

Notice of Meeting:

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

Date: Wednesday 3 March 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio-visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Hearings and Engagement Committee

Komiti Whiriwhiri Kaupapa

OPEN AGENDA

Membership

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson
Heamana Tuarua

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

Meeting frequency As required

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

22 February 2021

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Becca.Brooke@hcc.govt.nz
www.hamilton.govt.nz

Purpose

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

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

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

The Committee is delegated the following powers to act:

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

The Committee is delegated the following recommendatory powers:

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

Special Notes:

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

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

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

Council Report

Item 4

Committee: Hearings and Engagement Committee
Date: 03 March 2021
Author: Carmen Fortin
Authoriser: Becca Brooke
Position: Governance Advisor
Position: Governance Manager
Report Name: Confirmation of the Hearings and Engagement Committee Open Minutes - 20 November 2020

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

That the Hearings and Engagement Committee confirm the Open Minutes of the Hearings and Engagement Committee Meeting held on 20 November 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hearings and Engagement Committee Minutes 20 November 2020

Hearings and Engagement Committee *Komiti Whiriwhiri Kaupapa* OPEN MINUTES

Minutes of a meeting of the Hearings and Engagement Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and audio visual link on Friday 20 November 2020 at 9.30am.

PRESENT

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson
Heamana Tuarua

Members Mayor P Southgate
Deputy Mayor G Taylor (via audio visual link)
Cr M Bunting
Cr R Hamilton
Cr R Pascoe
Cr M van Oosten
Cr A O'Leary (via audio visual link)

In Attendance: Sean Murray – General Manager Venues, Tourism and Major Events
Tracey Lowndes – Communication and Engagement Advisor
Raewyn Napier – Business Support Communication

Governance Staff: Amy Viggers – Governance Team Leader
Carmen Fortin and Tyler Gaukrodger – Governance Advisors

1. **Apologies – *Tono aroha***

Resolved: (Cr Gallagher / Cr Wilson)

That the apologies for absense from Crs Naidoo-Rauf, Macpherson, Forsyth, Thomson (Council b=Business), Maangai Thompson-Evans and Te Ua, and for partial attendance from Crs Ryan and Pascoe be accepted.

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

Resolved: (Cr Wilson / Cr van Oosten)

That the agenda is confirmed.

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

No members of the Council declared a Conflict of Interest.

4. Confirmation of the Hearings and Engagement Committee Open Minutes - 20 October 2020

Resolved: (Cr Pascoe / Cr Wilson)

That the Hearings and Engagement Committee confirm the Open Minutes of the Hearings and Engagement Committee Meeting held on 20 October 2020 as a true and correct record.

The following members of public spoke to Founder site engagement:

Jeremy Myall (Creative Waikato) spoke in support of **option 2**, noting his desire of keeping elements of the building and the continuation of serving the performing arts. He advised that his preference would be to build an outdoor stage and keep the dressing rooms as required. He responded to questions from Members concerning noise control, parking, funding sources available for renovation, how to make the park look aesthetically with the inclusion of the dressing rooms, and building size required to allow for rehearsal space, dressing rooms, and equipment.

Zola Rose (Common Ground) spoke in support of **option 2**, noting the achievements of cities within New Zealand and worldwide who had focused on the natural capital, and how these areas positively impacted the community. She supported enhancing the environment in the area. She responded to questions from Members concerning cost of development of a regenerative space, inclusion within the West Town Belt plan, and conversations with Kaute Pacifika.

Lucien Nabbs spoke in support of **option 2**, noting that his main concern was in regards to the culture and identity of the site which needed to be included in the concept and design. He responded to questions from Members concerning possibilities of enabling the space to allow for expression and cultures.

Judy McDonald spoke in support of **option 2**, noting she was against option 1 as this included parking, which had a negative impact on those in the area in terms of safety, and lacked a natural space. She responded to questions from Members concerning support for shared walkways and cycleways through a natural space.

Laura Kellaway spoke in support of **option 3** TOTI's proposal. She noted that the heritage value and requested that the heritage value be further investigated. She also noted that she believed it to be a big ask to request that other companies or individual pay for the fixing of the Theatre. She responded to questions from Member concerning support for the TOTI submission.

Diana Ruri (HTown Skate Project) spoke in support of **option 2**, and supported the idea of a central city plaza. She suggested the inclusion of a skateboard park within the plans, with some potential for some local businesses to be set up around the area. She noted that this space would be an ideal space for a skate park due to proximity and accessibility. She responded to questions from Members concerning travel undertaken by people in order to access skateboarding locations.

Neil Bruce spoke in support of **option 3** TOTI's proposal, noting that a repurposed Founders Theatre Site could be used as an international space for arts and connection. He responded to questions from Members concerning, how much of the building he wishes to see retained, funding proposals, support for the TOTI submission, and consideration of other theatres in the area.

Geoff Lewis spoke in support of **option 3** TOTI's proposal and noted that it should be seen as complimentary to the Hamilton Theatre instead of being in competition. He responded to questions from Members concerning the desired amount of the building to be retained, and management of financial consequences of retention and maintenance of the building.

The meeting was adjourned from 10:39am to 11.05am.

Raymond Mudford spoke in support of **option 3** TOTI's submission. He noted his belief that the consultation and engagement was and due to this, he believed that the community needed an opportunity to speak freely and fairly. He responded to questions from Members concerning the questions asked within the consultation, attendance of the open day, the desired amount of the building to be retained, and the options of maintaining the building and restoring the building.

Maddie spoke in support of **option 2**, noting that her preference to utilise the space for a community space. She believed that the use of this area as an outdoor amphitheatre would be a waste of time and money, and suggested utilising the space as a skate park, basketball or netball courts, playground, and outdoor fitness equipment. She responded to questions from Members concerning noise concerns.

Kevin Dornauf spoke in support of **option 3** TOTI's proposal, noting that he believed that the Founders Theatre is in disarray due to negligence and lack of maintenance. He felt that the consultation with the public was flawed and he was concerned for the loss of the heritage site. He responded to questions from Members concerning funding of Council facilities.

Anne Cao and Paul Oulton spoke in support of **option 1**, noting that it was their preference that Council create a natural space utilising cherry blossom and kowhai trees. They responded to questions from Members concerning length of time required before a tree blossoms, length of blossom, noise considerations, and consideration with other options.

Peter H Bos spoke in support of **option 3** TOTI's proposal, noting that there were many buildings across Europe in which development has been made around existing historical buildings. He responded to questions from Members concerning retention and reactivation of the building.

Saffron Mitchell (Community Living) spoke in support of **option 3** TOTI's proposal, and believed that retention of the site would encourage more people into the central city and provide a variety of community needs. She believed that after the initial maintenance and renewal, that the cost of maintenance would diminish. She responded to questions from Members concerning the options of refurbishing or retaining the site.

The meeting was adjourned from 11.53am to 11.58am.

Cr Hamilton retired from the meeting during the above adjournment.

Margaret Evans (Theatre of the Impossible Trust) spoke in support of **option 3** and spoke to TOTI's proposed plan, noting the historical significance of the theatre and the inclusion of Council in funding the original site. She explained her desire to create a town hall and community hub for art, music, culture, and heritage. She responded to questions from Members concerning fitting into current existing building, cost of the project and proposal of funding, inclusion of trusts, repurpose of site, ability of a Council to make decisions which contradict a past Council, possible detractor from the Waikato Theatre, utilisation of funding which had been earmarked for demolition in previous LTP, ability to combine different options, belief from TOTI that many submitters were in support of retaining the building,

Cr Pascoe retired from the meeting (12.14pm) during the above submission.

Rudi de Plooy spoke in support of **option 3** and supported elements of the TOTI submission. He believed that the consultation was not fair in offering only the three options and noted his that the cost of \$20 million was not accurate for the revamp. He expressed an interest in changing the funding model for the theatres in the Hamilton area. He responded to questions from Members concerning desire for funding indefinitely, cost of the TOTI proposal, inclusion of a theatre trust, and wish to keep the site as an operational theatre.

Elected Members requested the following points be addressed in the deliberations report:

- further clarity on the Creative Waikato submission footprint
- inclusion of emails and letters in the support figures and analysis
- legal status and background of any previous council decisions and right to review this
- clear understanding of funding available for all options
- incorporation of option 2 if option 3 is chosen
- possible blending of options
- ongoing cost of TOTI proposal through operation and maintenance
- how timing of TOTI proposal may impact LTP timeframes
- noise monitoring
- theatre seats per population (and need based on population)
- clarity around costs of option 2, and all options
- cost of storage and operation cost for outdoor facility
- cost of keeping the theatre in the closed state vs cost of demolition
- LTP timing implications- competition or complementation of other facilities such as the museum
- further understanding of skateboarding proposal and concept
- if option 3 was not affordable, what other option could be explored
- access of traffic and connectivity through current roading provisions

5. Founders Site Engagement 2020 - Verbal Submissions Report

Resolved: (Cr Bunting/ Cr Wilson)

That the Hearings and Engagement Committee:

- a) receives the report;
- b) hears and considers verbal submissions with regard to the community engagement process that was held from 7 October 2020 to 3 November 2020; and
- c) notes that a Deliberations Report that includes full analysis from the public engagement process will be brought to the Council meeting on 8 December 2020 for a decision to be included as part of the 2021-31 Long Term Plan.

The meeting was declared closed at 1:04pm.

Council Report

Item 5

Committee: Hearings and Engagement Committee
Date: 03 March 2021
Author: Carmen Fortin
Authoriser: Becca Brooke
Position: Governance Advisor
Position: Governance Manager
Report Name: Confirmation of the Hearings and Engagement Committee Open Minutes - 23 November 2020

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

That the Hearings and Engagement Committee confirm the Open Minutes of the Hearings and Engagement Committee Meeting held on 23 November 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hearings and Engagement Committee Minutes 23 November 2020

Hearings and Engagement Committee

Komiti Whiriwhiri Kaupapa

OPEN MINUTES

Minutes of a meeting of the Hearings and Engagement Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and audio visual link on Monday 23 November 2020 at 9.32am.

PRESENT

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson
Heamana Tuarua

Members Mayor P Southgate (via audio visual link)
Deputy Mayor G Taylor (via audio visual link)
Cr M Bunting
Cr S Thomson
Cr M van Oosten
Cr A O'Leary (via audio visual link)
Maangai O Te Ua (via audio visual link)
Maangai T P Thompson-Evans (via audio visual link)

In Attendance: Kelvin Powell – City Safe Manager
Sandra Murray – Consultant

Governance Staff: Amy Viggers – Governance Team Leader
Carmen Fortin and Tyler Gaukrodger – Governance Advisor

1. Apologies – *Tono aroha*

Resolved: (Cr Gallagher / Cr Wilson)

That the apologies for absence from Crs Forsyth, Pascoe, Hamilton, Naidoo-Rauf, and O'Leary, and for partial attendance from Mayor Southgate are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr Wilson / Cr Bunting)

That the agenda is confirmed.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Committee declared a Conflict of Interest.

Melissa Renwick (Hospitality New Zealand) in support of **option 3**, noting that this would enhance the CBD, and support business for its members. She noted that food trucks add vibrancy in the city, however, there is a need to ensure that this does not adversely affect permanent hospitality businesses and offers a level playing field for all. She responded to questions from Members concerning feedback from the food truck community, compliance regulations for food trucks, physical locations, obligations of food trucks in terms of waste, possibility for events to be created around food trucks, event criteria, reports from Rotorua and Paihia, concerns in regards to current food stall events, the wish to continue the restrictions in the CBD, regularity of events, Covid-19 impacts and safety concerns around food trucks and impact of online ordering companies such as UberEATS.

Maangai Te Ua joined the meeting (9:54am) during the above submission.

Ayman spoke in support of **option 1** to allow food trucks within the CBD in order to create more interest in the CBD. He noted that those who are performers or who create non-food craft items would be helped by the sale of food truck items. He responded to questions from Members concerning the impact the inclusion of food trucks may have on the arts in the city.

Elected Members requested the following points be addressed in the deliberations report:

- clarification of options and submitters preferences
- clarification around management of food trucks, including during events
- food preparation compliance requirements
- zone restrictions
- feedback from the creative community
- impact on established food trucks in relation to potential restrictions
- waste compliance obligations for food trucks
- economic indicators
- process to review the policy in the future
- potential restriction to limit effect on other businesses
- considerations of a trial period

Mayor Southgate retired from the meeting (10:38am) during the above discussion.

4. (Trading in) Public Places - Hearings and Engagement Report

The Consultant introduced the report, noting that there were a total of 90 submitters with the majority of submitters showing a preference for **option 3 in the staff report**. She responded to questions regarding clarification of options, trading outside the current restricted area, feedback concerning location, concerns of competition between food trucks and permanent businesses, support for existing businesses, restrictions on similar food in a defined area.

Resolved: (Cr Gallagher / Cr Wilson)

That the Hearings and Engagement Committee:

- a) receives the report;
- b) hears and considers verbal submissions with regards to the community engagement that was 1 October to 12 November 2020; and
- c) notes that the Deliberation and Adoption report will be presented to the Council meeting on 8 December 2020.

The meeting was declared closed at 10.49am.

Council Report

Item 6

Committee: Hearings and Engagement Committee
Date: 03 March 2021
Author: Narelle Waite
Authoriser: Becca Brooke
Position: Governance Advisor
Position: Governance Manager
Report Name: Confirmation of the Hearings and Engagement Committee Open Minutes - 1 December 2020

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

That the Hearings and Engagement Committee confirm the Open Minutes of the Hearings and Engagement Committee Meeting held on 1 December 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hearings and Engagement Committee Open Minutes - 1 December 2020

Hearings and Engagement Committee

Komiti Whiriwhiri Kaupapa

OPEN MINUTES

Minutes of a meeting of the Hearings and Engagement Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio-visual Link on Tuesday 1 December 2020 at 11.31am.

PRESENT

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson (Audio-visual Link)
Heamana Tuarua

Members:
Cr R Hamilton
Cr R Pascoe
Cr S Thomson (Audio-visual Link)
Cr M van Oosten
Cr A O'Leary (Audio-visual Link)

In Attendance:
Muna Wharawhara – Amorangi Maaori
Kelvin Powell – City Safe Unit Manager
Karen Saunders – Growth Programmes Manager
Maria Barrie – Unit Director Parks and Recreation
Michelle Hawthorne – Legal Services Manager
Frances Cox-Wright – Policy and Bylaw Lead
Nigel Ward – Communications and Engagement Advisor

Governance Staff:
Becca Brooke – Governance Manager
Narelle Waite and Carmen Fortin – Governance Advisors

The Amorangi Maaori opened the meeting with mihi and karakia, and Tuti Ormsby gave response.

1. **Apologies – Tono aroha**

Resolved: (Cr Gallagher/Cr van Oosten)

That the apologies for absence from Mayor Southgate, Deputy Mayor Taylor, Crs Naidoo-Rauf, Bunting, Macpherson and Forsyth are accepted.

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

Resolved: (Cr Gallagher/Cr Wilson)

That the agenda is confirmed.

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

No Members declared a Conflict of Interest.

4. Whatukoruru Reserve Hearing Report

The Parks and Recreations Manager took the report as read and noted as a result of today's hearings a deliberations report would be brought back to Council in 2021.

Representatives of Te Hapu o Te Wakaminenga Wahi o Maniapoto spoke in opposition of revoking the reserve status of Whatukoruru Reserve, noting that it sits on an existing native reserve (Aotea Rohe Potae) and a Paa site, they also noted concerns regarding Te Tiriti o Waitangi.

Albert (Pirairaka) McQueen spoke in support of revoking the reserve status of Whatukoruru Reserve and presented his submitted documentation (**appendix 1**).

Resolved: (Cr Gallagher/Cr Wilson)

That the Hearings and Engagement Committee:

- a) receives the report;
- b) hears and considers submissions to the proposed revocation of the reserve status on Whatukoruru; and
- c) notes that based on the results of this hearing, a Deliberation Report will be brought back to Council in early 2021.

The Amorangi Maaori closed the meeting with karakia.

The meeting was declared closed at 12.07pm

Appendix 1

Attachment 1

Item 6

00:28

Total 22 documents

8 docs A) Draft Scoping Report for Ngati Maniapoto / IO MATUAKORE whakapapa●

1 doc B) KING JAMES version, James 4:12●

2 docs C) Facsimile Treaty of Waitangi/He Wakaputanga 1835●

1 doc D) NZ Consitution...1852 (●

2 doc E) Te Ture Whenua... 1993 Preamble Taonga Tuku iho.../ (s) 4 Interpretation Act, ahika means fire of occupation●

2 docs F) Waikato Raupatu Claims Settlement Act 1995 (8) effect of the settlement / s(l) i, ii, customary land●

3 docs G) Waitangi Tribunal Report 2014, 1 Sovereignty Not Ceeded / Wai Claims 2118/1587/in the Te Rohe Potae Wai 898●7

1 doc I) Panui IO MATUAKORE INC●

1 docs H) Ahika ceremony...2020●

Io Matua Kore.

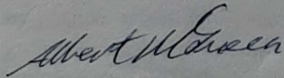
Office of;
Io Matua Kore Inc,
Makarau Whenua,
Kirikiriroa,
pirairaka@gmail.com,
027 508 6337.

15 August 2020.

Please find attached our minutes regarding Nukuhau Noho Occupation 'Meeting and Minutes' dated Tuesday 04/08/2020 at 3pm. Attached also is our rostered proposal for the Nukuhau site for which we are keen to action upon.

We seek to acknowledge and reaffirm Tapu notice of occupation by fire (ahika) He Wakaputanga o te Rangatiratanga o Niu Tirenī 1835 proclamation and in accordance with Tikanga and Kawa over the Whenua Rangatira known as Nukuhau. IO MATUA KORE Inc's part in the ceremony was, paepae korero and contributing ashes from Puke ahua ahika current occupation in Ngaruawahia. These ashes were placed by Te Whao Wilson (Ahika Pukeahua) with the ashes brought by Kaumatua (Danny Watson) and others who traveled from Te Tai Tokerau, Ngāpuhi, for the ceremony. Other individuals participating in the ancient lighting of the fire ceremony had their own reasons to tautoko. At a later date the Kauta over the Ahi was erected by Neil Phillips and Dailey with support. Murray donated the timber and iron roofing.

Paimarire, In peace and harmony.



Albert McQueen aka Pirairaka (Sonny)
Io Matua Kore Chairman.

Whaene

Kuao

Hoturoa ...

We stop that whakapapa here at Hoturoa, commander of the Tainui waka. Further presentation of whakapapa is interspersed with the wider discussion of the events and happenings of Ngāti Maniapoto traditional history. Whakapapa does not sit outside that history. Ngāti Maniapoto whakapapa is emeshsed in Ngāti Maniapoto-Tainui tribal, hapū and whānau history. The recounting of whakapapa also calls to mind historical events such as that which referred to the stormy days when Rungaterangi's body was brought ashore.

Tainui te Waka, Hoturoa te Tangata - Tainui is the Canoe, Hoturoa is Man

Ngāti Maniapoto descends from the people of the Tainui waka who voyaged across

Ngāti Maniapoto leaders in attendance at this hui were Te Rangituataka, Taonui Hikaka, Paku, Wahanui, Rainuha, Te Aoroa Haereiti, Nahona Tarahuia, Kahu, Tumokemoke, Haupokia te Pakaru, Tukorehu, Te Wetini, Rewi Maniapoto, Te Rerenga, Hauauru, Taingakawa and Te Ngakau. What transpired next was recorded as follows:

At the December hui: ka tu a awa o Waikato, kia oti nga take o nga hui ka tu a Te Rerenga ka mea [Wahanui Waikato River, let us complete matters Rerenga then stood and said];



Te Rerenga
Wetere

Wahanui, ka mea ki nga iwi o te tuatahi i tenei hui a tataau. Katahi, stood and said to the tribes of the from the first gathering. Te

Ko Io

Whetu

1 Te Ra

2 Te Marama i whakaea

[whānautahi]

Ko Te Marama

Te Po-nui
Te Po-roa
Te Po-papakina
Te Po-ki-tua
Te Po-ki-roto
Te Po-ki-tawhito
Te Po-ruru
Te Po-aiao
Te Po-akaaka
Te Po-maruu
Te Po-mumura
Te Po-hahana
Te Po-maa
Te Po-kiwakiwa
Te Po-kakarauri
Te Po-pangopango
Te Po-whakaruru
Te Po-kumea
Te Po-whakaritorito
Te Po-i-runga
Te Po-i-raro
Te Po-i-matau

Te Po-i-maui

Te Po-i-tamaua

Papatuanuku kia Ranginui e tu nei.

Ko Te Ra

Te Ao-nui

Te Ao-roa

Te Ao-papakina

Te Ao-pakarea

Te Ao-tarunui

Te Ao-ki-tua

Te Ao-ki-roto

Te Ao-ki-tapiritu

Te Ao-ki-tawhito

Te Ao-ruru

Te Ao-tapuru

Te Ao-aio

Te Ao-matakaka

Te Ao-maruu

Te Ao-mumura

Te Ao-maa

Te Ao-kiwakiwa

Te Ao-kakarauri

Te Ao-pangopango

Te Ao-whakaruru

Te Ao-kumea

Te Ao-whakaritorito

Te Ao-i-runga

Te Ao-i-raro

Te Ao-i-matau

Te Ao-i-maui

Te Ao-i-tamaua

Ranginui e tu nei kia Papatuanuku

- 1 Rongo
- 2 Taane
- 3 Tangaroa
- 4 Tawhirimatea
- 5 Haumia
- 6 Ruaumoko
- 7 Tumatauenga

[whānautahi]

Ko Tumatauenga

Aitua

Aitu-rere

Aitu-kikiri
Aitu-tamakirangi
Aitu-whakatika
Te Kore
Te Kore-nui
Te Kore-roa
Te Kore-para
Te Kore-whiwhia
Te Kore-te-rawea
Te Kore ka oti atu ki te poo
Ngana
Ngana-nui
Ngana-roa
Ngana-ruru
Ngana-moeahuru
Ngana-moemoea
Hotuwaiariki
Tapatai
Tiki
Tiki-te-pounamu
Tiki-pouroto
Tiki-ahua-mai-i-Hawaiki

Whiro-te-tipua
Toi
Whatonga
Rakaiaora
Tahatiti
Tama-ki-te-rangi
Te Atitirauwhea
Piro
Noa
Hemaa
Tawhaki
Matirehaohao
Rutupahu
Tangipahu
Ngai-nui
Ngai-roa
Ngai-pehu
Hauraki
Mapuna-ki-te-rangi
Ohomairangi
Ruamuturangi
Taraao

Okana Natural Skincare NZ

Good Reviews, NZ Made, Vegan, NZ Free Shipping & AfterPay
Just \$129.95

Okana Skincare

OPEN

< [James 3](#)

[James 5](#) >



James 4:12

New King James Version

12 There is one ^[a]Lawgiver, ^(A)who is able to save
and to destroy. ^(B)Who^[b] are you to judge
^[c]another?

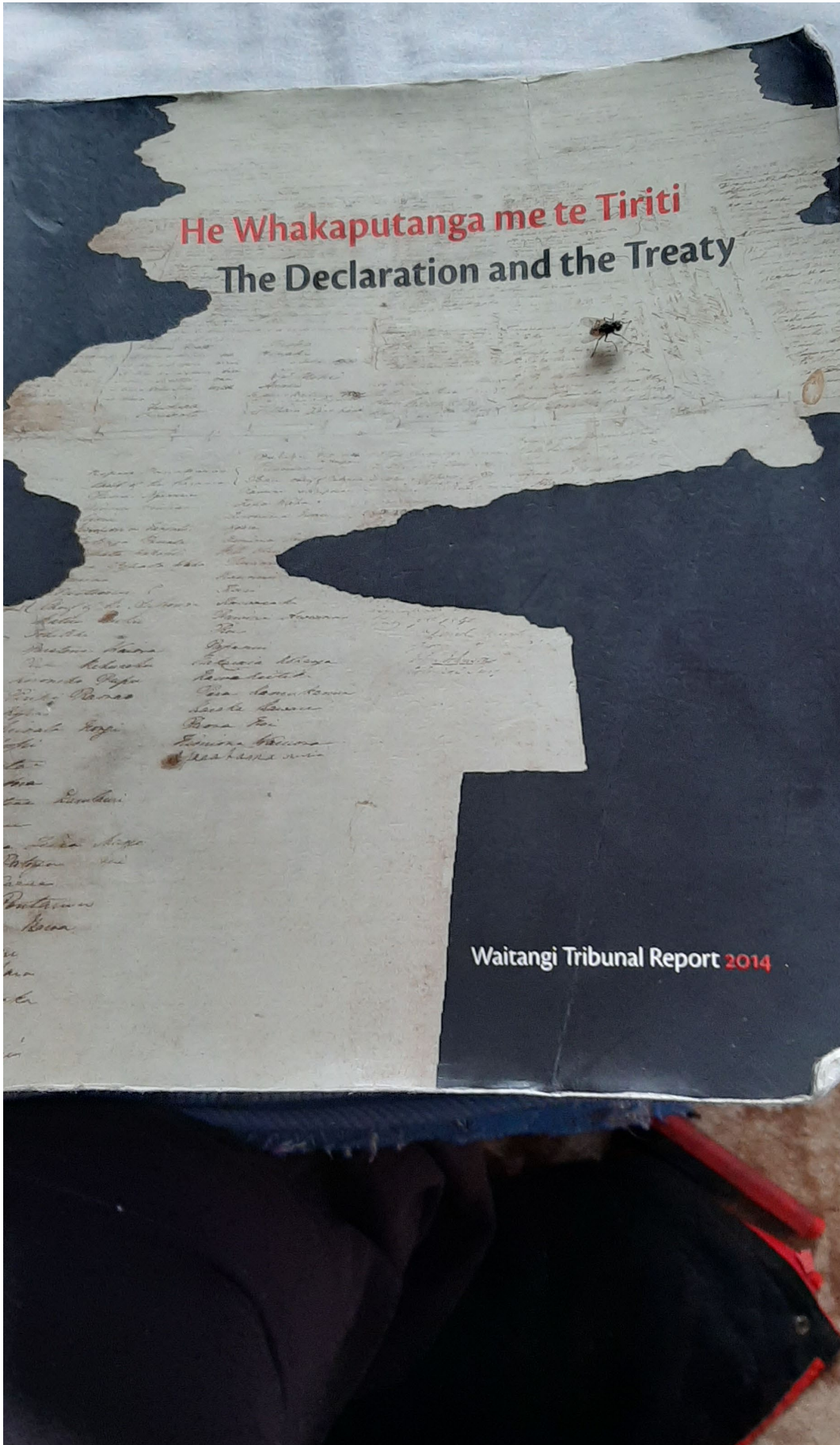
[Read full chapter](#)

Footnotes

- a. [James 4:12](#) NU adds *and Judge*
- b. [James 4:12](#) NU, M *But who*
- c. [James 4:12](#) NU *a neighbor*

Cross references

FACSIMILES
OF THE
TREATY OF WAITANGI



Item 6

Attachment 1

4.8.4

authorising the arrest and deportation to Sydney of two of the men accused of the attack on Captain Wright.⁴⁰⁵ Aside from the declaration itself, this was to become the only act of Te Whakaminenga for which there is written evidence.

The last two signatures – those of Te Hapuku in 1838, and Te Wherowhero in 1839 – had the effect of extending the declaration's reach beyond northern New Zealand. Te Hapuku was a senior rangatira of Te Whatu-i-Apiti from the Hawke's Bay.⁴⁰⁷ Te Wherowhero, a senior rangatira of Ngāti Mahuta, had achieved great prominence as a war leader during the 1820s.⁴⁰⁹

Manuka Henare noted that these leaders had kinship and political ties in the north. Te Wherowhero had made a peace pact with the northern alliance and Te Rarawa in the early 1820s, and his relative Kati had married Rewa's daughter Toha. Te Hapuku was similarly aligned with Pōmare and Kawiti, and was a frequent visitor to Waitangi.⁴⁰⁹ These connections may have influenced those two rangatira to sign – indeed, it was during one of his visits to the Bay of Islands that Te Hapuku added his tohu.⁴¹⁰

Very little is known about Busby's motives for gathering further signatures after June 1837. Clearly, by that time he had given up hope of establishing a Māori legislature. He may have been responding to de Thierry, who was to arrive in New Zealand later that year and struggle to assert his land claim, let alone anything resembling sovereign power. Busby may also have been seeking more signatures as the basis for a treaty establishing a British protectorate government, as he had advocated in his 16 June 1837 dispatch to Busby.⁴¹¹

Little is known, also, about the reasons Te Hapuku and Te Wherowhero had for signing the Whakaputanga, other than the possible influence of kinship. Te Amohia McQueen, a descendant of Te Wherowhero, said the Waikato leader signed to affirm the mana tangata, mana whenua and mana atua, and to uphold tikanga. It was on this basis 'that Kingitanga was reaffirmed in the Whakaputanga'. Te Wherowhero would also have understood the Whakaputanga as meaning that the Crown would extend a 'hand of friendship' to protect his independence – should it ever need protection.⁴¹²

HE WHAKAPUTANGA ME TE TIRITI THE DECLARATION AND THE TREATY



Te Wherowhero, the last signatory to the Whakaputanga

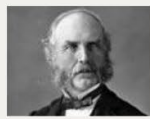
In spite of Busby's efforts to gather further signatures, by mid-1837 many European observers saw the declaration as a failure, largely on the basis that there was no legislature or national government. When Hobson visited in 1837, he formed the view that,

notwithstanding their formal declaration of independence, they [rangatira] have not, in fact, any government whatsoever; nor could a meeting of the chiefs who profess to be the heads of the united tribes, take place at any time without danger of bloodshed.

There was, then, little prospect of laws being framed or order restored. Hobson recommended that Britain seek consent from Māori (through a treaty) to establish

Contents

+ Open



Constitution Act 1852

THE NEW ZEALAND CONSTITUTION ACT.

ENGLISH VERSION.

“THE NEW ZEALAND CONSTITUTION ACT, 1852.”—
15 and 16 VICTORIA, CAP. 72, SEC. 71.

Her Majesty may cause Laws of Aboriginal Native Inhabitants to be maintained.

Passed 30th of June, 1852.

SECTION 71.—And Whereas it may be expedient that the Laws, Customs, and Usages of the Aboriginal or Native Inhabitants of New Zealand, so far as they are not repugnant to the general principles of Humanity, should for the present be maintained for the Government of themselves, in all their relations and dealings with each other, and that particular districts should be set apart within which Laws, Customs, or Usages should be so observed. It should be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom from time to time to make Provisions for the purposes aforesaid, any repugnancy of any such Native's Laws, Customs, or Usages, to the Law of England or to in any part hereof, in any wise notwithstanding.

An Act to grant a representative constitution to the colony of New Zealand' was passed by the British Parliament in 1852. The act set up six provinces to be governed by elected councils. Section 71 stated that eligible voters were males aged 21 or over who owned freehold land



Effect of settlement




8 Meaning of Raupatu claims

- (1) In this Act, the term **Raupatu claims**—
- (a) means all claims arising out of, or relating to, the Raupatu or any aspect of the Raupatu; and
 - (b) includes all claims arising from the loss of land and of interests in land in the Waikato claim area by confiscation; and
 - (c) includes all claims to coal, other minerals, and forests within the Waikato claim area; and
 - (d) includes the following parts of the Wai 30 claim to the Waitangi Tribunal, namely, the claims set out in—
 - (i) the Statement of Claim of 16 March 1987 (#1.1 on Waitangi Tribunal record); and
 - (ii) the Amended Statement of Claim of 16 March 1987 (#1.1(a)); and
 - (iii) the Letter of 12 August 1987 (#1.1(b)) and
 - (iv) the Statement of Claim of 17 June 1991 (#1.1(c)); and

- (i) includes all claims specified in paragraphs (a) to (h), whether or not those claims—
 - (i) are past, current, or future; or
 - (ii) are founded on rights arising by or in common law (including customary law and aboriginal title), the [Treaty of Waitangi](#), statute, or otherwise; or
 - (iii) are made or held by, or on behalf of, all of Waikato or 1 or more individuals, marae, or hapu; but
- (j) does not include the excluded claims.

(2) In this Act, the term **excluded claims** means—

- (a) any claims by Waikato to the rivers and harbours within the Waikato rohe, including those parts of the Wai 30 claim to the Waitangi Tribunal relating to—
 - (i) the Waikato River (being the claims set out in paragraph A1–5 of the statement of claim dated 16 March 1987); and
 - (ii) the West Coast Harbours, as defined in the deed of settlement (being the claims set out in paragraph C8–9 of the statement of claim dated 16 March 1987); and
- (b) any claims by Waikato to the Wairoa block or the Waiuku block; and
- (c) any claims by individual hapu of Waikato to non-Raupatu land outside the Waikato claim area; and
- (d) the claims made in the Wai 185 claim to the Waitangi Tribunal, being the claim made by A Wirihana in relation to the Pepepe land; and
- (e) the claims made in the Wai 100 claim to the Waitangi Tribunal, being the claim made by Huhurere Tukukino; and
- (f) any claims made to the Waitangi

09:33   

New Zealand Legislation

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Te Ture Whenua Maori Act 1993

Maori Land Act 1993

- Warning: [Some amendments have not yet been incorporated](#)

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4 Interpretation

In this Act, unless the context otherwise requires,—

ahi ka means fires of occupation

alienation, in relation to Maori land,—

(a) includes, subject to paragraph (c),—

- every form of disposition of Maori land or of any legal or equitable interest in Maori land, whether divided or undivided; and
- the making or grant of any lease, licence, easement, profit, mortgage, charge, encumbrance, or trust over or in respect of Maori land; and
- any contract or arrangement to dispose of Maori land or of any interest in Maori land; and
- the transfer or variation of a lease or licence, and the variation of the terms of any other disposition of Maori land or of any interest in Maori land; and
- a deed of family arrangement relating to succession to Maori land or any interest in Maori land on the death of an owner; and
- an agreement to the taking under the [Public Works Act 1981](#) of Maori land or any interest in Maori land; and

Preamble

Nā te mea i riro nā [te Tiriti o Waitangi](#) i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the [Treaty of Waitangi](#) established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.

Preamble: amended, on 1 July 2002, by [section 3\(1\)\(a\)](#) of Te Ture Whenua Maori Amendment Act 2002 (2002 No 16).

Preamble: amended, on 1 July 2002, by [section](#)

such as the meeting this morning; but they were ambitious resolutions passed; but they were inappropriate to the condition of the country, that nothing further resulted from the movement; and during no future autumn was such another political demonstration ever held, even by these same independent and nonjuring chiefs. The "Declaration," or rather a translation of it, was duly forwarded by Mr. Busby to the Secretary of State for the Colonies; but, as no such translation appears in the body of this volume, it may be of use to insert it in this prefatory notice, so that the character and purpose of the document may be more fully apprehended. The correspondence referred to is contained in the two following letters:—

No. 1.

The BRITISH RESIDENT to the UNDER SECRETARY of STATE.
British Residency at New Zealand, Bay of Islands,
2nd November, 1835.

SIR,— I have the honor to enclose herewith a copy of a Declaration, by the chiefs of the Northern parts of New Zealand, of the Independence of their country, and of their having united their tribes into one State, under the designation of "The United Tribes of New Zealand." In this Declaration the chiefs entreat that His Majesty will continue to be the parent of their infant State, and that he will become its Protector from all attempts on its independence; and it is at their unanimous desire that I transmit this document, in order to its being laid at the feet of His Majesty.

I have, &c.,
JAMES BUSBY,
British Resident at New Zealand.

Mr. Under Secretary Hay.
&c., &c., &c.

[TRANSLATION.]

DECLARATION of the INDEPENDENCE of NEW ZEALAND.

Translation of the
Declaration of
Independence.

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.
 2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.
 3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.
 4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgment of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.
- Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

[Here follow the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.]

English witnesses—

(Signed) Henry Williams, Missionary, C.M.S.
George Clarke, C.M.S.
James C. Clendon, Merchant.
Gilbert Mair, Merchant.

Wai 898, #S057

WAI 898
WAI 2118
WAI 1587

The Treaty of Waitangi Act 1975

Te Rohe Potae District Inquiry

Te Rohe Potae District Inquiry

08 May 2014

Waitangi Tribunal

Ministry of Justice
WELLINGTON

Te Amohia McQueen
101 massey st
hamilton

Attachment 1

Ngāti Maniapoto Mana Tangata

Draft Scoping Report for a Ngāti Maniapoto Oral and Traditional History Project

Prepared for the Ngāti Maniapoto claimants for the Rohe Pōtae Inquiry (Wai 898) and
Commissioned by the Crown Forestry Rental Trust

Paul Meredith, Rewi Nankivell and Robert Joseph

April 2010

Stage 1 Draft scoping
Stage 2 scoping Nov 2010 Received

Public Notices

PANUI

Notice to Incorporate
Resolution;

By decree of the Paipera
Tapu Exodus 20 Ten
Commandments,

We the Hereditary Line of
entitlement to the He
Wakaputanga ote

Rangatiratanga o Niu Tirenī
1835 and specifically to

Werowero, proclaim by
Taonga Tuku Iho, a grant of
administration to incorporate

in the name of IO MATUA
KORE Inc, who shall
administer the Whenua

Komakarau. This Whenua shall
adopt the He Wakaputanga ote
Rangatiratanga o Niu Tirenī

1835 as the founding
document, and in accordance
with its Articles 1,2,3, and 4 be

administered, with the
preamble of the Te Ture
Whenua Maori Act 1993 under

Taonga Tuku Iho and also part
XIII of the Te Ture Whenua
Act 1993. The election of

management shall be held in
accordance with Tikanga on
the 1st February 2020, 1pm at

101 Massey st Hamilton where
the office of the Incorporation
shall be. The Tikanga/Kawa

protocols applied in this
document is the property of IO
MATUA KORE Incorporation,

nothing in this document shall
relinquish and/or effect the
authority of the Hereditary

Line. Contact P.O.N.O Trust
0275086331

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Item 6

Attachment 1

Council Report

Committee: Hearings and Engagement Committee
Date: 03 March 2021
Author: Raewyn Simpson
Authoriser: Eeva-Liisa Wright
Position: Senior Planner
Position: General Manager
 Infrastructure Operations
Report Name: Hamilton Stormwater Bylaw Engagement Report

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

Purpose - *Take*

1. To inform the Hearings and Engagement Committee on the submissions received in response to the publicly notified Statement of Proposal Hamilton Stormwater Bylaw review.
2. For the Hearings and Engagement Committee to hear and consider verbal submissions following consultation undertaken with the public.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Hearings and Engagement Committee:
 - a) receives the report;
 - b) hears and considers submissions to the proposed revised Hamilton Stormwater Bylaw; and
 - c) notes that the Deliberations Report will be considered at the Infrastructure Operations Committee meeting of 27 April 2021.

Executive Summary - *Whakaraapopototanga matua*

4. On the 22 October 2020, the Council approved the progression of consultation on the proposed Hamilton Stormwater bylaw and Statement of Proposal under Section 83 of the Local Government Act 2002, and that the consultation period be from 2 November 2020 to 9 December 2020 [[Agenda](#), [Minutes](#)].
5. An engagement campaign for the period of review included internal staff, iwi, the public, sub-regional councils, special interest groups and industry.
6. Eighteen submissions were received during the consultation period. A full copy of the submissions is [available online](#).
7. As at 10 February 2021, three submitters wish to be heard. The report on Community engagement tactics and insights is provided in **Attachment 1**.
8. Staff consider the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

9. The [Hamilton Stormwater Bylaw \(2015\)](#) (the Bylaw) was adopted 28 September 2015 to manage and protect land and structures associated with stormwater drainage, ensure waterways remained clear, manage the entry of contaminants, and protect public health and safety. The Local Government Act 2002 requires all bylaws to be reviewed 5 years after the day they were first made.
10. The Bylaw assists Council to meet its role and obligations in relation to;
 - a) the Joint Management Agreement with Waikato Tainui;
 - b) demonstrating compliance with Council's Comprehensive Stormwater Discharge Consent (CSDC); and
 - c) the protection of Council's assets and public health and safety.
11. On 16 April 2020, Infrastructure Operations Committee resolved that a Stormwater Bylaw was still the most appropriate mechanism for addressing stormwater issues and approved the preparation of a Statement of Proposal for a reviewed Bylaw [[Agenda](#), [Minutes](#)]. Staff worked with internal stakeholders, iwi, and sub-regional partners to review the Bylaw and proposed amendments.
12. On 22 October 2020, Council approved the progression of consultation of the Statement of Proposal and proposed Hamilton Stormwater Bylaw under Section 83 of the Local Government Act 2002, and that the consultation period be from 2 November 2020 to 9 December 2020. The Council Report noted that Submitters also have an opportunity to present their views in a spoken form at the Hearings and Engagement Committee at a hearings date yet to be confirmed in 2021.

Discussion - *Matapaki*

13. Using the Special Consultation Procedure section 183 of the Local Government Act, the public were invited to submit on the Statement of Proposal and proposed Stormwater Bylaw.
14. Council sought community feedback on seven issues and proposed changes to the Bylaw to address those issues. Two options were provided for each issue, which were to amend the Bylaw, or leave the Bylaw unamended. The community was asked which option they preferred and their reasons. The community was also asked to list any other topics or areas relating to stormwater that they would like a better understanding of.
15. The engagement campaign included internal staff engagement via workshops, engagement of an iwi facilitator and collaboration with iwi via meetings and emails, discussions with adjacent District Councils and Regional Council, media releases, press adverts and social media promotion, letters and emails to special interest groups and industry, provision of material at Council Offices, Hamilton City Libraries and online Haveyoursay.
16. Eighteen responses were received between 2 November 2020 and 9 December 2020. A full copy of the submissions is [available online](#).
17. As at 10 February 2021, three submitters wish to be heard.
18. Waikato Tainui continue to be engaged throughout the Bylaw drafting.
19. A community engagement tactics and insights report has been written outlining the tactics used to maximise engagement, the results of that engagement, the insights that came through the survey used, and demographic comparisons. The report can be found in **Attachment 1**.

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

20. Staff confirm that the staff recommendation complies with Council's legal and policy requirements under the Local Government Act 2002. Under legislation the Council is empowered to make Bylaws for managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with stormwater drainage.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

24. Hearing the views of the public on how stormwater can be better managed to meet relevant outcomes supports community's safety, health, rights and connectedness. The outcomes sought are:
- our city is a great place to play and be active; and
 - our city supports people to be healthy and happy.
25. Any proposed Stormwater Bylaw amendments will be designed to minimise the adverse effects of stormwater discharge that ends up in the Waikato River which supports our ability to achieve these outcomes.

Economic

26. Hearing the views of the public on how stormwater can be better managed to meet the outcome of 'our city has a thriving, sustainable business sector and enables individual and businesses to prosper' supports the potential ensure businesses can still operate under regulation.
27. Any proposed Stormwater Bylaw changes will be designed to ensure that new and existing businesses in Hamilton City can continue to grow and develop.

Environmental

28. Hearing the views of the public on how stormwater can be better managed will ensure that Council has appropriate regulation to meet the following outcomes:
- our city restores and protects the health and wellbeing of the Waikato River; and
 - our city is actively responding to the challenges of climate change.
29. Any proposed Stormwater Bylaw changes will be designed to manage potential impacts on the health and wellbeing of the city's streams and the Waikato River and support Councils Sustainability Principles, and recognise Councils planning and regulatory systems requiring environmental considerations.

Cultural

30. Hearing the views of iwi and the public on how stormwater can be better managed will ensure that Council has appropriate regulation to meet the following outcomes:
- our city supports the values, aspirations and growth of our taangata whenua; and

- our city is a place we are proud of.
31. Any proposed Stormwater Bylaw changes will be based on and supports principles and policy direction supported by iwi to assist restoration and protection of the Waikato River (under Te Ture Whaimana o Te Awa o Waikato) and support Te Mana o te Wai.
 32. Council has engaged an Iwi Facilitator and is working collaboratively with Waikato-Tainui and Te Haa a Whenua Kirikiriroa (THaWK) for this Stormwater Bylaw review. The Community engagement tactics and insights report listing engagement can be found in **Attachment 1**.

Risks - *Tuuraru*

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

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

Significance

34. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

Engagement

35. There is a statutory requirement to consult as per legislation outlined below.
36. The LGA requires the Council to consult the public whether continuing the existing Bylaw without amendment (s160(3)(b), the LGA) or amending, revoking or replacing the Bylaw (ss160(3)(a) and 156(1), the LGA).
37. The legislative requirement to consult on the proposed changes to the Bylaw provides an opportunity for the Council to engage the community on how the existing Bylaw is working and to consider feedback.
38. Staff invited the public and stakeholders to provide formal feedback through the public consultation from 2 November 2020 to 9 December 2020 so that their views can be captured on the proposed Hamilton Stormwater Bylaw.
39. Section 156 of the LGA required Council to use the Special Consultative Procedure (the SCP) if:
 - the Bylaw concerns a matter identified under the Council's Significance and Engagement Policy as being of significant interest to the public; or
 - there will be a significant impact on the public due to the changes to or revocation of the Bylaw.
40. A Special Consultative Procedure is required for consultation as the amendments to the Bylaw meet the requirements in the Council Significance and Engagement Policy. Therefore, consultation is being carried out as required under s83 of the LGA.
41. The Council Report and Statement of Proposal of 22 October 2020 proposed that submitters have an opportunity to present their views in a spoken form at a Hearings and Engagement Committee at a hearings date to be confirmed in 2021.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Hamilton Stormwater Bylaw review 2020 - Community engagement tactics and insights report



HAMILTON STORMWATER BYLAW CONSULTATION 2020

SUMMARY OF ENGAGEMENT TACTICS AND SUBMISSIONS INSIGHTS

Report prepared by:
Raewyn Simpson, Senior Planner, City Waters
February 2021

Report reviewed by:
Maire Porter – City Waters Unit Manager
February, 2021

EXECUTIVE SUMMARY

Hamilton City Council's Stormwater Bylaw helps protect our city's streams and the Waikato River by setting out responsibilities regarding the management of stormwater. The bylaw also provides guidance on what can and cannot enter the stormwater system. Council was required to review its Stormwater Bylaw 2015 under the Local Government Act 2002. This provided an opportunity for Council to check in on how the bylaw was working, if the bylaw is still needed and request feedback from the community on any changes proposed.

Council wants to ensure that the bylaw:

- Effectively supports the Council to address issues associated with the management of stormwater that may have developed since 2015;
- Has adequate regard to the Local Government Act 2002, Waikato River Settlement Act 2010, Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River);
- Has adequate regard to Iwi Management Plans, the Waikato Regional Policy Statement, Waikato Regional Plan and District Plan;
- Has adequate regard, and is consistent with, Hamilton's city-wide stormwater consent requirements.

On November 2, 2020, Council sought community feedback on seven issues and proposed changes to the bylaw to address those issues. The issues were identified through internal, iwi and neighbouring Council engagement (including with Waikato Regional Council). Two options were provided for each issue, which were to:

1. Amend the bylaw, or
2. Leave the bylaw unamended.

The community was asked which option they preferred and their reasons. The community was also asked to list any other topics or areas relating to stormwater that they would like a better understanding of.

ENGAGEMENT TACTICS

The purpose of the engagement was to provide maximum opportunity for collaboration and engagement and to ensure everyone is aware of their responsibilities in regard to stormwater discharge management.

The objective was to engage with all key stakeholders and the wider public on proposed changes to the bylaw, to ensure sound understanding of individual responsibilities for stormwater discharge and to ensure that the bylaw remains relevant and compliant with Waikato Regional Council stormwater receiving guidelines.

The engagement campaign included the following:

- **Executive Update** (for Hamilton City Council Councillors)
- **Moorena Mail** (for all Hamilton City Council staff)
- **Internal engagement via workshop and subsequent discussions** with those that interact with the operation and management of stormwater, including biodiversity strategy (as it related to their area of work) and the public on stormwater matters.

- **Engagement of an iwi facilitator and collaboration via meetings and emails** with iwi (Waikato Tainui and Te Haa a Whenua Kirikiriroa) to determine final draft bylaw.
- **Initial engagement** with Waipa District Council, Waikato District Council and Waikato Regional Council on the bylaw development.
- **Our Hamilton story/media release** on 4 November 2020 stating that Council was seeking feedback on the bylaw, what the bylaw managed, why it was important, what some common issues were, where feedback could be given and included a link to the Have Your Say page.
- **Social media promotion** of the proposed Stormwater Bylaw Have Your Say link via Facebook and Neighbourly.
- **Press adverts** in Hamilton Press and Waikato News promoting the Have Your Say link.
- **Letters to owners/occupiers of registered High-Risk Facilities** highlighting the changes to the bylaw and advising of the submission period.
- **Emails to** Waipa District Council, Waikato District Council and Waikato Regional Council advising of the submission period.
- **Emails to** registered stream care groups with Hamilton advising of the submission period.
- **Copies of the Statement of Proposal and the proposed reviewed bylaw were provided** at 260 Anglesea Street (Council offices) and Hamilton City Libraries and online at hamilton.govt.nz/haveyoursay.

The following instructions were provided:

HOW TO GIVE FEEDBACK:

- Fill out a feedback form online at hamilton.govt.nz/haveyoursay
- Fill out the feedback form included in this Statement of Proposal and send to: Hamilton City Council, Communication and Engagement team, Private Bag 3010, Hamilton, 3240.
- Fill out the feedback form and deliver to the Municipal Building Reception or any branch of Hamilton City Libraries.
- Feedback forms and the proposed Policy changes are available from all Hamilton City Libraries, and from the Ground Floor reception of the Council's Municipal Building in Civic Square.
- For any queries please ring 07 838 6699 or email haveyoursay@hcc.govt.nz

The public consultation ran from 02/11/2020 to 09/12/2020 and resulted in **18 responses** to the survey.

ENGAGEMENT RESULTS

We received **18 submissions through Have your say**. All the respondents provided their email address. Five of the submissions were from organisations such as:

- Streamcare Groups (Mangakotukutuku Streamcare group and Kukutaaruhe Education Trust)
- Oil Companies (Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil)
- SEKA
- Waikato Regional Council

Some correspondence was via three written letters.

Social media stats:

Web stats – click through to this Our Hamilton story:

<https://ourhamilton.co.nz/community-environment/give-feedback-on-changes-to-hamiltons-stormwater-bylaw/>

There were **258 Views** and **79 click throughs** to have your say, from 4 November to 9 December.

The results for social media were:

Post	Reach	Engagements	Comments	Reactions	Post clicks
7 November - Facebook	4046	207	2	10	193
8 December - Facebook	2222	58	0	10	40
TOTAL	6268	265	2	20	133

There were 2 comments. Both comments were hidden due to inappropriate language. No comments relating to the stormwater bylaw review were made on these posts.

Stormwater Bylaw Review – Iwi Engagement

Engagement with Iwi on stormwater management began with engagement on Councils Three Waters Connection Policy in 2019 and 2020. A series of specific stormwater related exchanges then took place on issue identification, options, and bylaw drafting progress, Council outcomes, submissions and responses occurred between April 2020 and 2nd February 2021.

A minimum of 13 exchanges during the collaborative process has taken place. Opportunities for further exchanges will be sought.

Stormwater Bylaw Review – Industry Engagement

162 facilities classified as high risk for potential stormwater pollution received letters highlighting proposed changes to the bylaw that could have implications on their operations. Feedback was requested. No identifiable feedback from these industries were received.

High risk facilities include (but are not limited to) mechanical workshops, printers, spray paint, food processing, waste management sites, manufacturers, stock yards, concrete batching, car and truck wash facilities.

Stormwater Bylaw Review –Special Interest Group Engagement

14 special interest groups comprising environmental, streamcare and community groups, were contacted by email (and some by phone) to ensure they were aware of consultation on proposed bylaw changes and to provide an opportunity for engagement and submission.

Two written submissions were received after that engagement.

Artwork provided to the Public:



Press advert for the Public:

HARNAE HOPE

It's no secret that bringing up a child is costly.

But hunting for discounted gear may have become more important than ever for many first-time parents in a cash-strapped, post-Covid-19 environment.

With this need in mind and a passion for reusing rather than buying new, Hamilton woman Rachel Inglis has invested \$39,000 into a new store selling preloved kids' items in Frankton.

"As a parent you just bleed money," said Inglis, who is a retired accountant.

"I have two kids of my own, and I was always on the hunt for bargain.

"But I feel like there's even more of a need now with more people needing products for lower prices and also people who are financially hurting because of Covid needing to make some cash."

Little Split It is Hamilton's first sell-on-behalf store for kids' products with a retail space, another Hamilton-sell on-behalf store online.

"I came up with the idea when I went down to Wellington with a mate in August for the rugby," said Inglis.

"We went shopping in Recycle Outlets and it got me thinking: if you can resell your grown-up designer clothes, why aren't we doing this with kids' products, so that people can reuse them rather than buying new?"



Owner Rachel Inglis has set up Hamilton's first boutique kids' store.

"I'm surprised it hasn't been done already, because while there are places like Facebook marketplace and Trade Me, there aren't any Hamilton stores that sell secondhand kids' items on a regular basis.

"Finding discounted gear requires a lot of searching and luck.

"It's also a hassle selling stuff yourself and parents often don't have the time or motivation to do so."

The store on Keddell St, Frankton, accepts secondhand goods ranging from maternity items to 14-year-olds' clothing and toys.

People can also donate goods

where 30 per cent of the sale proceeds go to local Waikato charities that support families, such as Waikato Community Centre and Clothes Our Kids Waikato.

"They've got to be good quality. Not broken, there's also got to be a market for it, so clothes in particular have to be certain



Toys, especially Paw Patrol toys, baby strollers and costumes are going like hotcakes.

brands. We don't accept Warehouse or Kmart brands, because there's no market for it, but if people are wanting to get rid of that we will take them and donate them to our chosen charities."

The store has only been open two weeks, but it has already received a lot of interest, Inglis said.

Many people have also come in to offload "a carload full" of secondhand items that have been stored away in their garages for months.

Many people have called Inglis crazy for setting up a business during an economic downturn, but she believes it has the potential to be a success.

"If it's still going for six months I'll be stoked because it's done better than I anticipated."

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Attachment 1

A Professional Approach to Women's Health

Seeing a gynaecologist doesn't have to be stressful says Dr Tarek. Our focus is on caring for your health in a relaxed & friendly environment, keeping you in the know and putting you at ease.

Dr Tarek is one of the leading gynaecologists in New Zealand and along with his team will take care of you every step of the way. They offer you the highest gynaecological service from first contact through to the end of your care.

"We ensure that our patients are well listened to and that treatment is tailored specifically to the individual. It is important to involve the patients actively in their care with an empathetic approach. We take time to help our patients understand their health issue," says Dr Saleh.

Dr Tarek uses a collaborative approach to helping women and his special interest is

the surgical and medical management of endometriosis as well as pelvic floor issues. Dr Tarek is the Unit Lead Gynaecological Endoscopy (keyhole surgery) at Waikato Hospital; his expertise includes advanced laparoscopic surgery and surgical treatment of pelvic organ prolapse.

Dr Tarek has a passion for training and teaching, passing on his knowledge to trainee doctors as part of the AGES programme, an advanced programme for junior surgeons to become advanced laparoscopic surgeons.

Women's health problems can include heavy or abnormal menstruation, fibroids, ovarian cysts, polycystic ovary syndrome (PCOS), vaginal infections, endometriosis and prolapse to name a few. A full range of services are available on the website

www.drtaresaleh.co.nz

To book an appointment with

Dr Tarek phone Sally on 02102451019 or email: admin@alphacaregynae.co.nz, you can also be referred by your GP. Dr Tarek is a Southern Cross and NBS provider.

Alpha Care Gynaecology is located at South Bloc Building, Anglessea Consultant Suites, 19 Knox Street, Hamilton.



Dr Tarek Saleh

Are you maintaining your property's stormwater system?

Are you discharging pool water correctly?



We're proposing some changes to the Hamilton Stormwater Bylaw and want your feedback.

Help protect our city's river and waterways by making sure you know what shouldn't go into our stormwater drains.

Go to hamilton.govt.nz/haveyoursay

Feedback closes 9 December 2020



SUBMISSIONS INSIGHTS

Attachment 1

In general, proposed bylaw changes were supported. The following results and insights came through the survey.

Issue 1: Recognition of the relationship of Waikato Tainui with the river and the need to protect and restore the river.

Issue 1	Total
Option 1 (make proposed changes to the bylaw)	15
Option 2 (do not make changes to the bylaw)	1
Not Answered	2

Of the 16 responses received on this issue, 15 submitters supported further recognition of the relationship with the River. There was no additional commentary on this matter.

Issue 2: Connection approvals - stronger controls proposed to manage effects on the network and ensure compliance with Council's stormwater discharge consent.

Issue 2	Total
Option 1 (make proposed changes to the bylaw)	15
Option 2 (do not make changes to the bylaw)	2
Not Answered	1

Of the 17 responses received on this issue, 15 submitters supported the need for connections to be approved and to be aligned with Council's Policy, Plans, water impact assessments and city-wide stormwater consent requirements.

One submitter supported the requirement to comply with other relevant legislation but opposed the potential for the bylaw to require higher standards than a regional council discharge consent.

"support the requirement to comply with other Acts, Regulation or other Bylaws, but oppose section 6.3 in so much as it would enable Council to require discharges to achieve a higher standard than permitted by the Waikato Regional Plan or provided for under a regional discharge permit. Such an approach is inefficient and will potentially impose unnecessary requirements on discharges which are appropriately sanctioned in terms of water quality. "

Issue 3: Contaminant controls on pool water and building sites.

Issue 3	Total
Option 1 (make proposed changes to the bylaw)	15
Option 2 (do not make changes to the bylaw)	2
Not Answered	1

Of the 17 responses received on this issue, 15 submitters supported stronger controls on pool water and building sites. There were three comments responding and/or questioning contaminant controls on pool water. There was one specific comment on controls of building sites and recognition of ecological values.

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One submitter considered that there was enough control of stormwater under the Resource Management Act and was (incorrectly) concerned that the bylaw resulted in pool charges.

"Low income families cannot afford a pool water charge, the reason they are in the back yard is because they have no money to go to the beach. !!"

Another submitter supported the intent of the controls on pool water going to stormwater and the for discharges to be to sewage systems or land but did not want the proposed bylaw controls to be applied to 'existing' in-ground pool systems plumbed into the stormwater system. Their reasoning was that the issue would not exist for in place filtering and disinfection systems, and prohibitive cost of remedial works.

The submitter was concerned about the regulation of pop-up pools.

"In supporting proposed changes in principle, we submit that a distinction should be made between: a) existing in-ground or permanent pools with professionally set up and well-regulated filtration systems; b) consents for new permanent or in-ground pools; and c) pop up pools. There are benefits for the city in making changes to requirements for new consents. However, the cost to individual ratepayers to make changes existing in-ground pool systems may be prohibitive".

"The work we undertook just seven years ago to refurbish the pool, upgrade the pool fencing, house the new filter, and pave the general area cost \$70,000. If the current proposal were to go ahead significant plumbing and paving work would be required to divert a small amount of lightly chlorinated water from the stormwater network to the wastewater network. This is an unreasonable additional cost to take an action that could have been readily incorporated in 2013, had it been required, but would now cause considerable disruption and cost."

"Pop-up pools are of increasing size, appear to often have inadequate filter systems, consume significant amounts of water, meet no safety/fencing requirements, and be poorly managed. In short, they appear to be completely unregulated, and pose a problem within and beyond stormwater bylaws."

A third submitter fully supported the changes to the bylaw that managed pool water and building site contaminants to recognise ecological values of waterways.

"Swimming Pool discharges and means of mitigating/treating large discharges prior to entry to the SW system; minimising stormwater runoff from existing and/or hard/artificial surfaces and controlling silt discharges from works on private property that don't require consent. The ecological values of waterways in gullies including native fish and other wildlife (e.g. FW mussels, crayfish, macroinvertebrates)"

Issue 4: Responsibility for maintenance of private stormwater systems.

Issue 4	Total
Option 1 (make proposed changes to the bylaw)	15
Option 2 (do not make changes to the bylaw)	2
Not Answered	1

Of the 17 responses received on this issue, 15 submitters supported private owner responsibility for privately owned stormwater systems and their effectiveness.

One submitter was concerned about clarity for specific discharges that already had associated industry specific guidelines.

"The Oil Companies' interests in the Bylaw relate primarily to how it addresses stormwater discharges from petroleum industry sites. The Oil Companies seek clarity regarding these matters to provide certainty to all parties while ensuring protection of the environment and Council's infrastructure".

The same submitter did not agree with retaining management plans on-site due to this being impracticable.

"support the principle of Pollution Control Plans for High Risk Facilities but oppose the requirement that they are retained on the premises as this is not practicable at unattended sites and may not be technically achieved at attended sites where such documentation is typically held electronically, reflecting these are standardised across the networks of the individual Oil Companies party to this submission. The Oil Companies would, however, support a requirement for emergency response procedures to be clearly displayed."

Issue 5: Effectiveness of private stormwater management devices and ability to access land for inspection and cost recovery.

Issue 5	Total
Option 1 (make proposed changes to the bylaw)	11
Option 2 (do not make changes to the bylaw)	5
Not Answered	2

Of the 16 responses received on this issue, 11 supported the proposed changes to provide for land access to assess device effectiveness and recover costs if the matter of device ineffectiveness was not resolved by the owner. Just over a quarter of respondents did not want the changes.

Two themes of 'homeowner cost' and 'equity' emerged from 2 submissions that did not want a change to the bylaw.

"Why is cost to be shouldered by the homeowner if repair and maintenance of these stormwater systems? We pay very high council rates and I believe this should cover the cost for maintenance of these systems. This is unfair to the people whose properties have these systems built in them".

"I agree with monitoring but disagree with cost recovery as newer developments are disproportionately impacted. A subsidy of the cost for maintenance of the system from nonintentional damage would be fairer, with addition potential penalties for repeat offenders".

One submitter preferred 'demonstration' of compliance from private stormwater owners.

"private owners of stormwater devices should be required to demonstrate compliance and maintenance rather than a blanket access clause to all devices"

Issue 6: Working in close proximity to public stormwater infrastructure – requirement for application.

Issue 6	Total
Option 1 (make proposed changes to the bylaw)	14
Option 2 (do not make changes to the bylaw)	3
Not Answered	1

Of the 17 responses received, 14 submitters supported the need for an application to work close to public stormwater infrastructure. There was no additional commentary on this matter from the 3 opposing submitters.

Issue 7: Making the bylaw easier to understand for the public.

Issue 7	Total
Option 1 (make proposed changes to the bylaw)	15
Option 2 (do not make changes to the bylaw)	0
Not Answered	3

Of the 15 responses received, all submitters supported changes proposed to make the bylaw easier to understand. There was no additional commentary on this matter.

General comments

From general comments, there were the following supportive comments:

- *“Great opportunity to make things better”*
- *“Make things better for the environment”*
- *“Should result in improved conditions in stormwater receiving environments, therefore enhancing stream ecology and giving the council tools for enforcement”*
- *“I believe that in general terms the proposed changes are beneficial to the city as a whole”.*

However, some felt that further work was required in the areas of:

- Adopting an approach where habitat is not compromised for stormwater conveyance
- Recognition of ecological values and adoption of different stormwater management designs
- Enforcement of rules with potential certification of builders in sensitive catchments and monitoring
- Hard surface contaminants and sewage discharges not addressed appropriately; and
- Grey water systems.

Specific comments were:

“Although we recognise the need for stormwater conveyance, wood in streams can provide important habitat for native fish and does not need to be removed everywhere to still maintain conveyance functions. The Council needs to adopt a risk management approach to identify what wood should and should not be removed”.

“Acknowledge the importance of the receiving environment and the need to manage stormwater in a way that sustains ecological values. These values can vary spatially so a framework is needed for (i) identifying and managing high value and sensitive sub-catchments, and (ii) implementing different stormwater designs to decrease the risk of damage to high value systems”.

“As well as sediment, any washing of material down catch pits should be prevented as these connect directly to streams. This is particularly important for cement which can cause abrupt

change to pH and adverse effects on aquatic life. Enforcement of such rules in critical - perhaps consider environmental certification of builders allowed to work in sensitive catchments.

Maintenance is the key and needs to be monitored"

"I think this process will lessen the load on the river however one of the largest polluters are the roading network of Hamilton. I think the Council should concentrate on settlement ponding or something else to allow control of discharges to the river. The loading from hard surfaces and roading and discharges from accidental sewage are the real issue. I don't think we have addressed that appropriately"

"I do not think this goes far enough. HCC would do well to encourage grey water systems in new builds. This would ease storm water considerably. Need to be more innovative and provide more options for people to dispose of hazardous chemicals that often end up in storm water ie collection points in neighbourhoods that are sent to a central processing place."

Education and information

The survey included what further topics or education the community sought related to stormwater. There were 12 responses to this question. The following was requested by the community:

- a) Recommended inspections and timeframes for maintenance, and how to properly care for private stormwater systems/drains
- b) Dealing with water from car washing
- c) Responsibilities for pollution
- d) What happens to storm water when it goes down the drain and gutters and reasons why it should only be stormwater (e.g.) nappies and chemicals
- e) Quality of stormwater discharges into the Waikato in severe weather events
- f) Maintenance strategy for the current Council's stormwater system
- g) Requirements for new builds or additions for homes in an east to digest format
- h) Swimming pool discharges and means of mitigating/treating large discharges prior to entry to the sw system; minimising stormwater runoff from existing and/or hard/artificial surfaces and controlling silt discharges from works on private property that don't require consent
- i) Ecological values of waterways in gullies including native fish and other wildlife (e.g. fresh water mussels, crayfish, macroinvertebrates)
- j) Reference to the city's indigenous biodiversity living in our waterways and an annual education programme to make the community aware of struggling biodiversity. Target properties whose stormwater flows into gullies
- k) Include not just what not to put into our storm water systems but where they can dispose safely of pollutants
- l) Requirement to comply with other Acts, Regulation or other Bylaws, including the Waikato Regional Plan and the MfE Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998).

Opportunity to talk to Council about the submission

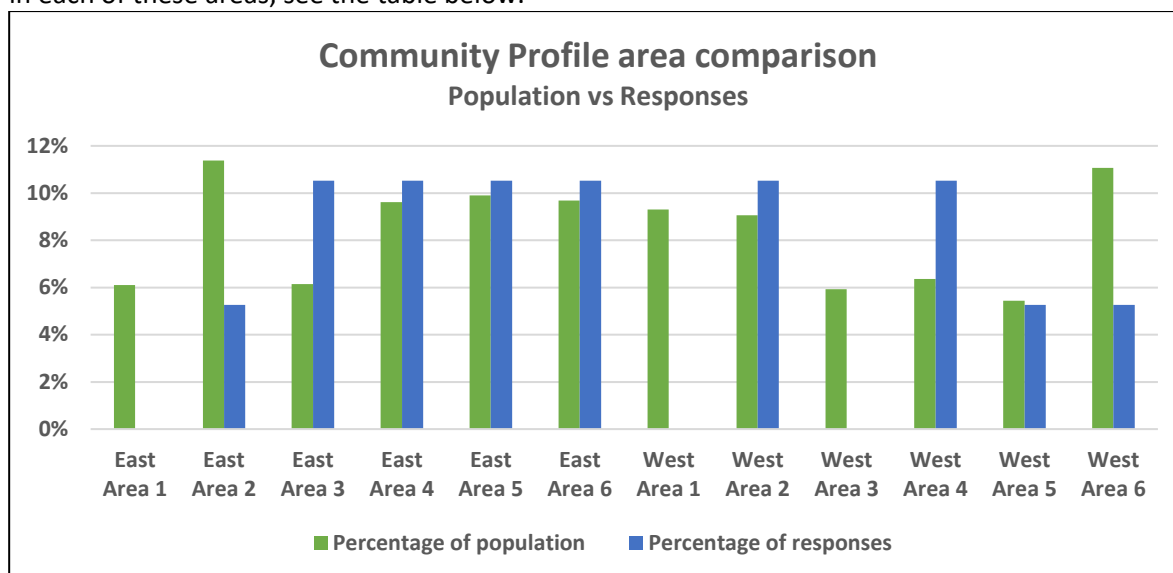
Opportunity to talk to the Council in person	Total	Percent
Yes	3	16.67%
No	15	83.33%
Not Answered	0	0.00%

The community was asked if they would like the opportunity to talk to us about their submission in person. Three of the 18 respondents replied that they would.

DEMOGRAPHIC COMPARISON

RESPONDENTS VS HAMILTON CITY PROFILE*-LOCATION

We had a high representation from East Areas 3, 4, 5, 6, and West Areas 2, 4. For a list of suburbs in each of these areas, see the table below.

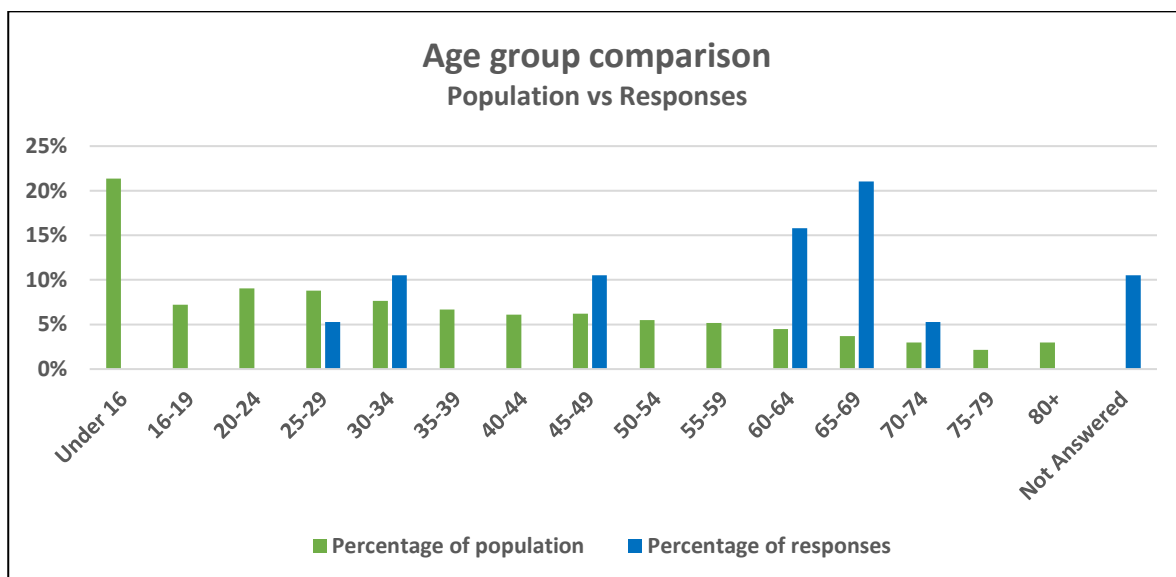


*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

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

RESPONDENTS VS HAMILTON CITY PROFILE*-AGE GROUP

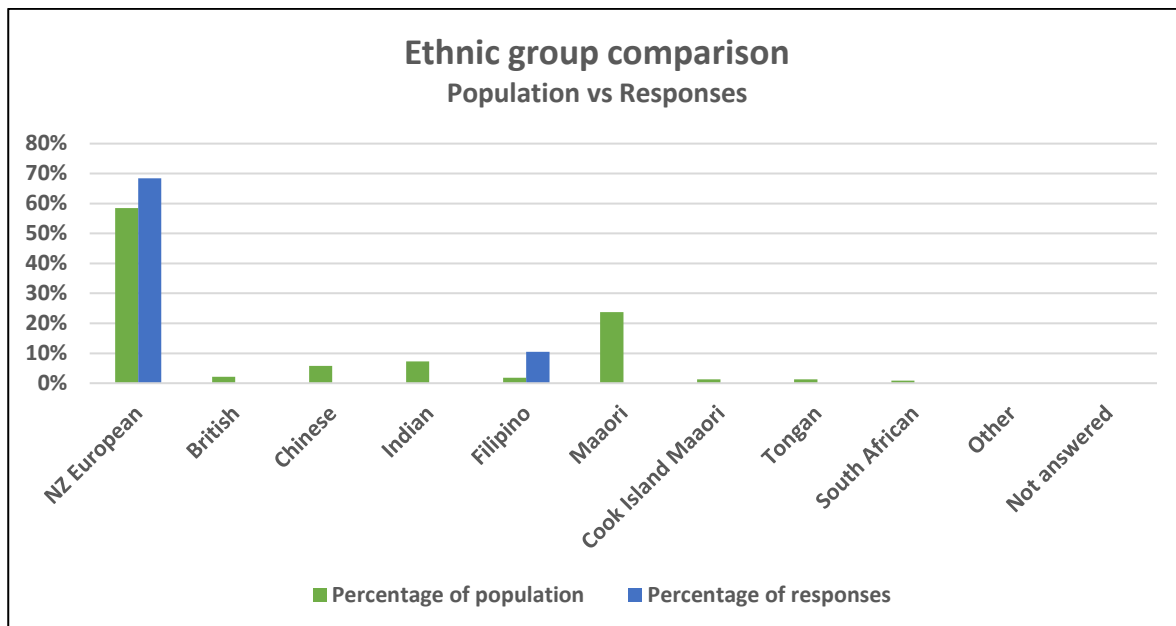
We had a low representation from under 29 year olds. 60-69 year olds were highly represented in the responses.



*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

RESPONDENTS VS HAMILTON CITY PROFILE*-ETHNIC GROUP

We had a high representation from NZ European and Filipino ethnic groups.



*Hamilton City profile statistics are from the 2018 Census published by Stats NZ.

WHAT'S NEXT

Staff have undertaken direct engagement (i.e. meetings) with some submitters to discuss the detail of submissions and further changes that are sought. This engagement was completed during January and February 2021.

The proposed bylaw changes, informed through engagement, are to go to the Hearings and Engagement Committee on 3 March 2021, then for decision at the Infrastructure Operations Council Committee 29 April 2021 for deliberations.

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Attachment 1