan](#) (Management Plan) to supplement WDC's Rotokauri Lake Management Plan.
21. The Lake Rotokauri Management Committee's submission to the Management Plan requested that the Hamilton City portion be reclassified local purpose (ecological management) reserve to be consistent with the WDC classification of the adjoining reserve.
22. As a result, the Management Plan identifies the park will be reclassified to local purpose (ecological management) reserve. On adoption of the Management Plan on 23 October 2002, the Social and Community Committee resolved that:
 - Staff initiate the reclassification process, as required under s24 of the Reserves Act 1977, to reclassify the Lake Rotokauri Park (Lot 20 DPS 57794) as local purpose (ecological management) reserve; consistent with Waikato District Council classification for their adjoining reserve land.
23. Unfortunately, for reasons unknown, this process was not initiated until July this year.

- 24. In accordance with s24(1)(b) of the Act, the proposed change of classification was publicly notified from 26 July to 26 August giving people the right to object.
- 25. No objections were received. On this basis, staff recommend Council uphold the proposed change in classification from recreation reserve to local purpose (ecological management).
- 26. If approved, Council’s General Manager Community would consider the change in classification under s24 of the Act, exercising the delegation of the Minister of Conservation. The classification would then be recorded by notice in the Gazette.

- 27. Treaty requirements/implications
- 28. Consultation has been undertaken with Waikato-Tainui and Waikato-Tainui supports the proposed changes.

- 29. Legislative requirements or legal issues
- 30. The proposed changes of classification have been undertaken following the process prescribed in s24(1)(b) of the Act.

- 31. Options
- 32. Council has the option to make a resolution to approve or decline the changes of classification proposed in this report.

33. Financial and Resourcing Implications

- 34. The 2015/16 budget available for reclassification of reserves is \$4,500. Costs to date and anticipate costs to be incurred are outlined as follows:

Activity	Amount
Public Notices	\$778.13
<i>Total Spend to date</i>	<i>\$778.13</i>
Estimated costs for survey and gazette notice (yet to be completed)	\$1,250.00

35. Risk

- 36. Not upholding the reclassification of Enderley Park is allowing a use of the reserve not consistent with its classification, which is a breach of s40 of the Act.
- 37. Not upholding the reclassification of Lake Rotokauri Park is inconsistent with the Management Plan.

Signatory

Authoriser	Lance Vervoort, General Manager Community
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Enderley Park – Part of Lot 2 DPS7131 to be reclassified from Recreation Reserve to Local Purpose (Community) Reserve



T
eToo Taatou Whare

Paper to Hamilton City Council Submission, for discussion at the appropriate
HCC Committee Meeting.

Please reply with notification of the date, time and venue.

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Notice of Reserve Reclassification – Enderley Park.
[Part of Lot 2 DSP7131]

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Te Whaanau Roopu O Aotearoa–Komiti Maaori exercises, transparently and
accountably, the democratic speaking right to object.

- 1) Reserves Act 1977 §24 seems not to relate clearly to ‘change of purpose’ for either a ‘Recreation Reserve’ or ‘Local Purpose (Community) Reserve’.
- 2) The ‘plan ... available’ is without documents specifying the reason(s) for the proposed change.
- 3) HCC verbal explanation given con-contradicts the ‘plan’.
- 4) Communication with Community are defined and documented in Local Government Act (2002), e.g. Part 6 (§75, 78, 80, 81, 82, 83).
- 5) Statutory and mandatory requirements are not being met.

Naaku noa

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G-H-Derrick, Kaiwhakahaere

Te Whaanau Roopu O Aotearoa-Komiti Maaori

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Ref;

- 1) NZ Legislation
- 2) HCC: WT Notice
: Enderley Park-Part of Lot 2 DPS7131....etc.. (attached)

cc. Te Papa Atawhai CEO., Department of Conservation

Lake Rotokauri Park



Committee: Council

Date: 26 November 2015

Report Name: Provisional Local Alcohol Policy

Author: Julie Clausen

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Central City Safety Plan</i>
Financial status	<i>The LAP has been in development since 2012 at a total cost of \$192,000 which has been covered within the budget allocation within operating budgets since 2012.</i>
Assessment of significance	<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 provide a copy of the proposed Provisional Local Alcohol Policy (PLAP) and the three resolutions from the Strategy and Policy Committee 3 November 2015 for consideration and adoption.

3. Executive Summary

- The Strategy and Policy Committee on 3 November 2015 determined decisions on three matters for inclusion in the PLAP:
 - Removal of one-way door policy;
 - 10pm closure of off licences; and
 - On-licence closing hours for suburban venues 1am Monday to Sunday.
- The final motion to adopt the PLAP was lost and the meeting adjourned. The meeting was re-convened on the 5 November 2015 and a procedural motion was put to defer item to Council.
- Notification of the PLAP requires Council approval.

Recommendations from Management

That:

- The report be received;
- The proposed Provisional Local Alcohol Policy (PLAP) reflecting the three matters determined on the 3 November be adopted;
- Council proceeds to notify the PLAP on 27 January 2016; and
- The Liquor Licensing Policy and the Licensed Premises Policy be deleted from the 27 January 2016.

7. Attachments

- 8. Attachment 1 - Provisional Local Alcohol Policy

9. Key Issues

- 10. Background
- 11. The Provisional Local Alcohol Policy (PLAP) was prepared on the basis of the direction provided from the decisions as per the 29th September 2015 Strategy and Policy Committee deliberations which was presented to the Strategy and Policy Committee 3 November 2015 – Provisional Local Alcohol Policy (LAP) .[Strategy and Policy Committee 3 November 2015 \(Page 62\)](#)
- 12. The Strategy and Policy Committee on the 3 November 2015 debated three items and decisions determined are outlined as follows:
- 13. Item 1: One-way door

This discussion related to clause 6 of the policy and the definitions section – one way door restriction. The Draft PLAP stated:

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.

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.*

<p>Motion Cr O’Leary/Mayor Hardaker The removal of clause 6 and the definition of one way door under the definitions section;</p>	<p>Amendment Cr Macpherson/Cr Gallagher A one-way door restriction will apply to on-licences in the Central City Zone from 2.30am (Monday to Sunday) from the date this policy comes into force.</p>
<p>Motion Rationale: There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment.</p>	<p>Amendment Rationale: Responsible on-licences manage people, intoxication and behaviours at any time of the day. The one way door policy will provide the legal backstop to be applied to all on-licences and is a measure to show Council is working with community agencies to protect youth. Supported by Police submissions.</p>
<p>Voting: For 6, Against 5</p>	<p>Voting: For 4, Against 7.</p>
<p>Motion Carried</p>	<p>Amendment Lost</p>

Item 10

14. Item 2: Maximum trading hours for “Other” on-licences

This discussion related to clause 5 of the policy –maximum trading hours applicable to on-licences for the “Other” area. The Draft PLAP stated:

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

Area	Maximum Trading Hours
Other	Sunday to Thursday 7am to 11pm Friday and Saturday 7am to 1am the following day

<p><u>Motion</u> <u>Cr O’Leary/Mayor Hardaker</u> The maximum trading hours for on-licences in “Other” under clause 5 is Monday to Sunday 7am – 1am (the following day).</p>	<p><u>Amendment</u> <u>Cr Macpherson/Cr Gallagher</u> Maximum trading hours applicable to on-licences in Hamilton City are as follows for Other (Area): Sunday – Thursday be 7am until Midnight Friday and Saturday be 7am until 1am (the following day).</p>
<p><u>Motion Rationale:</u> There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment. A consistent 1am closing provides certainty to the public.</p>	<p><u>Amendment Rationale:</u> There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment. Midnight closing reduces the impact of possible harm in the form of noise and behaviour in suburban locations.</p>
<p><u>Voting:</u> For 7, Against 4</p>	<p><u>Voting:</u> For 4, Against 7</p>
<p><u>Motion Carried</u></p>	<p><u>Amendment Lost</u></p>

15. Item 3 – Off-licence closing trading hours

This discussion related to clause 11 of the policy – off-licences maximum trading hours. The Draft PLAP stated:

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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<p>Motion Cr O’Leary/Mayor Hardaker Maximum trading hours applicable to off-licences in Hamilton City are as follows: 7am – 10pm Monday to Sunday.</p>	<p>Amendment Cr Macpherson/Yeung Maximum trading hours applicable to off-licences in Hamilton City are as follows: 7am – 9pm Monday to Sunday.</p>
<p>Motion Rational: 10pm closing reduces the availability of alcohol below current licences. Other measures such as location restrictions also reduce the availability of alcohol. No evidence of a reduction of harm by reducing the opening hours by one hour.</p>	<p>Amendment Rational: Reducing the trading hours from 10pm to 9pm reduces the availability of alcohol for evening consumption and preloading which evidence suggests is an issue during these hours.</p>
<p>Voting: For 6, Against 4</p>	<p>Voting: For 4, Against 6</p>
<p>Motion Carried</p>	<p>Amendment Lost</p>

16. The Draft PLAP incorporating these motions is attached (Attachment 1 – Provisional Local Alcohol Policy).
17. Following these three decisions, the motion incorporating the draft PLAP and these changes was considered:

Moved Cr O’Leary/Seconded Mayor Hardaker

- a) That the report be received.
- b) That the proposed Provisional Local Alcohol Policy be adopted including the changes resolved by this Committee.
- c) That Council proceeds to publically notify the Provisional Local Alcohol Policy on 27 January 2016.
- d) That the Liquor Licensing Policy and Licensed Premises Policy be deleted.

Voting:

For 5, Against 6 (5 against plus casting vote of chair).

Motion Lost.

18. The meeting was adjourned at 8.20pm 3 November 2015. The meeting was reconvened following the Additional Strategy & Policy Committee meeting commencing on 5 November 2015.
19. A procedural motion was passed to refer the item to the Council meeting on the 26th November 2015.

Motion Cr Macpherson/Cr Gallagher

That under Standing Order 3.11.1(f), the item of business (Agenda Item 8 – Provisional Local Alcohol Policy (LAP)) being discussed be referred to the 26 November 2015 Council.

Voting:

Resolution was passed unanimously by those present and voting.

Motion Carried.

20. Key Issues
21. If no PLAP is adopted, applications for liquor licenses will continue to be determined by the District Licensing Authority in accordance with the Sale and Supply of Alcohol Act (SSAA) 2012.
22. During the presentation of the report to Council, staff will highlight the key options for minimising harm related to the consumption of alcohol that can be achieved through a LAP which are not available in the SSAA.

Item 10

23. Options

24. The options available for Council are:

- a) **No Local Alcohol Policy** - Agree that no Provisional LAP be adopted.
- b) **Adopt the draft PLAP** which incorporates the three resolutions passed at the Strategy and Policy Committee 3 November 2015.
- c) Following Council debate, adopt a **PLAP that includes additional changes or changes to the three resolutions passed at the Strategy and Policy Committee 3 November 2015.**

25. **Financial and Resourcing Implications**

26. The cost of developing a draft LAP and PLAP is budgeted for in the existing Strategy Unit budget.

27. The estimated cost of the development of the LAP is \$191,288.50 consisting of \$160,000 for staff time – estimated 1600 hours at a standard rate of approximately \$100 per hour. The 1600 hours is an estimate of staff time accumulated from a range to council areas across the three year time span. It reflects the extensive consultation undertaken to develop the policy and the additional time resulting from the inclusion of the outcomes of the ARLA appeals. The table below provides a breakdown of the 1600 hours.

Area	Estimated Hours	Outline of work undertaken
Strategy and Policy	1200	Research of the SSAA and the concept of LAP's, research into the approach taken by other Councils, research and attending ARLA appeals of other Council LAP's, engagement with key stakeholders, engagement with the working group, drafting of policy, consultation preparation, submission analysis, hearing and deliberation preparation and providing updates to Elected Members. This work was undertaken across the staff in the Strategy and Policy team.
City Safe	240	Input into policy development, liaison with police, health and other key stakeholders and analysis of granted District License applications.
Information Services	40	Analysis of data and development of maps.
Communications	100	Communications plan, media liaison and input into the policy drafting for plain English approach.
General Manager Review	20	Overview and review of policy.

- a) External experts \$5,000 for research and mapping assistance.

b) Legal advice \$24,788.50 plus GST consisting of:

	Cost (excluding GST)
LAP Development Advice	
18/9/2013	\$333.00
20/11/2013	\$2,089.00
18/2/2014	\$3,644.00
17/3/2014	\$7,477.00
22/4/2014	\$1,246.00
Total LAP Development Advice	\$14,789.00
LAP Consultation Advice	
17/4/2015	\$1,973.00
29/5/2015	\$442.50
Total for LAP Consultation Advice	\$2,415.50
LAP Advice	
21/09/2015	\$912.00
22/10/2015	\$2,688.00
19/11/2015	\$3,984.00
Total for LAP Advice	\$7,584.00
Total LAP Advice	\$24,788.50

- c) Future staff time to complete the notification of the LAP is estimated at 15 hours at \$100 per hour - \$1,500.00.
- d) No provision has been allowed for costs if the PLAP is appealed as these costs are not yet known.

28. Risk

29. Appeal

30. Experience around the country suggests that Council's PLAP will likely to be appealed to Alcohol Regulatory Licensing Authority.
31. ARLA in addressing any appeal will consider the process of Council in determining the clauses contained in the LAP. Council has mitigated this risk by ensuring a clear rationale has been recorded in regard to the decisions that have resulted in changes the PLAP.

Signatory

Authoriser	Debra Stan-Barton, Acting General Manager City Environments
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First adopted:	
Revision dates/version:	Version 2 (incorporating 3 November Passed Motions)
Next review date:	
Engagement required:	SCP required
Document number:	D-1972803
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.

Other definitions

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
Central City Zone <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
Other	Sunday to Thursday 7.00am to 11.00pm Friday and Saturday 7:00am to 1:00am the following day Monday to Sunday 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 2.00am (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.~~

7.6. The sale and/or consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day.

8.7. 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.

9.8. 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.

10.9. 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.

OFF-LICENCES

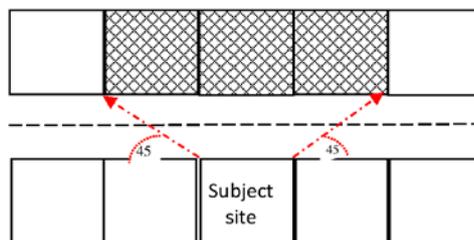
11.10. Maximum trading hours applicable to off-licences in Hamilton City are as follows:

7.00am to 9.00pm	Monday to Sunday
7.00am to 10.00pm	

12.11. 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).

13.12. 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.

14.13. 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

15.14. 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.

- | ~~16.15~~ 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.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Council Minutes - Public Excluded - 29 October 2015) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987))))	Section 48(1)(a)

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

Item C1. to protect the privacy of natural persons Section 7 (2) (a)