

Notice of Meeting:

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

Date: Tuesday 24 April 2018
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Regulatory and Hearings Committee OPEN AGENDA (Dangerous and Insanitary Buildings Policy and Class 4 Gambling Venue Policy Hearings)

Membership

Chairperson: Cr Angela O’Leary

Deputy Chairperson: Cr Leo Tooman

Membership: The Mayor and all Councillors
(The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson)

Meeting frequency: As required

Quorum: Three members

Claire Guthrie
Committee Advisor

18 April 2018

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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 Task Force 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 parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, 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.
5. To convene Task Force groups and carry out the terms of reference approved and 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 activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to 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

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

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

Council Report

Item 4

Committee: Regulatory and Hearings Committee
Date: 24 April 2018
Author: Claire Guthrie
Authoriser: Becca Brooke
Position: Committee Advisor
Position: Governance Team Leader
Report Name: Confirmation of Regulatory and Hearings Committee Open Minutes - 1 March 2018

Report Status	<i>Open</i>
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Staff Recommendation

That the Committee confirm the Open Minutes of the Regulatory and Hearings Meeting held on 1 March 2018 as a true and correct record.

Attachments

Attachment 1 - Regulatory and Hearings Committee Open Minutes - 1 March 2018 .

Regulatory and Hearings Committee Proposed Waste Management and Minimisation Plan Hearings

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 1 March 2018 at 9.30am.

PRESENT

Item 4

Chairperson	Cr Angela O’Leary
Deputy Chairperson	Cr Leo Tooman
Members	Mayor A King Cr M Bunting Cr R Hamilton Cr S Henry Cr D Macpherson Cr G Mallett Cr R Pascoe Cr P Southgate

In Attendance: Julie Clausen – Programme Manager, Strategy & Communications
Charlotte Catmur – Waste Minimisation Advisor
Trent Fowles – Compliance Manager, City Waters

Governance Staff: Claire Guthrie – Committee Advisor

1. Apologies

Resolved: (Crs O’Leary/Pascoe)
That the apologies for Deputy Mayor Gallagher and Crs Taylor, Southgate (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs O’Leary/Bunting)
That the agenda is confirmed.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Confirmation of the Regulatory and Hearings Committee Open Minutes - 23 November 2017

Resolved: (Crs O'Leary/Pascoe)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 23 November 2017 as a true and correct record.

The following members of the public spoke to their submissions on the proposed Waste Minimisation and Management Plan:

Jacqui Forbes (Submission 219) for Para Kore Marae

Ms Forbes, General Manager for Para Kore Marae, explained her organisation's educational programmes on waste minimisation which are delivered to around 250 marae, nga kohanga reo and schools. The organisation also provided free bins, crates and so on to these groups and focused on education as the crucial factor to minimising waste and encouraging re-cycling of the earth's non-renewable resources. She said New Zealand had a very high OECD rating for the grams of waste per capita per annum; that contamination stopped recycling and that a waste levy was an effective mechanism to pay for waste management. Ms Forbes outlined options for increasing waste minimisation such as items that could be included with green waste for composting - paper towels from schools, hair from hairdressers and compostable containers from events. There was also the opportunity to set up community recycling centres which encouraged residents to re-use waste items.

She said product stewardship was an important issue and to use education to familiarise people with this term (manufacturers/producers were responsible for waste management costs if their products were non-recyclable) and about closed loop cycles. The national programme on waste creation was also a resource to use for this matter.

Tania Ashman and Camilla Carty-Melis for Go Eco (Submission 223)

Ms Ashman and Ms Carty-Melis stated that Hamilton has had a 33% increase in waste going to landfill and for Hamilton to become a leading city in waste minimisation and management the following suggestions were made:

- waste minimisation and recycling regulations to be increased, including e-waste collection and recycling;
- the waste levy to be increased;
- product stewardship to be encouraged by products having a recognisable licence and accreditation system for recycling;
- the goal of zero waste to landfill to be adopted;
- the proposed kerbside service for waste collection to be implemented;
- an organic collection service to be provided, which reduced greenhouse gases and toxic leachate; and
- construction waste reduction and diversion services to be increased.

It was pointed out that to be a sustainable city of the future, it was essential that waste reduction and resource recovery were provided for the city residents. This could create more employment.

In response to questions from Elected Members Ms Ashman and Ms Carly-Metis said that the waste levy could be increased up by 50% for households and more for businesses because they produced more waste.

They also pointed out that regardless of how big the city grew (and therefore produced more waste), it was essential to divert waste from landfill because of the damage caused to the environment such as:

- usable resources wasted by going into an unrecoverable environment;
- landfill created methane gas which is a greenhouse gas;
- landfill created toxic leachates;
- the lining of the landfill would eventually break releasing toxic leachates into the land and waterways;
- many of the waste products in the landfill would not break down which caused waterways and air pollution;
- and the land over the landfill was not suitable for growing anything because of contamination.

Skye Sloper for Plastic Bag Free Glenview (Submission 139)

Ms Sloper explained that this group made re-usable shopping bags from recycled fabric (examples shown to Elected Members) which were handed out at the local supermarket to encourage people to not use plastic bags. This initiative had seen a noticeable increase in consumers bringing their own bags to supermarkets. The purpose of handing out the bags was to encourage people to behave differently and to have consequences if they do not – such as paying for plastic bags. Ms Sloper stated it was important to have manufacturers take responsibility for their packaging and for the use of plastic that could not be recycled. She accepted there were issues with all waste minimisation options such as the difficulties with collecting food waste; that paper rubbish bags produced methane as they decomposed; and the use of wheelie bins caused problems in high density areas.

Heather Kikkert (Submission 225)

Ms Kikkert explained that she had experience with organisations moving to zero waste targets and found that waste management was a complex and challenging issue which needed a range of approaches, both top-down and ground-up. She said the issue of choice was a major factor in creating changes in behaviour at all levels of society - do people know the consequences of their choices, what were the options for change, what resources and knowledge were shared in the community, and what services were provided by government so waste could be effectively managed. Ms Kikkert said each of these levels could be supported by Hamilton City Council and that the proposed plan had achievable targets although zero waste to landfill is a long term aspirational target.

Ms Kikkert stated it was important to have more data to make better informed decisions to understand the proposed targets, to consider how waste can be a resource, to lobby government more to push for both national standards for secondary raw materials and for the use of these products in roads and footpaths and construction materials.

Stine Sorenson (speaking on behalf of Ella van Gool) (Submission 184)

Ms Sorenson spoke on behalf of Ms van Gool who was conducting doctoral research on marine debris in New Zealand. Ms Sorenson said New Zealand was high in waste per capita and this was increasing in relation to other OECD countries. It was estimated that at least 2% of this waste ended up in the oceans which was a major problem for the environment. Ms Sorenson pointed out that the open recycling bins permitted items to escape into the environment and could eventually end up in the ocean.

Ms Sorenson encouraged Council to adopt more ambitious goals, to ban plastic bags, plastic straws and single use plastics as these products were either not recyclable or expensive to recycle. She stated that education was very important for changing behaviour and that the use of wheelie bins with lids would decrease waste going into gutters and storm drains.

Sarah White (Submission 228)

Ms White spoke about her personal interest in reducing waste which arose from learning from friends and said she would like to see Hamilton become a leader for the country in reducing waste. She believed people should pay for collection and disposal of rubbish as it was time to make a change as status quo is not an option. She suggested a target of zero waste to landfill by 2050, with lesser targets leading to that goal. Ms White stated that education was an opportunity for individual change such as the use of a bin for organic waste; buying glass items not plastic; not using straws; and to take your own chopsticks and containers for takeaway use. She said the Council could implement green waste collection, increase recycling collections and make it easy to use these. In addition the Council could radically reduce their own waste and avoid the production of waste, and lead by example with soft plastic recycling and the re-use of glass bottles.

Samantha Rose (Submission 291)

Ms Rose, who had been previously employed in South Africa to educate local government employees in environmental practices as well as working in schools with students and teachers, stated that waste could be viewed as a resource not a cost, and that there were examples where rubbish could pay for itself.

Ms Rose gave examples from other countries where waste was re-used to provide resources and employment, such as;

- landfill gas being collected and used to power 3,300 homes and provided four jobs;
- food waste collected from restaurants, composted, and then used to grow food and Raglan was providing such a composting system;
- using waste for building materials by creating eco bricks by stuffing plastic bottles with waste and using for building construction.

Ms Rose suggested the Council banned single use plastic bags, made manufacturers responsible for their own waste and encouraged demolition waste being managed more responsibly. She said council regulations were important to change behaviour and that Council could have higher targets in the plan to be reached through education, and encouraging social enterprise.

Gary Olney and Russell Ensor for South Waikato Achievement Trust (Submission 222)

Mr Olney said that the Trust was a non-profit organisation which supported disadvantaged and marginalized people by providing employment through a number of social enterprises, one of which was the South Waikato District transfer station that has been operating for over twenty years with a focus on recycling. Mr Olney said that five years ago they became aware of the large volumes of electronic waste (anything with a plug or battery) coming through the transfer station and saw that there was an opportunity to deal with this e-waste. The enterprise has the capacity to process around 200 tonnes a month, and employed about 18 marginalized people. All of the processing is done ethically, with export permits in line with Waikato Environment guidelines. He explained the Trust offered a one stop shop because its primary focus was to provide employment. The Trust was viable and sustainable in the long term because recovered materials such as the precious metals from e-waste had minimal value but with sufficient quantity it provided income for the Trust.

Mr Olney said that electronic waste was estimated at 26 kilos per person per annum in New Zealand (92,000 tonnes a year) with about 5000 tonnes per annum in Hamilton. They collected e-waste from as far away as Gisborne and the Kapiti Coast, but received very little material from Hamilton and Go Eco acted as a collection agency for them. He pointed out that the casing of an old

TV has the potential to produce dioxin if dumped and that there was little of value in an old TV but it cost a lot to recycle - the Trust charged around \$25 to process a TV.

Mr Olney explained that there was resistance to paying the full cost of recycling e-waste and there was a price bracket, around \$10, where people were more receptive to proper recycling, and there was acceptance that recycling is the right thing to do. This meant there was a role for education and for territorial authorities to subsidise collection costs.

The Trust supported the concept of product stewardship and Mr Olney pointed out that until this was in place there was a need for other options. In order to divert the amount of e-waste going to landfill, he suggested that some of the waste minimisation fund could subsidise collection costs. Kapiti Coast Council provided this service which was proving successful.

Mr Olney and Mr Ensor made the following suggestions to encourage e-waste collection:

- hold e-waste collection days and the Trust would be able to assist with trucks, employees and containers;
- if had inorganic collection days the Trust could manage the quantity of waste as there was very large storage capacity at their site;
- provide a mechanism at the transfer station for the waste to be collected;
- identify e-waste as a specific collection point;
- set up a collection week at a local school which would enable them to get a financial benefit and educate the younger generation; and
- publicise the e-waste service on council websites, through local papers as publicity resulted in increased collection rates.

5. Proposed 2018-2024 Waste Management and Minimisation Plan - Hearing Report

The Programme Manager Strategy, introduced the report and explained that the report was collated by each question, with the responses from the 329 submitters reported separately under each question. It was also pointed out that there was a separate document for the submitters coming to speak which contained their individual responses.

The Elected Members identified the following issues to be addressed in the Deliberations Report:

- Clarification on the source of the 33% increase of waste to landfill as education would need to be targeted to those who produce the most waste;
- clarification on the rules governing demolition waste and what can be done and not done - what is required in the resource consent?
- discussion on the data collection referring to the risks and challenges with collecting the 'right' data;
- the feasibility of e-waste collection points;
- outline or discuss opportunities to implement the plan – such as school collection days for e-waste;
- when considering the use of eco-bricks in Dunedin, what options could work in Hamilton and clarify if those bricks are fire- retardant;
- how will comingled/wrongly sorted items in the new bins be dealt with?
- could the targets in the plan be more progressive over a longer period?
- provide options for what can be reasonably done with recycling construction waste?
- 50% of waste to landfill is organic – what is the breakdown of this waste and how much is household and how much commercial?
- refinement on the risks and costs with contaminated items for recycling – including the issues of co-mingling and the education needed to educate residents; the economic costs of options such as all waste going to landfill; and the cost/benefit analysis of the levy and management of the waste;
- outline options to stop the recycling bins being used for garden waste.

Resolved: (Crs O'Leary/Bunting)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) considers the submissions received and the staff analysis of these submissions; and
- c) notes that based on the results of this hearing, a Deliberations and Adoption Report for the proposed 2018-2024 Waste Management and Minimisation Plan will be presented at the 19 April 2018 Council meeting.

The meeting was declared closed at 2.47pm.

Council Report

Committee: Regulatory and Hearings Committee
Date: 24 April 2018

Author: Claire Guthrie
Authoriser: Becca Brooke

Position: Committee Advisor
Position: Governance Team Leader

Report Name: Confirmation of the Regulatory and Hearings Committee Open Minutes - 13 March 2018

Report Status	<i>Open</i>
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Staff Recommendation

That the Committee confirm the Open Minutes of the Regulatory and Hearings Meeting held on 13 March 2018 as a true and correct record.

Attachments

Attachment 1 - Regulatory and Hearings Committee Open Minutes 13 March 2018 .

Regulatory and Hearings Committee (Parking Restrictions and Traffic Bylaw)

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Tuesday 13 March 2018 at 1.00pm.

PRESENT

Chairperson: Cr Angela O’Leary

Deputy Chairperson: Cr Leo Tooman

Membership: Cr Paula Southgate
Cr Siggie Henry
Cr James Casson

In Attendance: Robyn Denton, Network Operations Team Leader
Andrew Wilson, Waikato Regional Council (WRC) Manager Public Transport
Senior Sergeant Peter van de Wetering, NZ Police

Governance Advisors: Claire Guthrie – Committee Advisor

1. Apologies

Resolved: (Crs O’Leary/Tooman)

That the apologies for Deputy Mayor Gallagher, Crs Pascoe, Macpherson, Mallett and Taylor be accepted.

2. Confirmation of Agenda

Resolved: (Crs Southgate/Henry)

The Committee confirms the agenda with the addition of a public forum.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. **Public Forum**

The following members of the public attended to speak to traffic restriction items.

Ray Mills – Sandleigh Road No Stopping

Mr Mills had been a resident on Sandleigh Road for 35 years and he spoke to his written statement which had been endorsed by other residents in the street. He asked that the No Stopping restriction be extended to include the south side of the street to ensure that driveways could be kept clear.

Maree Stewart and Cathy Rogers – Cumberland Early Education Centre

Ms Stewart and Ms Rogers spoke to concerns about this bus stop as they believed there were hazards with this site. They said that traffic had increased now the road was a through road; that there had been a number of close accidents with cars pulling out of the parking bay because of restricted visibility close to the intersection; and there were children riding bikes. It was suggested that the parking bay further along the road would be more suitable.

Jenny McCleery – Naylor Street

Ms McCleery spoke to her concerns about the proposed bus stop outside her home. She said the new bus routes changed the environment in her street as number of buses had increased from 1 a day to 32 a day. Ms McCleery said her privacy was very important to her and would be impacted by the increased traffic and she objected to the bus stop outside her house.

Paul Chin – 80 Te Huia Drive

Mr Chin spoke to his concerns about safety with the proposed bus stop as it was on a curve and close to the intersection and the stopped bus could cause a blind spot for motorists turning the corner. Mr Chin said he was also concerned about a loss of privacy and noise as he did not have a fence, only a row of trees.

Cr James Casson joined the meeting at 1.28pm during the Public Forum.

5. **Parking Restrictions and Traffic Bylaw Changes**

The Network Operations Team Leader spoke to the staff report and invited Mr Wilson, WRC Public Transport Manager, to clarify processes around the development of new bus routes.

Mr Wilson stated that there had been changes to the bus routes for Naylor Street and that the bus stop outside 16 Naylor Street was required as there were no other options to suit that particular vicinity.

It was agreed that further investigation would be undertaken regarding other options for the bus stops outside 341 Borman Road and 80 Te Huia Drive.

Resolved: (Crs O'Leary/Tooman)

That the Regulatory and Hearings Committee:

a) approves the changes to parking restrictions and controls as set out below:

Location	Description of proposed change and reason
103 Horsham Downs Road	Gazette the existing 40m 'No Stopping' on the West side of Horsham Downs Road.
24 Horne Street	Installation of 12m 'No Stopping' outside of 24 Horne Street.
Kahu Cres	Installation of 334m 'No Stopping' around the inside of Kahu Crescent from both intersections with The Boulevard. Installation of 23m 'No Stopping' on the most Northern intersection. Installation of 14m 'No Stopping' across both driveways at 21 Kahu Crescent. Installation of 40m 'No Stopping' in front of 15, 17, 19 Kahu Crescent. Installation of 18m 'No Stopping' in front of 5 Kahu Crescent. Installation of 50m Goods Service Vehicle Zone outside #1 Kahu Crescent. Installation of 32m 'No Stopping' on Southern intersection.
412 – 414 Peachrope Road	Installation of 26m 'No Stopping' across the driveways of 2 Springfield Crescent, 412 – 414 Peachgrove Road. s blocking access.
Riverlea Road	Increase the 'No Stopping' outside 83 Riverlea Road from 214.5m to 247.0m
666 Grey Street	Installation of 12m bus cage in front of 666 Grey Street.
775 River Road	Bus stop relocation from opposite 788 River Road to outside 775.
Edinburgh Road	Installation of 20m 'No Stopping' outside 30 Knighton Road in Edinburgh Road. Installation of 24m 'No Stopping' outside 1A Edinburgh Road to the intersection with Knighton Road.
Barrington Drive	Installation of 24m 'No Stopping' on the corner of 119 Barrington Drive at Borman Road, Installation of 20m 'No Stopping' on the corner of 120 Barrington Drive and Borman Road
Anzac Parade	Extend the current Bus Stop on the southern side of Anglesea Street directly outside Police Station by 10m
Anzac Parade	Extend existing 'No Stopping' from Anglesea Street by 5m to the East (outside the court house)
Ellis Street	Installation of 33m 'No Stopping' on the corner of 40 Duke Street, 42m 'No Stopping' to also be installed on 42 Duke Street. Installation of 30m 'No stopping' across the driveways of 232 – 324 Ellis Street
Lake Crescent	Reposition the Bus stop to be outside 43 Lake Cres
Stanley Street	Installation of 10.5m 'No Stopping' in front of 2a Stanley Street. Installation of 14m 'No Stopping' 12 Oakley, Installation 14m 'No Stopping' on 2–4 Stanley Street driveways, 30m 'No Stopping' 17 Stanley Street both driveways, installation of 12m 'No Stopping' 19 Stanley Street, 12m 'No Stopping' 26-28 Stanley Street. Installation of 9m 'No Stopping' 23-25 Stanley Street. Installation of 12m 'No Stopping' Stanley Street. Installation of 7m 'No Stopping' on Stanley street outside 901 Heapy Terrace Road.
Gallagher Drive	Installation of 48m 'No Stopping' on 2 Gallagher Drive, installation 14.5m 'No Stopping, on the corner of 2 Gallagher Drive at Clow Street. Installation of 'No Stopping' across 1 Gallagher Drive. Installation of 13m 'No Stopping' 4 Gallagher Drive at Clow Street. Installation of 14m 'No Stopping' 36 Gallagher Drive, Installation of 26m 'No Stopping' opposite 36 Gallagher Drive. Installation of 27m 'No Stopping' across 40-42 Gallagher Drive, installation of 36m 'No Stopping' opposite 40 Gallagher Drive. Installation of 45m 'No Stopping' 44 Gallagher Drive.

Thomas Road	Gazette the existing 42m of 'No Stopping' , located at 55c Thomas Road
Tongariro Street	Gazette the existing 22m of 'No Stopping' located at 72 Tongariro Street
Tramway Road	Gazette the existing 31m 'No Stopping' located 214 Tramway Road
Tristram Street	Gazette the existing 129m 'No Stopping' located outside Hamilton Girls High.
Tristram Street	Gazette the existing 314m 'No Stopping' located opposite Hamilton Girls High.
Tristram Street	Gazette the existing 351m 'No Stopping' in front of 62 Tristram Street
Sandleigh Road	Installation of 324.9m 'No Stopping' on the northern side of Sandleigh Road from Lake Cres up to and including the cul-de-sac head Gazette the existing 12m 'No Stopping' at the Gower Park entrance
341 Borman Road outside Cumberland Childcare Centre 80 Te Huia Drive 54-56 Cumberland Drive 16 Naylor Street	Install new bus stops
22 Thomas Road 91 Barrington Drive Opposite 91 Barrington Dr South of 103 Horsham Downs Rd on the western side of the road Horsham Downs Rd outside 5A Swan Lane Both the northern and southern side of Kimbrae Drive just east of Rototuna Highschool. Northern side of Borman Road opposite 14 Watham Place Southern side of Borman Road outside 14 Watham Place Opp 343 Borman Road on the northern side of the road. Northern side of Borman Road (east of Radius Glaisdale Village) Southern side of Borman Road (east of Radius Glaisdale Village) Hare Puke Drive outside 9 Wetherby Rd Hare Puke Drive opposite 2 Eastby Way 1768 River Road Opposite 1770 River Road 59 Cumberland Drive 17 Endeavour Ave	Install new bus stops

109 Endeavour Ave 9 Hillcrest Road	
Riverlea Road	Rescind 214.5m of 'No Stopping' outside 83 Riverlea Rd
Anzac Parade	Rescind P60 Parking, rescind Clearway, rescind 10min Loading Zone on northern side
Anglesea Street	Rescind 129m of 120min Parking between Knox St and Anzac Pde
Lake Cres	Rescind existing bus stop outside 41 & 43
Thomas Road	Rescind 55m of 'No Stopping' outside 55c Thomas Rd
Tongariro Street	Rescind 10m of 'No Stopping' as length outside 72 Tongariro Street
Tramway Road	Rescind 48m 'No Stopping' outside 214 Tramway Rd
Tristram Street	Rescind 94m 'No Stopping' outside Girls Highschool
Tristram Street	Rescind 309.5 'No Stopping' outside Wintec
Tristram Street	Rescind 330m 'No Stopping' outside 62 Tristram Street
Sandleigh Drive	Rescind 80m 'No Stopping' and of 238.4m of 120min parking on the northern side of Sandleigh Drive

Resolved: (Crs O'Leary/Casson)

That the Regulatory and Hearings Committee:

b) approves the changes to The Hamilton Traffic Bylaw 2015 as set out below:

- i. Special Vehicle Lanes Register – Part 2: Bus Lanes - amendment to the existing restriction on Anglesea Street to read:

Location	Description
Anglesea Street	A carriageway lane on the eastern side of Anglesea Street from the intersection of Knox Street continuing 165m in a southerly direction towards the intersection of Anzac Parade. This lane will operate between 6.00am and 6.30pm Monday to Saturday.

The Network Operations Team Leader introduced Senior Sergeant van de Wetering who spoke to Police support for a change to the Light Motor Vehicle Prohibition Register, Part 2, to control the vehicles present on the four streets named below. He stated this would assist the police to control illegal street racing but it would not affect legitimate road users in those areas.

Resolved: (Crs O'Leary/Casson)

That the Regulatory and Hearings Committee approves the following changes:

- ii. Light Motor Vehicle Prohibition Register – Part 2: Motor Vehicles under 3,500kg - addition of the following locations:

Location	Description
Quentin Drive	From the intersection with Kahikatea Drive to its northern end
Quail Place	From the intersection with Quentin Drive to its western end
Gallagher Drive	From the intersection of Kahikatea Drive to its southern end
Clow Place	From the intersection of Gallagher Drive to its western end

The meeting was declared closed at 2.47pm.

Council Report

Committee:	Regulatory and Hearings Committee	Date:	24 April 2018
Author:	Riki Manarangi	Authoriser:	Jen Baird
Position:	Corporate Policy Specialist	Position:	General Manager City Growth
Report Name:	Dangerous and Insanitary Buildings Policy - Hearings Report		

Report Status	<i>Open</i>
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Purpose

1. To inform the Committee on the submissions received in response to the Council's proposed Dangerous and Insanitary Buildings Policy.

Staff Recommendation

2. That the Regulatory and Hearings Committee:
 - a) receives the report;
 - b) considers the submissions received and the staff analysis of these submissions; and
 - c) notes that a Deliberation Report for the proposed Dangerous and Insanitary Buildings Policy will be presented at the 24 May 2018 Council meeting.

Executive Summary

3. The Council is required to have a policy for dangerous and insanitary buildings outlining the methodology the Council will take to identify and deal with dangerous and insanitary buildings, under the Building Act 2004 (the Act).
4. Adoption of a Dangerous and Insanitary Buildings policy (policy) requires the Council to present a statement of proposal, consult on the proposed policy for a minimum period of one month and provide the opportunity for submitters to be heard.
5. The proposed policy was approved for consultation at the 14 December 2017 Council Meeting.
6. Public consultation opened on 5 February 2018 and closed on 5 March 2018. The consultation was also advertised via Facebook (2141 people reached) and the Hamilton Central Business Association and the Property Council were encouraged to invite its members to provide feedback.
7. The consultation resulted in a total of 5 submissions with 2 submitters wanting to be heard. A full copy of all submissions can be found [here](#).

8. Submitters generally felt that the approach in the policy was clear and that HCC should adopt the proposed policy. Submitters mostly identified themselves as being building owners or building tenants/businesses in Hamilton.
9. Upon the adoption of the policy, staff will develop a webpage for dangerous and insanitary buildings to make it easier for the community to understand and work through the processes in the policy.
10. After consideration of this report, the Committee may provide staff further direction for the preparation of the Deliberation Report being presented at the 24 May 2018 Council meeting.
11. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

12. The Council has an existing Earthquake-Prone, Dangerous and Insanitary Buildings Policy (**existing policy**) as previously required under the **Act**.
13. The **Act** was amended changing the requirements around references to Earthquake-Prone buildings that a Council policy must include. The requirements around Earthquake-Prone buildings are now included in the **Act**.
14. The effect of the amendment to the **Act** means that the Council is required to have a policy for dangerous and insanitary buildings only (s131, the **Act**).
15. Some clauses in the Council's **existing policy** are no longer relevant and the most efficient approach to developing a policy for dangerous and insanitary buildings is to revise the **existing policy** to reflect the changes to the legislation.
16. A Proposed Dangerous and Insanitary Buildings Policy (**proposed policy**) was drafted outlining the specific methodology the Council will take to identify and deal with dangerous and insanitary buildings. The proposed policy was approved for consultation at the 14 December 2017 Council Meeting.
17. Adoption of the proposed policy requires use of the Special Consultative Procedure under [s83](#) of the Local Government Act 2002 (**LGA**) meaning that the Council is required to present a statement of proposal and consult on the proposed policy for a minimum period of one month and provide the opportunity for submitters to be heard.

Discussion

18. The proposed policy was approved for consultation at the 14 December 2017 Council Meeting. The Statement of Proposal for the proposed policy can be found [here](#).
19. [Public consultation](#) opened on 5 February 2018 and closed on 5 March 2018. The consultation was also advertised via Facebook (2141 people reached) and the Hamilton Central Business Association and the Property Council were encouraged to invite its members to provide feedback.
20. The consultation resulted in a total of 5 submissions with 2 submitters wanting to be heard. A full copy of all submissions can be found [here](#).
21. Submitters generally felt that the approach in the policy was clear and that HCC should adopt the proposed policy. Submitters identified as being building owners or building tenants/businesses in Hamilton.
22. Staff will develop a designated webpage for Dangerous and Insanitary Buildings with quick facts and diagrams upon the policy's adoption to make it easier for the community to understand and work through the process in the policy.

Options

- 23. No options are available for Council to consider because no decision is required except to receive the report.

Financial Considerations

- 24. The development of this proposed policy is a regular operating activity funded through the 10-year plan.
- 25. The approximate cost for the proposed policy development process up to the point of this Council report is \$4,000.
- 26. Costs leading up to and including adoption and implementation of the proposed policy are estimated at an additional \$1,000.
- 27. In total, the costs to develop, adopt and implement the new policy is approximately \$5,000.

Legal and Policy Considerations

- 28. Staff confirm that the recommendation complies with the Council’s legal and policy requirements.

Risks

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

Significance & Engagement Policy

Significance

- 30. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

- 31. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

There are no attachments for this report.

Council Report

Item 7

Committee: Regulatory and Hearings Committee
Date: 24 April 2018
Author: Riki Manarangi
Authoriser: Jen Baird
Position: Corporate Policy Specialist
Position: General Manager City Growth
Report Name: Class 4 Gambling Policy - Hearings Report

Report Status	<i>Open</i>
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Purpose

1. To inform the Committee on the submissions received in response to the Council's proposed Class 4 Gambling Policy.

Staff Recommendation

2. That the Regulatory and Hearings Committee:
 - a) receives the report;
 - b) considers the submissions received and the staff analysis of these submissions; and
 - c) notes that based on the results of this hearing, a Deliberation Report for the proposed Class 4 Gambling Policy will be presented at the 24 May 2018 Council meeting.

Executive Summary

3. On Tuesday 8 August 2017, the Community and Services Committee resolved for staff to bring back a report on the review of the Council's Class 4 Gambling Policy.
4. The adoption of a new policy/amendment of the existing policy legislatively requires consultation for one month and providing the opportunity for submitters to present their views in a spoken form.
5. At the 16 November 2017 Council meeting, the proposed policy was approved for consultation.
6. Public consultation opened on 5 February 2018 and closed on 5 March 2018.
7. An invitation to provide feedback was emailed to Maaori organisations, gambling venues as required by legislation.
8. The consultation was advertised to contacts in Council's consultation database, via Facebook, a [Council Media Release](#) and was a national news item on [Newshub](#).
9. The consultation resulted in a total of 74 submissions with 30 submitters wishing to be heard. A full copy of all submissions is accessible online [here](#).

10. Overall, submitters felt that the proposed policy was clear. A majority, 56 out of 74 (76%), of the submitters stated that the proposed policy was too restrictive.
11. A Hui was held at Kirikiriroa Marae with a majority of the six (6) attendees verbalising their view in favour of the proposed policy.
12. A deliberation report will be presented at the 24 May 2018 Council meeting giving the Elected Members the opportunity to adopt the proposed policy or not. If the proposed policy is not adopted, the existing policy will remain in place.
13. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

14. The [Gambling Act 2003 \(the Act\)](#) allows for the growth of gambling to be controlled through councils.
15. The Act requires all councils to have a Class 4 Gambling Venue Policy ([s101\(1\)](#), the Act).
16. A Class 4 Gambling Venue Policy (**policy**) must specify whether new venues may be established and where they may be located, if venues can relocate, how many machines they may have once established/relocated, and what the primary activity of the venue must be.
17. The Council adopted its [existing Class 4 Gambling policy \(existing policy\)](#) on 29 September 2016. The existing policy is a 'sinking lid' policy only allowing for limited relocations and mergers.
18. On Tuesday 8 August 2017, the Community and Services Committee resolved for staff to bring back a report on the review of the Council's existing policy (refer to [minutes](#), page 6).
19. The adoption of a new policy/amendment of the existing policy requires:
 - use of the special consultative procedure (**SCP**) under [s83](#) of the [Local Government Act 2002 \(LGA\)](#) meaning that the Council is legislatively required to present a Statement of Proposal and consult for a minimum consultation period of one month; and
 - providing the opportunity for submitters to present their views in a spoken form.

Discussion

20. The [Statement of Proposal](#) for the proposed Class 4 Gambling Venue Policy (**proposed policy**) was approved for public consultation at the 16 November 2017 Council meeting.
21. [Public consultation](#) opened on 5 February 2018 and closed on 5 March 2018.
22. An invitation to provide feedback was emailed to Maaori organisations, gambling venues and contact's in the Council's consultation database (881 email addresses). The consultation was also advertised via Facebook (2235 people reached), via a [Council Media Release](#) and was also a national news item on [Newshub](#).
23. The consultation resulted in a total of 74 submissions. 30 submitters indicated they wished to be heard.
24. Overall, submitters felt that the proposed policy was clear. A majority, 56 out of 74 (76%), of the submitters stated that the proposed policy was too restrictive.
25. Most of the submitters who felt that the proposed policy was too restrictive were Incorporated Societies/Charitable Trusts. Submitters who felt that the proposed policy was appropriate mostly identified as individuals. Refer to table below for break down:
- 26.

Too Restrictive	
Incorporated Society or Charitable Trust	43
Class 4 Operator/Venue	4
Social Service Providers	4
Individuals	3
Event organiser	1
Did not answer	4
TOTAL	59 (Note: some submitters identified as more than one category of respondent)
Appropriate	
Individuals	10
Incorporated Society or Charitable Trust	4
Social Service Providers	3
Government Organisation (Waikato DHB)	1
Did not answer	1
TOTAL	19 (Note: some submitters identified as more than one category of respondent)

27. A full copy of all submissions is accessible online [here](#).
28. A Hui was held at Kirikiriroa Marae with a majority of the six (6) attendees verbalising their view in favour of the proposed policy (refer to attachment 1 of this report for minutes).
29. Key themes from all feedback as to why the proposed policy is **too restrictive** include:

Why proposed policy is <u>too restrictive</u>	Rationale
Patrons have a right to gamble	<p>Patrons have a right to gamble responsibly if they choose to.</p> <p>Majority of patrons go to venues to socialise or watch sport and should be allowed to play on machines while doing so.</p> <p>Class 4 gambling is already highly regulated by the Department of Internal Affairs (DIA) including strict licence conditions that venues must follow.</p> <p>All venues are required to have host responsibility practices in place to deal with problem gamblers.</p>
Community grants will decrease	<p>Overtime a reduction in venues would have a massive impact on the amount of funding that community organisations can apply for to operate effectively.</p> <p>Funding from gaming trusts has a positive impact on the community - Gaming trusts are a significant funder of sporting as well as community and social organisation groups.</p>
Clubs won't move without machines	<p>During a merger, clubs not only take on the machines of other clubs but also their debt so without being able to relocate machines it will not be financially viable.</p> <p>Gaming grants are a form of income to prop up subscriptions, alcohol and beverage sales so struggling clubs will therefore have to close their doors if they need to merge and are unable to.</p>

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Venues will be restricted to non-permitted zones	<p>The existing policy encourages venues to re-locate from non-permitted (e.g. residential zones) to permitted-zones.</p> <p>Venues already established should be allowed to relocate as long as they relocate within zoning restrictions.</p>
Landlords may unreasonably hold control over venues	<p>Landlords will have the power to dictate lease terms/costs which venues will be obliged to do/pay to have the lease renewed.</p> <p>It is unfair if a venue was destroyed by fire and needed to relocate but was unable to.</p>
Patrons will go online or to Casinos in the absence of venues	<p>Not allowing relocations means, as venues close, patrons may migrate to the casino and online gambling therefore the policy does not achieve a reduction in gambling harm.</p> <p>Anything that encourages patrons to move to online gambling is no good as these organisations provide no local employment or tax revenue, do not pay a levy to the Problem Gambling foundation and provide no community funding.</p>

30. Key themes from all feedback as to why the proposed policy is **appropriate** include:

Why proposed policy is <u>appropriate</u>	Rationale
There will ultimately be a reduction in venues and machines meaning less problem gambling	<p>Less venues and machines will ultimately result in less gambling which means:</p> <ul style="list-style-type: none"> • less harm from problem gambling (e.g. family breakdown, criminal activity, social isolation, depression, family violence, loss of employment) • less machines to be addicted to • less suicide resulting from problem gambling • less need for social services to deal with problem gambling • less targeting of certain groups (problem gambling rates are highest among people living in more socioeconomically deprived areas as well as Maaori and Pacific peoples) • patrons being able to use their money to support community organisations directly.
Existing venues will still be around so funding will still be available	<p>The Council has no ability to close existing venues, this is a DIA function.</p> <p>Funding can still be sought for community groups that rely on funding from gaming trusts. All community groups also have the ability to get funding from other sources including traditional fundraising methods and/or developing ways to raise funds.</p>
It's more in-line with the Act's purpose	<p>The proposed policy is more consistent with the stated purpose of the Act which is to:</p> <ul style="list-style-type: none"> • Control the growth of gambling; and

	<ul style="list-style-type: none"> • Prevent and minimise harm from gambling, including problem gambling; and • Authorise some gambling and prohibit the rest; and • Facilitate responsible gambling; and • Ensure the integrity and fairness of games; and • Limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and • Ensure that money from gambling benefits the community; and • Facilitate community involvement in decisions about the provision of gambling.
Venue consents cannot be retracted once granted	<p>Although the existing policy is a sinking lid policy, venue consents can still be granted for relocations or mergers. Once the Council grants a consent for the venue, the control over the venue sits with the DIA and not the Council.</p> <p>The Council has no role in policing venues and therefore has to rely on the DIA to police this adequately, especially for venues that are struggling, once the venue consent is granted. A true sinking lid policy is the only way to stop relocations or mergers as this means that no consents can be granted.</p>

31. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Next Steps

32. A deliberation report will be presented at the 24 May 2018 Council meeting giving the Elected Members the opportunity to adopt the proposed policy or not. If the proposed policy is not adopted, the existing policy will remain in place.

Options

33. No options are available for the Council to consider because no decision is required except to receive the report.

Financial Considerations

34. The development of this proposed policy is a regular operating activity funded through the 10-year plan.
35. The approximate cost for the proposed policy development process up to the point of this report is \$7,000.
36. Costs leading up to and including the deliberation report are estimated at an additional \$3,000.
37. In total, the costs to either keep the existing policy or adopt the new policy will be approximately \$10,000.

Legal and Policy Considerations

38. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.

Cultural Considerations

39. Cultural considerations were addressed with organisations representing Maaori in Hamilton City, given notice of the proposed policy and their opportunity to provide feedback.
40. A Hui at Kirikiriroa Marae was held on 29 March 2018 to enable stakeholders to present their views in an informal environment.

Risks

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

Significance & Engagement Policy**Significance**

42. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

43. An email inviting submissions on the proposed policy was sent to six (6) Maaori organisations and 13 Gambling Societies as required by s102 of the Act.
44. A post was published on Facebook on 9 February 2018 with a link to the Councils Have Your Say consultation webpage. The post reached 2235 people.
45. An email was sent on 19 February 2018 via Campaign Monitor which reached 881 recipients inviting submissions. 28% or 247 of the recipients opened the email.
46. A media release was published on 19 February 2018 inviting submissions.
47. A Hui at Kirikiriroa Marae was held on 29 March 2018 to invite stakeholders to present their views in an informal environment.
48. Given the low level of significance determined, the engagement level is low. No further engagement is required.

Attachments

Attachment 1 - Hui 29 Mar 18 - Minutes of Meeting .

Minutes of meeting

Issue: Proposed Class 4 Gambling Policy – Informal Engagement Session – Hui with Community Stakeholders

Venue: Kirikiriroa Marae (951 Wairere Drive, Hamilton East, Hamilton 3216)

Date & Time: Thursday 29 March (12.30pm – 2.30pm)

Present: Mayor Andrew King (Elected Member – HCC), Riki Manarangi (Staff - HCC), Muna Wharawhara (Staff - HCC), Sam Yells (Staff - HCC), Ken Marcum (Manager - Hamilton Workingmens Club), Te Pora Thompson-Evans (Consultant – Health Sector), Maria Davies (Marae Representative), Tio Sewell (Mental Health Nurse), Eru Loach (Bi-Cultural Relationship Manager - Problem Gambling Foundation), Gail Poihipi (Team Leader Kakariki - Te Kohao Health).

Facilitated by: Riki Manarangi (Corporate Policy Specialist), Muna Wharawhara (Aamorangi Maaori), Sam Yells (Business Planning Advisor).

Purpose of Hui: To provide an informal environment to capture some of the thoughts of our community regarding their views on the proposed Class 4 Gambling Policy.

Meeting Open in Wharenui (Following Powhiri and Kai in Wharekai): 1.20pm

Comments/Observations (no comments were to be attributed to attendees to encourage open and informal conversation):

Opening/Background

- The existing policy allows (subject to restrictions) club mergers and relocations of venues with gambling machines.
- The proposed policy does not allow any club mergers and relocations of venues with gambling machines.
- Attendees reminded that all EMs are required to listen to all views with an open mind.

Impact on community of gambling

- Pokies, drugs and tobacco have parallels in terms of addiction.
- Pokie machines are designed to be addictive - parallels were made between gaming on computers generally which is addictive and pokie machines which provides even more incentive given machines give out money.
- Maaori and Pasifika are disproportionately represented in terms of gambling harm.
- Problem gambling has led to suicide – an example was given.
- It doesn't matter if the class 4 venue is a club or a pub, the pokie machines target more deprived people.
- The money that goes back into the community from class 4 gambling is only a small portion of all money put into the pokie machines.
- Marae resilient to taking funding from Class 4 gambling because of harm caused.
- Harm minimisation practices need to be improved nationally and venues do not have capacity to adequately train staff to carry out these practices.

Impact on venues of proposed policy

- The industry is opposed to a more restrictive policy.

- The restrictive policy will have the most impact on clubs that are struggling as subscriptions, alcohol and food sales are propped up from pokie income.
- Clubs will shut down if they cannot relocate machines.
- Clubs not only take on the machines of other clubs but also their debt during the merger.
- Landlords will gain power to dictate lease terms/costs which venues will be obliged to do/pay.
- Difference between a pub/tavern venue with gaming machines owned by a society and a club which owns its own machines in terms of how money is distributed.
- Clubs are generally better at policing problem gamblers than pubs.

General remarks

- The proposed policy is the gold standard of policies in terms of Class 4 gambling.
- The Waikato District Health Board need to put more resourcing into addressing problem gambling.
- Board of corporate societies (e.g. venue trusts) are not reflective of the community, make up is generally of one demographic.
- Gambling free days should be encouraged.

Closing

- General support by most attendees for option A (i.e. proposed policy is appropriate).
- Attendees enquired about opportunity to speak and were reminded of their opportunity to speak at public forum.

Meeting Closed: 2.32pm