

Notice of Meeting:

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

Date: Tuesday 4 June 2019
Time: 9.30am
Meeting Room: Committee Room One
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Regulatory and Hearings Committee OPEN AGENDA

Membership

Chairperson: Cr Angela O'Leary

Deputy Chairperson: Cr Leo Tooman

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

Meeting frequency: As required

Quorum: Three members

Lee-Ann Jordan
Governance Manager

28 May 2019

Telephone: 07 838 6772
Lee-Ann.Jordan@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 Task Force groups on matters referred by other Committees.

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

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, 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 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.

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	4
2	Confirmation of Agenda	4
3	Declarations of Interest	4
4	Confirmation of the Regulatory and Hearings Committee Meeting Open Minutes - 2 May 2019	5
5	Proposal for Adoption of Hamilton Speed Management Plan - Hearing Report	10

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: 04 June 2019

Author: Claire Guthrie

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Confirmation of the Regulatory and Hearings Committee Meeting Open Minutes - 2 May 2019

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

Staff Recommendation

That the Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 2 May 2019 as a true and correct record.

Attachments

Attachment 1 - Regulatory and Hearings Open Unconfirmed Minutes 2 May 2019

Regulatory and Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Thursday 2 May 2019 at 1.00pm.

PRESENT

Chairperson	Cr A O’Leary
Deputy Chairperson	Cr L Tooman
Members	Cr S Henry Cr D Macpherson Cr R Pascoe Cr R Hamilton Maangai James Whetu
In Attendance:	Robyn Denton – Operations Team Leader Kelvin Powell – City Safe Unit Manager Susan Stanford – Animal Control Manager Peter Crocker – Animal Control Team Leader
Governance Staff:	Amy Viggers – Committee Advisor

1. Apologies

Resolved: (Cr O’Leary/Cr Tooman)
That the apologies for absence from Deputy Mayor Gallagher and Cr Bunting are accepted.

2. Confirmation of Agenda

Resolved: (Cr O’Leary/Cr Henry)
That the Regulatory and Hearings Committee confirm the agenda.

3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

4. Confirmation of the Regulatory and Hearings Committee Meeting Open Minutes - 12 March 2019

Resolved: (Cr O’Leary/Cr Pascoe)
That the Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 12 March 2019 as a true and correct record.

5. Parking Restriction, Traffic and Speed Bylaw Changes

John Smulders and Melinda Deller (representing NDA) spoke to their concerns regarding the main entrance/exit easement of their business on Te Rapa Road. They requested that the proposed 'yellow lines' be extended a further 2m to increase public safety around the main entrance/exit easement of their business. They responded to questions from Committee Members concerning the current access to the business.

The Transportation Operations Team Leader spoke to the report, noting that the area to the south of NDA is being redeveloped which will require further parking restrictions and controls to be reviewed. She responded to questions from Committee Members concerning the following:

- the proposed parking restriction changes to Anglesea Street due to the redevelopment of 192-212 Anglesea Street; and
- the movement of the 'Mobility Card holders' carpark at the intersection of Victoria and Grantham street which was to further improve the safety at the intersection and make the carpark more accessible to users.

Resolved: (Cr O'Leary/ Cr Macpherson)

That the Regulatory and Hearings Committee:

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

Location	Description of proposed change
Te Rapa Road	Installation of 31.1m 'No Stopping' line across the driveway of 707 and 709 Te Rapa Rd along with the section in between, subject to agreement with the property owner of 709. Noting that if there is no agreement from 709 Te Rapa Rd for the section between the driveways, then the installation will be limited to 12.5m 'No Stopping' lines across the driveway of 707 Te Rapa Road and 13.5m 'No Stopping' lines across the driveway of 709 Te Rapa Road.
Kent Street	Opposite 52 Kent Street, change the current 'P5 8am-6pm Mon-Sun' parking to 'P60 8am-6pm Mon-Sun'
Opoia Road	Installation of 6.5m 'No Stopping' lines outside 27/29 Opoia Road.
Killarney Road	Extend the 'No Stopping' lines outside #232 Killarney by 11m linking two existing stretches of 'No Stopping' lines.
Killarney Road	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd at Ellis Street intersection
Ellis Street	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd. Installation of 18.5m 'No Stopping' lines outside #45 Killarney Rd. Installation of 17.5m 'No Stopping' lines outside #54 Killarney Rd. Installation of 20.5m 'No Stopping' lines outside #46 Killarney Rd.
Silverdale Road	Installation of 14m 'No Stopping' lines outside the Church.
Masters Ave	Installation of 7m 'No Stopping' lines around a tree planter at #13 Masters Ave
Victoria Street	Installation of 17m 'Mobility Card Holders P120' restriction opposite 109 Victoria Street. Installation of 5.5m 'No Stopping' lines on the south east corner of Victoria and Grantham intersection. Installation of 12m 'No Stopping' lines on the north east corner of Victoria and Grantham intersection.

- b) notes that the following changes to parking restrictions and controls as set out below for implementation once the proposed redevelopment of 192-212 Anglesea Street are deferred until the next meeting of the Regulatory and Hearings Committee:

Location	Description of proposed change
Anglesea Street	Rescind 23m of 'No Stopping' outside 212 Anglesea St and install 23m 'CBD Zone' parking restriction. Rescind 9.3m of 'No Stopping' outside 204-208 Anglesea St and install 9.3m 'Good Service Vehicle P10 Loading Zone' restriction. Rescind 7.5m of 'No Stopping' outside 192 Anglesea St and install 7.5m 'CBD Zone' parking restriction. Rescind 10.1m 'No Stopping' outside 192 Anglesea St and install 5m 'CBD Zone' parking restriction Install 4m 'Motor Cycle Only' restriction outside 192 Anglesea St
Alexandra Street	Rescind 10m 'CBD Zone' parking restriction outside 55 Alexandra and install 10m 'No Stopping' restriction. Rescind 8m 'No Stopping' restriction outside 55 Alexandra and install 8m 'CBD Zone' parking restriction.

Cr Macpherson joined the meeting at 1.04pm during the discussion of the above item. He was present when the matter was voted on.

6. Objection to menacing classification - Leighton Ngawaka

Leighton Ngawaka spoke to his objection to the Classification of the dog "Bronx" as menacing. He acknowledged that Bronx had escaped from his property and stated that he now had installed fencing to prevent this from happening again. He responded to questions from Committee Members concerning the roaming history of Bronx and the new fencing at his property.

The Animal Control Manager and the Animal Control Team Leader spoke to the staff report, noting that they had not been made aware that there had been fencing installed at the property prior to the meeting. They responded to questions from Committee Members concerning the locations where Bronx had been seen roaming, the outcomes of previous complaints, and the ways in which a dog could be classified as menacing.

Resolved: (Cr O'Leary/ Cr Pascoe)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) adjourns the determination of the menacing classification for "Bronx" to a subsequent Regulatory and Hearings Committee meeting.

Cr Macpherson retired from the meeting at 1.53pm at the conclusion of the above item. He was present when the matter was voted on.

7. Objection to menacing classification - Michael Hargreaves

Ashley Hargreaves spoke to her objection to the clarification of the dog Luna as menacing. She responded to questions from Committee Members concerning the option of obedience classes, the possibility of rehoming Luna, and the incident that has resulted in Luna being classified as menacing.

The Animal Control Manager and the Animal Control Team Leader then spoke to the report and

points raised by Ms Hargreaves during her submission. They responded to questions from Committee Members concerning the details of the incident and the likely outcome of dog obedience training.

Motion: (Cr Hamilton/Maangai Whetu)

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) makes a determination to not uphold the classification as menacing for the dog "Luna".

Amendment: (Cr Tooman/Cr Pascoe)

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) makes a determination that the classification as menacing for the dog "Luna" is upheld.

The Amendment was put.

Those for the Amendment: Councillors O'Leary, Tooman and Pascoe.

Those against the Amendment: Councillors Hamilton, Henry and Maangai Whetu.

The Amendment was declared EQUAL.

Cr O'Leary exercised her casting vote as Chair and the Amendment was declared CARRIED.

The Amendment as the Substantive Motion was then put.

Those for the Substantive Motion: Councillors O'Leary, Tooman and Pascoe.

Those against the Substantive Motion: Councillors Hamilton, Henry and Maangai Whetu.

The Substantive Motion was declared EQUAL.

Cr O'Leary exercised her casting vote as Chair and the Substantive Motion was declared CARRIED.

Resolved: (Cr Tooman/ Cr Pascoe)

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) makes a determination that the classification as menacing for the dog "Luna" is upheld

The meeting was declared closed at 2.38pm.

Council Report

Item 5

Committee: Regulatory and Hearings Committee
Date: 04 June 2019
Author: Robyn Denton
Authoriser: Eeva-Liisa Wright
Position: Network Operations and Use Manager
Position: General Manager Infrastructure Operations
Report Name: Proposal for Adoption of Hamilton Speed Management Plan - Hearing Report

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

Purpose

1. To inform the Committee on the submissions received in response to Council's draft Hamilton Speed Management Plan.
2. To assist the hearing process and subsequent deliberations and decision making for the adoption of the draft Hamilton Speed Management Plan.

Staff Recommendations

3. That the Regulatory and Hearings Committee:
 - a) receives the report;
 - b) hears and considers the submissions for the draft Hamilton Speed Management Plan; and
 - c) notes that a Deliberations report on the draft Hamilton Speed Management Plan will be considered at the 18 June 2019 Growth and Infrastructure meeting.

Executive Summary

4. The Growth and Infrastructure Committee approved the draft Hamilton Speed Management Plan for public consultation on 29 March 2019.
5. The public consultation opened on 2 April 2019 and closed on 8 May 2019.
6. The consultation resulted in 125 submissions. Generally, the submissions were supportive. Sixteen of the submitters indicated that they wished to be heard in support of their submission.
7. Analysis of the results has been completed and these results along with a summary of submission comments is included in this report.
8. A full copy of all the submissions can be viewed via the following link:
<https://haveyoursay.hamilton.govt.nz/city-transportation/speed-management-plan/>
9. Once these submissions have been heard, and the analysis of the results considered, the Regulatory and Hearings committee will need to provide staff direction for the preparation of a Deliberations Report which will be presented to the Growth and Infrastructure Committee meeting on 18 June 2019.

10. The staff recommendation to the Growth and Infrastructure committee is that the draft Hamilton Speed Management Plan be recommended to Council for adoption.
11. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

12. At the 29 March 2019 Growth and Infrastructure Committee, a report regarding the draft Hamilton Speed Management Plan was considered along with the results of the initial engagement process that had been undertaken.
13. Approval to undertake formal stakeholder and community consultation was given with the focus being on the principles and prioritisation methodology contained within the draft Hamilton Speed Management Plan.

Engagement Process

14. The consultation commenced on 2 April 2019 with the closing date for submissions being 8 May 2019.
15. The consultation process included the following:
 - An online survey, via Hamilton City website 'Have your say'
 - Key stakeholders, who formed the Speed Management Plan working group, were provided with the draft plan and feedback sought from them. The working group included representatives from:
 - Hamilton City Council Elected Members and staff
 - NZ Transport Agency (NZTA)
 - Waikato Regional Council
 - Waikato District Council
 - Waipa District Council
 - New Zealand Police
 - Waikato District Health Board
 - The Automobile Association (AA)
 - The Road Transport association (RTA)
 - Council's website and Facebook were used to promote the availability of the survey.
 - The ability to drop a pin on the online map to identify where people see speed issues.
16. Submitters were asked whether or not they agreed with the principles and prioritisation set out in the plan and were provided with another opportunity to show on a map where they thought speed was an issue in their community.

Summary of submissions

17. A total of 125 submissions were received. Some basic demographics of the submitters are set out below:

Place of residence:	<ul style="list-style-type: none"> • 27 Suburbs were represented in the submissions • Flagstaff 10%, Hamilton East 9% and Hillcrest 8% had the largest number of submitters
Age groups:	<ul style="list-style-type: none"> • 21% - 16-35 years • 50% - 36-64 years

	<ul style="list-style-type: none"> • 20% - 65+ years • 9% - did not answer
Household situation:	<ul style="list-style-type: none"> • 43% - family or couple with dependents • 38% - family or couple without dependents • 13% - living alone or with others that are not family • 6% - did not answer
Respondent type:	<ul style="list-style-type: none"> • 95% - resident

18. Sixteen submitters indicated that they would like to be heard in support of their written submission. These submitters were:

Tarlocham Singh	Geoff Kreegher	Anne Purnell
Carolyn Mckenzie	Maree Stewart	Peter H Bos
Judy McDonald	Marcia Levis	John Butler
Hendrik Van Blerk	Michael and Andrea Priest	Gavin Oliver
James Koko (Te Kohao Health)	Kate and Richard Hill	
Roly Frost	NZ Automobile Association	

19. The speaking schedule for submitters who wish to present to the Regulatory and Hearings Committee meeting is included in the agenda for this meeting.

Principles and prioritisation for Speed Management in Hamilton City

20. Analysis of the submissions has been undertaken and is presented below.
21. Of the 125 responses received, 87 (70%) were in favour of the principles and prioritisation.
22. There were 96 comments in response to this question. General themes of the comments received were:

Those in favour of the draft plan	Those against the draft plan
<ul style="list-style-type: none"> • Areas around schools should have slower speeds • Need to ensure enforcement of slower speeds • Infrastructure and education required to achieve the lower speeds • Slower speeds required to encourage walking and cycling 	<ul style="list-style-type: none"> • People already ignore the slower speed areas - they make no difference • Speed is not the only solution; all road users need educating about how to use the road safely • Lowering speeds only leads to driver frustration and an increase in unsafe practices

23. In addition to the above comments there were several requests for specific streets to be prioritised for slower speeds. These have been added to the requests from the initial engagement process.
24. There were 214 pin drops on the city map to identify areas the community had concerns with, these will be incorporated into the overall map of community requests.

25. Five organisations (listed below) submitted on the draft Hamilton Speed Management Plan, all were supportive of the principles and prioritisation. The Automobile Association raised a concern about the implementation and will speak to their submission at the hearing.
- NZ Transport Agency
 - Waikato Regional Council – Regional Transport Committee
 - Waikato District Health Board
 - NZ Automobile Association
 - Te Kohoa Health
26. A full copy of all the submissions can be viewed via the following link:
<https://haveyoursay.hamilton.govt.nz/city-transportation/speed-management-plan/>

Cultural Considerations

27. The Speed Management Plan has been included in discussions with Te Haa o te Whenua o Kirikiriroa (THaWK) as part of the Access Hamilton programme delivery meetings which are held on a regular basis.

Financial Considerations

28. Development of the Speed Management Plan is funded within the 10 Year Plan.

Legal and Policy Considerations

29. A Deliberations report will be presented to the Growth and Infrastructure meeting on 18 June 2019. This report will provide a summary of the outcome of consultation process and this hearing.

Risks

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

Significance & Engagement Policy

Significance

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

Attachments

There are no attachments for this report.